

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL

WORK SESSION AGENDA

August 14, 2007

- I. Public Comment – Issues on Agenda**
- II. Requested Rezoning / Docket Approval – Yes**
- III. Approval of Summary – July 10, 2007 pp. 11-15**
- IV. Budget Amendments – Yes**
- V. New Business – pp. 22-83**
- VI. Continuing Business / Presentations**
 - A. Anchor Baptist Church Industrial Revenue Bond Proposal**
 - B. Discussion and Tentative Adoption of Ad Valorem Property Tax Rates**
 - C. Management Team Audit**
- VII. Council Report**
- VIII. Mayor's Report – Yes**
- IX. Public Comment – Issues Not on Agenda**
- X. Closed Session – Personnel**

ADMINISTRATIVE SYNOPSIS

New Business Items

- A. Authorization for Mayor to Execute Change Orders to Contract with Past Respects, LLC for Renovation of Cadentown School Project. (386-07) (King/Koch)

This request will authorize the Mayor to execute change orders to the construction contract with Past Respects, LLC for the Cadentown School project approved by resolution No. 318-2007 dated June 21, 2007 in the amount of \$175,309 with the following limitations:

- budgeted funds are available to cover change order increases;
- No change order has the effect of materially changing the scope of the project or contract;
- the cumulative total increase for all change orders by this arrangement does not exceed \$10,000 (5.7% of the contract amount);
- no individual change order increased exceeds \$2,600 (1.5% of the contract amount);
- any and all change order decreases are authorized; and
- a summary of all change orders executed by this arrangement will be furnished to the Council monthly, unless more frequent reporting is requested. **p. 22**

- B. Authorization of Change Order No. 1 to Contract with Jarboe Construction, Inc. for the Gainesway Park Community Building Project. (395-07) (Cole)

This request will authorize Change Order No. 1 to contract with Jarboe Construction, Inc. to increase amount by \$7,500 for professional services for the Gainesway Park Community Building project. Original contact amount was \$23,250. New contract total is \$30,750. Funds are budgeted. **p. 23**

- C. Authorization to Amend Resolution No. 649-2005 to Correct a Street Address Incorrectly Assigned. (384-07) (Bennett)

This request will authorize an amendment to Resolution No. 649-2005 that changed the address of 132 Market Place Drive to Nichols Park to be corrected to read 4096 Nichols Park Drive. This correction will allow GIS, the Enhanced 9-1-1 System, and PVA records to be in conformity with each other. There is no budgetary impact. **pp. 24-25**

- D. Authorization of a Bill of Donation of a Horse by Priscilla Menard to the Division of Police, Mount Patrol Unit. (385-07) (Bennett)

This request will authorize the acceptance of a bill of donation of a horse named Fancy Dan, described as a 12-year old Percheron / Friesan

gelding, Dapple Gray in color, by Priscilla Menard to the Division of Police, Mount Patrol Unit. **pp. 26-30**

E. Authorization of an Agreement with the Fayette County Sheriff's Office under the Encourage Arrest Policies and Enforcement of Protection Orders Program. (387-07) (King/Bennett)

This request will authorize an agreement with the Fayette County Sheriff's Office for \$7,930 of Federal funds from the US Department of Justice, Office on Violence Against Women under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. Funds were approved under Ordinance No. 281-2006 dated September 28, 2006. This application provides grant-funded services to be performed by several community partners to include the Fayette County Sheriff's Office. Funds will be used to offer victims of domestic violence in-home safety planning, advocacy services, emergency cell phones, photo-documentation of injuries, service of protective orders, other court orders, and arrest warrants. Funds will be used for officer and employee overtime that is not otherwise funded. **p. 31**

F. Authorization of Agreements with the Madison County Fiscal Court and the City of Richmond and Award of Funds to the Division of Police under the 2006 Project Safe Neighborhood Grant Program. (389-07) (King/Bennett)

This request will authorize agreements with Madison County Fiscal Court of funds in the amount of \$8,216 on behalf of the Madison County Sheriff's Office for approximately 182 hours of overtime for law enforcement officers and with the City of Richmond of funds in the amount of \$8,217 on behalf of the Richmond Police Department for approximately 230 hours of overtime for law enforcement officers. The Project Safe Neighborhoods Advisory Committee has recommended LFUCG Division of Police receive \$10,000 for approximately 300 hours of overtime and an additional \$15,000 for the implementation of the National Integrated Ballistic Identification Network. The source of Federal funds is the US Department of Justice. LFUCG serves as the fiscal agent for this grant on behalf of the US Attorney's Office – Eastern District of Kentucky. **pp. 32-33**

