Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Tuesday, May 21, 2013

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

URBAN COUNTY COUNCIL
SCHEDULE OF MEETINGS
May 20 – May 27, 2013

Monday, May 20
No Meetings

Tuesday, May 21
Budget COW – Links Report Out……………..……………………..……..11:30 am
Conference Room – 5th Floor Government Center

Council Work Session…………………………………………………….……..3:00 pm
Council Chamber – 2nd Floor Government Center

Wednesday, May 22
Parks Advisory Board……………….…………….…………………………4:30 pm
Picadome Golf Course – 469 Parkway Drive

Thursday, May 23
Quarterly COW - **CANCELLED**…………………..……………………………..4:30 pm
Conference Room – 5th Floor Government Center

Council Meeting……………….………………………………………….……..6:00 pm
Council Chamber – 2nd Floor Government Center

Friday, May 24
No Meetings

Monday, May 27
Memorial Day Holiday – Office Closed

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

TABLE OF MOTIONS

May 14th, 2013

Vice Mayor Gorton chaired the meeting and called it to order at 3:00pm. Council Members VM Gorton, Chuck Ellinger, Steve Kay, Shevawn Akers, Diane Lawless, Julian Beard, Bill Farmer, Kevin Stinnett, Jennifer Scutchfield, George Myers, Jennifer Mossotti, Harry Clarke, Peggy Henson, and Ed Lane. Chris Ford was absent.

I. Public Comment – Issues on Agenda – No

II. Requested Rezonings / Docket Approval – No

III. Approval of Summary – Yes

Motion by Ellinger to approve the summary. Seconded by Myers. Motion passed without dissent.

IV. Budget Amendments – No

V. New Business – Yes

Motion by Gorton to amend item E to state that the Division of Building Inspection and the Division of Code Enforcement, along with all authorized positions and incumbents, will transfer from the Division of Public Safety, not the Division of Environmental Quality, to the Department of Planning, Preservation, and Development. Seconded by Lawless. Motion passed without dissent.

Motion by Stinnett to approve the new business items. Seconded by Ellinger. Motion passed without dissent.

VI. Continuing Business / Presentations – Yes

Motion by Stinnett to approve the Neighborhood Development Funds (NDF). Seconded by Akers. Motion passed without dissent.

VII. Council Reports – Yes

VIII. Mayor's Report – No

IX. Public Comment – Issues Not on Agenda – No

X. Adjournment – Yes

Motion by Stinnett to adjourn. Seconded by Gorton. Motion passed without dissent.

Lexington-Fayette Urban County Government
Work Session Packet
May 21, 2013

I. Public Comment - Issues on Agenda

II. Requested Rezonings/ Docket Approval – Yes

III. Approval of Summary – Yes, p. 1

IV. Budget Amendments – Yes, p. 7 - 11

V. New Business – Yes, p. 12 - 57

VI. Continuing Business/ Presentations

- **a** Neighborhood Development Funds, May 21, 2013, p. 58 - 60
- **b** Public Safety Committee Summary, May 2013, p. 61 - 67
- **c** General Government Committee Summary, May 2013, p. 68 - 71

VII. Council Reports

VIII. Mayor's Report – Yes

IX. Public Comment - Issues Not on Agenda

X. Adjournment

Administrative Synopsis - New Business Items

a **0486-13** <u>Authorization to amend the 1957 agreement with CSX Railroad to allow relocation of a sanitary sewer trunk line from CSX right of way onto the Eastern State Hospital/BCTC Campus on Newtown Pike. (L0486-13) (Martin/Moloney)</u>

This is a request to amend the 1957 agreement with CSX Railroad to allow relocation of a sanitary sewer trunk line from CSX right of way onto the Eastern State Hospital/BCTC Campus on Newtown Pike. There is no budgetary impact. p. 12

b **0487-13** <u>Authorization to execute an agreement with the United States Geological Survey for the continued operation and maintenance of existing stream flow and rain gauges. (L0487-13) (Martin/Moloney)</u>

This is a request to execute an agreement with the United States Geological Survey for the continued operation and maintenance of existing stream flow and rain gauges for a cost is $108,480 for FY 2014. Funds are budgeted. p. 13

c **0488-13** <u>Authorization to amend Section 21-5 of the Code of Ordinances transferring one position of Network Security Engineer (Grade 119E) from the Division of Computer Services to the Division of Enterprise Solutions. (L0488-13) (Maxwell/Hamilton)</u>

This is a request to amend Section 21-5 of the Code of Ordinances transferring one position of Network Security Engineer (Grade 119E) from the Division of Computer Services to the Division of Enterprise Solutions. There is no budgetary impact.
p. 14

d **0493-13** <u>Authorization to execute agreements with MailFinance Inc. for lease of mailroom equipment, with Central Business System for maintenance of the equipment, and with Neopost USA Inc. for rental of a postage meter located in the basement of the Government Center. (L0493-13) (Reed)</u>

This is a request to execute agreements with MailFinance Inc. for lease of mailroom equipment, Central Business System for maintenance of the equipment, and Neopost USA Inc. for rental of a postage meter located in the basement of the Government Center. The agreements are for multi-year price contracts, include an equipment upgrade and annual maintenance, and are for a term of sixty (60) months beginning July 1, 2013 and ending June 30, 2018, subject to sufficient funds being appropriated in future fiscal years. p. 15

e	**0496-13**	Authorization to execute a Letter of Agreement with Dean Dorton Allen Ford, PLLC to compile the financial statement of the Fayette Co. Sheriff's Settlement - 2012 Taxes. (L0496-13) (O'Mara) This is a request to execute a Letter of Agreement with Dean Dorton Allen Ford, PLLC to compile the financial statement of the Fayette Co. Sheriff's Settlement - 2012 Taxes, for an amount not to exceed $12,000. Funds are included in the FY2014 Mayor's proposed budget. p. 16
f	**0498-13**	Authorization to execute a Letter of Agreement with Dean Dorton Allen Ford, PLLC to conduct the audit for the LFUCG Stormwater Fund for the purpose of ensuring certain requirements included in Ordinance No. 73-2009. (L0498-13) (O'Mara) This is a request to execute a Letter of Agreement with Dean Dorton Allen Ford, PLLC to conduct the audit for the LFUCG Stormwater Fund for the purpose of ensuring certain requirements included in Ordinance No. 73-2009, for a cost not to exceed $12,000. Funds are budgeted. p. 17
g	**0511-13**	Authorization to execute a Letter of Agreement with Dean Dorton Allen Ford, PLLC to conduct a financial audit of all LFUCG funds for fiscal year 2013. (L0511-13) (O'Mara) This is a request to execute a Letter of Agreement with Dean Dorton Allen Ford, PLLC to conduct a financial audit of all LFUCG funds for fiscal year 2013 for an amount not to exceed $149,000. This agreement does not include the audit of the Sheriff's collection of property taxes nor the issuing of a consent and citation of expertise related to selling bonds. Funds are included in the FY2014 Mayor's proposed budget. p. 18
h	**0512-13**	Authorization to increase franchise fees to 4% for the five (5) impacted franchisees (Kentucky Utilities, Blue Grass Electric, Clark Energy, Columbia Gas, and Delta Natural Gas) effective July 1, 2013. (L0512-13) (Hamilton) This is a request to increase franchise fees to 4% for the five (5) impacted franchisees (Kentucky Utilities, Blue Grass Electric, Clark Energy, Columbia Gas, and Delta Natural Gas) effective July 1, 2013. p. 19 - 21
i	**0514-13**	Authorization to execute franchise agreements with all the responsive bidders to the short term Telecommunications Franchise Ordinance (No. 50-2013). (L0514-13) (Hamilton) This is a request to execute franchise agreements with all the responsive bidders to the short term Telecommunications Franchise Ordinance (No. 50-2013). There is no budgetary impact. p. 22

j	**0516-13**	Authorization to convert Lewis Street to one-way and to facilitate additional parking for the Charles Young Center. (L0516-13) (Moloney) This is a request to convert Lewis Street to one-way and to facilitate additional parking for the Charles Young Center. p. 23 - 26
k	**0520-13**	Authorization to accept a donation of a military surplus ARFF vehicle secured via Government Surplus through the Kentucky Fire Commission. (L0520-13) (Jackson/Mason) This is a request to accept a donation of a military surplus ARFF vehicle secured via Government Surplus through the Kentucky Fire Commission. This truck will replace E50 at Bluegrass Station which has been out of service since December and is non repairable. The estimated current value is $165,000. p. 27
l	**0522-13**	Authorization to create Article XIII, Sections 301 - 307 of Chapter 16 and amend Section 5-30 of the Code of Ordinances for the purpose of implementing the sanitary sewer system Capacity Assurance Program (CAP). (L0522-13) (Martin/Moloney) This is a request to create Article XIII, Sections 301 - 307 of Chapter 16 and amend Section 5-30 of the Code of Ordinances for the purpose of implementing the sanitary sewer system CAP. There is no budgetary impact. p. 28 - 39
m	**0526-13**	Authorization to submit application and execute Memorandum of Agreement if approved, to the Kentucky Department for Local Government under the Energy Efficiency and Conservation for Local Governments Program. (L0526-13) (Gooding/Moloney) This is a request to submit application for an amount of $100,000 and execute Memorandum of Agreement if approved, to the Kentucky Department for Local Government under the Energy Efficiency and Conservation for Local Governments Program. p. 40
n	**0527-13**	Authorization to rescind Resolution 154-2011 authorizing a change order to Gershman, Brickner & Bratton, Inc. (GBB) to complete contractual work for the Division of Waste Management's RouteWare Program. (L0527-13) (Moloney) This is a request to rescind Resolution 154-2011 authorizing a change order in the amount of $66,000 to GBB to complete contractual work for the Division of Waste Management's RouteWare Program. The Change Order was not awarded and the contract has been closed. Rescinding the resolution will allow the Council Clerk to finalize clerical documentation. p. 41 - 45

o	**0531-13**	Authorization to execute a Memorandum of Understanding with Fayette County Public Schools for the provision of bus transportation services for the Family Care Center's enrolled students and their children for the period from August 14, 2013 through the end of the 2013-2014 school year. (L0531-13) (Mills) This is a request to execute a Memorandum of Understanding with Fayette County Public Schools for the provision of bus transportation services for the Family Care Center's enrolled students and their children for the period from August 14, 2013 through the end of the 2013-2014 school year for an amount of $83,000. Funds are included in the FY2014 Mayor's proposed budget. p. 46
p	**0537-13**	Authorization to execute Change Order #1 with Triton Services, Inc. for HVAC and Piping Repair for the Phoenix Building Contract #145-2013. (L0537-13) (Reed) This is a request to execute Change Order #1 with Triton Services, Inc. in the amount of $8,360 for HVAC and Piping Repair for the Phoenix Building Contract #145-2013. The change order adds eight (8) fan wheels not included in the original scope of work and contractor is providing the wheels as a direct pass through from supplier with no markup added. This increase brings the new contract total to $226,800.00. Funds are budgeted. p. 47 - 50
q	**0538-13**	Authorization to execute a Memorandum of Agreement (MOU) with The Lexington Library and Harmony HB, LLC, a division of Anderson Communities, Inc. to provide several maintenance improvements to Phoenix Park, and to share in the expense. (L0538-13) (Hancock/Reed) This is a request to execute a MOU with The Lexington Library and Harmony HB, LLC, a division of Anderson Communities, Inc. to provide several maintenance improvements to Phoenix Park, and to share in the expense. Construction costs are estimated to be $75,903.80. Allocation: Parks $30,393.80, Harmony $26,952.00, Library $18,558.00. p. 51
r	**0539-13**	Authorization to enter into a Memorandum of Agreement (MOA) with Metro Employees Credit Union (MECU) to define the relationship of LFUCG with MECU, as requested by the General Government Committee. (L0539-13) (Reed) This is a request to enter into a MOA with MECU to define the relationship of LFUCG with MECU, as requested by the General Government Committee. The MECU is a non-profit entity providing financial products and services to LFUCG employees, partner agencies, and their families and does not serve the general public. p. 52 - 57

BUDGET AMENDMENT REQUEST LIST

JOURNAL	68966-67	**DIVISION**	Social Services Administration	**Fund Name** **Fund Impact**	General Fund 4,863.42 4,863.42CR .00

To provide funds from United Way of the Bluegrass to Domestic Violence Prevention Board Director for the remainder of FY 2013.

JOURNAL	68968	**DIVISION**	Building Inspection	**Fund Name** **Fund Impact**	General Fund 25.00 25.00CR .00

To provide funds for overtime by decreasing funds for repairs.

JOURNAL	68969-70	**DIVISION**	Office Of The Mayor	**Fund Name** **Fund Impact**	General Fund 14,000.00 14,000.00CR .00

To provide funds for consulting expenses for proposed economic development reserve fund by recognizing revenue from refunds from Angelou Economics.

JOURNAL	68977-78	**DIVISION**	Traffic Engineering	**Fund Name** **Fund Impact**	General Fund 3,053.91 3,053.91CR .00

To reimburse funds for sign materials by recognizing payments received.

JOURNAL	69042-43	**DIVISION**	Police	**Fund Name** **Fund Impact**	General Fund 30,000.00 30,000.00CR .00

To provide funds from the sale of surplus vehicles and equipment for the purchase of a Police interceptor and vehicle equipment package.

JOURNAL	69068-69	**DIVISION**	Parks and Recreation	**Fund Name** **Fund Impact**	General Fund 40.00 40.00CR .00

To recognize reimbursement for overtime spent during Commonwealth Eye Surgery bike race.

JOURNAL	69070-71	**DIVISION**	Parks and Recreation	**Fund Name** **Fund Impact**	General Fund 1,162.31 1,162.31CR .00

To recognize a refund from Gordon Food Service for funds expended for the purchase of concession products.

JOURNAL	69112	**DIVISION**	Grants and Special Projects	**Fund Name** **Fund Impact**	General Fund 952,641.24 274,993.36CR 677,647.88

To provide funds for General Fund grant match for FY 2013 as approved by council at the April 23, 2013 Work Session.

