

Lexington-Fayette Urban County Government

*200 E. Main St
Lexington, KY 40507*



Tuesday, March 14, 2023

3:00 PM

Packet

Council Chamber

Urban County Council Work Session

**Urban County Council
Schedule of Meetings
March 13, 2023 – March 20, 2023**

Monday, March 13

No Meetings

Tuesday, March 14

Social Services and Public Safety Committee.....1:00 pm
Council Chamber – 2nd Floor Government Center

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

Wednesday, March 15

No Meetings

Thursday, March 16

Corridors Commission.....12:00 pm
Council Chamber – 2nd Floor Government Center

Friday, March 17

No Meetings

Monday, March 20

No Meetings

**Lexington-Fayette Urban County Council
Work Session Agenda
March 14, 2023**

- I. Public Comment - Issues on Agenda**
- II. Requested Rezoning/ Docket Approval – No**
- III. Approval of Summary – Yes, p. 1-3**
 - a** Table of Motions: Council Work Session, March 7, 2023
- IV. Budget Amendments – No**
- V. Budget Adjustments - For Information Only – No**
- VI. New Business – Yes, p. 4-19**
- VII. Continuing Business/ Presentations**
 - a** Neighborhood Development Funds: March 14, 2023, p. 20
 - b** Summary: Social Services and Public Safety Committee, January 24, 2023, p. 21-22
- VIII. Council Reports**
- IX. Mayor's Report – No**
- X. Mayor's Report - Price Contract Bid Recommendations – No**
- XI. Public Comment - Issues Not on Agenda**
- XII. Adjournment**

Administrative Synopsis - New Business Items

- a** **0206-23** Authorization to execute an amendment to the agreement with the Lexington-Fayette County Health Department for the First Responders and Community Partners Overdose Prevention Project, funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program, increasing the contract by \$163,590 for a total cost not to exceed \$424,590. Budget amendment in process. (L206-23) (Baker/Allen-Bryant) p. 4
- b** **0260-23** Authorization to approve Salsco, Inc. as a sole source provider for a one-time purchase of a track chipper for the Division of Environmental Services at a cost of \$42,200.36. Funds are budgeted. (L0260-23) (Baradaran/Ford) p. 5
- c** **0263-23** Authorization to execute a contract with Populus Technologies, Inc. for data management and per trip fee collection services related to dockless (shared mobility) vehicles, for the Division of Planning, at a cost not to exceed \$9,500 and fifteen percent (15%) of per trip fees collected by Populus Technologies, Inc. Funds are budgeted. (L0263-23) (Duncan/Atkins) p. 6
- d** **0268-23** Authorization to execute Change Order No. 1 with L-M Asphalt Partners Ltd., dba ATS Construction, increasing the amount by \$5,000.00 to furnish labor and materials for graffiti removal and ADA sidewalk repairs for the Northeastern Park Playground Replacement Project, for a new total project cost of \$47,389.43. Funds are budgeted with LFUCG American Rescue Plan Act funds. (L0268-23) (Conrad/Ford) p. 7-9
- e** **0274-23** Authorization to renew the utility franchise agreement with Columbia Gas of Kentucky for an additional 5 years, through April 11, 2028. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each; this will be the second option to renew. Columbia Gas will reimburse LFUCG for its costs associated with the audit. No budgetary impact. (L0274-23) (Ford) p. 10
- f** **0275-23** Authorization to renew the utility franchise agreement with Kentucky Utilities Company, Inc. for an additional 5 years, through April 11, 2028. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each; this is the second option to renew. Kentucky Utilities will reimburse LFUCG for its costs associated with the audit. No budgetary impact. (L0275-23) (Ford) p. 11
- g** **0276-23** Authorization to renew the utility franchise agreement with Blue Grass Energy Cooperative Corporation for an additional 5 years, through April 11, 2028. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each; this is the second option to new. Blue Grass Energy will reimburse LFUCG for its costs associated with the audit. No budgetary impact. (L0276-23) (Ford) p. 12
- h** **0277-23** Authorization to renew the utility franchise agreement with Delta Natural Gas Company, Inc. for an additional 5 years, through April 11, 2028. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each; this is the second option to renew. No budgetary impact. (L0277-23) (Ford) p. 13

