

CORRECTED

**URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
September 20-September 27, 2010**

Monday, September 20

Human Rights Commission Community Relations Meeting.....4:30 pm
Conference Room-5th Floor Government Center

Human Rights Commission Monthly Meeting.....5:30 pm
Conference Room-5th Floor Government Center

Tuesday, September 21

Water Resources Oversight Committee Meeting.....11:00 am
Conference Room-5th Floor Government Center

Planning Committee Meeting.....1:00 pm
Council Chambers-2nd Floor Government Center

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

Council Committee of the Whole Meeting.....5:00 pm
Conference Room-5th Floor Government Center

Wednesday, September 22

Commission for Citizens With Disabilities Meeting.....9:15 am
Lexington Public Library, 140 East Main Street, Conference Room 4 C

Form Based Codes/Design Task Force Meeting.....5:00 pm
Conference Room-3rd Floor Phoenix Building

Thursday, September 23

Building Inspection Task Force Meeting.....3:00 pm
Conference Room-5th Floor Government Center

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

Friday, September 24

No Meetings

Monday, September 27

No Meetings

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

September 21, 2010

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary-None**
- IV. Budget Amendments – Yes, pp.7-9**
- V. New Business, pp. 11-66**
- VI. Continuing Business / Presentations**
 - A. Special Council Services Committee (separate)**
 - B. Council Budget & Finance Committee, pp. 67-68**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Pending Litigation**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization of Amendment No. 12 to an Engineering Services Agreement with ENTRAN (f/k/a American Consulting Engineers, PLC) for the Newtown Pike Extension/Small Area Plan Project. (434-10) (Gooding/Webb)
This request will authorize approval of Amendment No. 12 to increase agreement amount by \$37,850 with ENTRAN for the Newtown Pike Extension/Small Area Plan project to extend the services of the Community Liaison for six (6) months at a cost of \$29,350 and to support the 2010 Community Unity Day celebration at a cost of \$8,500. Original agreement amount was \$1,666,698.99. Total of previous amendments is \$4,909,802.52. New agreement amount is \$6,614,351.51. Funds are budgeted.**pp.11-15**
- B. Authorization of Change Order No. 3 to Contract with Woodall Construction Company, Inc. for the Southend Park Temporary Redevelopment Housing Project for the Newtown Pike Extension Project. (FINAL) (454-10) (Gooding/Webb)
This request will authorize approval of Change Order No. 3 to decrease contract amount by \$50,181.91 with Woodall Construction Company, Inc. for the Southend Park Temporary Redevelopment Housing project for the Newtown Pike Extension project to adjust quantities required to complete the project. Original contract amount was \$785,158. Total of previous change orders is \$49,597.83. Final contract amount is \$784,573.92. Funds are budgeted.**pp.16-19**
- C. Authorization of Amendment No. 1 to Agreement with the Kentucky Transportation Cabinet (KYTC) for the Fiber Optic Cable Installation Program Project – FY2008. (455-10) (Gooding/Webb)
This request will authorize approval of Amendment No. 1 to agreement with KYTC for the Fiber Optic Cable Installation Program project. This amendment will adjust funds originally budgeted for certain items to be increased or decreased with the total sum remaining the same. There are no other changes associated with amendment.**p.20**
- D. Authorization of Amendment No. 1 to a Professional Services Agreement (PSA) with the University of Kentucky Research Foundation for the Vine Street Streetscape Improvements Project. (436-10) (Kerr/Webb)
This request will authorize approval of Amendment No. 1 to a PSA with the University of Kentucky Research Foundation for archaeological monitoring of the Vine Street Streetscape Improvements project to extend the completion date from August 31, 2010 to March 31, 2011. The extension will allow the Foundation to complete the artifact and data analysis, site form preparation, curation of artifacts and compilation of technical summary report. There are no other changes associated with this amendment. There is no budgetary impact.**pp.21-23**

- E. Authorization of Amendment No. 1 to a Professional Services Agreement with the University of Kentucky Research Foundation for the Main Street Streetscape Improvements Project (437-10) (Kerr/Webb)
This request will authorize approval of Amendment No. 1 to a Professional Services Agreement with the University of Kentucky Research Foundation for archaeological monitoring of the Main Street Streetscape Improvements project to extend the completion date from August 31, 2010 to November 30, 2011. This project will resume in mid-October and will allow the Foundation to complete the artifact and data analysis, site form preparation, curation of artifacts and compilation of technical summary report. There are no other changes associated with this amendment. There is no budgetary impact. **pp.24-26**
- F. Authorization of Amendment No. 1 to a Professional Services Agreement with the University of Kentucky Research Foundation for the Main Street Streetscape Improvements Project – Phase B. (458-10) (Kerr/Webb)
This request will authorize approval of Amendment No. 1 to a Professional Services Agreement with the University of Kentucky Research Foundation for archaeological monitoring of the Main Street Streetscape Improvements project – Phase B, to extend the completion date from August 31, 2010 to November 30, 2011. This project will resume in mid-October and will the Foundation to complete the artifact and data analysis, site form preparation, curation of artifacts and compilation of technical summary report. There are no other changes associated with this amendment. There is no budgetary impact. **pp.27-29**
- G. Authorization of a Contract for Outdoor Lighting Service and a Contract for Electric Service Street Lighting with the Kentucky Utilities Company (KU) as Part of the Downtown Street Lighting Project Under the Limestone Streetscape Project. (438-10) (Herrington/Webb)
This request will authorize approval of a Contract for Outdoor Lighting Service and a Contract for Electric Service Street Lighting for an annual rate of \$31,920.24 for 10 years with KU as part of the Downtown Street Lighting project under the Limestone Streetscape project for service of sixty-four (64) Granville streetlights on South Limestone between Euclid Avenue and Vine Street. Funds are budgeted in the Full Urban Services Street Light Rental. **p.30**
- H. Authorization to Approve Critex LLC as the Sole Source for Purchase of Mr. Manhole Replacement Cutter Package and Repair Parts. (439-10) (Williams/Webb)
This request will authorize approval of Critex LLC as the sole source provider for purchase of Mr. Manhole Replacement Cutter Package and repair parts to safely and effectively raise the various manholes throughout Lexington. The cost of the purchase will not exceed \$30,000. Funds are budgeted. **pp.31-32**

- I. Authorization to Transfer Property and Temporary Easements to the Kentucky Transportation Cabinet (KYTC) for the Leestown Road Widening Project. (451-10) (Rayan/Webb)
This request will authorize approval to transfer LFUCG-owned property and temporary easements on the southside of Leestown Road in the vicinity of Bracktown Road intersection to KYTC for the state's Leestown Road Widening project. There is no budgetary impact for LFUCG.**p.33**
- J. Authorization of a Memorandum of Understanding (MOU) with the Fayette County Public Schools (FCPS) on Behalf of the Department of Social Services. (435-10) (Helm)
This request will authorize approval of a MOU with FCPS on behalf of the Department of Social Services to provide meals to students attending the Day Treatment Center and to infants up to school age at the Family Care Center child care, under the Child and Adult Care Food Program (CACFP) and the National School Lunch Program (NSLP) from July 1, 2010 to June 30, 2011. The CACFP is administered and federally funded by the US Department of Agriculture. The NSLP is a federally assisted program that provides meals at reduced cost. FCPS will provide meals based on a daily number of children in attendance at the centers. Funds in the amount of \$74,500 is budgeted.**p.34**
- K. Authorization to Accept Loan of P7100 Model Radios Offered by Harris Corporation on Behalf of the Department of Public Safety, Division of Fire & Emergency Services in Support of the 2010 Alltech FEI World Equestrian Games™(WEG) and Spotlight Lexington. (432-10) (Hendricks/Bennett)
This request will authorize the acceptance of one hundred twenty-five (125) used, handheld portable P7100 model radios offered by Harris Corporation to the Division of Fire & Emergency Services to support communication needs required during WEG and Spotlight Lexington.**p.35**
- L. Authorization to Accept a Cash Donation from Columbia Gas Transmission LLC on Behalf of the Department of Public Safety, Division of Fire & Emergency Services. (443-10) (Hendricks/Bennett)
This request will authorize approval to accept a cash donation of \$250 from Columbia Gas Transmission LLC on behalf of the Division of Fire & Emergency Services.**p.36**
- M. Authorization of a Contractual Agreement with the Bluegrass Regional Mental Health-Mental Retardation Board, Inc. (d/b/a Comprehensive Care Center) on Behalf of the Department of Public Safety, Division of Community Corrections. (433-10) (Bishop/Bennett)
This request will authorize a Contractual Agreement in the amount of \$834,755.68 with the Bluegrass Regional MH-MR Board, Inc. on behalf of the Division of Community Corrections to meet constitutional requirements and comply with the standards of mental health care as practiced in Fayette County and the provisions of the Kentucky Revised Statutes and the Kentucky Administrative Regulations for the inmate population. This agreement is for two (2) years. Funds are budgeted.**p.37**

- N. Authorization of a Professional Services Agreement (PSA) with Amy Slatin, Sexual Assault Nurse Examiners (SANE), for Performance of Forensic Examinations – FY2010. (444-10) (Gooding/Bennett)
This request will authorize approval of a PSA with Amy Slatin, SANE, to serve on an *on-call* basis for the performance of Forensic examinations at the University of Kentucky Emergency Room. Federal funding is provided under the Violence Against Women Act from the Kentucky Justice Cabinet. This agreement is from October 1, 2010 through December 31, 2011. Funds are budgeted.**p.38**
- O. Authorization of Change Order No. 2 to Contract with Free Contracting, Inc. on Behalf of the Department of Environmental Quality, Division of Waste Management for the Solid Waste Facility Expansion Project. (FINAL) (441-10) (Feese/Bush)
This request will authorize approval of Change Order No. 2 to decrease contract amount by \$69,051.64 with Free Contracting, Inc. on behalf of the Division of Waste Management to adjust bid quantities to quantities required to complete the Solid Waste Facility Expansion project. Original contract amount was \$1,208,101.20. Previous change order amount was \$7,092.80. Final contract amount is \$1,146,142.36.**pp.39-42**
- P. Authorization of a Statement of Work (SOW) with VeBridge on Behalf of the Department of Environmental Quality, Division of Water Quality. (449-10) (Martin/Bush)
This request will authorize a SOW in the amount of \$53,800 with VeBridge on behalf of the Division of Water Quality for the installation of the OnBase Enterprise Document Management System (EDMS) software as part of the upgrade from Liberty to Hyland software system. The EDMS will be used to scan, store, retrieve and share documents within the Division's Accela Automation project. Funds are budgeted.**p.43**
- Q. Authorization of a Joint Funding Agreement with the US Department of the Interior, US Geological Survey (USGS). (448-10) (Martin/Bush)
This request will authorize the approval of a Joint Funding Agreement for water resources investigations for a total amount of \$112,800 for USGS to continue operation and maintenance of a gaging station and rainfall network in Fayette County. The USGS will contribute \$45,120 and LFUCG will contribute \$67,680. Funds are budgeted.**p.44**
- R. Authorization of a Contract for Like Kind Exchange with Delta T Corporation (d/b/a Big Ass Fans® Inc.) on Behalf of the Department of General Services, Division of Parks & Recreation. (238-10) (Hancock/Cole)
This request will authorize approval of a Contract for Like Kind Exchange with Delta T Corporation (d/b/a Big Ass Fans® Inc.) on behalf of the Division of Parks & Recreation. Big Ass Fans® will convey two (2) 10-foot Isis fans (including installation and warranties) in exchange for goods and services provided by the Division up to the value of the fans.**p.45**