JOURNAL	69207	**DIVISION**	Fire & Emergency Services	**Fund Name** **Fund Impact**	General Fund 250,000.00 250,000.00

To provide funds towards the replacement of Engine 8 by decreasing fund balance.

JOURNAL	69256	**DIVISION**	Family Services	**Fund Name** **Fund Impact**	General Fund 2,000.00 2,000.00CR .00

To provide funds to help cover the cost of mulch for the playground to meet requirements of childcare licensing by decreasing funds for vehicle fuel.

JOURNAL	69274	**DIVISION**	Revenue	**Fund Name** **Fund Impact**	General Fund 5,000.00 5,000.00CR .00

To transfer funds from Temporary salaries to Professional Services for temporary staffing needs related to seasonal volume of license fee returns to be processed.

JOURNAL	69275	**DIVISION**	Finance	**Fund Name** **Fund Impact**	General Fund 2,800,000.00 2,800,000.00CR .00

To decrease the debt service for the pension bond previously proposed but now not needed because of the pension agreement/reform and establish a transfer to the pension fund.

JOURNAL	69276	**DIVISION**	Finance/ Accounting	**Fund Name** **Fund Impact**	General Fund 557,500.00 557,500.00

To reverse previous budget amendment that established General Fund budget for Sewer, Water Quality, and Landfill fees being billed by Greater Cincinnati Water Works and recharged internally to divisions of LFUCG.

JOURNAL	68921-22	**DIVISION**	Police	**Fund Name** **Fund Impact**	Donation Fund 1,740.00 1,740.00CR .00

To provide funds for operating expenses in Fire and Police by recognizing a donation from Downtown Lexington & WLEX-TV from the Urban Mountain Challenge.

JOURNAL	68928-29	**DIVISION**	Environmental Policy	**Fund Name**	Donation Fund
				Fund Impact	50.00 50.00CR .00

To provide funds for Keep Lexington Beautiful by recognizing a donation.

JOURNAL	69044-45	**DIVISION**	Facilities & Fleet Management	**Fund Name**	Urban Services Fund
				Fund Impact	310,000.00 310,000.00CR .00

To provide funding from the sale of surplus vehicles and equipment for the purchase of refuse trucks.

JOURNAL	69277	**DIVISION**	Finance/ Accounting	**Fund Name**	Urban Services Fund
				Fund Impact	4,000.00 4,000.00

To reverse previous budget amendment that established Urban Fund budget for Sewer, Water Quality, and Landfill fees being billed by Greater Cincinnati Water Works and recharged internally to divisions of LFUCG.

JOURNAL	69113	**DIVISION**	Grants and Special Projects	**Fund Name**	Municipal Aid Program
				Fund Impact	1,412,341.17 232,482.92CR 1,179,858.25

To provide funds for Municipal Aid Program Fund grant match for FY 2013 as approved by council at the April 23, 2013 Work Session.

JOURNAL	69228	**DIVISION**	Grants and Special Projects	**Fund Name**	US Department of Justice
				Fund Impact	1,506.82 1,506.82CR .00

To provide for expected expenditures for personnel costs for Juvenile Accountability Block Grant 2013.

JOURNAL	68831	**DIVISION**	Grants and Special Projects	**Fund Name**	US Department of Transp
				Fund Impact	1,380,765.17 1,380,765.17CR .00

To amend Newtown Pike 2002 to reflect actual expenditures.

JOURNAL	68925-26	**DIVISION**	Grants and Special Projects	**Fund Name**	US Department of HHS
				Fund Impact	10,040.00 10,040.00CR .00

To amend Senior Citizens 2013 grant to reflect expenses and federal revenue provided by Amendment #2.

JOURNAL	69278	**DIVISION**	Finance/ Accounting	**Fund Name**	US Department of HHS
				Fund Impact	500.00 500.00

To reverse previous budget amendment that established grant budget for Sewer, Water Quality, and Landfill fees being billed by Greater Cincinnati Water Works and recharged internally to divisions of LFUCG.

JOURNAL	69127-28	**DIVISION**	Grants and Special Projects	**Fund Name** **Fund Impact**	US Dept of Homeland Sec 22,659.00 22,659.00CR .00

To establish grant budget for Fire Prevention 2013.

JOURNAL	68960-61	**DIVISION**	Grants and Special Projects	**Fund Name** **Fund Impact**	Grants - State 192,495.64 192,495.64CR .00

To amend Day Treatment 2010 grant to reflect actual expenses and revenue.

JOURNAL	68962-63	**DIVISION**	Grants and Special Projects	**Fund Name** **Fund Impact**	Grants - State 38,551.06 38,551.06CR .00

To amend Day Treatment 2011 to reflect actual expenses and expenditures.

JOURNAL	68964-65	**DIVISION**	Grants and Special Projects	**Fund Name** **Fund Impact**	Grants - State 60,431.23 60,431.23CR .00

To amend Day Treatment 2012 to reflect actual expenses and revenue.

JOURNAL	69115	**DIVISION**	Grants and Special Projects	**Fund Name** **Fund Impact**	Sanitary Sewer Fund 16,421.00 16,421.00

To provide funds for Sanitary Sewer Fund grant match for FY 2013 as approved by council at the April 23, 2013 Work Session.

JOURNAL	69279	**DIVISION**	Finance/ Accounting	**Fund Name** **Fund Impact**	Sanitary Sewer Fund 30,000.00 466,500.00CR 436,500.00CR

To reverse previous budget amendment that established Sewer Fund budget for Sewer, Water Quality, and Landfill fees being billed by Greater Cincinnati Water Works and recharged internally to divisions of LFUCG.

JOURNAL	69129	**DIVISION**	Water Quality	**Fund Name** **Fund Impact**	Sewer Construction Fund 41,825.00 41,825.00CR .00

To provide funds for sewer equipment in the correct account detail (gas analysis and monitoring equipment).

JOURNAL	69131	**DIVISION**	Water Quality	**Fund Name** **Fund Impact**	Sewer Construction Fund 1,999.01 1,999.01CR .00

To provide funds for sewer equipment in the correct account detail (sewage and waste treating equipment).

JOURNAL	69280	**DIVISION**	Finance/ Accounting	**Fund Name** **Fund Impact**	PFC - General Fund 47,000.00 47,000.00

To reverse previous budget amendment that established Public Facilities Fund budget for Sewer, Water Quality, and Landfill fees being billed by Greater Cincinnati Water Works and recharged internally to divisions of LFUCG.

JOURNAL	69114	**DIVISION**	Grants and Special Projects	**Fund Name** **Fund Impact**	Water Quality Mgmt Fund 48,831.15 237.14CR 48,594.01

To provide funds for Water Quality Management Fund grant match for FY 2013 as approved by council at the April 23, 2013 Work Session.

JOURNAL	69281	**DIVISION**	Finance/ Accounting	**Fund Name** **Fund Impact**	Water Quality Mgmt Fund 195,000.00CR 195,000.00CR

To reverse previous budget amendment that established Water Quality Fund budget for Sewer, Water Quality, and Landfill fees being billed by Greater Cincinnati Water Works and recharged internally to divisions of LFUCG.

JOURNAL	69282	**DIVISION**	Finance/ Accounting	**Fund Name** **Fund Impact**	Landfill Fund 25,000.00 2,500.00CR 22,500.00

To reverse previous budget amendment that established Landfill Fund budget for Sewer, Water Quality, and Landfill fees being billed by Greater Cincinnati Water Works and recharged internally to divisions of LFUCG.

JOURNAL	69283-84	**DIVISION**	Finance Administration	**Fund Name** **Fund Impact**	Police Fire Retirement 2,800,000.00 2,800,000.00CR .00

To provide funds for pension fund by recognizing a transfer from general fund.

BUDGET AMENDMENT REQUEST SUMMARY

Fund	1101	General Service District Fund	1,485,147.88
Fund	1103	Donation Fund	.00
Fund	1115	Full Urban Service District Fund	4,000.00
Fund	1136	Municipal Aid Program Fund	1,179,858.25
Fund	3140	US Department of Justice	.00
Fund	3160	US Department of Transportation	.00
Fund	3190	US Department of Health and Human Services	500.00
Fund	3200	US Department of Homeland Security	.00
Fund	3400	Grants – State	.00
Fund	4002	Sanitary Sewer Revenue and Operating Fund	420,079.00CR
Fund	4003	Sanitary Sewer Construction Fund	.00
Fund	4022	PFC - General Fund	47,000.00
Fund	4051	Water Quality Management Fund	146,405.99CR
Fund	4121	Landfill Fund	22,500.00
Fund	5003	Police And Fire Retirement	.00

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner of Environmental Quality and Public Works

MEMORANDUM

TO: Mayor Jim Gray
Urban County Council

FROM: Charles Martin, P.E., Director
Division of Water Quality

DATE: April 30, 2013

SUBJECT: Amendment to the Agreement with CSX Railroad
Relocation of Sanitary Sewer Lines along CSX Property at BCTC Campus

The purpose of this memorandum is to request a resolution authorizing the LFUCG to amend the 1957 agreement between CSX Railroad and the LFUCG to allow relocation of a sanitary sewer trunk line from CSX right of way onto the Eastern State Hospital/BCTC Campus on Newtown Pike.

As part of the Eastern State Hospital/BCTC Campus sanitary sewer improvements project, it will be necessary to relocate approximately 360 LF of 18" sanitary sewer trunk line from CSX right of way onto Eastern State Hospital/BCTC Campus property. CSX requires us to sign an amendment to the original agreement to allow access and construction on their right of way.

There are no budgetary implications involved with this agreement.

If you have questions or need additional information, please contact Steve Farmer in the Division of Water Quality.

C: Rod Chervus, PE
Steve Farmer, PE

Attachments

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner

To: Jim Gray, Mayor
Urban County Council

From: Gregory S. Lubeck, P.E., CFM
Engineering Section Manager

Date: May 3, 2013

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 July 1, 2013 through June 30, 2014.

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 $108,480.00 is included in the proposed budget in 4051-303204-3363-71205.

The additional amount in this agreement is for the relocation of the water quality parameter monitoring to the South Elkhorn creek gage at Fort Spring. This additional monitoring will result in a full years' data, which will help fulfill a condition of LFUCG's MS4 permit.

Approved by:

Charles Martin, P.E.
Director of Water Quality

C: Cassie Felty
File

Lexington-Fayette Urban County Government
DIVISION OF HUMAN RESOURCES

Jim Gray
Mayor

Janet Graham
Commissioner

M E M O R A N D U M

TO: Jim Gray, Mayor
Sally Hamilton, Chief Administrative Officer
Council Members

FROM: John Maxwell by J M Walters
John Maxwell, Director
Division of Human Resources

DATE: May 6, 2013

SUBJECT: Transfer position – Division of Computer Services to Enterprise Solutions

The attached action amends Section 21-5 of the Code of Ordinances transferring one position of Network Security Engineer (Grade 119E) from the Division of Computer Services to the Division of Enterprise Solutions, effective upon passage by Council.

This position will be used to support PeopleSoft and Enterprise IT deficiencies and remediate segregation of duties audit items as outlined in PeopleSoft and IT audits conducted in 2012.

The fiscal impact for FY2013 will be budget neutral.

If you have questions or need additional information, please contact Daniel H. Fischer at 258-3030.

Attachment

Log #13-0064

200 East Main Street • Lexington, KY 40507 • (859) 425-2255 •
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HORSE CAPITAL OF THE WORLD

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: Geoff Reed
Geoff Reed
Commissioner of General Services

DATE: 07 May 2013

RE: Lease Agreement with MailFinance Inc. for Hasler Mailroom Equipment and Neopost USA Inc. for the Postage Meter Rental Agreement. Central Business Systems is the sales representative for these agreements and also provides the maintenance of the equipment. This is a sole-source price contract agreement.

I am requesting Urban County Council approval to enter into an agreement with MailFinance Inc. for lease of the mailroom equipment, with Central Business System for maintenance of the equipment, and with Neopost USA Inc. for a Postage Meter Rental Agreement. The agreements are for multi-year price contracts, include an equipment upgrade and annual maintenance, and are for a term of sixty (60) months beginning July 1, 2013 and ending June 30, 2018, subject to sufficient funds being appropriated in future fiscal years. The equipment is located in the basement of the Government Center and LFUCG has been operating the equipment under an existing agreement approved by resolution R 474-2009.

MailFinance Inc. and Neopost USA Inc. are sole source providers for the Hasler System and postage meter rental and the agreement with Central Business System provides for maintenance of the equipment. The existing equipment is outdated and shall be replaced and will continue to allow for the processing of certified and priority mail electronically. In addition, the equipment replacement is projected to create an annual savings for supplies and maintenance costs, based upon LFUCG's current monthly impression count.

496-13

16

0496-13

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray
Mayor

William O'Mara
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Members, Urban County Council

FROM: William O'Mara, Commissioner
Department of Finance

DATE: May 7, 2013

SUBJECT: Sheriff's Settlement of Taxes

We have engaged Dean Dorton Allen Ford, PLLC (DDAF) to compile the financial statement of the Fayette County Sheriff's Settlement – 2012 Taxes for the period April 16, 2012 through April 15, 2013.

Dean Dorton Allen Ford will compile, from information provided, the annual sheriff's tax settlement of Fayette County Sheriff as of April 15, 2013 and for the period then ended, and will issue an accountant's compilation report thereon in accordance with Statement on Standards for Accounting and Review Services (SSARS) issued by the American Institute of Certified Public Accountants (AICPA).

Attached is the agreement to conduct the Sheriff's Settlement for the 2012 Property Tax year to be prepared by Dean Dorton Allen Ford PLLC. The funds are fully budgeted and not to exceed $12,000.

Approval of this agreement is requested.