G. Authorization of Agreements with the Kenton County Commonwealth Attorney's Office and the Office of the Commonwealth's Attorney, 28th Judicial Circuit under the Project Safe Neighborhood Grant Program. (388-07) (King/Bennett)

This request will authorize the execution of agreements with the Kenton County Commonwealth Attorney's Office for \$22,000 to provide partial support (approximately 19%) of an assistant prosecutor and with the Office of the Commonwealth's Attorney, 28th Judicial Circuit serving Lincoln, Rockcastle and Pulaski counties for \$10,000 for partial support (approximately 15%) of an assistant prosecutor under the Project Safe Neighborhood Grant program on behalf of the US Attorney's Office – Eastern District of Kentucky. The US Department of Justice approved this

funding to support the prosecution on the recommendation of the Project Safe Neighborhoods Advisory Committee. Funds are budgeted. **p. 34**

H. Authorization of a Contractual Agreement Between the Bluegrass Regional Mental Health – Mental Retardation Boards, Inc. (d/b/a Comprehensive Care Center and the Division of Community Corrections. (394-07) (Bennett)

This request will authorize a Contractual Agreement between the Bluegrass Regional Mental Health – Mental Retardation Board, Inc. (d/b/a Comprehensive Care Center) and the Division of Community Corrections for a total of \$743,709.23. This total includes a 2.8% CPI increase for the South region increase and an increase in the cap for psychotropic medication to \$230,000 for FY2008 from \$221,000 for FY2007. This agreement will exclusively provide a full-range of mental health services for evaluation, treatment and / or referral of offenders 7 days per week based upon responses to intake triage and booking screening questions. Funds are budgeted. **pp. 35-46**

I. Authorization of an Agreement with Jane F. Brake, PhD, on behalf of the Division of Youth Services. (396-07) (Helm)

This request will authorize an agreement with Jane F. Brake, PhD, to provide psychological assessments and mental health services to youth or consultation services to Social Services staff members for \$2,500 from July 1, 2007 through June 30, 2008. Funds are budgeted. **p. 47**

J. Authorization of a Clinical Services Agreement with UK Chandler Medical Center, College of Dentistry on behalf of the Division of Family Services. (402-07) (Helm)

This request will authorize a Clinical Services Agreement with the UK Chandler Medical Center, College of Dentistry at a cost of \$227,740 on behalf of the Division of Family Services from July 1, 2007 through June 30, 2008, to provide dental care and dental health education to children who are clients of the Family Care Center. This agreement provides for on-site service of a staff dentist and two (2) dental auxiliary personnel, and pediatric dental resident services. Funds are budgeted. **p. 48**

K. Authorization of a Clinical Services Agreement with the UK Chandler Medical Center, College of Nursing on behalf of the Division of Family Services. (403-07) (Helm)

This request will authorize a Clinical Services Agreement with the UK Medical Center, College of Nursing at a cost of \$320,320 on behalf of the Division of Family Services from July 1, 2007 through June 30, 2008, to provide health-care services to low income families who are clients of the Family Care Center. This agreement provides for on-site pediatric nurse practitioners or family nurse practitioners with pediatric expertise in preventative health services and acute care. Funds are budgeted. **p. 49**

- L. Authorization of a Contract to Receive Services with the Lexington-Fayette County Health Department on behalf of the Division of Family Services. (404-07) (Helm)
This request will authorize a contract to receive services with the Lexington-Fayette County Health Department on behalf of the Division of Family Services through the Family Care Center to reimburse the Center for dental screening and care provided to students at Harrison, Johnson, Bates Creek and Arlington Elementary schools from October 1, 2007 to June 30, 2008 at a cost not to exceed \$6,000. **p. 50**
- M. Authorization of a Group Sales Agreement with Hyatt Regency Lexington on behalf of the Division of Parks & Recreation for Hosting and Co-Sponsoring the Annual Bluegrass Invitational Wheelchair Tournament. (405-07) (Cole)
This request will authorize a Group Sales Agreement with Hyatt Regency Lexington on behalf of the Division of Parks & Recreation at a cost of \$3,000 for hosting and co-sponsoring the annual Bluegrass Invitational Wheelchair Tournament which includes providing food (at cost) for the players, complimentary rooms to host the officials, and a tournament office from January 31 through February 3, 2008. Funds are budgeted. **p. 51**
- N. Authorization of a Cost Reimbursement Agreement with the Federal Bureau of Investigation (FBI) on behalf of the Division of Police. (406-07) (Bennett)
This request will authorize a Cost Reimbursement Agreement with the FBI on behalf of the Division of Police for overtime by police officers assigned full-time to the formalized Kentucky Criminal Enterprise Task Force for detection, investigation and prosecution of crimes against the United States. **pp. 52-54**
- O. Authorization of an Option and Ground Lease Agreement and Lease Agreement with SprintCom, Inc. for placement of a Cell Tower at Coldstream Park, 1500 Newtown Pike. (413-07) (Cole)
This request will authorize an Option and Ground Lease Agreement, and a Lease Agreement with SprintCom, Inc., for a cell tower at property owned by LFUCG at Coldstream Park, 1500 Newtown Pike. **pp. 55-56**
- P. Authorization of an Agreement with Roberts and Kay, Inc., to Provide Consulting Services and Guidance to the Department of Social Services Needs Assessment Project. (414-07) (Helm)
This request will authorize an agreement with Roberts and Kay, Inc., at a cost not to exceed \$6,000 for consulting services and guidance to the Department for Social Services Needs Assessment project. This project will assess need for adult assessment, housing, special needs, young children, youth, and issues that cut across these lines. Funds are budgeted. **p.57**