- S. Authorization of Amendment No. 2 to Agreement with Kentucky Transportation Cabinet (KYTC) for the Healthway Trail Project. (450-10) Gooding/Cole)
This request will authorize approval of Amendment No. 2 to agreement with KYTC for the Healthway Trail project to extend completion date from June 30, 2010 to June 30, 2011 to allow for final payment to be made. There are no other changes associated with this amendment.**p.46**
- T. Authorization of a License Agreement with Hustonville, LLC on Behalf of the Department of General Services, Division of Parks and Recreation. (453-10) (Hancock/Cole)
This request will authorize a License Agreement with Hustonville, LLC on behalf of the Division of Parks & Recreation for a 2011 Halloween event at Jacobson Park between September 23 and October 31, 2011.**p.47**
- U. Authorization to Dispose of Surplus Real Properties Owned by LFUCG by a Bid Process. (445-10) (Baradaran/Cole)
This request will authorize the disposal of LFUCG surplus real property located at 359 E. Third Street and 950 Whitney Avenue through a bid process.**pp.48-52**
- V. Authorization for the Issuance of Industrial Revenue Bonds (IRB) to Centenary United Methodist Church, Inc. for Outstanding Debt. (452-10) (Wright/Kelly)
This request will authorize the approval to issue IRB in the amount of \$3,500,000 to Centenary United Methodist Church, Inc. due to changes in market conditions. The refinancing of the outstanding debt is for 2800 Tates Creek Road for \$1,100,000 and 4701 Athens Boonesboro Road for \$2,400,000. The IRB Committee has approved this action. There is no cost or liability to the Urban County Government.**p.53**
- W. Authorization to Amend Chapter 25 of the Code of Ordinances Regarding the Ethics Act. (456-10) (Rabold)
This request will authorize approval to amend Chapter 25 of the Code of Ordinances to create Section 25-31 requiring the registration of Lobbyist and establishing fees and penalties.**pp.54-65**
- X. Authorization of a Purchase of Service Agreement (PSA) with Bluegrass State Games, Inc. (457-10) (Rabold)
This request will authorize approval of a PSA in the amount of \$52,500 with the Bluegrass State Games, Inc. for the purpose of organizing and executing the Bluegrass State Games. Funds are budgeted.**p.66**

BUDGET AMENDMENT REQUEST LIST

JOURNAL	46346	DIVISION	Facilities and Fleet Management	Fund Name Fund Impact	General Fund 593.68 593.68CR .00
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To provide funds in overtime for Facilities Management for emergency asbestos abatement by reducing funds in professional services for demolitions.

JOURNAL	46416-17	DIVISION	Streets Road, Forestry	Fund Name Fund Impact	General Fund 437.50 437.50CR .00
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To provide funds for outside labor by recognizing reimbursement of 1/2 cost of tree removal costs.

JOURNAL	46410-11	DIVISION	Streets Road, Forestry	Fund Name Fund Impact	General Fund 6.00 6.00CR .00
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To provide funds for rent/lease account by recognizing a reimbursement from USA Mobility.

JOURNAL	46349-50	DIVISION	Special Projects	Fund Name Fund Impact	Donation Fund 137,000.00 137,000.00CR .00
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To provide funds for Spotlight Lexington by recognizing revenue from sponsor sales, pin and permit sales, food vendors, WEG foundation and rebates.

JOURNAL	46351-52	DIVISION	Special Projects	Fund Name Fund Impact	Donation Fund 5,375.00 5,375.00CR .00
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To provide funds for 4th of July Festival expenses by recognizing revenues received.

JOURNAL	46418-19	DIVISION	Special Projects	Fund Name Fund Impact	Donation Fund 65,000.00 65,000.00CR .00
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To provide funds for Spotlight Lexington by recognizing funds received for pin sales and vendor fees.

JOURNAL	46420	DIVISION	Traffic Engineering	Fund Name	Urban Fund
				Fund Impact	1,495,136.71
					1,495,136.71

To reappropriate funds for street lights remaining in FY 2010. Kentucky Utilities and Blue Grass Energy billing statements for authorized street lights lag behind the fiscal year cycle.

JOURNAL	46348	DIVISION	Parks and Recreation	Fund Name	PFC Parks Fund
				Fund Impact	5,830.00
					5,830.00

To reappropriate funds to replace playground equipment provided by Councilman Ed Lane from Neighborhood Development funds in prior year.

JOURNAL	46412-13	DIVISION	E911	Fund Name	Enhanced 911 Fund
				Fund Impact	350.00
					350.00CR
					.00

To provide funds for mailing certified notices by recognizing funds collected for address violations.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	.00
Fund	1103	Donation Fund	.00
Fund	1115	Urban Service District Fund	1,495,136.71
Fund	4024	PFC Parks Projects Fund	5,830.00
Fund	4204	Enhanced 911 Fund	.00

NEW BUSINESS ITEMS REQUIRING BUDGET AMENDMENTS

September 21, 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.

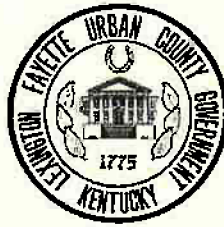
NEW BUSINESS ITEM	BUDGET JOURNAL	DIVISION	DESCRIPTION OF REQUEST
443-10	BA 3149	Fire Administration	To provide funds for operating supplies in Fire Administration by recognizing a donation from Columbia Gas.
L			1101 250.00CR
			1101 250.00
			0.00*
445-10	BA 3164	Community Development	To reallocate funds for Fiber Optic Program based on approved project revisions from the KY Transportation Cabinet.
U			3160 24,713.58CR
			3160 24,713.58
			0.00 *

EFFECT ON FUND BALANCES

FUND 1101	0*	NO IMPACT TO:	GENERAL SERVICES DISTRICT - GENERAL FUND
FUND 3160	0*	NO IMPACT TO:	US DEPARTMENT OF TRANSPORTATION

Budget Information For New Business Items
September 21, 2010 Work Session

Item	Number	Amount	Fund	Name / Description
A	434-10	37,850	3160	US Department of Transportation
B	454-10	(50,181.91)	3160	US Department of Transportation
C	455-10	24,713.58	3160	US Department of Transportation Budget Journals
D	436-10	NA		
E	437-10	NA		
F	458-10	NA		
G	438-10	31,920.24	1115	Urban Service Fund
H	439-10	30,000	4051	Water Quality Management Fund
I	451-10	NA		
J	435-10	74,500	3100	US Department of Agriculture
K	432-10	NA		
L	443-10	250	1101	General Fund Budget Journal
M	433-10	834,755.68	1101	General Fund
N	444-10	59,670	3140	US Department of Justice (Budgeted for all nurses)
O	441-10	(69,051.64)	1115	Urban Service Fund
P	449-10	53,800	4003	Sanitary Sewer Construction Fund
Q	448-10	67,680	4051	Water Quality Management Fund
R	238-10	NA		
S	450-10	NA		
T	453-10	% Gross Sales	1101	General Fund
U	445-10	NA		
V	452-10	NA		
W	456-10	NA		
X	457-10	52,500	1101	General Fund



434-10

11

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: AUGUST 19, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT
#12 TO AGREEMENT WITH ENTRAN (FORMERLY KNOWN AS
AMERICAN CONSULTING ENGINEERS, PLC) FOR THE NEWTOWN
PIKE EXTENSION PROJECT**

The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension was authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21st Century (TEA-21). The project provides for construction from West Main Street to South Limestone.

The Urban County Council approved a professional services contract with American Consulting Engineers, PLC, in the amount of \$1,666,699 on October 11, 2001 (Resolution No. 633-2001).

- Amendment #1 in the amount of \$70,049.00 was approved by Council on March 21, 2002 (Resolution No. 150-2002).
- Amendment #2 in the amount of \$128,900 was approved by Council on December 12, 2002 (Resolution No. 750-2002).
- Amendment #3 in the amount \$699,834.84 was approved by Council on May 29, 2003 (Resolution No. 246-2003).
- Amendment #4 in the amount of \$16,770 was approved by Council on November 6, 2003 (Resolution No. 591-2003).
- Amendment #5 in the amount of \$589,878 was approved by Council on September 9, 2004 (Resolution No. 475-2004).
- Amendment #6 in the amount of \$949,886 was approved by Council on July 12, 2005 (Resolution No. 392-2005).
- Amendment #7 in the amount of \$586,703.68 was approved by Council on February 8, 2007 (Resolution No. 39-2007).
- Amendment #8 in the amount of \$752,396 was approved by Council on June 26, 2008 (Resolution No. 381-2008).

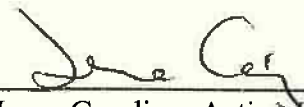
- Amendment #9 in the amount of 605,853 was approved by Council on December 8, 2009 (Resolution No. 792-2009).
- Amendment #10 in the amount of \$159,036 was approved by Council on May 6, 2010 (Resolution No. 233-2010).
- Amendment #11 in the amount of \$350,496 was approved by Council on June 24, 2010 (Resolution No. 358-2010)

The proposed Amendment #12 is in the amount of \$37,850 making a new contract total of \$6,614,351.51 for professional services. Amendment #12 will amend Entran (Formerly American Consulting Engineers, PLC) contract for the purpose of extending the existing contract for Community Liaison services for six months (\$29,350) and to support the costs of the 2010 Community Unity Day celebration (\$8,500).