- i **0278-23** Authorization to renew the utility franchise agreement with Clark Energy Cooperative, Inc. for an additional 5 years, through April 11, 2028. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each; this is the second option to new. No budgetary impact. (L0278-23) (Ford) p. 14
- j **0286-23** Authorization to execute Contract Modification No. 4 to the professional services agreement with CDP Engineers in the amount of \$27,211.00 for Clays Mill Road Section 1 Improvements for additional engineering design services to address unforeseen site conditions. This increase brings the new contract total to \$871,212.00. Funds are budgeted. (L0286-23) (Burton/Albright) p. 15-17
- k **0287-23** Authorization to submit an application, and accept award if offered, to the U.S. Department of Homeland Security under the 2022 Assistance to Firefighters Grant (AFG) Program - Fire Prevention and Safety (FP&S) requesting federal funding in the amount of \$24,993.75 to conduct smoke alarm canvasses in Lexington-Fayette County. Match in the amount of \$1,246.68 is required. A budget amendment will be processed if approved. (L0287-23) (Wells/Armstrong) p. 18
- l **0289-23** Authorization to execute Supplemental Agreement No. 3 and accept federal SLX funds in the amount of \$136,000 for the construction phase of the Rosemont Garden Sidewalk Project, as funded under the Kentucky Transportation Cabinet Surface Transportation Program (SLX). The acceptance obligates the Urban County Government for the expenditure of \$34,000 as a local match. Budget amendment in process. (L0289-23) (Burton/Albright) p. 19

**URBAN COUNTY COUNCIL
WORK SESSION
TABLE OF MOTIONS
March 7, 2023**

Mayor Gorton called the meeting to order 3:02pm. All councilmembers were present.

Motion by Gray to move item c, under continuing business/presentations to beginning of agenda. Seconded by Sheehan. Motion passed without dissent.

- I. Public Comment – Issues on Agenda
- II. Requested Rezonings/Docket Approval

Motion by Plomin to approve the March 9, 2023 council meeting docket as amended. Seconded by LeGris. Motion passed without dissent.

Motion by Sevigny to place ordinance number 5 (an Ordinance modifying a conditional zoning restriction in the Neighborhood Business (B-1) zone, for 0.92 net (1.15 gross) acres, for property located at 2400 Versailles Rd.) on the docket with a public hearing on Tuesday, April 18, 2023 at 5pm. Seconded by Wu. Motion passed without dissent.

Motion by Sevigny to place ordinance number 6 (an Ordinance changing the zone from a Neighborhood Business (B-1) zone to a High Rise Apartment (R-5) zone, for 2.29 net (2.52 gross) acres, for property located at 340 Legion Dr.) on the docket without a public hearing. Seconded by Ellinger. Motion passed without dissent.

Motion by J. Brown to place on the docket, a resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute a Letter of Engagement to retain the professional services of Dean Dorton Allen Ford, PLLC (awarded pursuant to RFP No. 3-2023), to conduct an audit of utility franchise fee revenues received from Ky. Utilities Co., Columbia Gas of Ky., Inc., and Bluegrass Energy Cooperative Corporation, and to enter into a Letter of Engagement related to the services at a cost not to exceed \$47,000 (FY2023); and authorizing the Mayor or her designee to enter into any related Agreements. Seconded by Gray. Motion passed without dissent.

Motion by Gray to place ordinance number 8 (an Ordinance changing the zone from a Single Family Residential (R-1D) zone to a Planned Neighborhood Residential (R-3) zone, for 0.97 net (1.15 gross) acres, for property located at 2819 Liberty Rd.) on the docket without a public hearing. Seconded by F. Brown. Motion passed without dissent.

Motion by Plomin to place ordinance number 10 (an Ordinance changing the zone from an Interchange Service Business (B-5P) zone to a Highway Service Business (B-3) zone for 30.24 net (37.36 gross) acres, for property located at 5380 Athens Boonesboro Rd. and 5354 Athens Boonesboro Rd. (a portion of)) on the docket with a public hearing on Tuesday, April 25, 2023 at 5pm. Seconded by J. Brown. Motion passed without dissent.

Motion by Sheehan to place ordinance number 9 (an Ordinance changing the zone from a Professional Office (P-1) zone to a Planned Neighborhood Residential (R-3) zone, for 2.00 net (2.50 gross) acres, for property located at 410 Sporting Court (a portion of)) on the docket without a public hearing. Seconded by J. Brown. Motion passed without dissent.

Motion by Fogle to place ordinance number 7 (an Ordinance changing the zone from a Neighborhood Business (B-1) zone to a Planned Neighborhood Residential (R-3) zone, for 0.10 net (0.12 gross) acres, for property located at 712 Lancaster Ave.) on the docket without a public hearing. Seconded by Worley. Motion passed without dissent.

III. Approval of Summary

Motion by Sheehan to approve the February 28, 2023 work session summary. Seconded by Sheehan. Motion passed without dissent.

IV. Budget Amendments

Motion by Ellinger to approve budget amendments. Seconded by Gray. Motion passed without dissent.

V. Budget Adjustments – For Information Only

VI. New Business

Motion by Plomin to approve new business. Seconded by Ellinger. Motion passed without dissent.

