URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
February 22-March 1, 2010

Monday, February 22
No Meetings

Tuesday, February 23
Partner Agency Oversight Committee Meeting……………………………………….9:00 am
Conference Room-5th Floor Government Center

Council Committee of the Whole (COW) Meeting…………………………… ……..10:00 am
Conference Room-5th Floor Government Center

Budget & Finance Committee Meeting………… ……………………………………..1:00 pm
Council Chambers-2nd Floor Government Center

Council Work Session……………………………………………………………...............3:00 pm
Council Chambers-2nd Floor Government Center

Mayor's Youth Council Meeting……………………………………………………………5:30 pm
Conference Room-5th Floor Government Center

Wednesday, February 24
Commission for Citizens with Disabilities Meeting…………………………………….9:00 am
Conference Room-5th Floor Government Center

Noise Ordinance Task Force Meeting…………………………………………………..5:00 pm
Conference Room-5th Floor Government Center

Thursday, February 25
Council Workshop-PeopleSoft Time Approval…………………………………………5:30 pm
Conference Room-5th Floor Government Center

Council Confirmation Hearings: Ethics Commission and Board of Adjustment…6:00 pm
Conference Room-5th Floor Government Center

Council Meeting………………………………………………………………………………7:00 pm
Council Chambers-2nd Floor Government Center

Friday, February 26
No Meetings

Monday, March 1
Waste Reduction Task Force Meeting………………………………………………….10:30 am
Conference Room-5th Floor Government Center

Fayette Co. Rural Land Management Board Meeting…………………………………3:00 pm
Conference Room-12th Floor Government Center

Police Disciplinary Hearing……………………………………………………………….3:00 pm
Council Chambers-2nd Floor Government Center

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

W O R K S E S S I O N A G E N D A

February 23, 2010

I. Public Comment – Issues on Agenda

II. Requested Rezonings / Docket Approval – Yes

III. Approval of Summary-Yes, February 16, 2010, pp.5-8

IV. Budget Amendments – Yes, pp.9-14

V. New Business, pp. 16-40

VI. Continuing Business / Presentations

A. Council Planning Committee, pp. 41-44

B. Affordable Housing Trust Fund Taskforce
Ms. Mary Brooks

C. Initial Proposal of the Turfland Mall TIF
T. Bruce Simpson, Jr., Esq.
McBrayer McGinnis Leslie & Kirkland, PLLC

VII. Council Report

VIII. Mayor's Report – Yes

IX. Public Comment – Issues Not on Agenda

ADMINISTRATIVE SYNOPSIS

New Business Items

A. Authorization of an UltraCare Agreement with ABDick-Kopy Kat, Inc. on Behalf of the Department of Finance and Administration, Division of Human Resources. (024-10) (Allen/Rumpke)
This request will authorize approval of an UltraCare Agreement at a cost of $241.18 per month for sixty (60) months with ABDick-Kopy Kat, Inc. for lease of a bizhub® 601 Digital Imaging Unit to replace two (2) copy machines. Funds are budgeted.**p.16**

B. Authorization of an Addendum to the State and Local Taskforce Agreement with the US Department of Justice, Drug Enforcement Administration (DEA) on Behalf of the Department of Public Safety, Division of Police. (086-10) (Bastin/Bennett)
This request will authorize an addendum to the State and Local Taskforce Agreement with DEA that recognizes the reduction of DEA special agents in the Lexington Resident Office from three (3) to two (2) for reimbursement of overtime. There are no other changes associated with this addendum.**p.17**

C. Authorization of a Memorandum of Understanding (MOU) with the US Marshals Service on Behalf of the Department of Public Safety, Division of Police, Regarding the District Fugitive Taskforce. (087-10) (Bastin/Bennett)
This request will authorize a MOU with the US Marshals Service to allow the Division to continue as a participant in the District Fugitive Taskforce set forth in the Presidential Threat Protection Act of 2000 and directed by the US Attorney General. There is no budgetary impact.**pp.18-22**

D. Authorization of an Agreement with the University of Kentucky (UK) on Behalf of the Department of Public Safety, Division of Police, for use of the Albert B. Chandler Medical Center Regarding the Sexual Assault Nurse Examiner (SANE) Program – FY2010 (090-10) (P. King/Bennett)
This request will authorize an agreement at a cost of $3,000 for calendar year 2010, with the UK for the use of an area in the emergency room at the Medical Center for the SANE Program. Funding is from the Violence Against Women Act through the Kentucky Justice Cabinet. Funds are budgeted.**p.23**

E. Authorization to Approve Purchase from Kustom Signals, Inc. as a Sole Source Provider on Behalf of the Department of Public Safety, Division of Police, Traffic Safety Project. (091-10) (P. King/Bennett)
This request will approve the purchase of radars, LIDARs, related and replacement parts from Kustom Signals, Inc., as a sole source provider for equipment currently used by the Division under the Traffic Safety Project.**p.24**

F. Authorization of Change Order No. 4 to Contract with HDR / Quest (f/k/a Quest Engineers, Inc.) for the Todds Road / Liberty Road Widening Project – Phase I. (097-10) (P. King/Webb)
This request will authorize Change Order No. 4 to increase contract amount by $11,212 with HDR / Quest for the Todds Road / Liberty Road Widening Project – Phase I, for design of a traffic signal at Old Todds Road and Liberty Road. Original contract amount was $776,789. Total of previous change orders was $228,917. New contract total is $1,016,918. This project is funded under the Transportation Equity Act for the 21st Century as a high priority project by Congress.**pp.25-27**

G. Authorization to Accept a Cash Donation from the Alpha Delta Chapter of ADK on Behalf of the Department of Social Services, Division of Family Services. (088-10) (Hendrix/Helm)
This request will authorize the acceptance of a cash donation in the amount of $150 from the Alpha Delta Chapter of ADK for purchase of additional enrichment materials by the Division's early childcare teachers.**p.28**

H. Authorization to Accept a Cash Donation from Cynthia Beard on Behalf of the Department of Social Services, Division of Family Services. (089-10) (Hendrix/ Helm)
This request will authorize the acceptance of a cash donation in the amount of $50 from Cynthia Beard for emergency purchase of diapers for teen mothers enrolled in the Division's programs.**p.29**

I. Authorization to Accept an Award from the State Farm Companies Foundation on Behalf of the Department of Social Services, Division of Youth Services, to Implement a Teen Express Project. (092-10) (P. King/Helm)
This request will authorize the acceptance of funds in the amount of $1,000 from the State Farm Companies Foundation to implement a Teen Express Project that will focus on the development of youth assets. Funds will be used for transportation and supplies. No matching funds required.**p.30**

J. Authorization to Submit an Application to the US Department of Justice (DOJ), Office on Violence Against Women, for Continuation of a Safe Haven Project – FY2010. (093-10) (P. King/Helm)
This request will authorize the submission of a grant application for federal funding of $400,000 to the DOJ, Office on Violence Against Women, to continue the Sunflower Kids visitation center as a Safe Haven Project for Supervised Visitation and Safe Exchange Grant Program. Funds will continue the visitation center for a 3-year period. No matching funds are required.**p.31**