Funds for Amendment #12 are budgeted as follows:

FUND	DEPT ID	SECT	ACCOUNT	PROJECT	ACTIVITY	BUD REF
3160	303202	3211	91715	NEWTOWNPK_2009	FED_GRANT	2009

Council authorization to execute amendment #12 to the agreement with ENTRAN is hereby requested.



Irene Gooding, Acting Director

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

434-10

CONTRACT HISTORY FORM

Project Name: Newtown Pike Extension

Contractor: Entran (Formerly American Consulting Engineers, PLC)

Contract Number and Date: 4661 October 11, 2001

Responsible LFUCG Division: Division of Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount: \$ 1,666,698.99
Next Lowest Bid Amount: N/A

B. Amount of Selected Alternate or Phase: \$ _____

C. Cumulative Amount of All Previous Alternates or Phases: \$ 1,666,698.99

D. Amended Contract Amount: \$ 1,666,698.99

E. Cumulative Amount of All Previous Change Orders: \$ 4,909,802.52 294.6%
(Line E / Line D)

F. Amount of This Change Order: \$ 37,850.00 2.3%
(Line F / Line D)

G. Total Contract Amount: \$ 6,614,351.51

SIGNATURES

Project Manager:

Andrew Grunwald
Andrew Grunwald, P.E.

Date: 8/16/10

Reviewed by:

Robert Bayert
Robert Bayert, P.E.

Date: 8/16/10

Division Director:

Marwan Rayan
Marwan Rayan, P.E.

Date: 8/17/10

AMENDMENT NO. 12
Newtown Pike Extension Project
Contract Dated October 11, 2001

Purpose/Reason for Amendment:

The purpose will be to amend Entran (Formerly American Consulting Engineers, PLC) contract to fund the Neighborhood Liaison for one year, and fund 2010 Community Unity Day celebration.

Original Contract Amount	\$1,666,698.99
Amendment No. 1	\$ 70,049.00
Amendment No. 2	\$ 128,900.00
Amendment No. 3	\$ 699,834.84
Amendment No. 4	\$ 16,770.00
Amendment No. 5	\$ 589,878.00
Amendment No. 6	\$ 949,886.00
Amendment No. 7	\$ 586,703.68
Amendment No. 8	\$ 752,396.00
Amendment No. 9	\$ 605,853.00
Amendment No. 10	\$ 159,036.00
Amendment No. 11	\$ 350,496.00
Amendment No. 12	\$ 37,850.00
NEW CONTRACT AMOUNT	 <u>\$ 6,614,351.51</u>

Owner:

Jim Newberry
 Mayor
 Lexington Fayette Urban County Government
 200 East Main Street, 12th Floor
 Lexington, Kentucky, 40507

 Attest

Consultant:

Glenn A. Hardin, P.E.
 Transportation Engineering Manager
 Entran
 Formerly - American Consulting Engineers, PLC
 400 East Vine Street, Suite 100
 Lexington, Kentucky, 40507-1577

 Attest

**NEWTOWN PIKE EXTENSION PROJECT
NEIGHBORHOOD LIAISON
BUDGET YEAR
2010-2011**

The breakdown of the budget items are:

Budget Item	Breakdown	Total Cost
Staff Salaries: Primary Consultant and Support Staff Salaries	\$4050/month x 6 months	\$24,300.00
Postage and Delivery	Newsletter mailings, letters, etc.	\$ 250.00
Travel Expenses	Mileage, Meals, Training Costs	\$ 1,000.00
Meeting Expenses	\$400 month x 6 months	\$ 2,400.00
Office Supplies		\$ 250.00
Office Expenses	Telephone Service @ \$75/mth x 6 mths=\$450.00	\$ 450.00
Office Maintenance Services	Provided by LFUCG Parks & Recreation	\$ 0.00
Utilities	Provided by LFUCG	\$ 0.00
Equipment		\$ 700.00
Community Unity Day Celebration		\$8,500.00
Total Budget Amount		\$ 37,850.00



454-10

16

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Newberry
Mayor

Linda L. Rumpke
Commissioner

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

**FROM: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: SEPTEMBER 14, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE CHANGE ORDER
NO. 3 (FINAL) WITH WOODALL CONSTRUCTION CO., INC. FOR THE
SOUTHEND PARK TEMPORARY HOUSING DEVELOPMENT FOR THE
NEWTOWN PIKE EXTENSION PROJECT**

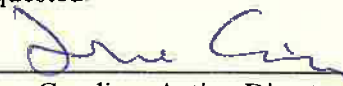
The Lexington-Fayette Urban County Government has been awarded federal funds from the Kentucky Department of Transportation for the planning, design, and construction of the Newtown Pike extension. The Newtown Pike extension is authorized by Congress as a High Priority Project under the Transportation Equity Act for the 21st Century (TEA-21). Council approved project agreement on November 9, 2000 (Ordinance #344-2000). On February 26, 2009 (Ordinance # 24-2009), Council approved acceptance of additional federal funds. The project provides for construction from West Main Street to South Limestone. An approved element of the project is the development of temporary housing for the project area residents.

On September 27, 2008 (Resolution No. 447-2007), Council approved the acceptance of the bid from Woodall Construction Co., Inc., in the amount of \$785,158 for the Southend Park Redevelopment Temporary Housing Project. On July 3, 2008 (Resolution No. 421-2008), Council approved Change Order No. 1 in the amount of \$7,587.53. On November 5, 2009, Council approved Resolution No. 695-2009 in the amount of \$42,010.30, providing for site work for two additional manufactured homes. Change Order No. 3 (Final) has been negotiated decreasing the total by \$50,181.91 for a new total of \$784,573.92

The following funds will be decreased:

FUND	DID	SECT	ACCT	PROJECT	BUD REF	ACTIVITY	AMOUNT
3160	303202	3211	91715	NEWTOWNPK_2009	2009	FED_GRANT	-42,010.30
3160	303202	3211	91715	NEWTOWNPK_2002	2002	MS_GRANT	-8,171.61

Council authorization to execute Change Order No. 3 with Woodall Construction Co., Inc. is hereby requested.


Irene Gooding, Acting Director

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

CONTRACT HISTORY FORM

Project Name: Southend Park Redevelopment - Twmporary Housing
Contractor: Woodall Construction Co. Inc.
Contract Number and Date: 913 September 27, 2007
Responsible LFUCG Division: Division of Engineering

CONTRACT AND CHANGE ORDER DETAILS

A. Original Contract Amount: \$ 785,158.00
Next Lowest Bid Amount: N/A
B. Amount of Selected Alternate or Phase: \$ _____
C. Cumulative Amount of All Previous Alternates or Phases: \$ 785,158.00
D. Amended Contract Amount: \$ 785,158.00
E. Cumulative Amount of All Previous Change Orders: \$ 49,597.83 6.3%
(Line E / Line D)
F. Amount of This Change Order: \$ -50,181.91 -6.4%
(Line F / Line D)
G. Total Contract Amount: \$ 784,573.92

SIGNATURES

Project Manager: Andrew Grunwald Date: 8/31/2010
Andrew Grunwald, P.E.
Reviewed by: Robert Bayert Date: 8/31/10
Robert Bayert, P.E.
Division Director: Marwan A. Rayan by RAB Date: 9/9/10
Marwan Rayan, P.E.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 3		Date: August 16, 2010					
		Project: Southend Park Redevelopment Temporary Housing					
		Location: DeRoode Street					
		Contract No: 913	Change Order No: 3(Final)				
To (Contractor): Woodall Construction Co.							
You are hereby requested to comply with the following changes from the contract plans and specification;							
Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price
7	Del	DGA Base	TN	143.28	\$ 22.00	\$ 3,152.16	\$ -
8	Del	Crushed Aggregate Size No. 57	TN	50.00	\$ 40.00	\$ 2,000.00	\$ -
9	Del	Crushed Aggregate Size No. 2	TN	50.00	\$ 40.00	\$ 2,000.00	\$ -
10	Del	Concrete Sidewalk	SY	172.00	\$ 38.00	\$ 6,536.00	\$ -
11	Del	Geotextile Fabric Type III	SY	100.00	\$ 20.00	\$ 2,000.00	\$ -
12	Del	Channel Lining Type II	TN	10.00	\$ 100.00	\$ 1,000.00	\$ -
17	Del	Temporary Silt Fence	LF	250.00	\$ 5.50	\$ 1,375.00	\$ -
18	Del	Temporary Silt Trap, Type B	EA	2.00	\$ 750.00	\$ 1,500.00	\$ -
19	Del	Temporary Silt Trap, Type C	EA	2.00	\$ 750.00	\$ 1,500.00	\$ -
20	Del	Erosion Control Blanket	SY	550.00	\$ 20.00	\$ 11,000.00	\$ -
21	Del	Temporary Seeding and Protection	SY	1,177.00	\$ 0.75	\$ 882.75	\$ -
27	Add	Sanitary Sewer Pipe-8" PVC	LF	60.00	\$ 24.00	\$ -	\$ 1,440.00
33	Del	Water Service	LF	124.00	\$ 25.00	\$ 3,100.00	\$ -
36	Del	Electric Primary Conduit	LF	200.00	\$ 10.00	\$ 2,000.00	\$ -
37	Del	Electric Service Conduit	LF	400.00	\$ 8.00	\$ 3,200.00	\$ -
38	Del	Telephone Primary Conduit	LF	200.00	\$ 8.00	\$ 1,600.00	\$ -
39	Del	Telephone Service Conduit	LF	1,396.00	\$ 6.00	\$ 8,376.00	\$ -
42	Del	Bollard	EA	1.00	\$ 400.00	\$ 400.00	\$ -

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT		Date: August 16, 2010	
CONTRACT CHANGE ORDER		Project: Southend Park Redevelopment Temporary Housing	
Page 2 of 3		Location: DeRoode Street	
To (Contractor):	Woodall Construction Co.	Contract No: 913	Change Order No: 3(Final)
You are hereby requested to comply with the following changes from the contract plans and specification;			
Total decrease		\$ 51,621.91	
Total increase		\$	1,440.00
Net (increase/decrease) in contract price		\$	(50,181.91)
Current Contract Amount \$ 834,755.83		New Contract Amount \$ 784,573.92	
Recommended by	<i>James M. Woodall</i> (Proj. Engr.) RAB 8/31/10	Date	8/19/2010
Accepted by	<i>James M. Woodall</i> (Contractor)	Date	8/23/2010
Approved by	<i>James M. Woodall</i> (Urban Co. Engr.)	Date	9/9/10
Approved by	<i>James M. Woodall</i> (Commissioner)	Date	9/9/10
Approved by	<i>James M. Woodall</i> (Mayor or CAO)	Date	

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: SEPTEMBER 14, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE AMENDMENT
TO AGREEMENT WITH THE KENTUCKY TRANSPORTATION
CABINET FOR THE FIBER OPTIC CABLE INSTALLATION
PROGRAM FOR FY 2008**

On June 26, 2008 (Ordinance No. 149-2008), Council authorized acceptance of federal funds from the Kentucky Transportation Cabinet for the conversion of communication and data lines in the Lexington traffic signal system. The source of federal funds is the Congestion Management/Air Quality Program. The project has two goals: (1) to provide a more reliable communication medium for the traffic signal system, with the objective of reducing harmful emissions, and (2) to lessen the impact of severe electrical storms and other inclement weather conditions, in addition to aberrant telephone line communications on traffic signal communications. Funds are used to support the costs of fiber optic cable installation and to support the costs of video equipment/data communications integration.