VII. Continuing Business/Presentations

Motion by Ellinger to approve neighborhood development funds. Seconded by Sheehan. Motion passed without dissent.

Worley provided a summary of the February 14, 2023 General Government & Planning Committee meeting. There were no motions to report from the meeting at this time.

Worley provided a partial report out from the March 7, 2023 General Government and Planning Committee meeting.

Motion by Worley to approve recommended policy changes to leave balances. Seconded by Sheehan. Motion passed without dissent.

Motion by Worley to forward the short term rental ZOTA to the Planning Commission to review and return to council with recommendations or approval. Seconded by Plomin. Motion passed without dissent.

Motion by Worley to approve the amendments to the Short Term Rental ordinance. Seconded by LeGris. Motion passed without dissent.

Motion by Worley to postpone the amendments to the Short Term Rental ordinance pending Planning Commission review. Seconded by J. Brown. Motion passed without dissent.

There were no additional motions to report from the meeting at this time.

VIII. Council Reports

Motion by Sheehan to refer a full after assessment and review of the response to the recent weather event to the Social Services and Public Safety Committee. Seconded by Reynolds. Motion passed without dissent.

IX. Mayor's Report

Motion by Wu to approve the Mayor's Report. Seconded by Gray. Motion passed without dissent.

X. Mayor's Report – Price Contract Bid Recommendations

Motion by Plomin to approve the Mayor's Report - Price Contract Bid Recommendations. Seconded by Sheehan. Motion passed without dissent.

XI. Public Comment – Issues Not on Agenda

XII. Adjournment

Motion by Fogle to adjourn at 4:23pm. Seconded by Gray. Motion passed without dissent.

MAYOR LINDA GORTON

**LEXINGTON**

THERESA REYNOLDS

DIRECTOR

GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: FEBRUARY 10, 2023

SUBJECT: Amendment to Agreement with Lexington-Fayette County Health Department

Request: Council authorization to execute amendment to agreement to increase contract \$163,590 with the Lexington-Fayette County Health Department for the First Responders and Community Partners Overdose Prevention Project funded under the U.S. Department of Health and Human Services First Responders - Comprehensive Addiction and Recovery Act Grant Program at a cost not to exceed \$424,590.

Purpose of the Request: On September 16, 2021, (Resolution 483-2021), Council approved acceptance of federal funds from the U.S. Department of Health and Human Services for operating the First Responders - Comprehensive Addiction and Recovery Act Program. On October 14, 2021 (Resolution 551-2021), Council authorized the execution of an agreement with Lexington-Fayette County Health Department through the First Responders and Community Partners Overdose Prevention Project, to be responsible for dispensing naloxone to first responders, which is a key component of the grant program. On December 6, 2022 (Resolution 676-2022), Council authorized extension to December 30, 2022 as part of LFUCG No Cost Extension.

The Lexington-Fayette Urban County Government request contract increase \$163,590 to purchase of additional naloxone to dispense naloxone to first responders for the First Responders and Community Partners Overdose Prevention Project.

What is the cost in this budget year and future budget years? Estimated cost is \$163,590. No additional cost are anticipated.

Are the funds budgeted? Budget amendments are in process.

FUND	DEPT ID	SECT	ACCT	PROJECT	ACTIVITY	BUD REF	AMOUNT
3190	606105	0001	75101	SAMHSA_2020	FED_GRANT	2020	\$52,195.42
3190	606105	0001	75101	SAMHSA_2022	FED_GRANT	2022	\$111,394.58

File Number: 0206-23

Director/Commissioner: Amy Baker/Kacy Allen-Bryant



MAYOR LINDA GORTON

**LEXINGTON**CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: *Wanda Kean*
Wanda Kean, Deputy Director
Division of Facilities and Fleet

DATE: February 28, 2023

SUBJECT: Sole source procurement from Salsco, Inc.

Request:

Authorization to issue a sole source status to Salsco, Inc.

Purpose:

The Division of Facilities and Fleet Management is requesting a sole source status be issued to Salsco Inc. for the purchase of a track chipper for the Division of Environmental Services. Salsco is the only manufacturer of a unit this size with the required capabilities.

Budgetary Implication:

The cost for fiscal year 2023 is \$42,200.36

Are the funds budgeted?

Yes to be paid from 4051-313201-3091-97651

File Number: 0260-23

Director/Commissioner: Jamshid Baradaran/Chris Ford



MAYOR LINDA GORTON



LEXINGTON

THRESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: JIM DUNCAN, DIRECTOR
DIVISION OF PLANNING**

DATE: MARCH 2, 2023

SUBJECT: SHARED MOBILITY DATA MANAGEMENT CONTRACT

Request: The Division of Planning requests approval of a one-year contract with Populus to gather and analyze data from the use of shared mobility vehicles for multiple vendors.