K. *Authorization to Amend Section 21-5 of the Code of Ordinances on Behalf of the Department of Environmental Quality, Division of Water Quality. (095-10) (Allen/ Taylor)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to abolish one (1) position of Engineering Technician (Grade 111N) and two (2) positions of Equipment Operator Sr. (Grade 109N) and create two (2) positions of Engineering Technician Sr. (Grade 113E) in the Division. The

fiscal impact for FY2010 is a savings of $5,118.26 to the Division's Personnel Contingency Fund. Total Annual impact is a savings of $19,010.69.**p.32**
Consent Decree

L. Authorization to Approve Amendments to Section 15-1.3(6) of the Code of Ordinances Relating to Designating a Clean Zone for the 2010 World Equestrian Games. (094-10) (Greathouse/Rabold)
This request will authorize amendments to Sections 15-1.3(6) and 15-1.3(6)(b) of the Code of Ordinances (created under Ordinance No. 110-2009) relating to designating a Clean Zone for the 2010 World Equestrian Games.**p.33**

M. Authorization to Approve Purchase from Toter® Incorporated as a Sole Source Provider on Behalf of the Department of General Services, Division of Facilities and Fleet Management, for Lifting Units and Parts. (096-10) (Loney/Cole)
This request will approve purchase of lifting units and parts from Toter® Incorporated as a sole source provider and distributor on behalf of the Division. Funds are budgeted.**p.34**

N. Authorization to Retain the Wayne Basconi, Attorney at Law, on Behalf of LFUCG, for Legal Bill Review Services. (098-10) (Bowman/Askew)
This request will approve retaining Wayne Basconi, Attorney at Law, on behalf of LFUCG, to hold on reserve and engage as needed pursuant to Mayor's Executive Order No. 2008-3 to provide legal bill review services.**pp.35-40**

***Denotes EPA Consent Decree**

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

& TABLE OF MOTIONS

February 16, 2010

Mayor Newberry chaired today's work session meeting. All Council Members were present, except CM Gorton.

I. Public Comment – Issues on Agenda-None

II. Requested Rezonings / Docket Approval-None

III. Approval of Summary-Yes

A motion by CM Beard to approve the summary from February 9, 2010, seconded by CM Crosbie, passed without dissent.

IV. Budget Amendments-None

V. New Business

A. Authorization of Change Order No. 3 to Contract with Strand Associates, Inc. Regarding the Legacy Trail Project. (080-10) (Rayan/Webb)

B. Authorization to Approve the Retention of Devomni Corporation, KiZAN Technologies, LLC, Software Information Systems, LLC, Sullivan Technology Services, LLC and Swova. (081-10) (Nugent/Dhuwaraha)

C. Authorization of an Agreement with AD-Success on Behalf of the Department of Public Works & Development, Division of Planning, for a Mobility Office Marketing Campaign. (082-10) (P. King/Webb)

D. Authorization to Purchase from LOGOS Imaging, LLC as a Sole Source Provider on Behalf of the Department of Public Safety, Division of Police, to Upgrade the Digital Imaging System. (083-10) (P. King/Bennett)

E. Authorization to Approve Hilti, Inc. as a Sole Source Provider on Behalf of the Department of Public Safety, Division of Fire & Emergency Services, for Purchase of Specified Items used in Structural Collapse Rescues. (084-10) (Hendricks/ Bennett)

A motion by CM Ellinger to approve all new business items, A-E, seconded by CM Blues, passed without dissent.

VI. Continuing Business / Presentations-Yes

A. Inter-Governmental Committee Report

This report was given by Chair CM James. No motions came forward.

B. Corridors Commission Report

This report was given by Chair CM Feigel. No motions came forward.

C. Radio Lexington 2010

This presentation was given by Pat Dugger, Director of Emergency Management. Some CMs asked questions.

VII. Council Report

CM Blues-Announced two neighborhood association meetings on 2/22 at 7 pm: Oakwood and Radcliffe Marlboro.

CM James-Stated that February is the shortest month but also Black History month; there are several Parks events: 2/18 at 6-8 pm at William Wells Brown Center at 548 E. 6th Street-Know Thyself, Know your neighborhood; 2/25 Motown Too musical/play at 7-8 pm at Winburn Community Center; 2/26-15th annual African American Dedication at Dunbar Center-call 288-2941 for information.

CM Stinnett-Announced the next Building Inspection Task Force meeting will be on 3/11 at 3 pm in the 5th floor conference room; comments can be sent to bitaskforce@lexingtonky.gov; also announced that the RFP selection committee for the Economic Development consultant met last week; if questions, please email him.

VM Gray-Announced that tomorrow morning there will be an RFP meeting for the proposed new government center, the last meeting was in late fall; he stated that he thought that to continue this project would send the wrong signal and signs to the community because of the economic times that we are facing.

CM Henson-Announced that the Div. 3 basketball wheelchair champions are from Lexington-Hill on Wheels; also, there will be a meeting at the Public Library on 3/4 referencing public transportation.

A motion from CM Henson to move the issue of yard sale permitting from the Planning Committee to the Services Committee, seconded by CM Feigel, passed without dissent.

CM Lane-Thanked all city employees for a job well done on the snow removal; stated that he wants to continue the study on the proposed new city hall; asked Comm. Webb if we had a contract with UK for snow removal.

CM Ellinger-Asked Arty to see about having the wheelchair champs at a session to be recognized.

CM Lawless-Stated that she had received calls about the declared snow emergency; asked if UK could be contacted to see if LFUCG could use their system to text information to their students and employees; stated that the meeting with UK and surrounding neighborhoods has been cancelled; also cancelled is the Elizabeth St NA meeting scheduled for tonight; AVOL is having a Mardi Gras ball at the Hilton for $20/person; spoke about government center rfp; requested from the Mayor and Krista Greathouse an update on Spotlight Lex.

CM Martin-Stated that the firefighters' ceremony last night was very touching.

A motion by CM Martin to place additional bond allocation for resurfacing into the Budget & Finance Committee, seconded by CM Beard, failed with a 3-11 vote.

CM McChord-Thanked all who are working during this inclement weather event; stated that he agrees with holding off with the rfp for the government center until the next budget year but LFUCG is losing money on this facility.

VIII. Mayor's Report-None

Mayor Newberry addressed the snow emergency order and the three levels of snow emergency routes; also spoke about the government center rfp; announced the next Mayor's Night Out to be held on 2/18/2010 at 5-7 pm at the North East Christian Church at 990 Star Shoot Parkway, rm 108.

CM James asked for clarity of the snow emergency routes; CM Lane asked if the snow route streets could be listed on the website.

Several CMs spoke about the government center rfp.

IX. Public Comment-Issues not on the agenda-None

A motion by CM Blues to adjourn, seconded by CM Lawless passed without dissent.

Work session was adjourned at 4:12 pm.

JOURNAL	40620-21	**DIVISION**	PDR	**Fund Name**	General Fund
				Fund Impact	3,000.00
					3,000.00CR
					.00

To provide funds for professional services by recognizing a citizen contribution to Fayette Co. Rural Land Management Board Inc.

JOURNAL	40624-25	**DIVISION**	Streets, Roads, and Forestry	**Fund Name**	General Fund
				Fund Impact	5,000.00
					5,000.00CR
					.00

To provide funds for Reforest the Bluegrass to purchase seedlings and other items needed by recognizing a donation from Kentucky American Water Company.