The Kentucky Transportation Cabinet has offered the LFUCG an Amendment to the Agreement providing for the following budget changes:

Item	Original Budget	Amended Budget
Installation	\$200,000	\$274,000
Fiber Optic Cable	\$125,000	\$110,050
Video Equipment	\$25,000	\$10,000
Computer Equipment	\$25,000	\$3,640
Consultant Services & Specialized Training	\$25,000	\$2,310
Total	\$400,000	\$400,000

No other changes are proposed.

Council authorization to execute the amendment is hereby requested.


Irene Gooding, Acting Director

XC: James M. Webb, Acting Commissioner of Public Works



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Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor for Management
Urban County Council Members

FROM: Bettie Kerr, Director *BK*
Division of Historic Preservation

DATE: September 14, 2010

SUBJECT: Extend time period for completion of processional services for archaeological monitoring of Vine Street Streetscape Improvements Project per Resolution No. 159-2010, a copy of which is attached.

This is to request to extend the professional services agreement deadline date from August 31, 2010 to March 31, 2011. Monitoring of the construction on Vine Street having just been completed, this extension is needed to allow for the completion of the artifact and data analysis, site form preparation, curation of artifacts and compilation of technical summary report for the project. Funds are budgeted and there will be no funding impact.

Please let me know if you have questions.

Cc: Michael Webb, Commissioner of Public Works and Development
Brian Marcum, Division of Purchasing
Harold Tate, Downtown Development Authority

RESOLUTION NO. 159-2010

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE UNIVERSITY OF KENTUCKY RESEARCH FOUNDATION, FOR ARCHAEOLOGICAL MONITORING FOR THE VINE STREET STREETScape IMPROVEMENTS PROJECT, FOR THE DIVISION OF HISTORIC PRESERVATION, AT A COST NOT TO EXCEED \$59,403.00.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute the Professional Services Agreement, which is attached hereto and incorporated herein by reference, with the University of Kentucky Research Foundation, for Archaeological Monitoring for the Vine Street Streetscape Improvements Project, for the Division of Historic Preservation.

Section 2 - That an amount, not to exceed the sum of \$59,403.00, be and hereby is approved for payment to the University of Kentucky Research Foundation, from account # 2600-303301-91714, pursuant to the terms of the agreement.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 25, 2010

/s/ Jim Newberry
MAYOR

ATTEST:

/s/ Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: April 1, 2010-1t

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Amendment to the Professional Services Agreement is made and entered into this _____ day of _____, 2010, by and between the **Lexington-Fayette Urban County Government** (LFUCG), and the **University of Kentucky Research Foundation** (UKRF).

WHEREAS, The agreement is for archaeological monitoring for the Vine Street Streetscape Improvements Project, as fully outlined in the previously agreed upon Professional Services Agreement, a copy of which is attached and as reflected in Resolution No. 159-2010.

WHEREAS, The LFUCG and UKRF desire to amend the Professional Services Agreement.

NOW THEREFORE, LFUCG and UKRF agree as follows:

1. Completion date for project, as described on page two of Professional Services Agreement shall be amended to be March 31, 2011.
2. All other provisions of the Professional Services Agreement remain unchanged.



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Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor for Management
Urban County Council Members

FROM: Bettie Kerr, Director *BK*
Division of Historic Preservation

DATE: September 14, 2010

SUBJECT: Extend time period for completion of professional services for archaeological monitoring of Main Street Streetscape Improvements Project (A) per Resolution No. 160-2010, a copy of which is attached, as well as draft amended agreement.

This is to request to extend the professional services agreement deadline date from August 31, 2010 to November 30, 2011. This extension is needed to complete the artifact and data analysis, site form preparation, curation of artifacts and compilation of technical summary report. One technical report shall be done incorporating the findings for both the Main Street projects, (A) and (B). Funds are budgeted and there will be no funding impact.

Please let me know if you have questions.

Cc: Michael Webb, Commissioner of Public Works and Development
Brian Marcum, Division of Purchasing
Harold Tate, Downtown Development Authority

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE UNIVERSITY OF KENTUCKY RESEARCH FOUNDATION, FOR ARCHAEOLOGICAL MONITORING FOR THE MAIN STREET STREETScape IMPROVEMENTS PROJECT, FOR THE DIVISION OF HISTORIC PRESERVATION, AT A COST NOT TO EXCEED \$62,625.00.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute the Professional Services Agreement, which is attached hereto and incorporated herein by reference, with the University of Kentucky Research Foundation, for Archaeological Monitoring for the Main Street Streetscape Improvements Project, for the Division of Historic Preservation.

Section 2 - That an amount, not to exceed the sum of \$62,625.00, be and hereby is approved for payment to the University of Kentucky Research Foundation, from account # 2600-303301-91714, pursuant to the terms of the agreement.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: March 25, 2010

/s/ Jim Newberry
MAYOR

ATTEST:

/s/ Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: April 1, 2010-1t

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Amendment to the Professional Services Agreement is made and entered into this _____ day of _____, 2010, by and between the **Lexington-Fayette Urban County Government** (LFUCG), and the **University of Kentucky Research Foundation** (UKRF).

WHEREAS, The agreement is for archaeological monitoring for the Main Street (Phase A) Streetscape Improvements Project, as fully outlined in the previously agreed upon Professional Services Agreement, a copy of which is attached and as reflected in Resolution No. 160-2010.

WHEREAS, The LFUCG and UKRF desire to amend the Professional Services Agreement.

NOW THEREFORE, LFUCG and UKRF agree as follows:

1. Completion date for project, as described on page two of Professional Services Agreement shall be amended to be November 30, 2011.
2. All other provisions of the Professional Services Agreement remain unchanged.



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor for Management
Urban County Council Members

FROM: Bettie Kerr, Director *BK*
Division of Historic Preservation

DATE: September 14, 2010

SUBJECT: Extend time period for completion of processional services for archaeological monitoring of Main Street Streetscape Improvements Project (B) per Resolution No. 249-2010, a copy of which is attached, as well as draft amended agreement.

This is to request to extend the professional services agreement deadline date from August 31, 2010 to November 30, 2011. This extension is needed to continue monitoring the Main Street streetscape construction when it re-commences in mid-October (on Main Street in the approximate area of Martin Luther King to Elm Tree Lane) until completion followed by the completion of the artifact and data analysis, site form preparation, curation of artifacts and compilation of technical summary report for the Main Street project. Funds are budgeted and there will be no funding impact.

Please let me know if you have questions.

Cc: Michael Webb, Commissioner of Public Works and Development
Brian Marcum, Division of Purchasing
Harold Tate, Downtown Development Authority

RESOLUTION NO. 249-2010

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE UNIVERSITY OF KENTUCKY RESEARCH FOUNDATION, FOR ARCHAEOLOGICAL MONITORING FOR THE MAIN STREET STREETScape IMPROVEMENTS PROJECT (PHASE B), FOR THE DIVISION OF HISTORIC PRESERVATION, AT A COST NOT TO EXCEED \$56,457.00.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute the Professional Services Agreement, which is attached hereto and incorporated herein by reference, with the University of Kentucky Research Foundation, for Archaeological Monitoring for the Main Street Streetscape Improvements Project (Phase B), for the Division of Historic Preservation.

Section 2 - That an amount, not to exceed the sum of \$56,457.00, be and hereby is approved for payment to the University of Kentucky Research Foundation, from account # 2600-303301-91714, pursuant to the terms of the agreement.

Section 3 - That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: May 6, 2010

/s/ Jim Newberry
MAYOR

ATTEST:

/s/ Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 13, 2010-1t

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Amendment to the Professional Services Agreement is made and entered into this _____ day of _____, 2010, by and between the **Lexington-Fayette Urban County Government** (LFUCG), and the **University of Kentucky Research Foundation** (UKRF).

WHEREAS, The agreement is for archaeological monitoring for the Main Street (Phase B) Streetscape Improvements Project, as fully outlined in the previously agreed upon Professional Services Agreement, a copy of which is attached and as reflected in Resolution No. 249-2010.

WHEREAS, The LFUCG and UKRF desire to amend the Professional Services Agreement.

NOW THEREFORE, LFUCG and UKRF agree as follows:

1. Completion date for project, as described on page two of Professional Services Agreement shall be amended to be November 30, 2011.
2. All other provisions of the Professional Services Agreement remain unchanged.



Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Joe Kelly, Senior Advisor
Urban County Council

FROM: Ron Herrington, P.E., PLS *RQH*
Director Traffic Engineering

DATE: August 25, 2010

SUBJECT: Memorandum of Agreement for the electric service for the Limestone Streetscape project street lights

The Division of Traffic Engineering is requesting authorization to enter into an agreement with the Kentucky Utilities Company for electric service for the Limestone Streetscape project street lights. The agreement is for a 10-year period and is to begin August 1, 2010. There are a total of 64 Granville street lights covered by the agreement.

Per the agreement the monthly cost of the electric service for these street lights is \$2,901.84. This cost will be charged to Fund 1115, Dept. 303604, Section 0001, Account 72302 – Full Urban Services Street Light Rental.

Approved by:


James M. Webb, Commissioner of Public Works



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Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

TO: Jim Newberry, Mayor
Urban County Council

FROM: 
Samuel R. Williams, Director
Division of Streets, Roads & Forestry

DATE: September 2, 2010

**RE: REQUEST COUNCIL AUTHORIZATION TO CERTIFY
CRITEX, LLC, AS A SOLE SOURCE VENDOR FOR
PURCHASE OF MR. MANHOLE REPLACEMENT
CUTTER PACKAGE AND REPAIR PARTS**

We are requesting the approval of Critex, LLC, as the sole source provider, for the purchase of a Mr. Manhole Replacement Cutter Package and repair parts. In order to safely and effectively raise the various size manholes throughout Lexington, it is necessary to purchase the cutter package and repair parts.