Purpose of the Request: This contract is needed to gather trip and usage data and to help with enforcement of the shared mobility Ordinance and the billing and distribution of the monthly per trip fees. Populus is a data analysis tool to inform parking and billing, shared fees with the University of Kentucky, usage in Council Districts and other geographic areas, number of trips and routing information, daily rebalancing requirements, and utilization rates.

The cost in this budget year and future budget years:
\$9,500/Year + 15% of fees validated and invoiced through the Populus platform

Are the funds budgeted?
Yes
Account Number: 1141-160701-0001-72205

File Number: 0263-23

Director/Commissioner: Kevin Atkins/James Duncan



LINDA GORTON
MAYOR



LEXINGTON

MONICA CONRAD
DIRECTOR
PARKS & RECREATION

MEMORANDUM

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Monica Conrad, Director
Division of Parks and Recreation

DATE: March 3, 2023

SUBJECT: Change Order #1
Northeastern Park Playground Replacement
Contract # 379-2022

Request: Request Council Authorization for the Mayor to execute Change Order #1 in the amount of \$5,000.00 with L-M Asphalt Partners Ltd., dba ATS Construction to furnish labor and materials for graffiti removal and ADA sidewalk repairs at Northeastern Park.

Purpose of Request: This change order is necessary to remove graffiti and repair the ADA sidewalks at the Northeastern Park Playground Replacement project.

What is the cost in this budget year and future budget years? The current fiscal year cost for labor and materials per L-M Asphalt Partners Ltd., dba ATS Construction proposal is \$5,000.00. No future budget year impact.

Are the funds budgeted? Yes, this project was funded in FY22 by the American Rescue Plan Act in account:

3230-707602-7221-90320 Site 771 AR_NEASTN_2022 FED_GRANT Bud Ref 2022 \$5,000.00

File Number: 0268-23

Director/Commissioner: Conrad/Ford



LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CONTRACT CHANGE ORDER Page 1 of 2		Date:	February 28, 2023
		Project:	Northeastern Park Playground
		Location:	140 Northeastern Ave Lexington, KY, 40502
TO:	L-M Asphalt Partners Ltd., dba ATS Construction PO Box 910470 Lexington, KY 40591	Contract No.	LFUCG, Division of Parks Unit Price Contract 379-2022
		Original Contract Amt.	\$42,389.43
		Cumulative Amount of Previous Change Orders	\$0.00
		Percent Change - Previous Change Orders	0.00%
		Total Contract Amount Prior to this Change Order	\$42,389.43
		Change Order No.	1
You are hereby requested to comply with the following changes from the contract plans and specification;			
Current Change Order			
Item No.	Description of changes-quantities, unit prices, change in completion date, etc.	Decrease in contract price	Increase in contract price
1	Graffiti removal / ADA sidewalk repairs.		\$5,000.00
2			
3			
	Total decrease	\$0.00	
	Total increase		\$5,000.00
	Net Amount of this Change Order	\$5,000.00	
	New Contract Amount Including this Change Order	\$47,389.43	
	Percent Change - This Change Order		11.80%
	Percent Change - All Change Orders		11.80%
The time provided for the completion in the contract and all provisions of the contract will apply hereto.			
Recommended by <u>Jeffrey Nalley</u> (Proj. Mngr.) Date <u>02/28/2023</u>			
Accepted by <u>[Signature]</u> (Contractor) Date <u>2/28/2023</u>			
Approved by <u>[Signature]</u> (Director) Date <u>2/28/2023</u>			
Approved by <u>[Signature]</u> (Commissioner) Date <u>3/01/23</u>			
Approved by _____ (Mayor or CAO) Date _____			

Page 2 of 2	
JUSTIFICATION FOR CHANGE	
	CONTRACT NO. LFUCG, Division of Parks UPC 379-2022
	CHANGE ORDER: 1
1. Necessity for change: Graffiti removal / ADA sidewalk repairs. 2. Is proposed change an alternate bid? ___ Yes ☒ No 3. Will proposed change alter the physical size of the project? ___ Yes ☒ No If "Yes", explain. 4. Effect of this change on other prime contractors: None 5. Has consent of surety been obtained? ___ Yes ☒ Not Necessary 6. Will this change affect expiration or extent of insurance coverage? ___ Yes ☒ No If "Yes", will the policies be extended? ___ Yes ___ No 7. Effect on operation and maintenance costs: N/A 8. Effect on contract completion date: N/A	
_____ Mayor _____ Date	

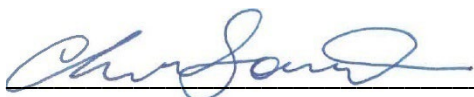
MAYOR LINDA GORTON



LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Chris Ford, Commissioner of General Services

DATE: March 2, 2023

SUBJECT: Utility Franchise Agreement Renewal
Columbia Gas of Kentucky

Request:

Request Council authorization to renew the utility franchise agreement with Columbia Gas of Kentucky for an additional 5 years, through April 11, 2028.