/lyb

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray
Mayor

William O'Mara
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Members, Urban County Council

FROM: William O'Mara, Commissioner
Department of Finance

WO

DATE: May 10, 2013

SUBJECT: Water Quality Management Fees

Pursuant to Ordinance 72-2009 creating the Water Quality Fee, a review of the activity of the fund is to be conducted.

Authorization is requested for Dean Dorton Allen Ford to conduct agreed upon procedures to review the revenue, discounts, expenses, and grant funding of the water quality program.

The funds are fully budgeted and not to exceed $12,000.

Approval of this agreement is requested.

/lyb

Lexington-Fayette Urban County Government
DEPARTMENT OF FINANCE & ADMINISTRATION

Jim Gray
Mayor

William O'Mara
Commissioner

MEMORANDUM

TO: *Mayor Jim Gray*
Urban County Council

FROM: *William O'Mara, Commissioner* WJO
Department of Finance & Administration

DATE: *May 10, 2013*

SUBJECT: *Fiscal Year 2013 Financial Audit*

Authorization is requested to engage Dean Dorton Allen Ford, PLLC to conduct a financial audit of all LFUCG funds for fiscal year 2013. The funds are fully budgeted not to exceed $149,000. The objectives of the audit are the expression of opinions as to whether LFUCG financial documents are fairly presented, in all material respects, in conformity with U.S. Generally Accepted Accounting Principles (GAAP), and to report the fairness of the additional information provided by management. Upon completion the audit will be presented to Council.

This engagement does not include the audit of the Sheriff's collection of property taxes. Nor does it include the issuing of a consent and citation of expertise related to selling bonds.

I am available if you have any additional questions.

/lyb

Lexington-Fayette Urban County Government
CHIEF ADMINISTRATIVE OFFICE

Jim Gray
Mayor

Sally Hamilton
CAO

To: Mayor Jim Gray
Members, Urban County Council

From: Office of the CAO

Date: May 7, 2013

Re: Franchise Fee Increase

The FY2014 Budget is predicated on additional franchise fee revenues being obtained through a fee increase to the natural gas and electric franchise fees of 1% (from 3% to 4%).

Therefore, it is respectfully requested that the Council adopt ordinances increasing the franchise fees to 4% for the 5 impacted franchisees (Kentucky Utilities, Blue Grass Electric, Clark Energy, Columbia Gas, and Delta Natural Gas) effective July 1, 2013. It is anticipated that it will take approximately 45 days from Council approval for each franchisee to implement the fee.

Please contact me or David Barberie in the Department of Law should you have any questions related to this matter.

Sally Hamilton
Chief Administrative Officer

ORDINANCE NO. _____ - 2013

AN ORDINANCE AMENDING ORDINANCE NO. 34-2013 AND ORDINANCE NO 35-2013 AND THE FRANCHISE AGREEMENTS WITH KENTUCKY UTILITIES COMPANY, INC.; BLUE GRASS ENERGY COOPERATIVE CORPORATION; CLARK ENERGY COOPERATIVE, INC.; COLUMBIA GAS OF KENTUCKY, INC; AND DELTA NATURAL GAS COMPANY, INC., TO INCREASE THE FRANCHISE FEES FOR EACH UTILITY FROM THREE PERCENT (3%) TO FOUR PERCENT (4%) OF GROSS REVENUES EFFECTIVE JULY 1, 2013.

WHEREAS, the current franchise fees for the respective electric and natural gas franchises with Kentucky Utilities Company, Inc. (Resolution No. 153-2013); Blue Grass Energy Cooperative Corporation (Resolution No. 154-2013); Clark Energy Cooperative, Inc. (Resolution No. 152-2013); Columbia Gas of Kentucky, Inc. (Resolution No. 151-2013); and Delta Natural Gas Company, Inc. (Resolution No. 150-2013), have all been established at three percent (3%) of each franchisees' gross revenues as defined in their respective franchise agreements and ordinances; and

WHEREAS, pursuant to the terms and provisions of Lexington-Fayette Urban County Government Ordinance No. 34-2013 and Ordinance No. 35-2013, and the respective franchise agreements the Lexington-Fayette Urban County Government, through the Urban County Council, has the right to impose upon each franchisee a franchise fee in an amount not to exceed five percent (5%) of its gross revenues; and

WHEREAS, the Mayor's proposed Budget for FY2014 presumes that the franchise fees imposed on all electric and natural gas franchises will be increased to four percent (4%) effective July 1, 2013; and

WHEREAS, the Urban County Council agrees with the proposal to increase the franchise fees.

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

Section 1 - That the above recitals are incorporated herein as if fully stated.

Section 2 - That pursuant to the provisions of Ordinance No. 34-2013 and Ordinance No. 35-2013, and the respective franchise agreements with Kentucky Utilities Company, Inc.; Blue Grass Energy Cooperative Corporation; Clark Energy Cooperative, Inc.; Columbia Gas of Kentucky, Inc; and Delta Natural Gas Company, Inc.; the ordinances and franchise agreements be and hereby are amended, and the franchise fee for each utility is increased from three percent (3%) to four percent (4%) of its gross revenues as defined in that utility's ordinance and franchise agreement, effective as of July 1, 2013.

Section 3 – That the remainder of the Ordinance No. 34-2013 and Ordinance No. 35-2013 shall be unchanged and the franchise fees established by this Ordinance shall remain in effect until such time as this Ordinance is further amended by the Urban County Council.

Section 4 – That the Mayor is hereby authorized to execute any necessary amendments to the franchise agreements or any other related documents in order to implement the increase to the franchise fees.

Section 5 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

____

MAYOR

ATTEST:

____

CLERK OF URBAN COUNTY COUNCIL

00391313

Lexington-Fayette Urban County Government
CHIEF ADMINISTRATIVE OFFICE

Jim Gray
Mayor

Sally Hamilton
CAO

To: Mayor Jim Gray
Members, Urban County Council

From: Office of the CAO

Date: May 8, 2013

Re: Short-Term Telecommunications Franchise Agreements

Council approval is requested to authorize the Mayor to execute franchise agreements with all the responsive bidders to the short term Telecommunications Franchise Ordinance (No. 50-2013). Bids are due Friday, May 17, 2013. It is anticipated that the existing franchisees for these services, which include Windstream, will submit responsive bids. The franchise agreements will incorporate the terms of the ordinance.

Please contact David Barberie in the Department of Law should you have any questions.

Sally Hamilton
Chief Administrative Officer

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner

MEMORANDUM

To: Mayor Jim Gray
Richard Moloney, CAO
Urban County Council

From: Kevin Wente, Administrative Officer

Date: May 9, 2013

RE: Recommendation to convert Lewis Street to 1-way and facilitate parking for Charles Young Center

This memorandum is to request Urban County Council authorization to convert Lewis Street to 1-way, from Third Street to Midland Ave, and provide additional parking for the Charles Young Center. Enclosures for your consideration include the formal request per Council Member Ford, and aerial photos highlighting both the location and striping plan proposed by Traffic Engineering. Should you have any questions regarding this request please feel free to contact me at 258-3407.

Kevin Wente, Administrative Officer

Office of
Chris Ford
1st District Councilman

MEMORANDUM

To: Richard Moloney, Environmental Quality & Public Works Commissioner

From: Chris Ford

Date: April 23, 2013

Cc: Geoff Reed, General Services Commissioner
Kevin Wente, Dept. of Environmental Quality & Public Works
Joel Webber, Division of Traffic Engineering

RE: **Lewis Street Traffic Conversion**
On – Street Parking at the Charles Young Center & Park

I wish to propose the conversion of Lewis Street from 2 – way to one – way traffic (from East Third Street to Midland Avenue). In addition, I propose to designate on – street, pull – in parking along the western curbside of Lewis Street.

The initiation of this traffic pattern conversion will serve direct benefit to the on – street parking needs associated with access to the Charles Young Center and adjacent park. Currently, visiting vehicles primarily utilize the nearby Shropshire Boulevard extension as needed on – street parking. However, this stretch of Shropshire (from Midland to E. Third) is designated for bicycle lanes. As such, on – street parking restricts optimal 2 – way traffic flow, results in a congested thoroughfare, and potentially compromises pedestrian / cyclist safety in this area.

Conversely, the construction of the Shropshire Boulevard extension has made obsolete the optimal utility of Lewis Street, from a traffic flow and capacity perspective. The Division of Traffic Engineering projects an on – street parking conversion from parallel curbside to diagonal / pull – in parking will increase the number of parking spaces from 27 to 38 (approx. 41% increase). Pull – in parking will also be more convenient and attractive to visitors to the playground and park field area. (Please find enclosed an aerial view design of the proposed parking alignment).

Lastly, the proposed conversion will have limited impact on property owners along Lewis Street, as there are less than a handful of identified owners, including those of several vacant and unoccupied commercial properties.

Thanks for your consideration and support of this proposal. Furthermore, please find me committed to designate 1st District paving funds (approx. $30,000) to facilitate the resurfacing and stripping requirements of this project.

Enclosure

200 East Main Street • Lexington, KY 40507 • (859) 258-3216
cford@lexingtonky.gov

Horse Capital of the World

Lewis Street Traffic Conversion & Redesign

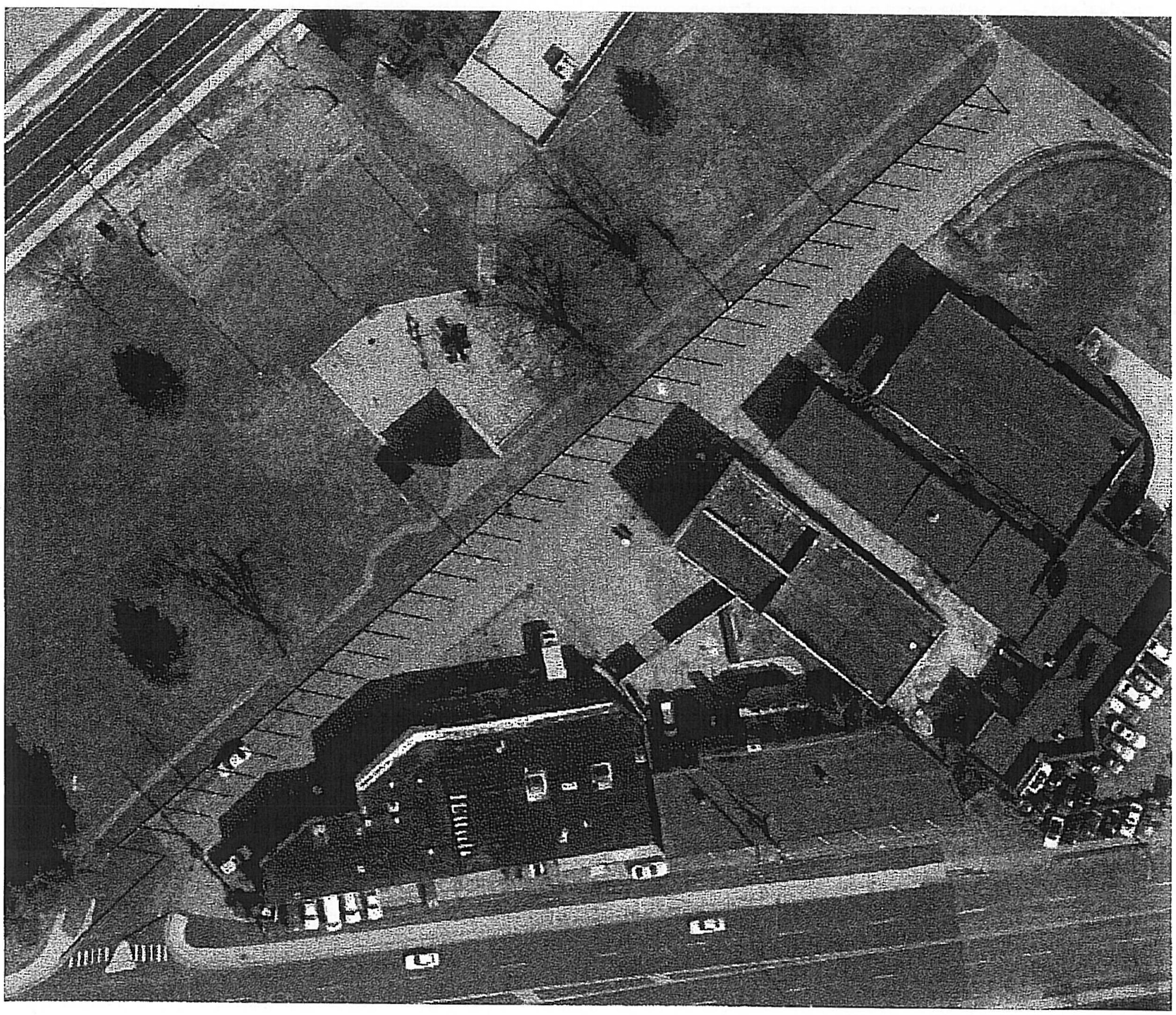
On – Street Parking at Charles Young Center / Park

Proposal to convert Lewis Street from 2 – way to one – way traffic
(from East Third Street to Midland Avenue)

Designation of on – street, pull – in parking along western curbside
(adjacent to Charles Young Center & Park)

Objectives:

1. *Increase optimal number of on – street parking spaces*
2. *Create convenient & safer parking option*
3. *Reduce traffic congestion along Shropshire Extension*



Aerial View: Lewis Street, Charles Young Park & Midland Avenue April 2013


WITHROW
THIRD
LEWIS
MIDLAND
SHROPSHIRE

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

Jim Gray
Mayor

Keith L. Jackson
Fire Chief

Date: May 9, 2013

To: Mayor Jim Gray
Clay Mason, Public Safety Commissioner
LFUCG Council Members

From: Chief Keith Jackson

The Division of Fire & Emergency Services request to accept a donation of a military surplus ARFF vehicle secured via Government Surplus through the Kentucky Fire Commission. This truck will replace E50 at Bluegrass Station which has been out of service since December and is non repairable. This apparatus meets the needs of the Lexington Fire Department as well as Lockheed Martin and SOFSA in support of national critical infrastructure operations at Blue Grass Station. The truck will be transported by SOFSA (Special Operation Forces Support Activity) out of Bluegrass Station at no cost to the LFUCG.