Thank you.

SRW/aed

cc: Mike Webb, Commissioner
File Copy

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**JUSTIFICATION FOR SOLE SOURCE CERTIFICATION**

3. Describe efforts to find other vendors or consultants (i.e. phone inquiries, web site search, contacting the manufacturer to see if other dealers are available to service region, etc.).

I contacted the dealer and they said they have the patent on this machine and no one makes it but them.
I also searched the internet and the search ends up back to Critex which is Mr.. Manhole.

4. How was the price offered determined to be fair and reasonable?

(Explain what the basis was for comparison and include cost analyses as applicable.)

No one else makes the machine and we have tried to buy some of the parts and materials but the vendor won't sell to us because Critex has the patent on it.

5. Describe any cost savings realized or costs avoided by acquiring the goods/services from this supplier.

By using this machine we are saving the government money because it is cheaper to level the manholes our selfs than to pay a contractor so much a manhole to level them.



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Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT

Jim Newberry
Mayor

Mike Webb
Commissioner

MEMORANDUM

To: Mayor Jim Newberry
Urban County Council

From: James R. Wray
Engineering Technician Principal

Date: August 28, 2009

Re: Resolution Authorizing Transfer of Property and Easements
Kentucky Transportation Cabinet Project – Leestown Road Widening

The purpose of this memorandum is to request a resolution authorizing the transfer of LFUCG property and temporary easements needed by the Kentucky Transportation Cabinet for the widening of Leestown Road along the south side of Leestown Road in the vicinity of the Bracktown Road intersection at no cost to the government. This state road widening project is to the benefit of both the state and the LFUCG.

Acceptance of the deeds is recommended.

Approved by:

Marwan A. Rayan, P.E.
Urban County Engineer

James M. Webb, Commissioner
Department of Public Works & Development

c/with att: Yvonne Stone File
c/wo att: Robert Bayert, P.E. Andrew Grunwald, P.E.

10.P000.406.blurequest for kytc leestown



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Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Newberry
Mayor

Marlene Helm
Commissioner

MEMORANDUM

TO: MAYOR JIM NEWBERRY
MEMBERS OF THE COUNCIL
JOE KELLY, SR. ADVISOR FOR MANAGEMENT

FROM: 
MARLENE HELM, COMMISSIONER
SOCIAL SERVICES

DATE: AUGUST 27, 2010

SUBJECT: MEMORANDUM OF UNDERSTANDING BY AND BETWEEN FAYETTE
COUNTY PUBLIC SCHOOLS (FCPS) AND LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT (LFUCG) FOR MEAL SERVICE TO
THE FAMILY CARE CENTER/DAY TREATMENT CENTER

This request will authorize approval of a Memorandum of Understanding between Fayette County Public Schools and Lexington-Fayette Urban County Government for meal service to students attending Day Treatment and the Family Care Center/Daycare beginning with the 2010-2011 fiscal year.

Fayette County Public Schools will operate the National School Lunch program for the Family Care Center/Day Treatment Center. There is no budgetary impact.

Fayette County Public Schools will serve as a caterer for the Child Care Food Program. Funds for this program are budgeted in 3100-606401-6403-75102 CHD_CR_FD_2010



432-10

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Lexington-Fayette Urban County Government
DIVISION OF FIRE & EMERGENCY SERVICES

Jim Newberry
Mayor

Robert Hendricks
Chief

TO: Mayor Jim Newberry
Tim Bennett, Public Safety Commissioner
LFUCG Council Members

FROM: Paul See, Major
Paul See, Major

RE: Handheld Two-way Radios for use at the World Equestrian Games and Spotlight Lexington

DATE: August 23, 2010

This is a request to allow the Division of Fire and Emergency Services to utilize handheld two-way radios provided by the Harris Corporation.

The events surrounding the World Equestrian Games and Spotlight Lexington will require the deployment of additional personnel and assets from the Division of Fire and Emergency Services. Supporting the communications needs of these crews can not be effectively achieved with the existing cache of radios maintained by the Division of Fire and Emergency Services. The Harris Corporation, through their area sales manager, has offered to loan the Urban County Government 125 handheld portable radios that are compatible with the 800MHz radio system for use during the World Equestrian Games and Spotlight Lexington. They are not seeking any remuneration or recognition for the use of these radios. The Harris Corporation will not hold the Urban County Government responsible for normal wear and tear to the radios. The Urban County Government would be responsible for damage or loss of the radios due to gross negligence.

The Harris Corporation has provided this type of logistical support to other municipalities that have hosted significant special events similar to the World Equestrian Games.



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44-3-10

Lexington-Fayette Urban County Government
DIVISION OF FIRE & EMERGENCY SERVICES

Jim Newberry
Mayor

Robert Hendricks
Chief

To: Mayor Jim Newberry
Joe Kelly, Senior Advisor
LFUCG Councilmembers

From:


Robert Hendricks, Fire Chief

Date: September 3, 2010

Re: Monetary Contribution

The Division of Fire & Emergency Services requests the acceptance of a charitable contribution in the amount of \$250.00 from Columbia Gas. These funds have been processed in the Accounts Receivable module of PeopleSoft for deposit in account 1101-505701-5701-46720-571.

If you have any questions, feel free to contact me at extension 5660.

Thank you.



433-10

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Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC SAFETY

Jim Newberry
Mayor

Tim Bennett
Commissioner

To: Joseph Kelly, SAM
Mayor Jim Newberry
Councilmembers

From: Ronald L. Bishop, Director
Division of Community Corrections

Date: August 16, 2010

Subject: Request for Council Approval of an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc. dba Comprehensive Care Center

Request approval of an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc. dba Comprehensive Care Center for the provision of a program that meets constitutional requirements and complies with the standards of mental health care as practiced in Fayette County, Kentucky as well as the provision of the Kentucky Revised Statutes and the Kentucky Administrative Regulations promulgated there under for the Division of Community Corrections inmate population. This agreement is for two years. Funds are budgeted in 1101-505402-5421-71204.

cc: Tim Bennett, Commissioner
Department of Public Safety



444-10

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: SEPTEMBER 2, 2010

**SUBJECT: REQUEST COUNCIL AUTHORIZATION TO EXECUTE PROFESSIONAL
SERVICE AGREEMENT WITH AMY SLATIN, SEXUAL ASSAULT NURSE
EXAMINER, TO SERVE ON AN "ON-CALL" BASIS FOR THE PERFORMANCE
OF FORENSIC EXAMINATIONS**

The Lexington-Fayette Urban County Government has received continuation funding (Violence Against Women Act) from the Kentucky Justice Cabinet for the operation of a Sexual Assault Nurse Examiner program. The purpose of this program is to improve the collection of forensic evidence in sexual assault cases and to provide the victims of sexual assault more humane treatment during the investigation. Ultimately, higher rates of reporting will occur along with higher rates of prosecution and conviction. The Kentucky Crime Victims' Compensation Fund also provides financial support for forensic examinations.

An approved element of the grant-funded project is contracting with certified Sexual Assault Nurse Examiners (S.A.N.E.s) to serve on call twenty-four hours a day to respond to calls for examinations at the University of Kentucky Emergency Room.

The attached Professional Services Agreement with Amy Slatin outlines the responsibilities and compensation. Funds for these services are budgeted as follows:

FUND	DEP ID	SECTION	PROJECT	ACTIVITY	BUD REF	ACCOUNT	AMOUNT
3140	505506	5561	SANE_2010	FED_GRANT	2010	71299	\$35,520
3140	505506	5561	SANE3_2010	STA_GRANT	2010	71217	\$24,150

The funds budgeted in SANE_2010 are for the purpose of paying contractual nurses for on-call duty and for reimbursement for liability insurance. The funds budgeted in SANE3_2010 are for payment of nurses for forensic examinations. These funds come from the state's Crime Victims Compensation Board.

Council authorization to execute the Professional Services Agreement with Amy Slatin is hereby requested.


Irene Gooding, Acting Director

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



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Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan Bush
Acting Commissioner

MEMORANDUM

TO: Mayor Jim Newberry and Urban County Council

FROM : *Susan Bush*
Susan Bush, Acting Commissioner
Department of Environmental Quality

DATE: September 2, 2010

RE: Change Order Request to Decrease in Solid Waste Facility Expansion Contract,
Resolution 576-2007 (FINAL)

Council approved a contract with Free Contracting in the amount of \$1,208,101.20 per Resolution 576-2007 on P.O. LF00029256. There were several additions and deletions to this contract as summarized in the attached memo from the Law Department. These changes resulted in a decrease of \$69,051.64 for the final change order.

Therefore, we are requesting a change order request be approved to decrease this contract by \$69,051.64 which will result in a final contract price of \$1,146,142.36.

June 25, 2010

CHANGE ORDER NO. 2

PROJECT: Solid Waste Facility Expansion
 OWNER: Lexington-Fayette Urban County Government
 CONTRACT: 49-2007
 CONTRACTOR: Free Contracting, Inc.