JOURNAL	40791-92	**DIVISION**	Family Services	**Fund Name**	Donation Fund
				Fund Impact	8.96
					8.96CR
					.00

To accept a donation from Griffin Industries and increase funds for operating supplies.

JOURNAL	40803	**DIVISION**	Public Works	**Fund Name**	Urban Services Fund
				Fund Impact	2,000.00
					2,000.00CR
					.00

To provide funds for desktop computers by decreasing funds for Operating Supplies.

JOURNAL	40626-27	**DIVISION**	Community Development	**Fund Name**	Homeland Security
				Fund Impact	42,900.00
					42,900.00CR
					.00

To amend CSEPP project to provide funds for desktops and laptops, minor equipment and computers, and for professional services by decreasing various other accounts and recognizing additional revenue.

JOURNAL	40628-29	**DIVISION**	Community Development	**Fund Name**	Homeland Security
				Fund Impact	25,000.00
					25,000.00CR
					.00

To recognize additional federal funds in the amount of $25,000 for the purchase of a medical ambulance bus.

JOURNAL	40814	**DIVISION**	Community Development	**Fund Name**	Homeland Security
				Fund Impact	20,000.00 20,000.00CR .00

To provide additional funds for the purchase of a medical ambulance bus from the MMRS grant.

JOURNAL	40815	**DIVISION**	Community Development	**Fund Name**	Homeland Security
				Fund Impact	15,506.10 15,506.10CR .00

To provide for purchase of LOGOS Digital X-Ray system upgrade to include image kid, carousel, and software for the Bomb Squad project.

JOURNAL	40622	**DIVISION**	Parks and Recreation	**Fund Name**	PFC Parks
				Fund Impact	204,708.91 55,699.24CR 149,009.67

To provide funds for golf course contingency by recognizing golf course fees earned during prior year dedicated for this purpose by ordinance, and to allocate golf course dedicated funds for purchase of off road equipment and chemical sprayer.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donation Fund	.00
Fund	1115	Urban Service District Fund	.00
Fund	3200	US Department of Homeland Security	.00
Fund	4024	PFC – Parks Project Fund	149,009.67

Lexington-Fayette Urban County Government

DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry
Mayor

Linda Rumpke
Commissioner

Budget Journal Number 40626-27

Requesting Division Community Development

Fund Name US Department of Homeland Security

Fund Number 3200

Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment reduces funds in the amount of $25,000 allocated for a medical ambulance bus(Account 96966) and reallocates these funds to Desktops and Laptops (Account 96203). BA also reduces funds in the amount of $15,400 budgeted in Account 74102, providing additional funds in the amount of $8,000 for Desktops and Laptops (Account 96203), and in the amount of $7,400 for Equipment Under $5,000 (Account 75801).

Budget amendment also recognizes an additional $2,500 in federal intergovernmental funds (Account 44010) and budgets these funds in Account 71299 (Professional Services-Other) for administrative support.

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE AND ADMINISTRATION

Jim Newberry
Mayor

Linda Rumpke
Commissioner

Budget Journal Number 40628-29

Requesting Division Community Development

Fund Name US Department of Homeland Security

Fund Number 3200

Contact for Additional Information Irene Gooding--3079

Description

Budget Amendment recognizes additional federal funds in the amount of $25,000 (Account 44010) for purchase of medical ambulance bus (Account 96966). These funds will be used with funds recognized in BA 2587 for a total of $100,000 in CSEPPBUS_2009 project.

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE AND ADMINISTRATION
Jim Newberry
Mayor
Linda Rumpke
Commissioner

Budget Journal Number 40815

Requesting Division Community Development

Fund Name US Department of Homeland Security

Fund Number 3200

Contact for Additional Information Irene Gooding--3079

Description

Budge Amendment eliminates negative balance of $870 in account 75101 (Operating Supplies) and negative balance of $5,998.00 in account 96708 (Personal Protective Equipment). Budget amendment reduces account 75602 (Clothing/equip – Public Safety) by $11,500, reduces account 75801 (Equipment under $5,000) in the amount of $2,006.10, and reduces account 96451 (Animals) in the amount of $2,000, in order to add $8,683.10 to Account 96468 (Equipment) for the purchase of the Logos Digital X-ray system--2 @ $7,749.29=$15,498.58; Image Plate Kit--4@ $867.76 = $3,471.04; Carousel--2 @ $554.84 = $1,109.68; Software--2 @ $500.00 = $1,000. Total system cost is $21,079.30.

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

February 23, 2010 Work Session

If the New Business item listed below is on the Agenda, approval includes approval of the attached Budget Amendment. These Budget Amendments are not voted upon as part of section IV on the Agenda and are for information only.

NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST		
088-10	BA 2718	Family Services	To accept donation from Alpha Delta Chapter of ADK to be used to support our early childcare teachers in the purchase of additional enrichment materials.		
G				1103	150
				1103	150CR
					0*
089-10	BA 2717	Family Services	To provide funds to assist teen mothers by recognizing a donation from Cynthia Beard.		
H				1103	50
				1103	50CR
					0*
092-10	BA 2733	Community Development	To establish grant budget for the State Farm 2010 grant.		
I				3300	1,000
				3300	1,000CR
					0*
095-10	CB 0040	Water Quality	To provide funds for two positions of Engineering Technician Sr. (Grade 113E) by abolishing funds for one position of Engineering Technician (Grade 111N) and two positions of Equipment Operator Sr. (Grade 109N).		
K				4002	5,120CR
					5,120CR*

EFFECT ON FUND BALANCES

FUND 1103	**0***	**NO IMPACT TO:**	**DONATION FUND**
FUND 3300	**0***	**NO IMPACT TO:**	**GRANTS - OTHER**
FUND 4002	**5,120***	**INCREASE TO:**	**SANITARY SEWERS REVENUE AND OPERATING**

Budget Information For New Business Items

February 23, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A	024-10	1,205.90	1101	General Services District
B	086-10	NA		
C	087-10	NA		
D	090-10	3,000	3140	US Department of Justice
E	091-10	N/A		
F	097-10	11,212	3160	US Department of Transportation
G	088-10	150	1103	Donation Fund Budget Journal
H	089-10	50	1103	Donation Fund Budget Journal
I	092-10	1,000	3300	US Department of Justice Budget Journal
J	093-10	NA		
K	095-10	(5,120)	4002	Sanitary Sewer Revenue and Operating Fund Budget Journal
L	094-10	NA		
M	096-10	N/A		
N	098-10	N/A		

024-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

M E M O R A N D U M

TO: Jim Newberry, Mayor
Joe Kelly, Senior Advisor
Council Members

FROM: Michael Allen, Director
Division of Human Resources

DATE: December 29, 2009

SUBJECT: **Agreement with AB Dick**

This is a request to authorize the Mayor to contract with AB Dick/Kopy Kat for a bizhub 601 Digital Imaging Unit to be located in the Division of Human Resources. Currently the Division has two copy machines in the Division. The Division would like to replace these two copiers with one.

Attached please find an UltraCare Agreement with AB Dick/Kopy Kat for the lease of a bizhub 601 Digital Imaging Unit

The cost for this agreement is $241.18 monthly for sixty months. This cost will be funded from the Divisions Leased Equipment account. Funds are available for FY'10.