Description of the vehicle is as follows:

Military Surplus ARFF Vehicle, Ft. Meade, Maryland
1987 AmerTek Model 2500L, 14,457 miles
NSN 4210-01-193-3621
VIN 2BA2Y278KD032083
4 Wheel Drive, 5 Ton
1000 gpm, pump and roll capability
600 gal water tank, 72 gallon Foam Tank
Estimated current value $165,000.00

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner

TO: Jim Gray, Mayor
Urban County Council

FROM: Charles H. Martin, P.E., Director
Division of Water Quality

DATE: May 10, 2013

RE: Approval of Enabling Ordinances Necessary for Implementation of the Sanitary Sewer System Capacity Assurance Program – **CONSENT DECREE**

This memo is to request approval for the creation of Article XIII, Sections 301 - 307 of Chapter 16 and amending Section 5-30 of the Code of Ordinances for the purpose of implementing the sanitary sewer system Capacity Assurance Program (CAP).

Resolution 722-2012 accepted recommendations made by the Council's CAP Task Force that thoroughly vetted the requirements of the CAP, and solicited input from a variety of stakeholders. Resolution 722-2012 further recommended the promulgation of CAP legislation that would provide the legal basis for the on-going program.

In developing the new and revised ordinances, LFUCG staff further engaged stakeholder input. Stakeholder comment was requested on two drafts that were circulated prior to completion of this final work product. LFUCG staff believes that these new and revised ordinances are representative of the compromise necessary for implementing this challenging Consent Decree requirement.

Under the terms of the Consent Decree, LFUCG is required to develop and implement a Capacity Assurance Program (CAP) for its wastewater system. The CAP Plan was submitted to the Environmental Protection Agency (EPA) on December 20, 2012. EPA approval has not been received.

Per the Consent Decree, LFUCG must commence implementation of the CAP 30 days after EPA approval, subject to the schedules set forth in the CAP Plan. LFUCG staff believes that implementation at this time is prudent and mitigates any failure to meet an implementation deadline, which would result in escalating stipulated financial penalties.

Questions regarding this request should be directed to Charles Martin at 425-2455.

Attachment

cc: Richard Moloney, CAO
Ed Gardner, Law Department
Chris King, Director Division of Planning
Joe Herman, Stantec

ORDINANCE NO. _____ - 2013

AN ORDINANCE RELATING TO THE CAPACITY ASSURANCE PROGRAM OF THE URBAN COUNTY GOVERNMENT CREATING ARTICLE XIII OF CHAPTER 16 OF THE CODE OF ORDINANCES AND SECTIONS 16-301 THROUGH 16-307; AND AMENDING`SECTION 5-30 OF THE CODE ORDINANCES TO REQUIRE THAT ADEQUATE SANITARY SEWER CAPACITY EXISTS PRIOR TO ISSUANCE OF ANY BUILDING PERMIT FOR A PROPERTY THAT WILL CONNECT TO THE SANITARY SEWER SYSTEM.

WHEREAS, the mission of the sanitary sewer system of the Urban County Government includes safely and efficiently collecting and conveying sanitary sewage to enhance public health and safety, protect lives and property, and minimize the discharge of sanitary sewage onto private property or into the environment in compliance with applicable federal and state laws; and

WHEREAS, the Urban County Government, the United States Environmental Protection Agency, and the Commonwealth of Kentucky have entered into a Consent Decree in a case styled *United States, et al. v. Lexington-Fayette Urban County Government*, United States District Court for the Eastern District of Kentucky, Case No. 5:06-CV-00386, that requires LFUCG to implement a sanitary sewer system Capacity Assurance Program (CAP) to assure that no connections are allowed to the sanitary sewer system unless adequate capacity exists in the system to convey the One Hour Peak Flow, as defined below in Section 1; and

WHEREAS, a Task Force, including councilmembers and LFUCG officials was created in April 2012 to assist the Division of Water Quality in developing the CAP; and

WHEREAS, the Task Force held numerous public meetings on the issues related to the CAP which allowed substantial participation by both non-LFUCG stakeholders, including developers, major sanitary sewer users, interested non-development related parties, the general public, and LFUCG stakeholders as the Task Force formulated its recommendations for the CAP; and

WHEREAS, the Urban County Council reviewed the report prepared by the Task Force and the Task Force recommendations and by Resolution No. 722-2012 accepted the Task Force report and approved the recommendations contained therein; and

WHEREAS, Resolution No. 722-2012 provided guidance related to allocation of capacity in the Urban County Government's sanitary sewer system during the interim period before full implementation of the Capacity Assurance Program but also provided that further ordinances were needed to implement the CAP; and

WHEREAS, the Urban County Council has determined that the following amendments to the Code of Ordinances are appropriate to implement the CAP;

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

Section 1 – That Article XIII of the Code of Ordinances and Sections 16-301 through 16-306 are hereby created to read as follows:

Section 16-301. – Purpose and Intent.

The intent of this Article is to implement a sanitary sewer system Capacity Assurance Program (CAP) to assure that the sanitary sewer system is adequate for future connections.

Section 16-302. – Definitions.

(a) "Active" in regard to preliminary subdivision plans, preliminary development plan, final development plans, and/or amended final development plans shall mean a plan that has been approved by the Planning Commission and has not expired because activity related to the plan has occurred within the appropriate time period in compliance with the Zoning Ordinance and Land Subdivision Regulations.

(b) "Adequate Capacity" shall mean Adequate Treatment Capacity, Adequate Transmission Capacity, and Adequate Collection Capacity.

(c) "Adequate Collection Capacity" shall mean that each Gravity Sewer Line, through which a proposed additional flow from new or existing connections would pass, has the capacity to carry the existing One-Hour Peak Flow passing through the Gravity Sewer Line, plus the addition to the existing One-Hour Peak Flow from the proposed connection, plus the addition to the existing One-Hour Peak Flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the Sanitary Sewer System without causing a Surcharge Condition.

(d) "Adequate Transmission Capacity" shall mean that each Pumping Station through which a proposed additional flow from new or existing sewer service connections would pass to the WWTP receiving such flow, has the capacity to transmit the existing One-Hour Peak Flow passing through the Pumping Station, plus the addition to the existing One-Hour Peak Flow predicted to occur from the proposed connection, plus the addition to the existing One-Hour Peak Flow predicted to occur from all other authorized sewer service connections which have not begun to discharge into the Sanitary Sewer System.

(e) "Adequate Treatment Capacity" shall mean that at the time the WWTP receives the flow from a proposed sewer service connection(s) or increased flow from an existing sewer service connection(s), when combined with the flow predicted to occur from all other authorized sewer service connections (including those which have not begun to discharge into the Sanitary Sewer System), the WWTP will not be in "noncompliance" for quarterly reporting as defined in 40 C.F.R Part 123.45, Appendix A and that the new or increased flow to the WWTP will not result in Unpermitted Bypasses or diversions prohibited by the KPDES Permits due to lack of treatment capacity.

(f) "Administrative Capacity Approval" shall mean a waiver of administrative requirements for a Sanitary Sewer Capacity Permit or Sewer Capacity Reservation available to a new business or industry, or an expansion of an existing business or industry, under certain circumstances.

(g) "Capacity Assurance Program" or "CAP" shall mean the System Capacity Assurance Program as defined in Section VII Paragraph 16.B. of the Consent Decree and accepted by the Urban County Council in Resolution No. 722-2012, passed December 11, 2012 and otherwise described in Sections 16-301, *et seq*. in the Code of Ordinances.

(h) "Capacity Request" shall mean written submission of a Sewer Capacity Application to the Division of Water Quality (DWQ) for a Permanent Allocation or Sewer Capacity Reservation.

(i) "Consent Decree" shall mean the Decree and all attachments lodged on March 14, 2008 between the United States of America and the Commonwealth of Kentucky (Plaintiffs) v. Lexington-Fayette Urban County Government (Defendant), Civil Action No. 5:06-cv-386, with an effective date of January 3, 2011.

(j) "Credit" shall mean a unit of flow equivalent to one gallon per day (1 gpd).

(k) "Essential Services" shall mean public schools as defined herein, health care facilities licensed by the Kentucky Cabinet for Health and Family Services and meeting the definition of "health facility" in KRS 216B.015, or a building or facility that is contiguous to or connected to a licensed hospital and which serves as a medical office building, site for delivery of outpatient health services or is otherwise integral to hospital operations or which building or facility is required to have a Certificate of Need under KRS 216B.010, et seq.

(l) "One Hour Peak Flow" shall mean the greatest flow in a sewer averaged over a sixty (60) minute period at a specific location expected to occur as a result of a representative 2-year 24-hour storm event.

(m) "Permanent Allocation" shall mean the assignment of sewer capacity/credits to a property and is not subject to expiration.

(n) "Planning Commission" shall mean the Lexington-Fayette Urban County Planning Commission.

(o) "Public School" shall mean a school which is operated by the state, a political subdivision of the state, a governmental agency within the state, or by a non-profit corporation which has IRS Section 501(c)(3) tax exempt status.

(p) "Remodeling Project" shall mean a project for the remodeling or expansion of an existing residential structure which does not increase the number of dwelling units.

(q) "Sanitary Sewer Capacity Permit" shall mean a document provided by the Division of Water Quality approving a Sewer Capacity Application under Article XIII of Code of Ordinances Chapter 16.

(r) "Sanitary Sewer System" shall mean the WCTS owned or operated by LFUCG designed to collect and convey municipal sewage (domestic, commercial and industrial) to a WWTP.

(s) "Sewer Capacity Application" shall mean the application form completed and filed with the Division of Water Quality to request a Permanent Allocation and/or a Sewer Capacity Reservation.
(t) "Sewer Capacity Reservation" shall mean the temporary assignment of sewer capacity to a property until a "Sanitary Sewer Capacity Permit" is issued upon approval of a Capacity Request.
(u) "Staged Capacity Allocation" shall mean an assignment of sewer capacity with certain conditions to a property based on its development status.
(v) "Tap-on Permit" shall mean a permit to connect to the public sanitary sewer system as provided in Section 16-40 of the Code of Ordinances.
(w) "Use of Record" shall mean the existing or previous wastewater flow from a property that is represented in a baseline condition of the sanitary sewer system hydraulic model plus any future Permanent Allocations assigned to the property by the Division of Water Quality.

Section 16-303. – Sanitary Sewer Capacity Permit/Sewer Capacity Reservation.

(a) A Sanitary Sewer Capacity Permit ("permit") must be obtained prior to any future connection to the sanitary sewer system that will result in additional sanitary sewer flow. An applicant may apply for a single Permit which shall apply to all lots or buildings, as appropriate, on an approved preliminary subdivision plat, final subdivision plat, final development plan or authorized plan amendment.
(b) A permit shall be granted by the Division of Water Quality upon request, after verification by the division of all relevant facts, for any property that has a use of record in an amount not to exceed the maximum previous wastewater flow from the property.
(c) A permit shall be granted by the Division of Water Quality upon request, after verification by the division of all relevant facts, for any single family residential, townhouse, or duplex lot for which a building permit has not been previously issued if the lot was created by a final subdivision plat or final development ~~plat~~ plan recorded or certified, as appropriate, prior to July 3, 2013 ~~consistent with the consent decree and the urban county government's approved capacity assurance plan~~.
(d) A permit shall be granted by the Division of Water Quality upon request, after verification by the division of all relevant facts, for any property for which an active preliminary subdivision plan, final development plan, final plat, or authorized plan amendment was submitted to the Planning Commission prior to December 11, 2012 provided the plan is approved and certified by the Urban County Planning Commission not later than July 3, 2013.

(e) A permit shall be granted by the Division of Water Quality upon request, after verification by the division of all relevant facts, for any property located in Expansion Area 2A, 2B or 2C in Fayette County.

(f) A Remodeling Project shall not require a permit and the Division of Water Quality shall provide written notice of such waiver to the Division of Building Inspection.

(g) A Staged Capacity Allocation shall be granted by the Division of Water Quality upon request, after verification by the division of all relevant facts, for any residential development property for which an active preliminary subdivision plan, final development plan, or authorized amendments to such plans was not submitted to the Planning Commission prior to December 11, 2012 if the relevant plan or amendment is certified as approved by the Urban County Planning Commission Secretary not later than July 3, 2013. The amount of the Staged Capacity Allocation, up to a maximum annual threshold, shall be determined by a negotiated agreement between the applicant and the urban county government by and through the Division of Water Quality based on the nature and timing of the development.

(h) A Staged Capacity Allocation shall be granted by the Division of Water Quality upon request, after verification by the division of all relevant facts, for any non-residential development property for which an active preliminary subdivision plan, final development plan, or authorized amendments to such plans was not submitted to the Planning Commission prior to December 11, 2012 if the relevant plan is approved and certified by the Urban County Planning Commission not later than July 3, 2013 and all tap-on fees for the property are paid by July 3, 2014. The amount of the Staged Capacity Allocation up to a maximum annual threshold shall be determined by a negotiated agreement between the applicant and the urban county government by and through the Division of Water Quality based on the nature and timing of the development. Any amount of the reserved sewer capacity that has not been used by July 3, 2014 shall expire.

(i) Within ten (10) calendar days after receipt of a Sewer Capacity Application, the division shall notify the applicant, in writing, of its determination to grant or deny the request. If a determination cannot be made within ten (10) calendar days the division will notify the applicant and provide its best estimate of when a determination will be made. No application shall be approved without a written determination.

(j)

(1) A project for an Essential Service may be granted a Sanitary Sewer Capacity Permit even though adequate capacity does not exist upon a finding by the Commissioner of Public Works and Commissioner of Planning,

Preservation and Development that such action is justified and will not have an unduly detrimental impact on the Capacity Assurance Program.