Description of Change

2a	Change to HDPE pond liner (LS)	ADD	\$520.00
2b	4" of No. 57 stone at Shed No. 2 base (1244 SY @ \$4.74/SY)	ADD	\$5,896.56
2c	Flowable fill (5 CY @ \$135/CY)	ADD	\$675.00
2d	Route water line under ductbank (LS)	ADD	\$1,383.00
2e	Curb removal (LS)	ADD	\$850.00
2f	Hand-formed curb (135 LF @ \$28/LF)	ADD	\$3,780.00
2g	Concrete Apron (7 SY @ \$65/SY)	ADD	\$455.00
2h	Beehive grate (1 EA)	ADD	\$500.00
2i	Remove existing surface inlet (LS)	ADD	\$2,500.00
2j	Lowering pipe and manholes on line A (LS)	ADD	\$1,480.00
2k	15" RCP trench sawcut and hauling (LS)	ADD	\$500.00
2l	15" RCP pipe, in place (63.68 LF @ \$67.41/LF)	ADD	\$4,292.40
2m	Paving of trench at 15" RCP-non-machine laid (26 SY)	ADD	\$2,723.00
2n	Invert modification and tie-in (LS)	ADD	\$1,250.00
2o	Credit flowable fill bid item #32 (LS)	DEDUCT	(\$1,200.00)
2p	Credit pavement in front of Shed No. 2 (251 SY @ \$31.25/SY)	DEDUCT	(\$7,843.75)
2q	Credit bid extension, bid item No. 45	DEDUCT	(\$18,000.00)

Lexington-Fayette Urban County Government/Free Contracting, Inc.
Contract 49-2007, Change Order No. 2

Page 2

June 25, 2010

2r	Headwall with bleeder trench on storm line C	ADD	\$1,847.00
2s	Electrical	ADD	\$21,542.00
2t	Reduce landscaping quantity	DEDUCT	(\$13,750.00)
2u	Delete Fencing	DEDUCT	(\$23,220.00)
2v	Paving: delete heavy duty surface (3224SY@\$3.40/SY)	DEDUCT	(\$10,961.60)
2w	Paving: delete milling	DEDUCT	(\$17,250.00)
2x	Settlement fee in lieu of liquidated damages for contract completion past December 25, 2007.	DEDUCT	(\$26,500)
2y	Quantity balance on contract item #10: additional 212 LF of type 1 curb and gutter @ \$14.00/LF	ADD	\$2,968
2z	Quantity balance on contract item #38: additional 19.91 TON of class II rip rap @ \$25.00/TON	ADD	\$497.75
2aa	Quantity balance on contract item #40: additional 1 EA cut off wall @ \$2,000 EA	ADD	\$2,000
2ab	Quantity balance on contract item #48: additional allowance for karst investigation and mitigation	ADD	\$151
2ac	Delete contract item #46: Bituminous pavement and sub base for picnic area	DEDUCT	(\$6,137.00)
TOTAL VALUE OF THIS CHANGE ORDER:		DEDUCT	(\$69,051.64)

Lexington-Fayette Urban County Government/Free Contracting, Inc.
 Contract 49-2007, Change Order No. 2
 Page 3
 June 25, 2010

Contract Price Adjustment

Original Contract Price	\$1,208,101.20
Previous Change Order Adjustments	\$7,092.80
Adjustment in Contract Price this Change Order	(\$69,051.64)
Current Contract Price including this Change Order	\$1,146,142.36

Contract Completion Date Adjustment

Original Contract Completion Date	December 25, 2007
Contract Completion Date Adjustments due to previous Change Orders	NONE
Contract Completion Date Adjustments due to this Change Order	NONE
Current Contract Completion Dates including all Change Orders	December 25, 2007

This document shall become a supplement to the Contract and all provisions will apply hereto.

RECOMMENDED


 ENGINEER—Strand Associates, Inc.

9-2-10
 Date

APPROVED

 Pres.
 CONTRACTOR—Rhonda Fister

7. 21. 10
 Date

APPROVED

OWNER—Mayor Newberry

Date



449-10

43

Lexington-Fayette Urban County Government
DEPARTMENT OF THE SENIOR ADVISOR / CIO

Jim Newberry
Mayor

Rama Dhuwaraha
Senior Advisor / CIO

TO: Mayor Jim Newberry
Urban County Council

FROM: Susan Bush, Commissioner Environmental Quality
Rama Dhuwaraha, Chief Information Officer *KD*

DATE: September 3, 2010

RE: Enterprise Document Management System
OnBase installation, configuration, and integration for Water Quality's Accela Automation

Authorizing the Mayor to execute the installation and configuration of Hyland's Enterprise Document Management (EDM) System, (OnBase). VeBridge, (Hyland's Lexington-based, authorized software vendor), will install, configure, and integrate the EDM to Water Quality's Asset Management application (Accela Automation). This project is scheduled to begin October 11, 2010.

In May 2010, the Urban County Council approved the upgrade our EDM enterprise license from Liberty to Hyland. This project expands on that approval to install and configure the systems for use.

An enterprise document management system will provide LFUCG the ability to efficiently scan, store, retrieve, and share documents throughout the organization. It eliminates redundant storage of data by allowing documents and other resources to be stored in a central location. Documents are indexed and catalogued with naming conventions, allowing users to quickly search and access information. Documents can be retrieved through the system's interface or accessed by other systems.

After Water Quality's Accela "go live" in May 2011, the EDMS will be available to other Departments/Divisions within the LFUCG. This project is fully funded (accounting listed below).

Fund	Dept ID	Section	Account	Bud Ref	PC Bus Unit	Project/Grant	Activity
4003	303401	3425	71205	2011	LFUCG	SOFTWARE_2011	CONSENT_DE



448-10

44

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY

Jim Newberry
Mayor

Susan C. Bush
Acting Commissioner

To: Jim Newberry, Mayor
Urban County Council

From: Gregory S. Lubeck, P.E., CFM
Municipal Engineer Senior

Date: August 30, 2010

RE: USGS Gage Network Agreement

With this memorandum is an agreement between the Lexington-Fayette Urban County Government and the United States Geological Survey for the continued operation and maintenance of existing stream flow and rain gauges. These gauges were installed in 1997 by the USGS, and this agreement will assure necessary maintenance for the period October 1, 2010 through June 30, 2011. Prior to June 30, 2011, another agreement with the USGS will be submitted. This agreement will run from July 1, 2011 until June 30, 2012, allowing the agreements to coincide with LFUCG fiscal years instead of federal fiscal years.

The USGS will provide complete maintenance and collect all data. Any station that fails to operate or is damaged will be repaired by USGS at no cost to LFUCG. Each station will be checked and calibrated monthly by USGS. All data is retrieved via satellite and is made available to us.

This program is ongoing and will require annual funding for proper performance. Funding for this year's agreement for \$67,680.00 is included in the FY 2011 annual budget.

Accounting Information: 4051-303204-3341-71299

Approved by:

Charles Martin, P.E.
Director of Water Quality

Susan C. Bush
Acting Commissioner of Environmental Quality

C: Cassie Felty
File

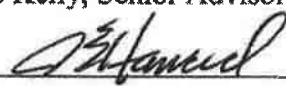
238-10



Jim Newberry, Mayor
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Parks & Recreation
Jerry Hancock, Director

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Senior Advisor to the Mayor

FROM: 
Jerry Hancock

RE: Exchange of Services

DATE: September 13, 2010

This is a request for Council approval of an exchange of services between the Division of Parks and Recreation and Big Ass Fans of Lexington. Big Ass Fans has offered to install two 10' Isis Model Exhaust Fans @ \$3,000 each, along with the installation of 2 fans @ \$1,700 each with a retail value of \$9,400.00 in the Castlewood Gym in Castlewood Park where they will be used to ensure a more cost effective and energy efficient means of cooling the gym area. The Division of Fleet and Facilities Management has estimated that an annual energy savings of \$912.00 is expected from using the fans to move heated and cooled air from the ceiling to the floor.

Big Ass Fans of Lexington is asking that Parks provide them with co-recreational rental services in exchange for this donation. The value of the recreational services (gym time, pool passes, softball field use, etc) is estimated at \$9,600. In effect the LFUCG would benefit to the extent of the energy savings that will accrue each year on an on-going basis.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac



450-10

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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: IRENE GOODING, ACTING DIRECTOR
DIVISION OF COMMUNITY DEVELOPMENT**

DATE: SEPTEMBER 2, 2010

**SUBJECT REQUEST COUNCIL AUTHORIZATION TO EXECUTE
AMENDMENT TO AGREEMENT WITH KENTUCKY
TRANSPORTATION CABINET FOR THE HEALTHWAY TRAIL
PROJECT**

On November 2, 2006 (Ordinance No. 318-2006), the Urban County Council approved the acceptance of a grant award from the Kentucky Transportation Cabinet of federal funds for the construction of a portion of the Healthway Trail system for pedestrians and bicyclists in southwest Fayette County.

On June 11, 2009 (Resolution No. 398-2009), Council authorized execution of an Amendment to Agreement extending the project through June 30, 2010.

Since final payment has not been made, Kentucky Transportation Cabinet has requested execution of an Amendment to the Agreement, establishing a revised termination date of June 30, 2011. Kentucky Transportation Cabinet is requesting the submission of a resolution approving this amendment.

Council authorization to execute Amendment to Agreement is hereby requested.


Irene Gooding, Acting Director

Xc: Kimra Cole, Commissioner, Department of General Services



453-10

47

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

To: Jim Newberry, Mayor
Urban County Council Members
Joe Kelly, Senior Advisor to the Mayor

FROM:


Jerry Hancock

RE: Jacobson Halloween Event

DATE: September 10, 2010

This is a request for Council approval to enter into an agreement between the Lexington Fayette Urban County Government and Hustonville, LLC for a Halloween event at Jacobson Park beginning September 23, 2011 and continuing through October 31, 2011.

Hustonville, LLC will obtain an insurance certificate in the proper amounts for this event and provide same prior to the event.

Please contact me if there are any questions.

CC: Kimra Cole, Commissioner of General Services

JEH/bac



Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Newberry
Mayor

Kimra Cole
Commissioner

MEMORANDUM

TO: Mayor Jim Newberry
Urban County Council
Joe Kelly, Senior Advisor for Management

FROM: Kimra Cole
General Services Commissioner

DATE: September 8, 2010

RE: Disposal of Surplus Properties

It is our request that Urban County Council grant approval for authorization of the disposal of the following two parcels of land, where LFUCG and Fayette County are shown as the owner in the PVA records. The parcels are listed as follows:

NO	Street Name	Parcel ID	Acres	Square Ft	Council Dist	Owner
359	E Third St	12482900	0.048	2,065	1	LFUCG
950	Whitney Ave	04037020	0.584	25,448	2	Fayette County

The Department of General Services conducted a request for information from various departments within LFUCG to determine parcels owned by the government that could potentially be considered for disposal as surplus. As a result, and after a review was conducted by the Department of Law, General Services desires to offer these two parcels for consideration for disposal. Each address will be offered for bid as an individual parcel with LFUCG reserving the right to reject any and all bids. A reserve would not be placed on the bids. These are both vacant parcels with no structures on either of the sites. The 359 E Third Street parcel does not carry values for the acreage nor square footage in the PVA records and values shown have been estimated. GS believes there is approximately 0.048 acres, or 2,065 square feet in the parcel. Should there be no bidders for one or both of the parcels, other avenues will be explored for their disposal.