- Q. Authorization of an Amendment to Agreement with Asbury College for Additional Services under the 2003 Project Safe Neighborhoods Grant – FY2008. (390-07) (King/Bennett)
This request will authorize an amendment to agreement with Asbury College for additional funding agreed on by the US Attorney's Office and the Project Safe Neighborhoods Task Force for \$11,370 remaining from the 2003 Project Safe Neighborhood Grant. Funds will be used for the development of an anti-gang public service announcement under the Anti-Gang Initiative project awarded to LFUCG from the US Department of Justice on behalf of the US Attorney's Office – Eastern District of Kentucky. LFUCG serves as the fiscal agent for this grant. Funds are budgeted. **p. 58**
- R. Authorization to Submit Application to the Kentucky Division of Emergency Management for a Search and Rescue Project on behalf of the Division of Fire & Emergency Services – 2008. (391-07) (King/Bennett)
This request will authorize the submission of an application to the Kentucky Division of Emergency Management for state funds of \$4,195 for the purchase of rescue pulley, rope, rescue / rappel harness, life jackets, water rescue dry suites, and other miscellaneous rescue equipment under the Search and Rescue project on behalf of the Division of Fire & Emergency Services. A match of \$4,195 (50%) is required and budgeted in the division's 2008 General Fund budget. **p. 59**
- S. Authorization of a Memorandum of Agreement (MOA) with Transit Authority of the Lexington-Fayette Urban County Government and Art in Motion, Inc. under the Versailles Road Corridor Enhancement Project – FY2008. (392-07) (King/Langston)
This request will authorize a MOA with Transit Authority of the Lexington-Fayette Urban County Government and Art in Motion, Inc. for the design and installation of an art (bus) shelter for \$14,000 for the Versailles Road Corridor Enhancement project. This project was approved by Ordinance No. 319-2006 dated November 2, 2006 for funding from the Kentucky Transportation Cabinet under the Safe, Accountable, Flexible, Efficient Transportation Equity Act; A Legacy for Users. The Corridor Committee and Transit Authority selected Art in Motion, Inc. to design and install an artistically designed transit shelter. Funds are budgeted. **p. 60**
- T. Authorization to Amend the 2007 Consolidated Plan for the Establishment of a New Community Development Block Grant (CDBG) Project with Public Hearing on August 16, 2007. (398-07) (King/Koch)
This request will authorize an amendment to the 2007 Consolidated Plan to establish "Russell School Community Service Center" as a new CDBG project of \$200,000 to support the rehabilitation of property at 201 West Fifth Street (formerly Russell Elementary School) to be used as a community facility that will include elderly housing, social services, child development services, and civic and cultural activities. Federal funds will

be used to refinance existing debt and support the rehabilitation costs. Funds will come from budgeted CDBG administrative and housing rehabilitation operating costs in the 2004 Consolidated Plan. This amendment to the Consolidated Plan will require a public hearing on August 16, 2007, prior to Council approval. **p. 61**