(2) A project for a new business or industry, or the expansion of an existing business or industry, may qualify for Administrative Capacity Approval of a Sanitary Sewer Capacity Permit only upon a finding by the Commissioner of Finance and Commissioner of Planning, Preservation and Development that the project will have a significant economic impact. Such action shall not result in delay of other planned neighborhood sewer improvements or Remedial Measures Plan (RMP) projects. The Commissioners shall report any Administrative Capacity Approval to the Environmental Quality Committee within thirty (30) days of taking such action.

(3) Any project that is approved pursuant to subsection (a) or (b) must still file all otherwise required applications or forms and pay all applicable fees and deposits, unless such fee or deposit is waived as provided elsewhere in this Article.

(k) All applications or requests made pursuant to this section shall be made by the owner of the subject property or by the owner's duly authorized representative. Written verification of representative status will be required prior to acceptance of any application or request.

Section 16-304. – Capacity Requests/Sewer Capacity Reservations.

(a) A sewer Capacity Request may be made for any development property that has an approved preliminary subdivision plan, final development plan, authorized plan amendment, or a final subdivision plat which has been certified as approved by the Planning Commission Secretary.

(b) A Sewer Capacity Reservation request may be made for any development property for which a preliminary development plan, preliminary subdivision plan, final development plan, or authorized plan amendment, has been submitted to the Planning Commission.

(c) To formally request a Staged Capacity Allocation, a Sanitary Sewer Capacity Permit or a Sewer Capacity Reservation for any development property, including Administrative Capacity Approval or Essential Services eligible properties, a Sewer Capacity Application shall be completed and filed with the division of Water Quality and a non-refundable administrative fee of $450 shall be paid, except as provided in subsection (e) of this section. An applicant may file a Sewer Capacity Application which applies to all lots or buildings, as appropriate, on a preliminary subdivision plat, final subdivision plat, final development plan or authorized plan amendment.

(d) If a Sewer Capacity Reservation is granted, the reservation will be effective upon payment of a reservation deposit in an amount equal to twenty-five percent (25%) of the estimated tap-on fee associated with the reservation. If a Sewer Capacity Reservation is granted for properties in Expansion Area 1 or 3, the reservation shall be in effective upon payment of a reservation deposit in an amount equal to twenty-five percent (25%) of the estimated sanitary sewer capacity exactions in the subject area or in such other amount determined by a development agreement between the applicant and the urban county government pursuant to Article 23C-7(d) based on the applicant's participation in system improvement construction within the subject development. The amount of the reservation deposit shall be credited in full toward the payment of the final tap-on fee or exaction fee as appropriate. The length of the reservation period shall not exceed one (1) year after which the reservation shall expire unless extended as provided herein. Prior to expiration of the reservation, an extension shall be granted upon payment of an additional non-refundable administrative fee of $225. The extension shall not exceed an additional one (1) year. If a Sewer Capacity Reservation expires one-half (1/2) of the reservation deposit shall be refunded. For developments requesting capacity where a reservation has expired, a new Sewer Capacity Application form must be completed and filed with the Division of Water Quality and a new non-refundable administrative application fee and reservation deposit, if applicable, shall be due for the subject property.

(e) A Sewer Capacity Reservation shall become a Permanent Allocation upon certification by the Urban County Planning Commission Secretary of the approval of the preliminary subdivision plan or final development plan, or authorized amendments thereto as may be applicable for the subject property or issuance by the urban county government of a tap-on permit, for the subject property, whichever occurs first.

(f) All rates and fees set forth in this section shall be adjustable each July 1 beginning on July 1, 2014 by an amount based upon the Consumer Price Index for All Urban Consumers, the U.S. City Average ("CPI-u") published monthly by the Bureau of Labor Statistics. These rates shall be adjusted up if so indicated by a factor determined by averaging the monthly CPI-u published for the 12-month period ending, and including, April of the year before the July 1 adjustment.

(g) No administrative fee for Sewer Capacity Applications or deposit for Sewer Capacity Reservations shall be due for the following:

1) Any Remodeling Project;
2) Any construction project that will result in less than 45 gallons per day (gpd) increase in sanitary sewer usage;

3) Any property that qualifies for Sanitary Sewer Capacity Permit or a Sewer Capacity Reservation pursuant to subsections 16-303(b), (c), (d), or (e);
4) Any property that is currently paying a sewer user fee that is directed by the Fayette County Health Department to connect to the sewer system to eliminate an illicit connection.

(h) The Sewer Capacity Reservation deposit for any development property that qualifies for a Administrative Capacity Approval under Section 16-303(i)(2) may be waived at the discretion of the urban county government.

(i) All applications or requests made pursuant to this section shall be made by the owner of the subject property or by the owner's duly authorized representative. Written verification of representative status will be required prior to acceptance of any application or request.

(j) Within ten (10) calendar days after receipt of a Capacity Request or an application for a Staged Capacity Allocation, a Sanitary Sewer Capacity Permit or a Sewer Capacity Reservation, the division shall notify the applicant, in writing, of its determination to grant or deny the requested action. If a determination cannot be made within ten (10) calendar days the division will notify the requestor and provide its best estimate of when a determination will be made. No request or application shall be approved without a written determination.

Section 16-305. Appeals.

Any applicant who disagrees with a sewer capacity/reservation/allocation/waiver determination on its application made under this Article may appeal to the Commissioner of Environmental Quality and Public Works. Such appeal shall be made in writing and shall state the grounds for the appeal. Any technical data which supports the appeal shall be provided with the appeal. The Commissioner shall render his decision within thirty (30) days from receipt of the appeal and supporting documents.

Section 16-306. Compliance with Consent Decree

All actions and requirements under this Article shall be subject to the provisions of the Consent Decree and the urban county government's Capacity Assurance Plan as approved by the United States of America pursuant to the Consent Decree. Where any conflict exists between this Article and the Consent Decree or approved Capacity Assurance Plan, the Consent Decree or Capacity Assurance Plan shall control.

Section 16-30~~6~~7. Review; Audit

An independent formal review and audit of the Capacity Assurance Program and collected fees shall be performed on or before July 3, 2015 and every two (2) years thereafter and the audit reports shall be sent to the urban county council.

Section 2 – That Section 5-30 of the Code of Ordinances be and hereby is amended to read as follows:

(a) Prior to the issuance of any building permit for the construction or expansion of an apartment building or any commercial or industrial building or related blacktopping, or for any residential building where no previous building permit has been issued in the subdivision unit in which said residential lot is located from the date of the enactment of this section, the Director, Division of Building Inspection shall:

(1) Obtain a certificate from the urban county engineer that such construction, including related blacktopping shall not materially cause stormwater damage. In areas where stormwater problems are known to exist, including but not limited to floodplains, areas of alluvial soils, and environmentally sensitive areas, the urban county engineer may require a stormwater study. Based on that study, additional stormwater management features may be required. The stormwater study shall be prepared in conformance with the Division of ~~Engineering~~ Water Quality Stormwater Technical Manual by a professional engineer licensed in the State of Kentucky.
(2) If deemed necessary, certify upon consultation with the director, Division of traffic engineering, that curb cut regulations have been complied with, and that the construction and related property use will not unreasonably interfere with traffic flow.

(b) No building permit for the construction of any structure that will require connection to the urban county government sanitary sewer system or the re-modeling or expansion of any existing structure that will result in an increase in sanitary sewer usage shall be issued unless the Division of Building Inspection can verify via the urban county government's database or evidence provided by the applicant that a Sanitary Sewer Capacity Permit as defined in Section 16-302(q) has been issued for the subject property or a waiver has been granted because the project is a Remodeling Project as defined in Section 16-302(p).

Section 3 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF THE URBAN COUNTY COUNCIL

PUBLISHED:

X:\Cases\WATER-AIR\12-CC0414\LEG\00390539.DOC

Mayor Jim Gray

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Division of Grants and Special Programs

TO: JIM GRAY, MAYOR
URBAN COUNTY COUNCIL

FROM: IRENE GOODING, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS

DATE: MAY 10, 2013

SUBJECT REQUEST COUNCIL AUTHORIZATION TO SUBMIT APPLICATION, AND EXECUTE MEMORANDUM OF AGREEMENT IF APPROVED, TO THE KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT UNDER THE ENERGY EFFICIENCY AND CONSERVATION FOR LOCAL GOVERNMENTS PROGRAM

The Division of Environmental Policy has prepared an application requesting state funds from the Kentucky Department for Local Government under the Energy Efficiency and Conservation for Local Governments Program to support an Energy Savings Performance Contract at the Detention Center. If approved for funding the LFUCG will be required to sign a Memorandum of Agreement with the Kentucky Department for Local Government to engage the services of an energy service company to identify and implement cost-effective solutions to reduce utility consumption at the Fayette County Detention Center.

The Detention Center consumes more energy than any other facility owned by LFUCG, including waste water treatment plants. In the 'buildings' category, it represents 20% of the total floor area and 30% of all energy used. Energy assessments conducted in 2012 and the age of most equipment suggest that utility conservation measures of 10-30% are possible. The project will focus on lighting, HVAC, refrigeration and hot water applications.

The application requests funding in the amount of $100,000 from the Kentucky Department for Local Government. An ESCO (energy service company) will be selected through a competitive process, and an energy savings performance contract (ESPC) will be negotiated and executed. This ESPC will require the approval of the Urban County Council and the Kentucky Department for Local Government. Other funds to support the capital expense will come from the ESCO guarantee on utility savings.

The Kentucky Energy Efficiency and Conservation for Local Government's (EEC) program is part of an on-going effort by the Department for Local Government to assist city and county governments reduce their energy consumption, thereby reducing greenhouse gas emissions, as well as benefitting taxpayers through lower utility costs for local governments.

Council authorization to submit application and to authorize the Mayor to sign a Memorandum Of Agreement (MOA) that will outline the procedures for hiring an ESCO to implement a performance contract.

Irene Gooding, Director

Xc: Richard Moloney, Commissioner of the Department of Environmental Quality and Public Works

Lexington-Fayette Urban County Government
DEPARTMENT OF ENVIRONMENTAL QUALITY & PUBLIC WORKS

Jim Gray
Mayor

Richard Moloney
Commissioner

MEMORANDUM

To: Mayor Jim Gray
Sally Hamilton, CAO
Richard Moloney, Commissioner
Urban County Council

From: Kevin Wente, Administrative Officer

Date: May 10, 2013

RE: Request to rescind Resolution Number 154-2011 for a $66,000 change order to Gershman, Brickner & Bratton, Inc.

This memorandum is to request, by Urban County Council authorization, rescindment of Resolution 154-2011 authorizing a change order in the amount of $66,000 to Gershman, Brickner & Bratton, Inc. (GBB). In 2011, GBB requested the change order to complete contractual work for the Division of Waste Management's RouteWare Program. After reviewing the request, it was determined that GBB was not providing the services it was contracted to perform; as a result, the Administration refused to award the Change Order. This contract has since been closed and rescinding this resolution will allow the Council Clerk to finalize clerical documentation with respect to this issue. Should you have any questions regarding this request please feel free to contact me at 258-3407. Thank you for your time and consideration of this matter.

RESOLUTION NO. 154-2011

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE CHANGE ORDER NO. 1 TO THE CONTRACT WITH GERSHMAN, BRICKNER & BRATTON, INC., FOR WASTE MANAGEMENT ROUTING SOFTWARE AND IMPLEMENTATION SERVICES, FOR THE DIVISION OF WASTE MANAGEMENT, INCREASING THE CONTRACT PRICE BY THE SUM OF $66,000 FROM $1,655,596 TO $1,721,596.

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 and directed to execute Change Order No. 1, which is attached hereto and incorporated herein by reference, to the Contract with Gershman, Brickner & Bratton, Inc., increasing the contract price by the sum of $66,000 from $1,655,596 to $1,721,596.

Section 2 - That an amount, not to exceed the sum of $66,000, be and hereby is approved for payment to Gershman, Brickner & Bratton, Inc. from account #1115-303501-71299, pursuant to the terms of the Change Order.

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

PASSED URBAN COUNTY COUNCIL: April 28, 2011

/s/ Jim Gray
MAYOR

ATTEST:

/s/ Susan Lamb
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: May 5, 2011-1t

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GERSHMAN, BRICKNER & BRATTON, INC.

CHANGE ORDER REQUEST FORM

SECTION 1

Contract Name and Number:	LFUCG Waste Management Routing Solution R-589-2009 GBB C09001-01
Request No:	1
Request Title:	Interface development for new or modified LFUCG databases for LexCall and LexPro.
Request Date:	December 29, 2010
Priority (High-Medium-Low):	High
Originator's Name:	Richard Miller, Project Manager
Change Order Cost	The change order is budgeted on a fixed price basis as follows: LexCall work element - $18,128.00 LexPro work element - $47,872.00 Total - $66,000.00
Originator's Phone/Email:	412-855-7642 rmiller3@lexingtonky.gov
Response Due Date:	March 31, 2011

Request Description

This change order request has two separate work elements, on for LexCall and one for LexPro. These are discussed in the following paragraphs.

LexCall - There has been expanded functionality requested for the LexCall interface for the Waste Management Routing System. This interface change of scope is the result of changing specifications over time. A final "as built" specification will be written by Routeware that documents the data flow and interfaces between Lexcall, TourSolver, and Routeware. A draft specification will be provided by Routeware to LFUCG for comment by LFUCG prior to finalization. The fixed price cost of the LexCall interface expansion is– 103 hours at $176 per hour is $18,128.00. This integration task is in addition to the Task 2 Interfaces that are included in the fixed price contract.

LexPro - Expanded functionality has been requested by LFUCG for the LexPro, interface for the Waste Management Routing System. All databases will be in SQL and LFUCG will simplify through the use of a staging table with X Y coordinates and two way transfer capability. This will be advanced internally in LFUCG however support from GBB and Routeware will be needed. This support has been estimated to be provided monthly on a time and materials basis. The monthly support shall not exceed 68 hours at $176 per hour is $11,968.00 per month for four (4) months.