If you have any questions please contact Daniel H. Fischer at 258-3030.

attachment

/df

Log # 10-0039

LEXINGTON DIVISION OF POLICE

086-10

17

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: February 9, 2010

RE: Drug Enforcement Administration (DEA) Agreement Addendum

Please find attached blue sheet and documentation for an Addendum to the current Drug Enforcement Administration (DEA) Agreement.

The attached addendum changes the number of agents assigned to the Lexington Resident Office from three (3) to two (2). With this change the reimbursement of overtime will be adjusted accordingly.

The duties of the task force are as listed:

a) Disrupt the illicit drug trafficking in the Kentucky area by immobilizing targeted violators and trafficking organizations.
b) Gather and report intelligence data relating to trafficking in narcotics and dangerous drugs.
c) Conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution before the courts of the United States and the State of Kentucky.

I have attached three (3) originals of the addendum requiring the Mayor's signature.

Upon approval and signing, please forward original addendums to the Chief's Office to acquire additional signature.

If you have any questions or require additional information, please contact my office.

R. Bastin
Ronnie Bastin
Chief of Police

RB/rmh

Attachment
cc: Tim Bennett, Commissioner of Public Safety

087-10

18

LEXINGTON DIVISION OF POLICE

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

TO: Mayor Jim Newberry
Urban County Council

FROM: Chief Ronnie Bastin
Division of Police

DATE: February 10, 2010

RE: United States Marshal's Service (USMS) Fugitive Task Force Agreement

Please find attached blue sheet and documentation for a Fugitive Task Force Agreement between the United States Marshal's Service and the Lexington-Fayette Urban County Government. The attached agreement allows for the Lexington Division of Police to continue participation in the District Fugitive Task Force. I have attached three (3) original agreements requiring the Mayor's signature.

We are requesting that Mayor Newberry be authorized to sign off on future agreements with the United States Marshal's Service concerning the Lexington Division of Police's on-going participation in the District Fugitive Task Force.

Upon approval and signing, please forward original agreements to the Chief's Office to acquire additional signature.

If you have any questions or require additional information, please contact my office.

R. Bastin

Ronnie Bastin
Chief of Police

Attachment

cc: Tim Bennett, Commissioner of Public Safety

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the Lexington Fayette Urban County Government and the United States Marshals Service (USMS) pursuant to the Presidential Threat Protection Act of 2000 (Public L. 106-544, § 6, December 19, 2000, 114 Stat. 2718, 28 U.S.C. § 566 note). As set forth in the Presidential Threat Protection Act of 2000 and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of Federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives.

The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals to, "in executing the laws of the United States within a State . . . exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. See also "Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation" concerning the "Authority to Pursue Non-Federal Fugitives", issued by the U.S. Department of Justice, Office of Legal Counsel, dated February 21, 1995. See also: Memorandum concerning the Authority to Pursue Non-Federal Fugitives, issued by the USMS Office of General Counsel, dated May, 1, 1995. See also: 42 U.S.C. § 16941(a)(the Attorney General shall use the resources of federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements).

MISSION:

The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The intent of the joint effort is to investigate and apprehend local, state and federal fugitives, thereby improving public safety and reducing violent crime.

Each participating agency agrees to refer cases for investigation by the DFTF (District Fugitive Task Force). Cases will be adopted by the DFTF at the discretion of the District Chief Deputy, and in accordance with the provisions of the Presidential Threat Protection Act, the Adam Walsh Child Protection and Safety Act, and the U.S. Department of Justice. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the DFTF may also assist non-participating law enforcement agencies in investigating, locating and arresting their fugitives. Task force personnel will be assigned federal, state, and local fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Each participating agency retains responsibility for the cases they refer to the DFTF.

Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State or local fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned state or local agency.

SUPERVISION:

The DFTF will consist of law enforcement and administrative personnel from federal, state, and local law enforcement agencies. Agencies must be approved by the District Chief Deputy prior to assignment to the DFTF. Agency personnel may be removed at anytime at the discretion of the District Chief Deputy.

Direction and coordination of the DFTF shall be the responsibility of the USMS District Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel.

A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS district personnel, may be established at the direction of the District Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the DFTF.

PERSONNEL:

In accordance with Homeland Security Presidential Directive (HSPD) 12, personnel assigned to the task force are required to undergo background investigations in order to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

Task force personnel may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State or local task force officers traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their travel expenses in accordance with applicable federal laws, rules, and regulations.

REIMBURSEMENT:

The Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state and local investigators who provide full time support to USMS DFTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state and local investigators in direct support of state and local investigators. The USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided.

Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped at the equivalent of 25% of a GS-1811-12, Step 1, of the general pay scale for the RUS. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper invoice which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the DFTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost. The invoice should be submitted to the District Chief Deputy, who will review the invoice, stamp and sign indicating that services were received and that the invoice is approved for payment. Invoices for equipment, supplies, training, fuel, and vehicle lease should provide supporting documentation including receipts.

EQUIPMENT:

Notwithstanding the above, pending the availability of asset forfeiture funding and approval by the USMS in advance of any purchase, the USMS may reimburse or make direct payments to qualified third party vendors for vehicles and equipment purchased by the undersigned state or local agency in support of full time state and local investigators assigned to the DFTF involved in joint law enforcement operations. Such vehicle and equipment purchases are to be contracted for and titled in the name of the state or local law enforcement agency and must comply with requirements prescribed by the USMS pursuant to this MOU and applicable policies of the United States Department of Justice. Vehicles and equipment purchased by state and local law enforcement agencies with asset forfeiture monies provided by the USMS must remain available for exclusive use of the task force officers assigned to the DFTF by the undersigned participant agency for the duration of the task force. Upon termination of the agreement, usage and disposition of such vehicles are at the discretion of the undersigned state or local law enforcement agency.

Pending the availability of funds and equipment, the USMS will issue USMS radios, telephones, and other communication devices to each task force officer to be used for official DFTF business. Any other equipment used by or assigned to task force officers will remain the property of the agency issuing the equipment and will be returned to that agency upon termination of the task force, or upon agency request.

RECORDS AND REPORTS:

Original reports of investigation, evidence, and other investigative materials generated, seized, or collected by the DFTF shall be retained by the agency in the DFTF responsible for the case. However, evidence may be turned over to other law enforcement agencies as appropriate. Copies of investigative reports and other materials may be provided to other agencies in accordance with applicable laws, rules, and regulations. Task force statistics will be maintained in the USMS Justice Detainee Information System (JDIS) - Warrant Information Network (WIN). Statistics will be made available to any participating agency upon request.

INFORMANTS:

Pending the availability of funds, the USMS may provide funding for the payment of informants. However, all payments of informants utilizing USMS funding shall comply with USMS policy.

USE OF FORCE:

All members of the DFTF shall comply with their agency's guidelines concerning the use of firearms, deadly force, and less-lethal devices. Copies of all applicable firearms, deadly force, and less-lethal policies shall be provided to the District Chief Deputy and each concerned task force officer. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s).

NEWS MEDIA

Media inquires will be referred to the District Chief Deputy. A press release may be issued and press conference held, upon agreement and through coordination with participant agencies representatives. All press releases will exclusively make reference to the task force.