Purpose:

Columbia Gas was awarded a non-exclusive utility franchise in April 2013, for its gas distribution system in Fayette County. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each. The first option to renew was exercised by LFUCG in 2018. Columbia Gas has requested that we exercise the second renewal option. The administration's recommendation to renew the agreement was reached after reviewing the terms of the franchise and meeting with the utility to discuss compliance issues.

LFUCG and Columbia Gas have agreed to have a post-renewal limited financial audit performed by an outside auditor to determine franchise compliance. Columbia Gas will reimburse LFUCG for its costs associated with the audit.

Budgetary Implication:

There is no budgetary impact to LFUCG in the current or future fiscal years. The franchise agreement does require payment of associated franchise fees by the utility.

File Number: 0274-23

Commissioner: Chris Ford



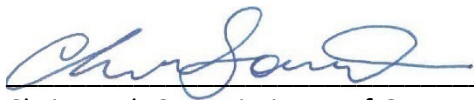
MAYOR LINDA GORTON



LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Chris Ford, Commissioner of General Services

DATE: March 2, 2023

SUBJECT: Utility Franchise Agreement Renewal
Kentucky Utilities Company

Request:

Request Council authorization to renew the utility franchise agreement with Kentucky Utilities Company, Inc. for an additional 5 years, through April 11, 2028.

Purpose:

Kentucky Utilities was awarded a non-exclusive utility franchise in April 2013, for its electric distribution system in Fayette County. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each. The first option to renew was exercised by LFUCG in 2018. Kentucky Utilities has requested that we exercise the second renewal option. The administration's recommendation to renew the agreement was reached after reviewing the terms of the franchise and meeting with the utility to discuss compliance issues.

LFUCG and Kentucky Utilities have agreed to have a post-renewal limited financial audit performed by an outside auditor to determine franchise compliance. Kentucky Utilities will reimburse LFUCG for its costs associated with the audit.

Budgetary Implication:

There is no budgetary impact to LFUCG in the current or future fiscal years. The franchise agreement does require payment of associated franchise fees by the utility.

File Number: 0275-23

Commissioner: Chris Ford



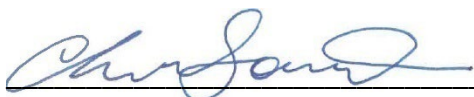
MAYOR LINDA GORTON



LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Chris Ford, Commissioner of General Services

DATE: March 2, 2023

SUBJECT: Utility Franchise Agreement Renewal
Blue Grass Energy Cooperative

Request:

Request Council authorization to renew the utility franchise agreement with Blue Grass Energy Cooperative Corporation for an additional 5 years, through April 11, 2028.

Purpose:

Blue Grass Energy was awarded a non-exclusive utility franchise in April 2013, for its electric distribution system in Fayette County. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each. The first option to renew was exercised by LFUCG in 2018. Blue Grass Energy has requested that we exercise the second renewal option. The administration's recommendation to renew the agreement was reached after reviewing the terms of the franchise and general compliance of the utility.

LFUCG and Blue Grass Energy have agreed to have a post-renewal limited financial audit performed by an outside auditor to determine franchise compliance. Blue Grass Energy will reimburse LFUCG for its costs associated with the audit.

Budgetary Implication:

There is no budgetary impact to LFUCG in the current or future fiscal years. The franchise agreement does require payment of associated franchise fees by the utility.

File Number: 0276-23

Commissioner: Chris Ford



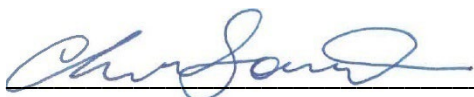
MAYOR LINDA GORTON



LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Chris Ford, Commissioner of General Services

DATE: March 2, 2023

SUBJECT: Utility Franchise Agreement Renewal
Delta Natural Gas Company

Request:

Request Council authorization to renew the utility franchise agreement with Delta Natural Gas Company, Inc. for an additional 5 years, through April 11, 2028.

Purpose:

Delta Natural Gas was awarded a non-exclusive utility franchise in April 2013, for its gas distribution system in Fayette County. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each. The first option to renew was exercised by LFUCG in 2018. Delta Natural Gas has requested that we exercise the second renewal option. The administration's recommendation to renew the agreement was reached after reviewing the terms of the franchise and general compliance of the utility.

Budgetary Implication:

There is no budgetary impact to LFUCG in the current or future fiscal years. The franchise agreement does require payment of associated franchise fees by the utility.