- U. Authorization to Approve Payment to Zambelli Fireworks Internationale for the 4th of July Fireworks Display. (399-07) (J. Kelly)
This request will authorize the payment of \$35,000 to Zambelli Fireworks Internationale for the 4th of July fireworks display. Funds will come from the revenue generated by the 4th of July 2007 activities. **p. 62**
- V. Authorization to Approve Payment to the Lexington Philharmonic Society for the Patriotic Concert as part of the 4th of July Celebration. (400-07) (J. Kelly)
This request will authorize the payment of \$21,750 to the Lexington Philharmonic Society for the performance of the patriotic concert on 3 July 2007. Funds will come from National City, Kentucky League of Cities, and Keeneland as sponsors of the concert with LFUCG as fiscal agent. **p. 63**
- W. Authorization to Rescind Resolution No. 319-2005 and Authorize a New Agreement with the Kentucky Transportation Cabinet (KYTC) and Division of Traffic Engineering. (411-07) (D. Kelly)
This request will authorize the rescission of Resolution No. 319-2005 by mutual consent of the KYTC and the Division of Traffic Engineering and authorize a new agreement for control, sharing and maintenance of camera systems (developed by KYTC and the Division of Engineering) for Traffic Management Center, Homeland Security and Amber Alert. **p. 64**
- X. Authorization to Accept Award from the Kentucky Justice and Public Safety Cabinet on behalf of the Division of Police for Participation in the Law Enforcement Service Fee Grant Program – FY2008. (409-07) (King/Bennett)
This request will authorize the acceptance of an award of \$35,000 from the Kentucky Justice and Public Safety Cabinet under the Law Enforcement Service Fee program on behalf of the Division of Police. Funds will be used to support overtime costs of approximately 1,144 police officer hours for the Traffic Alcohol Patrol. No matching funds are required. **p. 65**
- Y. Authorization to Accept Award from the Kentucky Justice and Public Safety Cabinet for the continuation of the Street Sales Enforcement Project on behalf of the Division of Police and the Office of the Fayette Commonwealth's Attorney – FY2008. (410-07) (King/Bennett)
This request will authorize the acceptance of an award of \$110,000 of Federal funds from the Kentucky Justice and Public Safety Cabinet for the continuation of the Street Sales Drug Enforcement project for the Division of Police and the Office of the Fayette Commonwealth's Attorney for the

arrest and conviction of street-level drug dealers. Funds will be used for overtime and confidential funds within the Narcotics Unit and for the cost of one fulltime Assistant Prosecutor within the Fayette Commonwealth Attorney's Office. A 25% match (\$36,670) is required and has been approved and included Division of Police's 2008 General Fund budget. Total project cost is \$146,670. **p. 66**

Z. Authorization to Submit Application to the Kentucky Justice and Public Safety Program and Accept Award if Offered on behalf of the Division of Police for the Operation of a Motor Carrier Safety Assistance Program (MCSAP) – FY2008. (408-07) (King/Bennett)

This request will authorize the submission of an application for Federal funds of \$75,000 from the Kentucky Justice and Public Safety Cabinet, Kentucky Vehicle Enforcement to continue the MCSAP within the Division of Police. Source of Federal funds is the Federal Highway Administration. Funds will be used for officer overtime, professional development, minor equipment and operating supplies. A 20% (\$18,750) match is required and will come from existing budgeted staff salaries in the Division of Police. Total project cost is \$93,750. **p. 67**

AA. Authorization to Submit Application to the US Department of Homeland Security on behalf of the Division of Police for the Transfer of Equipment under the Commercial Equipment Direct Assistance Program (CEDAP). (407-07) (King/Bennett)

This request will authorize the submission of an application to the US Department of Homeland Security for a Wolf Pack Remote Viewing system designed to assist in tactical operations, forensics and evidence recovery, physical security and contraband interdiction at an estimated value of \$25,000. CEDAP is an innovative Federal agency designed to assist small agencies with the transfer of equipment only. **p. 68**

BB. Authorization to Submit Application to the National Association of Police Athletic / Activities League, Inc., and Accept the Award if Offered for a NFL Youth Football Grant for the Division of Police. (412-07) (King/Bennett)

This request will authorize the submission of an application to the National Association of Police Athletic / Activities Leagues, Inc. and acceptance of the award if offered, for \$6,500 from the NFL Youth Football program on behalf of the Division of Police, Bureau for Community Services. Funds will be used to expand the Lexington Police Activities League Tackle Football program. Funds will purchase operating supplies, uniforms, equipment and travel. No matching funds are required. **p. 69**

CC. Authorization to Submit Application to the Kentucky Department of Juvenile Justice and Accept the Award if Offered for the Continuation of the Truancy Assessment Center – FY2008. (420-07) (King/Koch)