RELEASE OF LIABILITY:

Each agency shall be responsible for the acts or omissions of its employees. Participating agencies or their employees shall not be considered as the agents of any other participating agency. Nothing herein waives or limits sovereign immunity under federal or state statutory or constitutional law. The participating agencies agree to hold harmless the United States from any claim, cause of action, or judgment resulting from the negligent acts of their employees.

EFFECTIVE DATE AND TERMINATION:

This MOU is in effect once signed by a law enforcement participant agency. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the District Chief Deputy U.S. Marshal (CDUSM).

United States Marshal

Ronnie Bastin

Participant Agency Representative

Assistant Director, IOD

Jim Newberry, Mayor
Lexington-Fayette Urban County Government

090-10

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 11, 2009

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AGREEMENT WITH UNIVERSITY OF KENTUCKY ALBERT B. CHANDLER MEDICAL CENTER FOR USE OF EMERGENCY ROOM AS CLINICAL PRACTICE AREA FOR SEXUAL ASSAULT TREATMENT PROGRAM—FY 2010

The Lexington-Fayette Urban County Government has been awarded federal funds under the Violence Against Women Act by the Kentucky Justice Cabinet for the continuation of the Sexual Assault Treatment Center in the Division of Police. This program provides for the use of specially trained Sexual Assault Nurse Examiners (S.A.N.E.s) for the performance of forensic examinations on the victims of sexual assault. In order to provide the victims of sexual assault with maximum privacy, only one area hospital emergency room will be used for all examinations. The University of Kentucky has agreed to continue its allocation of emergency room space to this program at a cost of $250 per month for the year 2010. Total cost is $3,000.

Funds are budgeted as follows:

FUND	DEPT ID	SECTION	PROJECT	BUD REF	ACCT	ACTIVITY
3140	505506	5561	SANE_2010	2010	71302	FED_GRANT

Council authorization to execute agreement is hereby requested.

Paula King
Director

Xc: Tim Bennett, Commissioner of the Department of Public Safety

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 12, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO PURCHASE RADARS, LIDARS, RELATED PARTS, AND REPLACEMENT PARTS FROM KUSTOM SIGNALS AND TO ACCEPT KUSTOM SIGNALS AS A SOLE SOURCE PROVIDER OF ALL RADARS, LIDARS, RELATED PARTS, AND REPLACEMENT PARTS

The LFUCG has been awarded federal funds from the Kentucky Transportation Cabinet to implement a Traffic Safety Project.

The Division of Police requests Council authorization to treat Kustom Signals as a sole source vendor for radars, lidars, related parts, and replacement parts. The Division of Police currently uses the Golden Eagle Radar and the Pro Laser III, products for which Kustom Signals is the sole vendor. The Division of Police desires to continue to use the same equipment for all traffic safety activities, reducing training time and providing a uniform traffic service.

Funding for this equipment is budgeted as follows:

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF
3160	505505	5543	75801	TRAFSAFTY_2010	FED_GRANT	2010

Council authorization to treat Kustom Signals as a sole source provider for radars, lidars, related parts, and replacement parts.

Paula King, Director

Xc: Tim Bennett, Commissioner, Department of Public Safety

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097-10

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: **JIM NEWBERRY, MAYOR**
URBAN COUNTY COUNCIL

FROM: **PAULA KING, DIRECTOR**
DIVISION OF COMMUNITY DEVELOPMENT

DATE: **FEBRUARY 11, 2010**

SUBJECT: **REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 4 TO AGREEMENT WITH HDR QUEST ENGINEERS, INC., FOR THE DESIGN OF A TRAFFIC SIGNAL AT OLD TODDS ROAD AND LIBERTY ROAD FOR THE TODDS ROAD/LIBERTY ROAD PHASE I WIDENING PROJECT**

The Lexington Fayette Urban County Government was awarded federal and state funds from the Kentucky Transportation Cabinet for the widening and reconstruction of Todds Road/Liberty Road from 0.2 miles south of Andover Forest Drive/Forest Hill Drive to 0.1 miles south of Graftons Mill Lane, a distance of 1.5 miles. Council approved acceptance of this award on August 26, 1999 (Ordinance #236-99). The project was funded under the Federal Transportation Equity Act for the 21st Century as a High Priority Project by Congress.

On December 9, 1999 (Resolution #677-99), Council approved the execution of a design contract with Quest Engineers, Inc., in the amount of $776,789. On June 11, 2006 (Resolution No. 453-2006), Council approved the execution of Change Order No. 1 the amount of $119,108. On March 6, 2008 (Resolution No. 109-2008), Council approved Change Order No. 2 with HDR Quest Engineers, Inc. (formerly Quest Engineers, Inc.) in the amount of $50,773 for a new total of $946,670. On November 20, 2008 (Resolution No. 675-2008), Council approved Change Order No 3 to contract with HDR/Quest Engineers, Inc., in the amount of $59,036.

Change Order No. 4 in the amount of $11,212.00 is for the design of a traffic signal at Old Todds Road and Liberty Road. The new total will be $1,016,918.

Funds are budgeted as follows:

FUND	DID	SECT	ACCOUNT	PROJECT	BUD REF	ACTIVITY
3160	303202	3211	91715	LIBERTYTD_2000	2000	MS_GRANT

Council authorization to execute Change Order No. 4 with HDR Quest Engineers, Inc., is hereby requested.

Paula King, Director

Xc: James M. Webb, Commissioner of the Department of Public Works and Development

097-10

CONTRACT HISTORY FORM

Project Name: Liberty Todds Road Improvement Project Section 1

Contractor: HDR Quest Engineering, Inc.

Contract Number and Date: 4266 December 9, 1999

Responsible LFUCG Division: Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount: Next Lowest Bid Amount: N/A (qualification based selection)	$	776,789.00	
B. Amount of Selected Alternate or Phase:	$	N/A	
C. Cumulative Amount of All Previous Alternates or Phases:	$	0.00	
D. Amended Contract Amount:	$	776,789.00	
E. Cumulative Amount of All Previous Change Orders:	$	228,917.00	29.5% *(Line E / Line D)*
F. Amount of This Change Order:	$	11,212.00	1.4% *(Line F / Line D)*
G. Total Contract Amount:	$	1,016,918.00	

SIGNATURES

Project Manager: Keith Lovan Date: 1/6/10

Reviewed by: Robert A. Bayert Date: 1/07/10

Division Director: M A Dain Date: 2/9/10

James McWeli 2/16/10

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2	Date: 12-18-09
	Project: Liberty/Todds Road Improvement Project
	Location: Section 1
To (Contractor): HDR Engineering, Inc. (Formerly Quest Engineers, Inc.)	Contract No. 4266
	Change Order No. 4

You are hereby requested to comply with the following changes from the contract plans and specification;

Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price
	Design of a traffic signal at Old Todds Road		$11,212.00
	and Liberty Road		
	Total decrease		
	Total increase		$11,212.00
	Net increase (decrease) in contract price		$11,212.00
	Current total contract price		

The sum of $ $11,212.00 is hereby added to the total contract price, and the new total contract price thereby is $1,016,918.00

The time provided for the completion in the contract and all provisions of the contract will apply hereto.