445-10



LFUCG 359 E. Third
Proposed LFUCG Surplus

Scale: 1 inch = 104 feet

4-5-10



445-10



Fayette County LFUCG 950 Whitney Ave.
Proposed LFUCG Surplus

Scale: 1 inch = 104 feet





452-10

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Lexington-Fayette Urban County Government
OFFICE OF THE MAYOR

Jim Newberry
Mayor

TO: Mayor Jim Newberry
Urban County Council

FROM: Anthony Wright *AW*
Mayor's Office of Economic Development

DATE: September 8, 2010

RE: IRB – Centenary United Methodist Church, Inc.

The IRB Committee met on September 7, 2010 and unanimously approved the application of Centenary United Methodist Church, Inc., requesting that the Lexington-Fayette Urban County Government issue up to \$3,500,000 in Industrial Revenue bonds, which will be used for the refinancing of outstanding debt.

The refinancing, which is being driven by adverse changes in market conditions, is for the outstanding debt related to its location at 2800 Tates Creek Road (\$1.1M of capital improvements) and land at 4701 Athens Boonesboro Road (\$2.4M). Because this refinancing does not involve any new construction, the IRB Committee also recommended that no inducement resolution be required.

There is no cost or liability to the Urban County Government in issuing the bonds.

cc: IRB Committee
David Barberie, Department of Law
Linda Rumpke, Commissioner, Finance & Administration



Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TO: URBAN COUNTY COUNCIL

CC: JOE KELLY, SENIOR ADVISOR FOR MANAGEMENT

FROM: MAYOR JIM NEWBERRY *JSN*

DATE: SEPTEMBER 14, 2010

SUBJECT: REQUEST COUNCIL APPROVAL OF AN ORDINANCE AMENDING CHAPTER 25 OF THE ETHICS ACT TO CREATE A NEW SECTION RELATING TO LOBBYING.

Before your 2009 Winter Break, I provided you with a draft copy of the Lobbyist Registration Ordinance I am proposing be adopted for Urban County Government in an effort towards our mutual goal of becoming a more open, accountable and transparent government on behalf of our citizens. I requested that Council take up the issue at either a Council Work Session or a Council Committee meeting upon your return in 2010. To my knowledge, no action has been taken by the Council to adopt or reject this ordinance.

Therefore, please find attached to this Blue Sheet a copy of the Lobbyist Registration Ordinance for formal Council action. The Law Department drafted the ordinance and its language was taken in large measure from the Kentucky Revised Statutes governing the registration and reporting requirements of lobbyists at the state level for both the executive and legislative branches. You may also recall from my December letter to you that the draft was also shared with the Ethics Commission for their feedback.

The fundamental purpose of this ordinance is to strengthen the transparency of government by providing more information to citizens. The public has a right to know who is paying and who is being paid in an effort to influence the decisions of Urban County Government. Just like the state requirement, this ordinance would require anyone who is being paid to lobby local elected officials or local government officers to register with the Council Clerk, report the name of their employer(s) and report any expenses associated with their efforts. Again, just like the state, this information would be available for public review. There are some reasonable exceptions to the registration requirement listed in Section 1 (I) of the ordinance.

As I have said, while I believe the proposed ordinance is a solid step in the right direction, I welcome any changes to the ordinance that will make it better.

I appreciate your consideration of this ordinance and request Council approval.

HORSE CAPITAL OF THE WORLD

ORDINANCE _____-2010

AN ORDINANCE AMENDING CHAPTER 25 OF THE ETHICS ACT TO CREATE A NEW SECTION REQUIRING THE REGISTRATION OF LOBBYIST AND ESTABLISHING FEES AND PENALTIES.

WHEREAS, the vitality and stability of the government depends upon the public's confidence in the integrity of its government and elected officials; and

WHEREAS, the proper operation of democratic government requires that a public official be independent and impartial; and

WHEREAS, the government has a duty to provide its citizens with standards by which they may determine whether public duties are being faithfully performed, and to make its elected officials aware of the standard which the citizenry rightfully expects them to comply with while conducting their public duties; and

WHEREAS, the operation of open and responsible government requires that the citizenry be afforded the opportunity to petition their government to freely express their opinions on executive agency decisions and/or legislative actions; and

WHEREAS, the identity of and expenditures by certain individuals who attempt to influence executive agency decisions and/or legislative actions of the urban county council should be reported so that the citizenry has an opportunity to inspect the records relating to the actions of those individuals so that actions may be regulated and the integrity of the government be maintained and preserved.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1: That section 25-31 of the Code of Ordinances be and hereby is created to read as follows:

(1) Definitions. For purposes of this section, the following shall be defined as:

(a) "activity expense" - any expense incurred by the lobbyist or his employer for the purpose of influencing or attempting to influence executive agency decisions or legislation, including but not limited to gifts, commercials, billboards, leaflets, opinion polls and the like.

(b) "candidate" - shall mean an individual who seeks nomination to the position of officer. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.

(c) "communicating or attempting to communicate" - shall include but not be limited to: telephone calls, meetings, electronic mail messages, letters and other mailings, invitations to events, billboards, or advertisements or the giving of gifts which would not violate the urban county government gift policy to officers for the purposes of influencing executive agency decisions or legislation of the urban county council.

(d) "compensation" - means to receive money or to have some other direct or indirect financial interest.

(e) "employer" - means any association, coalition, group, person, business or public interest entity who engages a lobbyist ;

(f) "engage" or "engagement" - means any arrangement by which an individual is employed or retained for compensation to act for or on behalf of an employer to lobby.

(g) "executive agency" means the office of the mayor or a department and/or division of the urban county government

(h) "executive agency decision" means a decision of the executive agency regarding the expenditure of funds of the urban county government with respect to the award of a contract, grant, lease or other financial arrangement under which those funds are distributed or allocated.

(i) "immediate family member" - shall mean a spouse, an unemancipated child residing in the officer's household, or a person claimed by the officer or officer's spouse as a dependent for tax purposes.

(j) "legislation" - ordinances and resolutions passed by the urban county council.

(k) "lobbying" - the practice of attempting to influence executive agency decisions or legislation by the giving of gifts that do not violate the urban county government gift policy or by communicating or urging others to communicate orally, electronically or in writing, with an officer to introduce legislation, to promote, advocate, or oppose the passage, modification, defeat or mayoral veto of any legislation or to influence any executive agency decision.

(l) "lobbyist" - any individual who is engaged and compensated by an employer and who spends a portion of or all of his time promoting or otherwise attempting to influence legislation of the urban county council or any executive agency decision on behalf of the employer. "Lobbyist" shall not include:

(1) a person who appears before the urban county council or any of its committees or subcommittees, with or without compensation, and does not contact an officer individually or the officer's staff.

(2) a private citizen who appears before the urban county council without compensation and expresses a personal opinion.

(3) an official or employee of the government who is representing his own interest.

(4) a bona fide newsgathering organization such as a local newspaper of general circulation or local television station or its employees or agents who are engaged in the publishing or broadcasting of news items, editorial comments, or paid advertisements which directly or indirectly influence legislation.

(5) representatives of agencies created by or funded by the urban county government who communicate

with officers either on their own initiative or at the request of an officer(s).

(6) an individual who volunteers personal time to work without pay or other consideration on a lobbying campaign.

(7) commissioners, division directors, , or any other urban county government employee who appears before the mayor or urban county council as part of their official job duties.

(m) "officer" - shall mean the, mayor, any member of the mayor's staff, any commissioner, division director or member of the urban county council.

(n) "officer's staff" - shall mean all employees in the urban county council office, mayor's office and the staff of any commissioner or division director

(2) Registration.

(a) Within seven calendar days following the engagement of a lobbyist by an employer, each lobbyist and employer shall jointly file with the council clerk on behalf of the Ethics Commission, along with a \$125.00 filing fee, an initial registration statement for each employer which shall include the following:

(1) The name, business address, telephone number, and occupation of the lobbyist;

(2) The name, brief description of the nature of the business, business address and telephone number of the employer, and the real party in interest on whose behalf the lobbyist is lobbying, if different than the employer;

(3) A brief description of the executive agency decision, legislation or issues for which the lobbyist is or will be engaged to lobby on behalf of the employer;

(4) The date that the lobbyist was engaged; and

(5) A certification by the lobbyist and the employer that the information contained in the registration form is complete and accurate.

(b) No lobbyist shall contact any officer or the officer's staff nor shall a lobbyist make expenditures to influence any executive agency decision or legislation without first registering with the council clerk and complying with the disclosure requirements of this chapter. No officer or the officer's staff shall knowingly meet with a nonregistered lobbyist.

(c) A lobbyist shall be subject to all registration, reporting and other requirements and prohibitions imposed by this section until the person ceases all lobbyist activities and files a lobbyist termination statement with the office of the council clerk on behalf of the Ethics Commission. A lobbyist termination statement shall include all information required by subsection (4) of this Section for the calendar quarter in which lobbying activities are terminated. A lobbyist termination statement shall be filed no later than fifteen (15) days after the date that the lobbyist ceases all lobbyist activity for a particular employer.

(d) The registration shall expire on December 31 of each year and shall be renewed by submitting a new or updated registration form and paying a renewal fee in the amount of \$75.00 for each employer.

(3) Lobbyist identification. Upon registering, the lobbyist shall be issued a card by the council clerk on behalf of the Ethics Commission, showing that the lobbyist is registered. The registration card shall contain a registration number. When speaking before the urban county council or in any communications to any officer or the officer's staff, the lobbyist shall identify himself by stating his name and the fact that he is registered as a lobbyist.

(4) Quarterly Reports. Each lobbyist shall file with the council clerk quarterly reports containing the information specified in this

subsection. The quarterly reports for the period starting January 1 and ending March 31 shall be filed no later than April 15; the quarterly report for the period starting April 1 and ending June 30 shall be filed no later than July 15; the quarterly report for the period starting July 1 and ending September 30 shall be filed no later than October 15; and the quarterly report for the period starting October 1 and ending December 31 shall be filed no later than January 15. The quarterly reports shall include the following information:

(a) all activity expenses incurred by the lobbyist during the reporting period including the following:

- (1) the date and amount of the activity expense;
- (2) a description of the activity expense.
- (3) total amount of lobbying activity expenses made by or on behalf of an employer.
- (4) a complete itemized statement of all amounts expended for events or communication with the intent to influence legislation.
- (5) a list of gifts given to an officer or an immediate family member, if any. The list should include the type of gift, the recipient of the gift and the dollar amount of the gift.
- (6) if it is impracticable or impossible for a lobbyist or employer to determine exact dollar amounts or values of activity expenses, reporting of good faith estimates, based upon reasonable accounting procedures, constitutes compliance with this subsection.