This request will authorize the submission of an application to the Kentucky Department of Juvenile Justice and accept the award if offered

of Federal funds of \$92,149 for the continuation of the Truancy Assessment Center under Title V of the Juvenile Justice and Delinquency Prevention Act of 1974. The project began in FY2007 to divert youth from Family Court for habitual truancy to the Court Designated Worker Program, building on a collaborative working relationship among Family Court, Partners for Youth, Division of Youth Services, Croney & Clark, University of Kentucky College of Social Work, and other youth-serving organizations. Funds will be used by Partners for Youth to employ a Truancy Assessment Center Coordinator and for case management services on a contractual basis. A match equaled to 50% is required of which \$46,464 will be documented from project time donated by a Family Court Judge, Family Court employees, and employees of the Fayette County Public Schools. Value of donated space will also be used to document grant match. Total project cost is \$138,613. **p. 70**

- DD. Authorization to Amend Section 21-5 of the Code of Ordinances within the Division of Government Communications. (416-07) (Allen/Koch)
This request will authorize an amendment to Section 21-5 of the Code of Ordinances to change the position title of Customer Service Supervisor to Customer Service Manager and its incumbent and create one (1) position of Customer Service Supervisor (grade 113E) within the Division of Government Communications. The fiscal impact for FY2008 will be \$42,179.46 and will be funded from the General Fund (27% - \$11,388.45), the Urban Services (69% - \$29,103.83), and Sanitary Sewers (4% - \$1,687.18). Total annual impact is \$52,222.19. Funds are budgeted. **pp. 71-72**
- EE. Authorization to Amend Section 22-5 of the Code of Ordinances within the Division of Family Services. (417-07) (Allen/Helm)
This request will authorize an amendment to Section 22-5 of the Code of Ordinances to create one (1) position of Family Support Worker Sr. (grade 112N) within the Division of Family Services for one (1) year. The fiscal impact for FY2008 will be \$37,851 and will be funded from the "Partners in Prevention" Community Partnership Grant. **pp. 73-74**
- FF. Authorization to Amend Section 12 of Ordinance No. 132-2007 to Correct a Typographical Error. (418-07) (Allen/Helm)
This request will authorize an amendment to Section 12 of Ordinance No. 132-2007 be changed from: "That the following subsection line number of Section 21-5(2) of the Code of Ordinances be and hereby are created to read as follows: 520.35 1 943 113N Environmental Inspector" to read "That the following subsection line number of Section 21-5(2) of the Code of Ordinances be and hereby are created to read as follows: 320.35 1 943 113N Environmental Inspector" There is no budgetary impact. **p. 75**

- GG. Authorization to Approve the Fayette County Sheriff's Settlement 2006 Taxes. (419-07) (Koch)
This request will authorize the approval of the Fayette County Sheriff's Settlement 2006 Taxes prepared by Moore Stephens Potter, LLP. The audit report indicates that all taxes collected were appropriately accounted for and remitted. **pp. 76-79**
- HH. Authorization of a Claim Request Form for the Removal of Two Underground Storage Tanks at South Base within the Division of Parks & Recreation and Approval for the Department of Public Works & Development to Sign Future Claim Forms Regarding this Issue. (421-07) (D. Kelly)
This request will authorize a claim request form for reimbursement of \$4,106.30 of site assessment and cleanup after the two (2) underground storage tanks located at South Base and petroleum releases had impacted the environment. This claim request form allows LFUCG and / or a contractor to be reimbursed for remediation and site assessment costs allowed under 401 KAR 42:250, Kentucky Underground Storage Tank. LFUCG has met the conditions for reimbursement. The claim form will be submitted as work in progress to the Kentucky Department for Environmental Protection. Request the Department of Public Works & Development be authorized to sign future claim forms regarding the cleanup. **p. 80**
- II. Authorization to Execute Necessary Settlement Documents in the Columbia Gas Rate Case before the Public Service Commission (PSC). (422-07) (Askew)
This request will authorize the execution necessary settlement documents in PSC Case No. 2007 – 008, Columbia Case of Kentucky, Inc., General Rate Case. Columbia will be granted a rate increase of approximately \$7.25 million per year (It had requested an increase of more than \$124 million per year). The rate increase is primarily obtained through an increase in each customer's monthly customer charge. With respect to UCG's accounts, any overall increase is anticipated to be offset by additional franchise fee revenue. The settlement will be contingent on final approval by PSC. **p. 81**
- JJ. Authorization to Amend Section 22-5 of the Code of Ordinances within the Department of General Services. (423-07) (Allen/Cole)
This request would authorize an amendment to Section 22-5 of the Code of Ordinances to abolish one (1) position of Municipal Engineer (grade 117E) and one (1) position of Administrative Officer (grade 118E), and create two (2) temporary positions of Administrative Officer (grade 118E) with a job expiration date of December 31, 2010. The fiscal impact for the remainder of FY2008 will result in a savings of \$220. The annual impact will result in a savings of \$270. **pp. 82-83**