Recommended by Keith Kona KAB 1/07 (Proj. Engr.) Date 1/6/10

Accepted by [signature] (Contractor) Date 12/21/09

Approved by [signature] (Urban Co. Engr.) Date 2/9/10

Approved by James M. Webb (Commissioner) Date 2/16/10

Approved by ______ (Mayor or CAO) Date ______

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

TO: Jim Newberry, Mayor

Joe Kelly, Senior Advisor of Management

Urban County Council Members

THROUGH: M. Helm
Marlene Helm, Commissioner
Department of Social Services

FROM: Sarah Hendrix
Sarah Hendrix, Director
Division of Family Services

DATE: February 5, 2010

RE: Alpha Delta Chapter of ADK Donation

This is to request approval to accept a donation in the amount of $150.00 from the Alpha Delta Chapter of ADK to be used to support our early childcare teachers in the purchase of additional enrichment material.

Thank you.

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Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

TO: Jim Newberry, Mayor

Joe Kelly, Senior Advisor of Management

Urban County Council Members

THROUGH: M. H.
Marlene Helm, Commissioner
Department of Social Services

FROM: Sarah Hendrix
Sarah Hendrix, Director
Division of Family Services

DATE: February 5, 2010

RE: Cynthia Beard Donation

This is to request approval to accept a donation in the amount of $50.00 from Cynthia Beard to be used to assist teen mothers served in our programs. This donation will be used for diapers needed on an emergency basis.

Thank you.

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 11, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO ACCEPT AWARD FROM THE STATE FARM COMPANIES FOUNDATION FOR A TEEN EXPRESS PROJECT AT THE DIVISION OF YOUTH SERVICES

The State Farm Companies Foundation has approved award of $1,000 for implementation of a "Teen Express" project in the Division of Youth Services. The goal of this project is to use a positive youth development approach to focus on youth assets. The primary activities are the formation of a youth council, focus groups, surveys, special events, community service projects and the preparation of a presentation for city leaders.

Funds will be used for transportation and supplies. No matching funds are required.

Council authorization to accept the award is hereby requested.

Paula K

Paula King, Director

Xc: Marlene Helm, Commissioner of Social Services

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

TO: JIM NEWBERRY, MAYOR
URBAN COUNTY COUNCIL

FROM: PAULA KING, DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT

DATE: FEBRUARY 16, 2010

SUBJECT: REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN FOR CONTINUATION OF A SAFE HAVENS PROJECT—FY 2010

Since October 2004, the Lexington-Fayette Urban County Government has received federal funds from the U.S. Department of Justice, Office on Violence Against Women for implementation of a project under the Safe Havens: Supervised Visitation and Safe Exchange Grant Program. The purpose of these funds is to provide safe and affordable supervised visitation and monitored exchange services to victims of domestic violence, child abuse, stalking, and sexual assault. A Safe Havens consultation committee was formed and facilitated by the Domestic Violence Prevention Board to oversee the project and to develop a coordinated community approach to visitations and exchanges. In addition to the Domestic Violence Prevention Board, organizations participating in the program include LFUCG Department of Social Services, Sunflower Kids, Inc., a private nonprofit organization offering supervised visitation and exchanges; Friend of the Court, Fayette County Circuit Court; Fayette Family Court; Rape Crisis Center of the Bluegrass; Bluegrass Domestic Violence Program, Kentucky Cabinet for Health and Family Services, and law enforcement agencies.

A three-year application for federal funds is now being proposed for submission. If approved, funding in the amount of $400,000 for a three-year period will be awarded. If approved funds will be used to continue operating the Sunflower Kids visitation center, to expand services to underserved populations, and to continue partial contractual funding of the Director of the Fayette County Violence Prevention Board for oversight of the project. No matching funds are required.

Council authorization to submit the application and to authorize Mayor to sign the Memorandum of Understanding with other service agencies participating in the project is hereby requested.

Paula King, Director

Cc: Marlene Helm, Commissioner, Department of Social Services

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Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda Rumpke
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Council Members

FROM: M. Allen by DJ7
Michael Allen, Director
Division of Human Resources

DATE: February 12, 2010

RE: **Abolish/Create Position— Division of Water Quality**

The attached action amends Section 21-5 of the Code of Ordinances, abolishing one (1) position of Engineering Technician (Grade 111N) and two positions of Equipment Operator Sr. (Grade 109N) and creating two (2) positions of Engineering Technician Sr. (Grade 113E) in the Division of Water Quality effective upon passage of Council.

The Division requires these positions to be directly involved to the operational needs and to implementation of reporting requirements of the Consent Decree with the United States Environmental Protection Agency. The Engineering Technician Sr. positions will provide support to the Asset Management portion of the Wastewater Collection System Maintenance Section. The duties would include review of closed circuit television tapes and logs for workmanship and materials quality, assist in the maintenance of line histories, database information updates, perform calculations as required for drawing review, flow studies, maintain and update maps, review drawing for conformance to Urban County Government standards before and after construction and other asset management responsibilities..

The fiscal impact, which includes benefits, for FY2010 is a savings of $5,118.26 (7 pay periods).

Name	Position Title	Annual Salary Before	Annual Salary After	Annual Increase/(Decrease)
Vacant	Engineering Technician Sr. (two positions)	$0	$78,143.52	$78,143.52
Vacant	Engineering Technician	$32,225.70	$0	$(32,225.70)
Vacant	Equipment Operator Sr. (two positions)	$56,504.24	$0	$(56,504.24)
Total Annual Impact/ Salary and Benefits $(19,010.69)				

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Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Newberry
Mayor

MEMORANDUM

TO: COUNCIL MEMBERS

FROM: Krista A. Greathouse, World Equestrian Games Liaison KG

DATE: February 16, 2010

SUBJECT: AMENDMENT TO ORDINANCE 110-2009 – CLEAN ZONE

The following changes are requested to the "Clean Zone Ordinance" which will provide additional clarification regarding displays and/or signage authorized by the World Games 2010 Foundation, Lexington Host Committee, and the Mayor's Office of Special Events.

Requested changes are in italics.

That Section 15-1.3(6) of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is created to read as follows:

> No streamers, pennants, banners, inflatables, including but not limited to balloons, *displays* or similar temporary signage shall be allowed within the Clean Zone.
>
> (a) *Temporary Sign* means any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other lightweight materials, with or without illuminated frames, intended to be displayed for a short period of time.
>
> (b) *Temporary Signage, b*anners or *displays* authorized by the World Games 2010 Foundation, Lexington Host Committee and Mayor's Office of Special Events are not subject to this section.

Should you have any questions, please do not hesitate to contact me at Ext. 3121.

Thank you for your assistance.

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

TO: Mayor Jim Newberry
Urban County Council

FROM: David Loney, Deputy Director Fleet Services

DATE: 02/10/2010

LFUCG Waste Management Division currently has approximately 76 toter lifting units attached to their refuse vehicles, whereby the toter dumps the Herbies, Toter Incorporated is the sole manufacturer and distributor of toter lifting units including all related upgrades, accessories, parts, and service.

Fleet Services request approval to make future purchases of approximately $40,000 annually without competitive bidding from Toter Incorporated for toter lifting units and applicable spare parts since Toter Incorporated is the sole manufacturer and distributor of toter lifting units.