This level of effort support will be approved on a monthly basis by LFUCG to GBB. This change will be effective on December 1, 2010 and may be terminated at any time on written notice from LFUCG to GBB. Email is considered to fulfill this requirement.

Explanation/Justification

The requirements for these two interfaces, LexCall and LexPro, have been changed by LFUCG to enhance the functionality of the Waste Management Routing Solution. The database structures have been modified during the course of implementation to ensure that all existing and new Waste Management customers are included and the descriptions of their services are accurately reflected in the databases insuring correct service.

Signatures

By:

J. Frank Bernheisel, QEP
Vice President
Gershman, Brickner & Bratton, Inc.
Date: March 7, 2011

____
Jim Gray, Mayor
Lexington-Fayette Urban County Government
Date: ________________________

CONTRACT HISTORY FORM

Contractor: Gershman, Brickner & Bratton

Project Name: Waste Management Routing Project

Resolution: 589-2009

Responsible LFUCG Division: Division of Waste Management

CHANGE ORDER DETAILS

	Summary of Previous Change Orders To Date		Dollar Amount	Percent Change to Original Contract
A.	Original Contract Amount:	$	1,655,596	
B.	Cumulative Amount of Previous Change Orders:	$		______% (Line B / Line A)
C.	Total Contract Amount Prior to this Change Order:	$	1,655,596	
	Current Change Order			
D.	Amount of This Change Order:	$	66,000	4.0 % (Line D / Line A)
E.	New Contract Amount Including this Change Order :	$	1,721,596	______% (Line E / Line A)

SIGNATURE LINES

Project Manager: Ralph R. Miller Date: 3-16-11

Reviewed by: __________ Date: __________

Division Director: Steven P. Feese Date: 3/16/11

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0531-13

Lexington-Fayette Urban County Government
DEPARTMENT OF SOCIAL SERVICES

Jim Gray
Mayor

Beth Mills
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Members of the Council

FROM: Craig Bury
for Beth Mills, Commissioner of Social Services

DATE: May 10, 2013

SUBJECT: Family Care Center Transportation MOU -- FCPS

Request approval to enter into a Memorandum of Understanding ("Agreement") with Fayette County Public Schools ("FCPS) for the provision of bus transportation services for the Family Care Center's enrolled students and their children for the period from August 14, 2013 through the end of the 2013-2014 school year. This agreement results in an overall cost savings to the LFUCG after considering the annual costs of maintenance, depreciation, insurance, and personnel associated with providing transportation for Family Care Center students and children. This action will also result in improved operational efficiencies for the Family Care Center, ultimately increasing our capacity to serve clients.

The total cost of service associated with this MOU is $83,000, which is fully funded in the FY14 Mayor's Proposed Budget (Account: 1101-606403-0001-71299).

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner

TO: **Jim Gray, Mayor**
Urban County Council

FROM: **Geoff Reed, Commissioner of General Services**

DATE: **May 14, 2013**

SUBJECT: **Request Council Authorization to Execute Change Order #1 with Triton Services, Incorporated in the Amount of $8,360.00 for the HVAC and Piping Repair for the Phoenix Building Contract #145-2013**

The Department of General Services is recommending the execution of change order No. 1 for $8,360.00 with Triton Services Incorporated, Mason, Ohio for the HVAC and Piping Repair for the Phoenix Building project. The new contract total is $226,800.00.

The change order adds eight (8) fan wheels that were not part of the contractor's original scope. The contractor is providing these fan wheels as a direct pass through from the supplier with no mark up added. The fan wheels were observed to be in poor condition after the cooling tower work started.

Sufficient funds are budgeted in the following account:

FUND	DEPT ID	SECTION	ACCOUNT	AMOUNT
2602	707501	7041	91013	$8,360.00

Council authorization to execute Change Order No. 1 to the agreement with Triton Services Incorporated in the amount of $8,360.00 is hereby requested.

Jamshid Baradaran for GS Comm.

Geoff Reed, Commissioner

Cc: Jamshid Baradaran, Director of Facilities and Fleet Management
Joyce Thomas, Project Manager

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

CONTRACT CHANGE ORDER

Date: May 14, 2013

Project: HVAC and Piping Repair for the Phoenix Building

Location: Lexington

To (Contractor): Triton Services, Inc.

Contract No: 145-2013

Change Order No: 1

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
1	ADD	Cooling tower fan wheels (materials only)	ea	8	1,045.00	$ -	$ 8,360.00
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
						$ -	$ -
Total decrease						$ -	
Total increase							$ 8,360.00
Net increase/(decrease) in contract price							$ 8,360.00

Current Contract Amount: $218,440.00

New Contract Amount: $226,800.00

Recommended by Joyce Thomas (Project Manager) Date 5/14/13

Accepted by ______ (Contractor) Date ______

Approved by ______ (Grant Manager) Date ______

Approved by ______ (Commissioner) Date ______

Approved by ______ (Mayor or CAO) Date ______

JUSTIFICATION FOR CHANGE	PROJECT: HVAC and Piping Repair for the Phoenix Bldg.
	CONTRACT NO. 145-2013
	CHANGE ORDER: 1

1. Necessity for change: Replacement of these fan wheels was not part of the contractor's original scope. Consultant believed that existing fan wheels could be re-used. Contractor observed that the fan wheels are rusty and should be replaced now while the cooling tower is being refurbished.

2. Is proposed change an alternate bid? __ Yes _X_ No

3. Will proposed change alter the physical size of the project? ___Yes _X_No

   If "Yes", explain.

4. Effect of this change on other prime contractors: N/A

5. Has consent of surety been obtained? ___Yes ___Not Necessary

6. Will this change affect expiration or extent of insurance coverage? ___Yes _X_No

   If "Yes", will the policies be extended? ___Yes ___No

7. Effect on operation and maintenance costs: Replacing these fan wheels now will prevent replacement and malfunction later.

8. Effect on contract completion date: None

______________________ Mayor ______________ Date

Recommended by Joyce Thomas (Project Manager)

Approved by__________________________(Grant Manager)

Contract History Form

Contractor: Triton Services, Inc.

Project Name: HVAC and Piping Repair for the Phoenix Building

Contract Number and Date: 145-2013, April 11, 2013

Responsible LFUCG Division: General Services

Change Order Details

	Summary of Previous Change Orders To Date	Percent Change to Dollar Amount	Original Contract
A.	Original Contract Amount	$218,440.00	
B.	Cumulative Amount of Previous Change Orders		0.00%
C.	Total Contract Amount Prior to this Change Order	$218,440.00	
	Current Change Order (#1)		
D.	Amount of this Change Order	$8,360.00	3.83%
E.	New Contract Amount Including this Change Order	$226,800.00	103.83%

Signature Lines

Project Manager: Joyce Thomas Date: 5/14/13

Reviewed By: ____________ Date: ____________

Division Director: ____________ Date: ____________

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner, General Services

MEMORANDUM

TO:	Mayor Jim Gray,
	Urban County Council Members
FROM:	Jerry Hancock, Director, Parks and Recreation
SUBJ:	Phoenix Park Maintenance Improvements Agreement
DATE:	May 14, 2013

The Division of Parks and Recreation is recommending approval of a partnership agreement between LFUCG, the Lexington Public Library and Harmony HB LLC (a division of Anderson Communities, Inc.) to share the costs of various maintenance improvements to Phoenix Park. Site furniture and trees will be replaced, a stand alone planter will be reduced in size to improve site lines, and faulty electric will be replaced or repaired in the Park. In addition, a cobblestone walkway next to the library will be replaced with a concrete sidewalk, and a few trip hazards will be repaired, handrails installed and plant material replaced. The net result will be a more contemporary look and feel to this vital downtown public space.

All three partners benefit from Phoenix Park and recognize its importance to their own respective interests, and wish to share in the expense of providing these improvements. We have worked together to develop the plan over the last couple of years, including discussions with outside user groups.

Anderson Communities Inc., which is currently renovating part of Park Plaza Apartments, has agreed to hire and supervise the third-party contractors as noted in Exhibit A, and the partners have agreed to pay the amounts indicated in Exhibit A, directly to the contractors indicated.

The LFUCG Law Department has drafted this Memorandum of Agreement and the parties have endorsed it as indicated. It is the intention of the parties to begin this work on or before June 1, 2013 and to complete the work before the community's July 4th celebration this year.

Please let me know if there are any questions.

Lexington-Fayette Urban County Government
DEPARTMENT OF GENERAL SERVICES

Jim Gray
Mayor

Geoff Reed
Commissioner

MEMORANDUM

TO: Mayor Jim Gray
Sally Hamilton, CAO
Urban County Council

FROM: Geoff Reed
Commissioner of General Services

DATE: May 9, 2013

RE: Memorandum of Agreement between Lexington-Fayette Urban County Government (LFUCG) and Metro Employees Credit Union (MECU)

I am requesting Urban County Council approval to enter into a Memorandum of Agreement (MOA) with Metro Employees Credit Union. The MECU is a non-profit entity that provides financial products and services to LFUCG employees, partner agencies, and their families and does not serve the general public. They also provide credit and financial counseling. The General Government Committee, during the review of lease proposals for building space, recommended that a Memorandum of Agreement be created to define the relationship of LFUCG and MECU and it was presented to the General Government Committee on May 7, 2013. General Services now presents the MOA for approval.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is made and entered into effective as of July 1, 2013, by and between Lexington Fayette Urban County Government, an urban county government of the Commonwealth of Kentucky, created pursuant to KRS Chapter 67A (hereinafter "LFUCG") and the Metro Employees Credit Union, Incorporated, a Kentucky nonprofit corporation organized and governed as a credit union pursuant to KRS 286.6.005, et seq., with principal office located at 1306 Versailles Road, Suite 140, Lexington, Kentucky 40504 ("MECU").

W I T N E S S E T H:

WHEREAS, MECU was originally established in 1940 by city of Lexington employees in order to serve as the credit union for city employees under the name Lexington Kentucky City Employees Credit Union;

WHEREAS, upon the merger of the City of Lexington and Fayette County the credit union changed its name to Metro Employees Credit Union, Incorporated, and expanded its services to include the employees of the Lexington-Fayette Urban County merged government; and

WHEREAS, MECU has been the exclusive continuous credit union for Lexington's and LFUCG's employees since its creation; and

WHEREAS, MECU's membership is currently limited to employees and their respective family members by blood or marriage, with such employees including employees of LFUCG, employees of accepted agencies of LFUCG, and employees of the credit union, and certain accepted organizations related to the members; and

WHEREAS, eligibility to be a MECU member is a valuable benefit to LFUCG's employees; and

WHEREAS, at LFUCG's request, MECU assists in informing employees of their eligibility for MECU membership and of the benefits related to becoming a member, and provides related information during employee orientation, open enrollment for benefits, and as otherwise requested by LFUCG; and

WHEREAS, at LFUCG's request MECU assists with training LFUCG employees to use payroll system kiosks in MECU's branch offices; and

WHEREAS, MECU provides additional support and assistance to LFUCG and its employees by providing banking services such as savings and checking accounts, cashing checks, accepting overnight deposits, waiving service fees, notarizing documents, and change, and by participating in and supporting LFUCG during certain events and fundraisers; and

WHEREAS, in recognition of the value of this relationship LFUCG has historically permitted employees serving in board or committee relationships with MECU to attend meetings without having to expend personal leave time; and

WHEREAS, LFUCG provides MECU certain payroll data and related services so MECU can offer payroll deduction-related services to LFUCG employees who are MECU members; and

WHEREAS, the parties want to acknowledge their mutually beneficial relationship and clarify their respective rights, duties, and obligations regarding these payroll deduction related-services.

NOW, THEREFORE, in consideration of the mutual covenants expressed herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, LFUCG and MECU, hereby covenant and agree as follows:

1. The above recitals are incorporated herein as if fully stated and the parties will continue supporting each other accordingly.

2. It is the intent of the parties that the historical relationship which has existed between them will continue.

3. This Agreement shall be for an initial period of five (5) years, and may be automatically renewed for additional periods of one (1) year each. If either party does not wish to have the Agreement automatically renew it shall provide the other party with at least sixty (60) days advance written notice.

4. Either party may terminate its duties, rights, and obligations related to the services further described in paragraph 6 of this Agreement at any time and for any reason by providing the other party at least ninety (90) days advance written notice.

5. MECU will continue to permit LFUCG's employees and their eligible family members to be MECU members.

6. It is the intent of the parties that they will continue to provide to each other the payroll deduction-related services which have historically been provided.

   a. LFUCG and MECU will exchange necessary payroll data, including deductions and related information and data for employees who are MECU members receiving payroll deduction-related services, each time LFUCG runs or cycles its employee payroll.

   b. LFUCG currently runs it employee payroll every two weeks and processes the payroll approximately two (2) days prior to any date scheduled for the distribution of paychecks to employees.

   c. At least two (2) days prior to LFUCG processing its employee payroll, MECU will provide LFUCG with a compatible electronic file containing the deductions and related information and data for those employees who are MECU members receiving payroll-deduction related services.

d. LFUCG will continue to use its best reasonable efforts to provide MECU with a compatible electronic file and payroll total as soon as possible in conjunction with its processing of LFUCG's employee payroll.

e. In the event that there is any issue with receiving or processing the electronic file from MECU on a timely basis, LFUCG will take steps to make sure its employees who are MECU members are timely paid and will reasonably assist MECU in rectifying any remaining issues, but shall not otherwise be responsible to MECU or its members for the delay or failure of the services.

7. LFUCG reserves the right to charge MECU for any reasonable amounts LFUCG incurs for any computer system or related changes or enhancements necessary for it to provide the payroll deduction-related services further described in paragraph 6 of this Agreement. The parties shall agree in advance to any such changes or enhancements. If LFUCG decides to charge MECU for such changes or enhancements payment by MECU to LFUCG shall be due within thirty (30) days after MECU receives the invoice.