(b) The quarterly reports shall be signed by the lobbyist and the employer.

(c) The quarterly report shall confirm the continuing existence of each engagement described in the initial registration or renewal form.

(d) A list of the specific issues, executive agency decisions, ordinances and/or resolutions on which the lobbyist engaged in lobbying during the period covered by the quarterly report and the total number of contacts made to an officer concerning a specific issue, ordinance or resolution.

(e) Any change in any information required on the registration form or quarterly report, shall be reflected in the next quarterly statement filed under subsection 4 of this section.

(f) Any other information required by the Ethics Commission consistent with the purposes and provisions of this section.

(5) Termination of Engagement.

(a) Within thirty (30) days after the termination of any engagement, a lobbyist who was employed under the engagement shall file a written notice of termination with the council clerk on behalf of the Ethics Commission.

(b) If the termination of the lobbyist leaves the employer without the engagement of any lobbyist, within thirty (30) days after the termination, the employer shall file written notice with the council clerk on behalf of the Ethics Commission of its intent to terminate its current registration.

(6) Prohibitions against certain conduct. A lobbyist or an employer shall not engage in the conduct set forth below:

- (a) fail to register as a lobbyist or an employer, fail to file a renewal registration form, fail to file a quarterly report, or fail to file notice of termination, if applicable.
 - (b) knowingly offer, give or agree to give a gift which violates the urban county government gift policy or exceeds the gift policy limit of \$35.00 to an officer, or immediate family member.
 - (c) serve as a campaign treasurer or as a fundraiser for a candidate for the position of officer.
 - (d) make campaign contributions to an officer, candidate, or campaign committee of an officer or candidate.
 - (e) contact any officer in the name of any fictitious person or in the name of any real person, except with the consent of such real person.
 - (f) attempt to evade the obligations imposed by this section through the use of agents, associates or employees.
 - (g) engage, appoint or retain a current or former officer as a lobbyist until two (2) full calendar years have elapsed from the date on which the officer vacated his office.
 - (h) No person shall engage any person to lobby in exchange for compensation that is contingent in any way upon the passage, modification or defeat of any executive agency decision or legislation. Further, no person shall accept any engagement to lobby in exchange for compensation that is contingent in any way upon the passage, modification, or defeat of any executive agency decision or legislation.
- (7) Dispute resolution between lobbyist or employer and officer.
- (a) An employer or lobbyist who is required to file a quarterly report listing activity expenses shall deliver a

copy of the report to all officers with whom or for whose benefit the transaction was made at least ten (10) days before the date on which the statement is filed.

- (b) If a dispute arises between a lobbyist or employer and an officer concerning activity expenses reported in the quarterly report, either party may file a complaint with the Ethics Commission who shall investigate the complaint pursuant to Section 25-23 of this Chapter.
- (c) If the Ethics Commission determines that an activity expense should have been included, the employer or lobbyist shall file an amended quarterly report no later than ten days after it receives the decision of the Ethics Commission.

(8) Penalties.

(a) Any lobbyist or employer who fails to file the initial registration statement, renewal statement, or quarterly report or who fails to remedy a deficiency in any filing in a timely manner may be fined by the Ethics Commission an amount not to exceed one hundred dollars (\$100) per day, up to a maximum fine of one thousand dollars (\$1,000) without a complaint being filed.

(b) Any lobbyist or employer who fraudulently reports an activity expense shall be found guilty of filing a false quarterly report and shall pay a amount not to exceed \$500.00.

(c) Prior to the imposition of the fine, notice shall be given to the alleged violator of the intent to impose a fine, including the amount of the fine, and an opportunity shall be afforded the alleged violator to appear before the Ethics Commission or otherwise offer evidence as he may choose in mitigation of the imposition of the fine.

(d) Any lobbyist or employer who violates any other provisions of this section shall be fined an amount not to exceed \$500.00.

(e) All penalty funds collected shall be deposited in the general fund of the urban county government.

(9) Ethics Commission duties and responsibilities.

(a) All information required under this section shall be filed with the council clerk on forms provided by the council clerk on behalf of the Ethics Commission. All forms are public records and open for public inspection. The Ethics Commission shall provide copies of completed forms to the general public upon request and may charge a reasonable fee not to exceed the cost of copying each page of the requested document.

(b) The filer shall verify, under penalty of perjury, the accuracy and completeness of the information provided under this section. The filer shall retain for a period of 5 years, all papers, books, documents necessary to substantiate the registration and disclosure reports required by this section.

(c) For the purposes of this section, the Ethics Commission shall have the following powers and duties:

(1) Provide forms for reporting all information required by this section.

(2) Issue a registration number of each registered lobbyist.

(3) Provide a list of all registered lobbyists.

(4) Provide formal and informal advice regarding the duties under this section.

(5) Adopt reasonable and necessary rules and regulations for the implementation of this chapter.

(d) The Ethics Commission may publish a handbook that explains this section of Chapter 25 and make it available, upon request, for a fee not to exceed the cost of copying.

(e) No later than April 15 of each year, the Council clerk, on behalf of the Ethics Commission, shall publish a report containing statistical information concerning the registration statements filed for the preceding year.

(f) Investigate complaints arising from activity expenses reported on the quarterly reports.

(g) In addition to any penalties outlined in this section, the Ethics Commission may refer any information concerning violations of this section to the county attorney, or any other appropriate person or body as necessary.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

X:\Cases\MAYOR\07-CC0072\LEG\00114563.DOC - VERSION8



457-10 66

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TO: URBAN COUNTY COUNCIL

FROM: SHAYE RABOLD, CHIEF OF STAFF, MAYOR'S OFFICE

DATE: SEPTEMBER 14, 2010

SUBJECT: COUNCIL AUTHORIZATION TO ENTER INTO PURCHASE OF SERVICE AGREEMENT WITH BLUEGRASS STATE GAMES, INC.

Please find enclosed a Purchase of Service Agreement between Lexington-Fayette Urban County Government and the Bluegrass State Games, Inc. for the purposes of organizing and executing the Bluegrass State Games. The annual Bluegrass State Games is the result of a longstanding partnership between the organization and LFUCG.

Funds in the amount of \$52,500 were approved in the FY2011 budget.

Council authorization is requested to enter into the agreement with the Bluegrass State Games, Inc.

HORSE CAPITAL OF THE WORLD

200 East Main Street Lexington, KY 40507 (859)258-3100 Fax 859-258-3194 www.lfucg.com

BUDGET AND FINANCE COMMITTEE
AUGUST 31, 2010
SUMMARY

Chair Stinnett called the meeting to order at 1:00. All committee members present except Council Members, Gorton and Myers.

Review and Discussion of FY2010 Revenue for July 2010

Rumpke covered comparative unemployment rates which are still causing revenue challenges, she added employers are reluctant to hire. Economic indicators were covered, home sales are still down in July, nationally are down 12.38%, even more in single family homes, in regard to foreclosures there are 4-6 months backlog. The bond market situation was mentioned saying there is currently a unique interest rate environment.

Bill O'Mara showed July actual/adopted budget numbers, OLT employee withholding, OLT net profit, insurance & franchise fees. He showed 2010 OLF amnesty results, total amnesty was \$1,704,000, new accounts were 245, and total accounts were 1150.

Comprehensive Debt Management Policy

Financial Policy Development Plan - James question about meetings on debit management and how the proposed draft come about. She objected to not being aware of sub committee work. Rumpke thanked those involved with research on debt management policy. She provided a handout outlining the draft plan and covered some highlights of it.

Ryan Barrow addressed test of affordability/capacity, debt service as a percent of operating expenditures saying the target is 10% metric. Gray asked what funds were referred and was told the general fund. The presentation also compared debit service as a percent of recurring revenue, target also 10%. Rumpke explained why it was important to show recurring revenue, saying many in the industry are looking at this metric

There was a question from Stinnett about delay of bonding, he asked Rumpke for scenarios to consider confirming November is the earliest date to go to market. Lane asked what was required by council to go forward. Rumpke said council authorization would be required. Gray asked O'Mara about amnesty results and relevancy to net profits. He added this gives us a look at what's happening with business. O'Mara said we have fewer new tax payers and provided a breakdown of \$1,353,600 explaining what portion was net profit. Lane asked a question about tax returns in relation to calendar year and how that falls. Stinnett followed up stating one million dollars was budgeted for tax amnesty.

Stinnett went over some follow up points regarding today's presentation. He also mentioned need for a capital management policy, asking Rumpke and staff for a draft of a capital management policy. Lane said a capital management policy was needed in regard to assets. James asked for confirmation of what type of capita. Rumpke said the need to have some type of ranking process was important. James asked about having a collaborative process and how to make that happen, Rumpke explained some committees use a point system and how projects/requests are reviewed, adding the financial aspect is only one part of that process. Stinnett said policy also needs to consider the urban services fund. He asked if everyone is in agreement to come up a draft policy subcommittee. James supports covering this via a subcommittee.

Stinnett asked for a plan going forward so we'll know when to schedule further meetings. Rumpke shared her thoughts saying they were going to immediately jump into the CIP process. This should take another 6 days or so. She suggested bringing CIP info back in a draft form. Beard asked for explanation of measurement on an on-going basis. Rumpke said we would be looking at numbers on a quarterly basis and forecasting to the best of our ability. She said the goal was to be able to model and forecast. Beard also asked about amnesty money saying we would need to do the official calculation on the audit numbers. He remarked how the revenue numbers from tax amnesty are all over the place. Rumpke said we can come up with some recommendations on those questions.

Gray recalled to O'Mara his perspective on how effective strength of our revenue was and earlier conversations about 10% target. O'Mara said we can do a percentage all day long, he meant they have the power and council has responsibility of determining what influences are incorporated. James referred to benchmarks used for research asking Ryan to share them. She was looking for a deeper economic analysis. Ryan explained the method used to tackle this question; they did not do a collective model but used 10-15 policies taking aspects from each. She stated she thought the entire committee needed to see that info. Ryan envisions this to be a policy not an ordinance.

Minimum License Fee Proposal

O'Mara said the budget called for a change in the due date, would now be paid April 15 when other fees are paid. He also covered other changes proposed and details on each of them. Beard asked about proposal for sole proprietors, if total gross receipts from business activity are less than \$4400.00 can apply for exemption from the min. license fee, he wanted to know how \$4400.00 was determined. Lane commented about additional expenses involved with collecting this money.

- Motion by Lane to forward the minimum license fee proposal to full council in three weeks, seconded by Henson, motion passes without dissent.
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- Meeting adjourned at 2:03