Cc Kimra Cole, Commissioner General Servcies
Jamshid Baradaran, Director Facilities Management & Fleet Services

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HORSE CAPITAL OF THE WORLD

098-10

Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

MEMORANDUM

TO: Jim Newberry, Mayor
Urban County Councilmembers

FROM: Department of Law

DATE: February 17, 2010

RE: Legal Bill Review Services – RFP 36-2009

Pursuant to Mayor's Executive Order No. 2008-3 which requires a legal bill review for cases whose legal bills are over $100,000, an RFP for legal bill review was processed.

The selection committee for Legal Bill Review RFP 36-2009 chose respondent Wayne Basconi, Attorney at Law to provide the Urban County Government Legal Bill Review Services. The attached proposal provides services for a three year term, to be engaged as needed. Mr. Basconi will provide legal bill review services as required by Executive Order 2008-3 and as outlined in his proposal.

Leslye M Bowman
Leslye Bowman
Director of Litigation

cc: Thomas Sweeney, Claims Manager

X:\ \00248076.DOC

098-10

Wayne Basconi
Attorney at Law
1757 Patterson Road
Versailles, Kentucky 40383
(859) 421-5404
wayne.basconi@gmail.com

Proposal to Lexington-Fayette Urban County Government for Legal Bill Review Services (RFP#36-2009 Legal Bill Review Services)

A. **Attachments.** See attached documents.

B. **Organization of Bidder and area of expertise**. This proposal is being submitted by Wayne Basconi, Attorney at Law, an individual (hereinafter "Contractor"). Contractor practices as "Of Counsel" with the firm of Pamela Bray Basconi, P.L.L.C. ("PBB Firm") which provides support services, billing and professional liability coverage. PBB Firm is a WBE, consisting of one attorney and one support staff. All legal bill review services required by this contract will be provided by or under the direct supervision of Wayne Basconi with support services provided by the PBB Firm as needed. Contractor has experience as an attorney working for a governmental agency, in private practice and, primarily, as in-house counsel. As in-house counsel, Contractor was responsible for procuring outside legal services, managing litigation and other legal matters that were handled by outside attorneys, and the negotiation of fees and expenses related thereto.

C. **Summary of Experience of Principal**. Contractor's primary experience has been as in-house counsel in the legal department of a large, international energy and chemical corporation, including working for the subsidiary that performed all of the corporation's environmental remediation. In such capacity, Contractor was responsible for overseeing the procurement of professional services, including legal, technical and similar services. Contractor was responsible for contract and rate negotiations, billing disputes resolution, annual rate reviews, legal budgets and related matters. As both a provider and consumer of legal services during his career, Contractor is well-suited to provide meaningful legal bill review. Additionally, Contractor has an accounting degree and is a CPA (inactive status).

References:

George Luxbacher
Senior Vice President
Glenn Springs Holdings, Inc
5005 LBJ Freeway, Suite 1350
Dallas, TX 75244
(972) 687-7502
George_luxbacher@oxy.com

Jo Ellen Drisko, President
Drisko Group
1510 Newtown Pike, Ste. 144
Lexington KY 40511
(859) 421-5405
Joellen@driskogroup.com

Ken Price, VP Operations
Glenn Springs Holdings Inc.
970 New Highway 7
Columbia, TN 38401
931-388-6752
Ken_Price@oxy.com

J. Clifford Ellerbrook, CPA
2225 Mangrove Drive
Lexington, KY 40503
859-421-5406

D. **Curriculum Vitae Summary of Wayne Basconi**

PROFESSIONAL HISTORY:

PRIVATE PRACTICE OF LAW — Present
Lexington, KY

SENIOR CORPORATE COUNSEL — July 1993 to January 2008
Glenn Springs Holdings, Inc. (Occidental Petroleum subsidiary), Lexington, KY

ASSISTANT GENERAL COUNSEL — March 1986 to July 1993
Island Creek Coal Corporation, Lexington, KY

ASSOCIATE — May 1983 to February 1986
Katz, Kantor, & Perkins, Bluefield, WV

ASSOCIATE ATTORNEY GENERAL — July 1979 to April 1983
West Virginia Attorney General's Office

EDUCATION:
J.D., West Virginia University
B.B.A., Accounting, Marshall University

CERTIFICATIONS:
Kentucky State Bar
West Virginia State Bar
CPA, West Virginia (Inactive Status)

E. **Outline of Legal Bill Review Services**.

1. Once a particular case/matter is sent to Contractor for bill review, it will be set up as a separate account matter. Contractor will then request background information as to the matter so that the legal bills can be reviewed in the proper context. Such background information can be supplied by LFUCG by written summary, telephone conference or short meeting, whichever is deemed to be the most efficient for that particular matter. Providing basic background information regarding the matter will make for a much more meaningful review and will save money in the long run on the cost of the review.

2. The actual bill review will consist of the following:

   a. The bill will be reviewed for clerical accuracy, such as compliance with agreed billing rates and expense reimbursement; duplicate charges, mathematical accuracy and similar issues.
   b. The bill will then be reviewed for reasonableness, consisting of a review of:

      i. The reasonableness of time spent on individual tasks. For example, was time charged for preparing a legal memo reasonable, given the complexity and scope of the issue?
      ii. The reasonableness of the staffing level for the matter, to determine if an excessive number of lawyers, paralegals etc. were assigned to the matter. What is excessive is a subjective judgment and will depend in part on the difficulty of the legal issue at hand. The review will identify suspected overstaffing situations.
      iii. The reasonableness of the level of legal expertise applied to the matter, to insure that the personnel used was the person with the lowest billable rate that was qualified to do the assigned task, so that, i.e., a partner is not doing what an associate can do, etc.

iv. Has the firm been consistent in using the same lawyers to work on the matter, and has not unduly rotated lawyers in and out of the case, thereby losing efficiency of have the same team work on the case?

v. Was unnecessary work performed on the matter, either because it was not relevant to the issues of the case, or it was so basic that the law firm should not in good faith have charged for it?

vi. Consistency of records within the context of the legal bill. Do the various time entries for the same tasks by the different attorneys within the firm agree?

vii. Whether young or new associates have been assigned to the matter primarily for training purposes, rather than to bring actual value to the matter?

viii. Excessive or unnecessary use of outside professional services.

3. Upon completion of the accuracy and reasonableness review of the legal bill, a report will be prepared and sent to LFUCG containing the following:
   - A list of any clerical errors, overcharges, duplicate charges, etc. found in the bill.
   - A list identifying all areas where unreasonable charges, based upon the above criteria, appear to be indicated.
   - A recommendation by the Contractor as to (i) what reductions should be made in the bill; (ii) what billed items are suspect on their face and should be considered for reduction; and (iii) what items require more information upon which to form an opinion.
   - The basis for the Contractor's conclusions regarding the subject bill.

4. The review of legal bills for reasonableness is a subjective determination. Accordingly, the report of Contractor's findings and conclusions, other than for strictly clerical errors, will be based upon Contractor experience, judgment and applicable professional norms. Accordingly, Contractor will take no action with regard to negotiation of fee reduction with the outside firm until directed to do so by the LFUCG.

5. The Contractor's primary client is Occidental Petroleum Corporation, to which he provides general commercial legal services.