File Number: 0277-23

Commissioner: Chris Ford



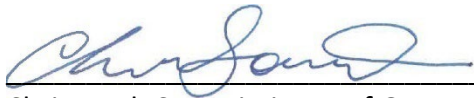
MAYOR LINDA GORTON



LEXINGTON

CHRIS FORD
COMMISSIONER
GENERAL SERVICES

TO: Mayor Linda Gorton
Honorable Members, Urban County Council

FROM: 
Chris Ford, Commissioner of General Services

DATE: March 2, 2023

SUBJECT: Utility Franchise Agreement Renewal
Clark Energy Cooperative

Request:

Request Council authorization to renew the utility franchise agreement with Clark Energy Cooperative, Inc. for an additional 5 years, through April 11, 2028.

Purpose:

Clark Energy was awarded a non-exclusive utility franchise in April 2013, for its electric distribution system in Fayette County. The franchise ordinance provided for an initial 5-year term with two additional renewal options of 5 years each. The first option to renew was exercised by LFUCG in 2018. Clark Energy has requested that we exercise the second renewal option. The administration's recommendation to renew the agreement was reached after reviewing the terms of the franchise and general compliance of the utility.

Budgetary Implication:

There is no budgetary impact to LFUCG in the current or future fiscal years. The franchise agreement does require payment of associated franchise fees by the utility.

File Number: 0278-23

Commissioner: Chris Ford



MAYOR JIM GRAY

**LEXINGTON**THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MARCH 3, 2023

**SUBJECT: Contract Modification No. 4
Contract #167-2015 - Clays Mill Road Section 1 Improvements
Additional Design Phase Engineering Services**

Request: Council authorization to execute Contract Modification No. 4 to the professional services agreement with CDP Engineers in the amount of \$27,211.00 for Clays Mill Road Section 1 Improvements for additional construction administration engineering design services over and above the original scope of services.

Purpose of Request: On August 27, 2015 (Resolution No. 524-2015), Council authorized the execution of an agreement with CDP Engineers, Inc. in the amount of \$526,482.00 for design of the Clays Mill Road Section 1 Project. On April 21, 2016 (Resolution No. 215-2016), Council approved acceptance of Contract Modification No.1 in the amount of \$241,814.00 for Right of Way services. On October 11, 2018 (Resolution No. 609-2018), Council approved acceptance of Contract Modification No. 2 in the amount of \$49,163.00 for design changes and additional appraisals. On December 6, 2022 (Resolution 682-2022), Council approved acceptance of Contract Modification No. 3 in the amount of \$26,542.00 for additional engineering construction administration services.

The LFUCG Division of Engineering needs this action to cover additional engineering design services to address unforeseen site conditions, which have arisen during the construction phase. A contract modification in the amount of \$27,211.00 has been requested.

What is the cost in this budget year and future budget years? The cost for Fiscal Year 2023 is \$27,211.00. The new contract total is \$871,212.00. No future budget years impact are anticipated.

Are the funds budgeted? Yes, funds are budgeted as follows:

Fund	Dept. ID	Section	Account	Bud Ref	Project	Activity
3160	303202	3251	91715	2015	CLY_ML_RD_2015	DESIGN_A

File Number: 0286-23

Director/Commissioner: Burton/Albright



LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT									
CONTRACT MODIFICATION									
To (Contractor): CDP Engineers 3250 Blazer Parkway Lexington, KY 40509					Date: 02/07/23 Project: Clays Mill Road Improvements, Section 1 Location: CMR from Waco Road to Harrodsburg Rd. Contract No: 167-2015 Contract Modification No: 4				
You are hereby requested to comply with the following changes from the contract plans and specifications;									
Item No.	ADD / DEL	Description of changes	Units	Quantity	Unit Price	Decrease in contract price	Increase in contract price		
1	ADD	Revise Wolf Run culvert plans to address unforeseen/unanticipated site conditions				\$ -	\$ 27,211.00		
						\$ -	\$ -		
						\$ -	\$ -		
						\$ -	\$ -		
						\$ -	\$ -		
						\$ -	\$ -		
						\$ -	\$ -		
						\$ -	\$ -		
Total decrease						\$ -			
Total increase							\$ 27,211.00		
Net (increase/decrease) in contract price							\$ 27,211.00		
Current Contract Amount = \$844,001.00						New Contract Amount = \$871,212.00			
Recommended by <u>Carolyn E. [Signature]</u> (Proj. Engr.)									
Accepted by <u>[Signature]</u> CDP Engineers, Inc. (Contractor)									
Approved by <u>[Signature]</u> (Director - Engineering)									
Approved by <u>[Signature]</u> (Commissioner - EQPW)									
Approved by <u>[Signature]</u> (Mayor or CAO)									
						Date	02/07/2023		
						Date	2/9/2023		
						Date	2/21/23		
						Date	2/27/23		
						Date			