8. In the event LFUCG's payroll processing system changes or is substantially modified, it shall be under no obligation to continue to provide these services to MECU absent a new agreement between the parties. LFUCG and MECU agree to negotiate in good faith towards reaching such an agreement and will attempt to minimize any adverse impact to employees within reason.

9. MECU shall require each LFUCG employee to whom MECU provides payroll deduction related-services to execute appropriate document(s) authorizing LFUCG to distribute his or her paycheck into the proper account(s) at MECU and will make copies available to LFUCG upon request.

10. MECU shall be solely responsible for the accuracy of the data MECU provides to LFUCG. MECU agrees to indemnify, save, and hold harmless LFUCG and its elected and appointed officials, employees, agents, volunteers, and successors in interest from and against all liability, damages, and losses, including but not limited to, demands, claims, obligations, causes of action, judgments, penalties, fines, liens, costs, expenses, interest, defense costs and reasonable attorney's fees that are in any way connected with or

that arise or are alleged to have arisen, from the deduction or treatment of an LFUCG employee's funds or payroll deposit based upon provided by MECU, or upon the performance of this Agreement by MECU.

11. LFUCG shall not be liable to MECU for any damages in the event that LFUCG's payroll system is unable to timely provide MECU with any of the information required by this Agreement due to a malfunction or similar event. LFUCG shall not be required to incur any additional costs beyond those normally and reasonably associated with maintaining and operating its current payroll data sharing exchange with MECU.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement as of the date(s) indicated below, with an effective date of July 1, 2013.

Lexington-Fayette Urban County Government

By: ______________________ ATTEST: ______________________
JIM GRAY MAYOR SUSAN LAMB,
Clerk of the Urban County Council

DATE:______________

Metro Employees Credit Union, Inc. ATTEST
BY: Lisa C Gilliam
Piper Graham
______________________ ______________________
Piper L. Graham, President

DATE: 5-14-13

00391247

Neighborhood Development Funds
May 21, 2013
Work Session

Amount	Recipient	Purpose
$ 1,500.00	Downtown Lexington Corporation PO Box 1179 Lexington, KY 40588-1179 Renee Jackson	To provide funding to assist with the installation of pedestrian wayfinding boxes.
$ 2,000.00	Moveable Feast PO Box 367 Lexington, KY 40588-0367 Terry Mullins	To provide funding for program support.
$ 1,175.00	Broke Spoke 501 West Sixth Street #130 Lexington, KY 40508 Tim Buckingham	To provide funding for signage and beautification along the Legacy Trail Phase III at the site of the Broke Spoke building.
$ 1,000.00	Transylvania Park Neighborhood Association 364 Transylvania Park Lexington, KY 40508 Kathy Stein	To provide assistance reburbishing four stone columns at the entryway of the neighborhood.
$ 500.00	Historic Woodward Heights Neighborhood 327 Merino Street Lexington, KY 40508-2527 Fred Mills	To provide funding for removal and replcament of dead street trees.
$ 1,500.00	Mentelle Neighborhood Association 317 Hanover Court Lexington, KY 40502 Lewis Gardner	To provide funding for tree removal and planting in the median.
$ 3,325.00	Lexington Blazin' Cats Track and Field Club, PO Box 12441 Lexington, KY 40583 Candace Raglin	To provide assistance with track rental.
$ 1,175.00	African American Forum, Inc. 1202 Highland Park Drive Lexington, KY 40505-3314 John E. Cole, III	To provide assistance with the 6th Annual Lexus Smooth Jazz Festival.

$ 1,250.00	The Headley-Whitney Museum 4435 Old Frankfort Pike Lexington, KY 40510 Amy Gundrum Greene	To provide funding for an exhibition titled "Aegean Echoes" and its community musical component.
$ 400.00	Eight Five Nine Nuggets AAU Program, Inc. 355 Nelson Avenue Lexington, KY 40508 Quinton Roberts	To provide assistance in expanding their community youth basketball program.
$ 450.00	Infant Nurture PO Box 8014 Lexington, KY 40533-8014 Robert Riggs	To provide assistance with printing publication for family resrouce centers in public schools in English and Spanish.
$ 1,500.00	Victory Christian Church 148 Victory Avenue Lexington, KY 40502 Rachele Snellgrove	To provide funds for signage for the church and the Victory Christian Community Garden.
$ 450.00	Idle Hour Neighbors Alliance 150 St. Phillip Drive Lexington, KY 40502 Annette Castle	To provide funds for the annual neighborhood 4th of July picnic.
$ 2,500.00	Idle Hour Neighbors Alliance 150 St. Phillip Drive Lexington, KY 40502 Annette Castle	To provide funds for the Idle Hour Park Community Garden.
$ 3,000.00	East Cooper Neighborhood Association 1313 East Cooper Road Lexington, KY 40502 Sue Wilmes	To provide funds for the installation of public art in the island at intersection of East Cooper, Culpepper and Prather Roads.
$ 750.00	Dellavalle Management, Inc. 4080 Clearwater Way Lexington, KY 40515 Glenn Dellavalle	To provide funds for the installation of bike racks at Lakes Edge Condominiums.

$ 450.00	The Kentucky Civil War Round Table, Inc. 250 West Main Street, Suite 2800 Lexington, KY 40507 Jack R. Cunningham	To sponsor an event speaker.
$ 50.00	Central Kentucky Radio Eye 1733 Russell Cave Road Lexington, KY 40505 Barbara McGroarty	To provide programming for 10 listeners for 6 months.
$ 1,500.00	Parks and Recreation 1101-707604-75801-7292 Angie Green	To provide funds to Kenwick Community Center for new benches and a new television.
$ 1,000.00	American Lung Association of Kentucky, Inc. 1950 Arlington Lane Columbus, OH 43228 Bill Cole	To assist Team One in raising funds to help the American Lung Association.

Public Safety Committee

May 7th, 2013

Summary and Motions

Chair Peggy Henson called the meeting to order at 1:05pm. Committee Members Kevin Stinnett, Chuck Ellinger, Shevawn Akers, Diane Lawless, Bill Farmer, George Myers, Jennifer Mossotti, Harry Clarke, and Ed Lane were present. Council Member Steve Kay attended as a non-voting member.

1. Approval of Summary

Motion by Ellinger to approve the summary. Seconded by Myers. Motion passed without dissent.

2. Report from the Divisions of Code Enforcement and Law: Infill and Redevelopment Steering Committee Recommendations

Kay introduced the item. Kay said that the Infill and Redevelopment Steering Committee felt that there has been a lack of consistency and that constituents have the perception that the Division of Code Enforcement often favors landlords. He said that three changes were needed:

I. Clear and adequate policies and procedures for complaints and citations
II. Adequate record keeping system
III. Transparency of all of these sets of information to the public

David Barberie came to the podium to present the Law Departments responses to the Infill and Redevelopment Committee's recommendations. Barberie said that the first recommendation was to rewrite Sec. 12-1(b) to make it easier to read. Barberie said that the Law Department has provided an initial draft that was included in the packet but recommends obtaining input from the new Planning Commissioner prior to finalizing. Barberie also said that the Council may want to consider reviewing the most recent International Property Maintenance Code (IPMC) and using that as the basis for this section of the Code. Barberie said that they may want to consider a task force or working group to look at the IPMC like the Council had years ago.

Barberie said that the second recommendation was to change "reasonable time" to "30 days or in compliance with approved plan," require that reasons be listed for any plan that is extended past 90 days, require officers to list reasons for deviation from the plan and reasons for extensions in report, require civil penalties to be imposed after six months, and provide that a transfer of property does not automatically restart the time frame. Barberie responded that he recommends that these be part of an amended set of guidelines or administrative policies instead of revising the Code.

Barberie said that the third recommendation was to request funds in the next budget cycle to hire a paralegal devoted solely to filing and managing foreclosure actions. Barberie said that the Department of Law currently has a paralegal that spends 80% of more or her time on foreclosures and most of the foreclosures she works on involve code liens.

Barberie said that the fourth and final recommendation directed at the Department of Law was to request funds in the next budget cycle to contract with a hearing officer to handle Code Enforcement cases.

Barberie said that the LFUCG has never paid hearing officers and there could be an appearance of bias. If the Council ultimately moves in that direction, Barberie feels it would be more appropriately budgeted from Code Enforcement.

Myers asked Barberie about the hiring of a hearing officer. Barberie said that the Department of Law would not have that as a position in their budget. Myers also asked what the next steps are. Barberie said that the Council needs to determine what they would like to do with Sec. 12-1(b).

Kay asked about the hiring of the paralegal. Barberie said that the Department of Law is in good shape right now, but it also depends on what role the Law Department will play in LexServe collections. He said that they may need to come back to the Council in the future and need more resources. They are comfortable with their current staffing.

Barberie said that he is willing to meet with Council Members quarterly to discuss Code Enforcement issues.

Barberie told Kay there might be a resource issue on David Jarvis' end. Barberie said that the Division of Code Enforcement may need more resources to streamline the process.

Lawless said that there is a perception that the hearing officers are not neutral. Secondly, she said that when a property gets placed on the Master Commissioner list, it often moves a property owner to pay their fines and fix their property. Lawless said that they have to do something with the fines for multiple violations.

Henson asked Barberie if they were at the mercy of the court in many of the cases. Barberie said yes, there is often a delay with the Master Commissioner. Barberie said that once the property owner is served, it is usually six months before the property is foreclosed on.

Barberie said that there has not been a comprehensive review on this section of the Code in 15 to 20 years. He said the Council may want to consider a review. He said that if the Council only wants to tweak it, they can probably just slightly revise what the Department of Law has included in the packet.

David Jarvis came to the podium to present the Division of Code Enforcement's report.

Jarvis responded to the recommendation to analyze the current fine structure to determine if changes should be made to increase fines for subsequent offenses. He said that they doubled the fines in 2010. He said that four chronic properties were recently sold and new development is now underway (Pennington Place, Cove Lake, W. Third Street, and W. Second Street).

Jarvis responded to the recommendation to review the Code to determine if certain provisions are too restrictive. He said that this was completed in 2011 and they revised sidewalk regulations to allow more repairs versus replacement. He went on to say that he had met with the Department of Law seven times to review and approve codes and guidelines for housing and nuisance violations. He also reminded the Council that the 24-hour emergency forms were reviewed and approved by Council in March 2013.

Jarvis responded to the recommendation to update the standard operating procedures (SOPs) and have them approved by Council. Jarvis said that the update is complete and it has been revised by the Commissioner of Public Safety. He went on to say that the administrative guidelines are outlined in Chapter 12 and codify the hearing procedures.

Jarvis said that he was recently given approval by the Webmaster to post a link to the International Code Council (ICC) website. ICC has committed to allowing the posting of the 1998 Property Maintenance Code on the LFUCG website.

Jarvis said that they are in the process of posting a copy of the SOPs on our website. He said that he will work with his Commissioner to pick and chose which SOPs will be posted.

Jarvis said that the Field Inspection form has been posted to the website.

Jarvis said that they do not have the ability to make the appropriate portions of the code database available to the public. The system is not web-based. He said that they are working to release data in the next stage of the Open Data initiative. He reminded the Council Members that they can track properties through LexCall.

Jarvis said that they are currently using a 30, 60, 90 day system for the issuance of civil penalties.

Jarvis said that he did request funds in the next budget cycle to hire an administrative person (paralegal) to file liens and staff the Vacant Property Review Board. However, it was determined that the position was better suited in Social Services to help citizens avoid fines. The position was not funded.

Jarvis said that they are monitoring the officer's files to determine if timeframes and paperwork are consistent. He said that he is now meeting monthly with the Law Department to discuss problem properties. All actions by inspectors are reviewed and approved by a Supervisor.

Jarvis said that they notify neighborhood organizations and attend their meetings, and respond to Council Member requests for "sweeps."

Lawless asked about the IPMC. Jarvis said they put out a new version of the code every two to four years. The LFUCG uses the Property Maintenance Code. Jarvis said that there are new versions of that code, but Jarvis uses 1998 because it deals with overcrowding.

Lawless mentioned an ND1 property in her district with numerous code violations. Lawless said that she thinks five violations is a lot. She would like to increase the fine on the chronic properties. She asked if there might be something in the new code that the LFUCG might be missing.

Jarvis said that the LFUCG is very aggressive with code enforcement and is one of the only cities with a $10,000 per parcel fine.

Mossotti asked how much time they give a property owner to abate a nuisance. Jarvis said that a nuisance abatement is 14 days, but housing issues are 30 days.

Mossotti asked if neighbors should mow the lawns of their neighbors. Jarvis said that he would not recommend it. He told Mossotti to encourage them to call LexCall.

Akers asked Jarvis what happens if a lawn needs to be mowed more than three times. Jarvis said that if it is a hazard, they will mow it more than three times, but they do not like to get in the habit of mowing more than three times.

Myers asked Jarvis about street trees. Jarvis said that they are usually handled by Streets and Roads. Jarvis said that they do cut bushes that are obstructing the sidewalk. Jarvis said that the Urban Forester takes care of the trees that are obstructing the sidewalk.

Myers asked Jarvis what the Division of Social Services could provide to decrease code violations. Jarvis said that a social worker could assist constituents with questions. Jarvis said that Commissioner Beth Mills is supportive of creating this position.

Myers asked Jarvis about the two vacant positions in the Division of Code Enforcement. Jarvis said that they have one vacant housing Code Enforcement Officer and one vacant Nuisance Control Officer. Jarvis said that the positions are budgeted but he thinks that he can hold off on hiring for three weeks or until the links process is over. He went on to say that there are also hiring changes coming up within the Human Resources Department. Myers asked why they have not been filed. Jarvis said that it is just logistics.

Myers asked Jarvis for a copy of the SOPs that have been updated. Myers asked how things are tracked. Jarvis said they check the file each time there is an inspection. The supervisor has to approve the work. Jarvis said that they are part of a paper file. Jarvis said that they should issue a civil penalty or close it out within 90 days.