6. Copies of Contractor's Liability policies are attached.

F. **Fee Schedule**. Contractor will charge for services as follows:

1. Hourly rate for legal bill review services will be $75 for first year of the contract, $85 for second year of the contract and $90 for the third year.
2. In addition to the above hourly rate, Contractor will be paid 12% of any savings achieved on each defense firm's monthly bill (or the normal billing cycle, if other than monthly) in excess of $500. For example, a $2,500 reduction in a firm's monthly bill will result in an additional fee of $240 to Contractor.
3. LFUCG will provide or cover the cost of any special software required to generate any specific form of report required by it.

G. **Notes.**

1. This Proposal is subject to the parties reaching agreement on typical contract terms under which the legal bill review services will be provided by Contractor.
2. Since subcontractors will not be used in supplying the services, information regarding MBE's is not being provided.
3. This Proposal will expire as of the close of business on February 28, 2010.

Date: 12/29/09

Wayne Basconi

Wayne Basconi

PLANNING COMMITTEE SUMMARY
FEBRUARY 16, 2010

Blues chaired today's Planning Committee meeting calling it to order at 1:00 pm. All committee members were present except Gorton and McChord. Martin and Henson attended as non voting members.

1. Residential Additions – Lawless
   Residential Zoning Ordinances - Stinnett asked the chair to hear commercial signage text amendment first due to the possibility of lengthy discussion on residential additions.

2. Commercial Signage Text Amendment - Martin
   Bill Sallee, Planning addressed the committee regarding commercial real estate signs. He talked about amendment to article 17 to modify the provisions for commercial real estate signs. The proposed text amendment will allow for larger and taller real estate signs for vacant property whereas the existing regulations of article 17 remain appropriate for residential and agricultural properties.

   Martin remarked about the letter sent to council from Commercial Property Association of Lexington, Inc. concerning compromises to the commercial real estate signs text amendment which addressed large buildings, major highways and proportion to size of sign. Martin told the committee he would like to propose a motion to accept the compromises, but since he is not a committee member would be unable to do so.

   James asked if article 17 contained any reference to removal or protection of trees, adding she would like to see an option to include damaging trees. She also asked about the definition of illuminated signs.

   Sallee said this text amendment is so limited to the size of the sign.

   <u>A motion by Ellinger to extend discussion of commercial signage text amendment until 1:30 pm, seconded by Feigel, passed without dissent</u>.

   Ellinger tried to clarify the three elements of the proposed compromise, asking Sallee what properties this would take into account.

   Salle said "big box" facilities such as Wal-Mart and factories, etc.

   Ellinger asked Al Isaac, a local realtor to expound on compromises discussed.

   Mr. Isaac told the committee the proposed compromise is in regard to the size limitation on signage of up to and not to exceed 64 square feet would be permitted if any one or more of the following circumstances is present: the building to which the signage pertains contains 100,000 or more square feet, the site contains two or more acres, and the property is located along a four lane public highway.

Ellinger asked about permitting and length of time the sign could stay up and was told the proposed time is 30 days.

The Planning Dept's. proposal was to remain 10 days.

A motion by Ellinger motion accept the following compromises: building to which the signage pertains contains 100,000 or more square feet, the site contains two or more acres, and the property is located along a four lane public highway compromised, seconded by Stinnett, motion passed with two votes (James, Blues) of nay.

Discussion:
Feigel asked if this pertains to for sale or lease, and was told both.

James asked who solicited this compromise and what the basis is for it. Sallee explained CPAL was the applicant who brought up these recommendations for consideration.

Lawless stated she will support this going to full council.

Gray commented about scale and size of projects adding there is an investment of funds to make these large signs.

James will not support this motion does not see need for 64 square feet and referred to the many sign issues in her district.

1. Residential Additions - Lawless
   Residential Zoning Ordinances - Stinnett

Chris King, Director of Planning recapped history of this zone text amendment, giving a brief overview of steps and process involved to start a text amendment. He said either the Planning Commission, Council or property owners can request such an action.
King provided a simplified flow chart showing how zoning ordinance text amendments are processed which included the Planning Commission, public hearing, and final council approval.

Rochelle Boland, LFUCG Law Dept. spoke to the committee about the work of the Moratorium Task Force which was established formed as a result of complaints regarding "vinyl box" house additions in neighborhoods. She talked about definitions of family residences for zoning purposes. A model was proposed to help define family and help the Law Dept. come up with a definition. Boland explained some of the criteria such as impact on neighborhood, etc.

Lawless asked for a copy of the original lodging house ordinance. Boland displayed it for discussion.

Feigel asked what criteria the board of adjustment would use for making decisions, adding some will be very difficult. Boland said the boarding house ordinance is not the only criteria to be used. She named other forms of criteria the board of adjustment could use.

Feigel had concerns about zoning issues, where will students go, suggested looking at another zoning category as "student housing".

A motion by Feigel to create a zoning definition to also consider "student housing" as a category or zone was withdrawn after discussion.

Stinnett talked about the purpose of the original definition of family asking Boland what we are currently doing. She said we are sending out letters to property owners, who have provided documentation on leases, etc. to see if they comply with our current definition of family. Stinnett asked do we know how many are in violation of our current definition of family and are we keeping track. If we change the current definition of family what would happen to these properties in question? He also asked about changing category such as student housing and what effect it would have.

Boland said yes building inspection is responsible for tracking/documenting. She talked about other possibilities to change definitions such as “uses”.

Lawless said this is not what she prepared and brought forward. This is an issue in every district in this city. Is not about students it's about density. She said we need to put a number on what is considered reasonable single family use. Lawless asked for other versions and what the federal Supreme Court says about this issue, citing it still needs work and there are still loopholes.

James asked how a landlord would prove reasonable single family use.

Boland explained how to get information needed to determine a family or single family and talked about factors that will be used for consideration explaining Building Inspection will be the first line for consideration and to bring continuity of safety to building codes.

James asked about fraternity or sorority houses and how universities sanction them.
Boland said she was not totally familiar with how that is handled.

Martin expressed concern and does not have a great level of confidence about this ordinance and grandfathering. He wants to see the issue resolved, to protect single family neighborhoods but to be fair to others.

Floor was open to public comment:

Dick Murphy – Attorney representing the Greater Lexington Apartment Assoc. and the University Landlord Assoc. told the committee he is was not here to endorse the large" vinyl boxes" . His concern is the definition of family and having to go before the board of adjustment, holding public hearings to prove relationships and interpretation of wording. He urged well thought out consideration and encouraged consultation with all parties involved.

Ellinger asked Mr. Murphy how he would define family. Murphy said he thinks we need to have a number going forward, and explained what he thought should be grand fathered in.

Craig Hardin – Landlord spoke to the committee about investing in the community.

Molly Davis, Neighborhood Assoc. President - feels those representing rental property are using fear tactics, talking about investments and maximizing profits is tearing away the residential integrity of neighborhoods.

Ann Stamatiadis, Neighborhood Assoc. President - said it's tough to live in areas around UK and feels there is little a resident can do to stop these changes. She citied the large amount of cars on a street saying that is only one tiny example of the problem. She said to even consider student housing zoning is wrong.

<u>A Motion by Lawless to hold a Special Planning Committee meeting on March 2, 2010 at 11:00 am to further discuss the moratorium, seconded by James, motion passed without dissent.</u>

Motion to Adjourn at 2:50 pm

3. Items Referred to Committee – No discussion of this item due to lack of time.