JUSTIFICATION FOR CHANGE

PROJECT: Clays Mill Road Improvements, Section 1

CONTRACT NO. 167-2015

CONTRACT MODIFICATION NO.: 4

1. Necessity for change: During construction of the Clays Mill Road project, unforeseen site conditions were encountered that required significant changes to the Wolf Run Culvert. This contract modification covers the cost of related design services.
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 ___x___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: N/A
8. Effect on contract completion date: N/A

Mayor

Date

MAYOR LINDA GORTON



LEXINGTON

THERESA REYNOLDS
DIRECTOR
GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MARCH 3, 2023

**SUBJECT: U.S. Department of Homeland Security Grant Application under the 2022
Assistance to Firefighters Grant- Fire Prevention and Safety for Division of Fire
and Emergency Services**

Request: Council authorization to submit an application and accept if offered to the U.S. Department of Homeland Security under the 2022 Assistance to Firefighters Grant (AFG) Program - Fire Prevention and Safety (FP&S) requesting federal funding in the amount of \$24,993.75 to conduct smoke alarm canvasses in Lexington-Fayette County. Match in the amount of \$1,246.68 is required.

Purpose of Request: The primary goal of the Assistance to Firefighters Grants (AFG) is to enhance the safety of the public and firefighters with respect to fire-related hazards. The FP&S grant program accomplishes this by assisting fire prevention programs and supporting firefighter health and safety research and development.

The FP&S Activity is designed to reach high-risk target groups and mitigate the incidence of death, injuries and property damage caused by fire and fire-related hazards. The Community Services Bureau of the Lexington Fire Department implemented a free smoke alarm installation program within our community. This program aims to reduce home fire injuries, fatalities, property loss, and damage caused by fire and fire-related hazards in at-risk neighborhoods and aligns with the mission and objectives of the FP&S Grant Program. An FP&S grant award would allow us to conduct organized smoke alarm canvasses to target identified at-risk neighborhoods whose homes might not be up to modern life safety codes and provide them with a free service to make their homes safe and compliant.

What is the cost in this budget year and future budget years? If the grant is approved, federal funds in the amount of \$24,993.75 will be awarded, requiring a 5% match of match of \$1,246.68.

Are the funds budgeted? A budget amendment will be completed if approved.

File Number: 0287-23

Director/Commissioner: Wells/Armstrong



MAYOR LINDA GORTON

**LEXINGTON**

THERESA REYNOLDS

DIRECTOR

GRANTS & SPECIAL PROGRAMS

**TO: LINDA GORTON, MAYOR
URBAN COUNTY COUNCIL**

**FROM: THERESA REYNOLDS, DIRECTOR
DIVISION OF GRANTS AND SPECIAL PROGRAMS**

DATE: MARCH 6, 2023

**SUBJECT: Supplemental Agreement No. 3 for Rosemont Garden Sidewalk Project –
Construction Phase**

Request: Council authorization to execute Supplemental Agreement No. 3 and accept federal SLX funds in the amount of \$136,000 for the construction phase of the Rosemont Garden Sidewalk Project, as funded under the Kentucky Transportation Cabinet Surface Transportation Program. The acceptance obligates the Urban County Government for the expenditure of \$34,000 as a local match.

Purpose of Request: On April 17, 2017 (Resolution 216-2017), Council approved the acceptance of \$100,000 federal funds under Transportation Cabinet Transportation Alternatives Program (TAP) for the design phase of the Rosemont Garden Sidewalk Project. On December 3, 2020 (Resolution 615-2020), Council approved Supplement Agreement No. 1 to move funds of \$15,120 from design to right-of-way. On September 8, 2022 (Resolution 505-2022), Council approved Supplemental Agreement No. 2 to accept \$355,656.01 in federal funds under the Transportation Cabinet Transportation Alternatives Program (TAP)(\$43,656.01) and the Kentucky Transportation Cabinet Surface Transportation Program (SLX, \$312,000.00) with a required match of \$88,914 for a total construction phase of \$444,570.01 for Rosemont Garden Sidewalk Project.

The Kentucky Transportation Cabinet has offered the LFUCG funds to supplement current committed funds for the construction phase in the amount of \$136,000.00. Local match in the amount of \$34,000.00 is required for a total construction phase cost of \$170,000.00.

This project will extend sidewalk to fill in gaps to provide continuous sidewalks on both side of Rosemont Garden from Southland Drive to Pin Oak Drive.

What is the cost in this budget year and future budget years? The cost for Fiscal Year 2023 is \$170,000 total (\$136,000 federal SLX funds and \$34,000 local match). Future years funding is dependent upon availability of grant funding.

Are the funds budgeted? Budget amendment is in process.