Lawless said that she had concerns about the potential position in the Division of Social Services and vacant properties. Jarvis said that he thinks that the Vacant Property Review Commission is housed in the Division of Planning.

Paulsen said that for those truly in need, he wants to be able to help get them assistance. The Social Worker could link them up to non-profit organizations that could assist them.

Lawless said that we need to amp up the system on the chronic offenders.

Paulsen said that the Vacant Property Review Commission has not actually met. Paulsen said that he is working on appointments to the Commission now.

Kay told Jarvis that he reads his responses to the recommendations differently than Jarvis does. Kay walked Jarvis back through the presentation.

Jarvis said that he and the Law Department believe the fine structure is adequate. Jarvis said that the SOPs that outline when a property gets an inspection, how to route a complaint, etc. can be posted on the website.

Jarvis said that he is not sure how friendly the violation letters should be since they are notifying a property owner about a potential foreclosure.

Akers said that she wanted to echo what Lawless said about social workers assisting with code violators. She said that she does think, however, that there are constituents that could use resources that the Division of Social Services provides.

Akers asked if they keep electronic files. Jarvis said that because of open records requests, they keep paper copies of the files.

Jarvis said his inspectors are running ragged right now.

Stinnett asked Jarvis about the vacant positions. Stinnett reminded Jarvis that three years ago he was pushing for an extra position. Jarvis said that two are funded and he is ready to fill the positions. Jarvis did give up one position. Stinnett said that he wants to know who made the call to get rid of the position.

Mason said that during the budget preparation process, Jarvis offered to give up the vacant positions. The other two positions will or will not be filled as the budget process proceeds.

Jarvis said they are waiting until the state law changes in June 2013. He said that he can make do for 45 days.

Myers asked who directed Jarvis to offer up a position. Myers asked who has held up with the hiring of the two positions. Jarvis said that he would take responsibility for the decision.

<u>Motion by Myers to fill the vacant positions within the Division of Code Enforcement immediately. Seconded by Akers. Motion passed without dissent.</u>

Myers asked Jarvis if he can use the system that is used by Building Inspection. Jarvis said that they cannot. Myers asked Jarvis to look into using the Liberty system. Myers asked for copies of all the documents that Jarvis referenced in his presentation.

Lawless suggested that the Division of Code Enforcement use iPads to record their work. Jarvis said that a system like that may come to realization once they move under the Division of Planning.

Lawless asked Mason why the position was cut within the Division of Code Enforcement. He said that throughout the budget process he went back to all Directors to find ways to cut costs. Mason went on to say that they were having a hard time finding qualified applicants for the Nuisance Officer position.

Jarvis said the Nuisance Officer position has been vacant approximately two months.

CAO Sally Hamilton came to the podium to give her version of the story. She read an email from Melissa Leuker to Stinnett in response to an email from Stinnett on the issue. Hamilton said that she never told them to cut the position. Hamilton said that during the Mayor's budget hearings, Jarvis said that one of the vacant code positions could be eliminated, that the Division could operate without the position.

Paulsen said they are looking into using paperless forms. Paulsen said that he does have software that they could test. Paulsen said that they are looking to release Code Enforcement data during the next open data release. Paulsen said that they will look to put the Code Enforcement data into Accella in the future.

Akers told Jarvis that he cannot choose to manage on barebones and then complain about it. Jarvis said that, logistically, they can do their job. Akers said that from constituents' perspectives, they are not getting the job done. Akers wants the positions filled now and would like the Council Members to consider reinstating the third position as well.

Kay asked what criteria are followed to make exceptions to the 30, 60, and 90 day notices. He gave numerous examples of inconsistency with civil penalties given by the Division of Code Enforcement.

Kay said that there is much more work to be done and wants to keep the item in Committee until reorganization has occurred. At that time, the issue can be referred to the Planning and Public Works Committee.

3. Division of Police Home Fleet Policy

Stinnett introduced the item. Stinnett said that he wanted an update of the Home Fleet Policy to see if the LFUCG was saving the money they hoped to save.

Mason said that the update was put together by several entities at the LFUCG. He said that the new policy has been in effect for seven months.

There has been a 9.57% reduction in mileage driven and an 8.4% reduction in fuel consumption. Mason said that the estimated cost savings for FY13 is $335,000. They have also received revenue of $60,000 from off-duty employment. There has also been a $268,000 in insurance savings and $119,000 in depreciation savings.

Mason said that there has been a slight decrease in Part 1 Crimes. There were 17,893 in 2011-2012 and 16,806 in 2012-2013. He said that there has not been a dramatic change in any one direction.

There are 167 Officers who reside outside of Fayette County, with 137 Officers participating in the Out-of-County take home fleet program. Mason said that the Out-of-County payment monthly average is est. $9,000. The off-duty payment average monthly est. is $5,000.

Mason finished by telling the Council Members that there are three entities tracking LFUCG funds: The Chief's Office (Internal Affairs), BOA (Division of Fleet Management) and the Division of Fleet and Facilities.

Stinnett asked how they are measuring the fuel consumption, insurance, and depreciation savings. Mason said that the insurance and depreciation savings were measured by the former Budget Director. Stinnett asked how they are tracking it. Mason said that they have discussed it with Risk Management and it is a cost avoidance situation. Stinnett told Mason that they will not be able to measure the real savings until the end of the fiscal year.

Baradaran said that he receives monthly reports from the Division of Police as to which vehicles are take-home vehicles. He said that he looks at fuel consumption on those vehicles. Since it is only seven months of data, they cannot track trends. He wants to see at least 24 months of data.

Stinnett asked Chief Ronnie Bastin about the crime statistics. Stinnett asked what reported crime is. He also asked if property crimes are up. Bastin said that the methodology the FBI uses has changed, but overall crime statistics are down. Auto larceny is up slightly.

Myers asked how they will calculate the opportunity costs of not having officers available to respond off-duty. Mason said that they have not had many instances where people are waiting for help and they have not had complaints from constituents. Mason said that the lack of visibility is not translating into more crime.

4. Items Referred to Committee

<u>Motion by Stinnett to remove the Division of Police Home Fleet Policy from the items referred list. Seconded by Myers. Motion passed without dissent.</u>

<u>Motion by Akers to adjourn. Seconded by Clarke. Motion passed without dissent.</u>

Submitted by Jenifer Benningfield, Council Administrative Specialist

DRAFT

General Government Committee

May 7th, 2013

Summary and Motions

Chair Steve Kay called the meeting to order at 11:00am. Committee Members present were VM Linda Gorton, Chris Ford, Shevawn Akers, Julian Beard, Jennifer Scutchfield, George Myers, Diane Lawless, Harry Clarke and Ed Lane.

1. Approval of the Summary

Motion by Gorton to approve the summary. Seconded by Clarke. Motion passed without dissent.

2. Metro Employees Credit Union (MECU) Lease and Memorandum of Agreement (MOA)

Francis Block, with the Commonwealth Credit Union, came to the podium and asked the Council if they would be allowed the capability to meet with employees of the LFUCG during employee events such as benefit fairs and provide them other options of products and services. She said that they are the Credit Union for the Kentucky Retirement System (KRS).

Beard asked why she came to the Council instead of approaching the MECU. Block said that she is usually invited to speak to Councils. She said that she was invited to the meeting in a roundabout way by Myers.

Myers said that it might be appropriate to put out to bid through the RFP process, the spaces we are going to lease to them. Myers said that he wants our employees to have the best options available to the MECU. Myers said that if we are going to lease space at a discounted rate, before we enter into that contract, they could decide to issue an RFP instead of just issuing a sole source contract.

Beard said that the owners of the MECU are our employees. Beard said that Commonwealth Credit Union should not be involved at this point.

Block told Council Members that they do have a branches around the State and also in Lexington.

Kay said that the issue is whether they ought to widen the options; he said that they should not debate the merits of one credit union against another.

Ford said that he agreed with Beard. Ford said that any further conversation with the Commonwealth Credit Union is not appropriate at this time.

Gorton said that she would have liked Block to have come to the Work Session so she could speak to all Council Members. Gorton said that she was not averse to having a conversation at some time in the future regarding their participation at employee benefit events. Gorton said that the discussion might need to start with the Administration at the LFUCG.

Myers asked the Law Department to look into whether or not the LFUCG can enter into an agreement with the MECU without issuing an RFP.

Chief Administrative Officer (CAO) Sally Hamilton came to the podium to give an overview of the MOA. She said that it outlines the relationship between the MECU and the LFUCG, what they do for our employees, and what the LFUCG will do for them. Hamilton said that the Administration is fine with the MOA.

Hamilton said that the leases in the packet are the five year leases which increase the MECU's lease payments each year for five years.

Myers asked David Barberie if the LFUCG decides to enter into the agreement, if it would prohibit other entities from addressing our employees at a benefit fair. Barberie said that preserves the right of the MECU to address our employees, but it does not prohibit other entities from addressing our employees.

Gorton thanked all parties for their hard work in completing the leases and the MOA.

<u>Motion by Beard to move the MECU Leases and MOA to the full Council. Seconded by Gorton. Motion passed without dissent.</u>

3. CAO Policy #3 Vehicle Use and Assignment

Jamshid Baradaran, the Director of General Services, came to the podium to present. He said that his presentation would cover any changes to CAO Policy #3. Baradaran said they started working on the changes three years ago. The primary goals for the revisions were clarification of Fleet Management's overall charge and responsibility and clarification of each division and end user operational responsibility.

Baradaran said that the most important goal is the right sizing of the fleet. This involves an overall reduction in operational costs due to gained operational efficiencies as well as replacement unit's classification. Baradaran said he also reviewed environmental impact, primary use, and function of individual vehicle types. Baradaran mentioned a transition to Compressed Natural Gas (CNG) vehicles. He said that they are proposing the transition to CNG compactors.

Baradaran said that they are creating a Vehicle Acquisition Committee consisting of the following membership:

- CAO Office
- Finance Commissioner's Office
- General Services Commissioner's Office
- Public Safety Commissioner's Office
- Divisions of Central Purchasing
- Director of Facilities and Fleet Management
- Environmental Quality and Public Works Commissioner's Office

Baradaran provided clarification of each division and end user operational responsibility. He said that they are defining driver requirements, responsibility, and expectations. The CAO Policy #3 will include an appendix addressing collective bargaining group's SOP regarding fleet usage. It will also include clarification of reporting requirements.

For replacement units, Baradaran is proposing classification adjustments to meet each customer and divisions needs, lowering of Total Cost of Ownership (TCO) through purchasing of highly efficient units and the increased use of Alternative Fuel Technology (AFT) (CNG, Hybrid, EV…).

Baradaran said that they would like to implement the revised policy in July 2013.

Lane suggested adding a Council Member to the Vehicle Acquisition Committee. He also suggested adding a standard logo on all LFUCG vehicles. Lane said that the General Government Committee could look at implementing a standard logo. Finally, Lane said that he supports reducing the number of models of vehicles the LFUCG has because of maintenance and training costs.

Lawless said she agreed with Lane about adding a standard logo to the LFUCG vehicles. She went a step further and said that she has had constituents that report to her that they cannot identify what division the vehicle is from. Baradaran said that they all have unit numbers on them that are six inches high. He said that some of the units do have the division name on them, and as they replace vehicles they will consider adding the division name to the vehicles.

Clarke also supported a Council Member on the Vehicle Acquisition Committee. Clarke said that a member of the Council staff could serve as this representative.

Kay thanked Baradaran for his report.

4. Restructuring Government to Move the Division's of Building Inspection and Code Enforcement to the Commissioner of Planning

Derek Paulsen, the Commissioner of Planning, came to the podium. He said that the reorganization came out of discussions between Hamilton, Public Safety Commissioner Clay Mason, and himself.

Paulsen said that the main rationale for the reorganization is a dedicated neighborhood focus, a one stop shop, civil enforcement coordination, and Capacity Assurance Program (CAP) management.

Paulsen said that the reorganization has a strong neighborhood focus. He said that it starts with land use decisions and moves to neighborhood design, neighborhood construction, neighborhood maintenance, and neighborhood preservation.

Paulsen said that the one stop shop will allow for better coordination between divisions most directly involved in commercial and residential development. He mentioned coordination between the Divisions of Planning, Building Inspection, and Revenue. He said they will begin with Commercial permits and will eventually move to online permitting of commercial and residential permits. Paulsen said that they want to purchase and use Accela software.

Paulsen mentioned civil enforcement coordination. Paulsen said that the reorganization will combine the main divisions charged with civil enforcement.

Paulsen said that Planning and Building Inspection are essential to efficient management of CAP and without good coordination between divisions, development may be negatively impacted.

Clarke told Paulsen that he supports the reorganization.

Paulsen mentioned the Secured by Design program. He said that the program has a maintenance aspect. He said that he wants to ensure good coordination with our Public Safety divisions.

Clarke thanked Paul Schoninger for his summary on the history of the two divisions.

Akers thanked Paulsen and said she supports the reorganization. She thanked Schoninger as well.

Akers asked Paulsen if he would be cross training so that a code enforcement officer could do numerous types of enforcement. Paulsen said that building inspection is slightly more difficult to cross train, but he thinks that there are opportunities for cross training.

Lane said he also supports the reorganization.

Motion by Lawless to move the reorganization of the Divisions of Code Enforcement and Building Inspection to the Commissioner of Planning forward to the full Council. Seconded by Lane. Motion passed without dissent.

5. Items Referred to Committee

Motion by Clarke to remove CAO Policy #3 Vehicle Use and Assignment / Fleet Right-Sizing, the Lease Agreements and PSA with the Metro Employees Credit Union, and the Restructuring of Government to move the Division of Building Inspection and the Division of Code Enforcement to the Commissioner of Planning from Public Safety from the items referred list. Seconded by Gorton. Motion passed without dissent.

The relationship with the BGADD and the Procedure for Underwriting or Sponsoring one of our Facilities or Parks will be on the June agenda.

Submitted by Jenifer Benningfield, Council Administrative Specialist