File Number: 0289-23

Director/Commissioner: Burton/Albright



**Neighborhood Development Funds
March 14, 2023
Work Session**

Amount	Recipient	Purpose
\$ 825.00	Trees Lexington! Stacey Borden PO Box 1046 Lexington, KY 40588	To assist with the expansion of their pocket nursery program.
\$ 1,375.00	16th District PTA c/o Mary Todd Elementary PTA Liliana Milian 551 Parkside Drive Lexington, KY 40505	To assist with programmatic support, teacher appreciation and school beautification.
\$ 900.00	Georgetown Street Area Neighborhood Assoc., Inc. Diane Marshall PO Box 11382 Lexington, KY 40575	To assist with 2023 community movie nights in Douglass Park.
\$ 1,100.00	Mobile Mission Experience, Inc. Natalie Mims 838 E. High Street, #298 Lexington, KY 40502	To assist with the 2023 community baby shower, supporting 75 new and expecting single mothers.



Social Services and Public Safety Committee

January 24, 2023

Summary and Motions

Chair Reynolds called the meeting to order at 1:18 p.m. Committee Members Ellinger, J. Brown, Fogle, Gray, F. Brown, Baxter, Sevigny, and Plomin were in attendance. Council Member Monarrez was absent. Council Members LeGris, Sheehan, Lynch, and Vice Mayor Wu were also present as non-voting members.

I. ONE Lexington Programs Update

Devine Carama, Director of *ONE Lexington* explained that the *ONE Lexington* program is a city initiative that leverages government resources and community partnerships to reduce gun violence impacting youth and young adults (ages 13-29). He mentioned a few of the prevention initiatives which include community forums, interactions with students, scholarships, and strategic planning sessions. Kenneth Payne, Community Outreach Advocate with *One Lexington*, spoke about intervention initiatives that took place in the past year. Each Wednesday, a *Violence Intervention Workgroup* met to discuss gun-related incidents from the week prior. In the last year, they received referrals for and provided services for 50 families that have been impacted by gun violence. Larry Johnson, Community Response Coordinator with *One Lexington*, mentioned the work they have done with Lexington Police Department to coordinate youth mediation and crisis response efforts in 2022. He noted they want to bridge the gap between underserved communities and law enforcement in 2023. Carama spoke about the *It Takes a Village Youth Mentoring Program* which is a weekly summer mentoring program for youth aged 12-17. He highlighted some of the areas the program focuses on including skill building workshops, building relationships, mentoring, and commitment. Carama also described the *We are One* program which is an anti-violence essay & poetry contest for students at Lexington Traditional Magnet School & Crawford Middle School. The goal of this program is to encourage young people to discuss issues that affect them by using platforms to amplify those voices in hopes of inspiring positive change in their community. Payne spoke about crisis response and said the city has contracted 3 crisis response advocates to respond and support crisis situations involving families who have been impacted by gun violence. Johnson spoke about *Cities United* which has assisted with the development of a strategic plan to reduce gun violence among youth and young adults in Lexington. Finally, Carama closed with a review of community partnerships and he discussed next steps.

Carama confirmed the majority of the mentoring takes place at middle schools and high schools, but they are exploring the idea of getting involved with elementary schools. When asked about the partnership with Fayette County Public Schools and if the family resource centers are funded by the school system, Carama said they are, but there are stipulations on what that funding can be used for. Johnson added that currently all schools have a family resource center, but they share the funding which means the schools most in need do not get sufficient funding. When asked about reaching students in the Winburn or Eastland area, Carama said they would like to be in all of the districts, but the bandwidth is too small. When asked what efforts are being made so the community knows who the community partners are, Payne spoke about a website landing page they are working on that will house this kind of information. They are also working on having cards with a QR code that will go directly to the landing page. Speaking about crisis responder training and how those responders are trained, Carama said they are trauma-informed trained. He explained that *Cities United* has a crisis response model that they follow, but they

want to do more. There was conversation about the difficulty with community programs just getting started and struggling to get the non-profit status that would help them get funding more easily. There was some discussion about building relationships with law enforcement and the concern about the lack of neighborhood resource officers. When asked if this year's budget request will be comparable to last year, Carama said they are currently reviewing expenditures and what is left to spend. They will ask for a little more, but not a substantial amount because they can only do what they have the bandwidth to do. When asked if *Safety-Net* is separate from *One Lexington* or if this is a partnership, Carama said *Safety-Net* operates separately but the two programs work hand in hand. When asked to compare and contrast the Group Violence Intervention (GVI) program versus what Lexington is doing, Carama stated GVI is an old school approach to reducing gun violence. GVI operates in a way that puts the community at risk and also puts law enforcement at risk. Outreach components are there, but the difference is what they do and how they utilize law enforcement in a relationship as it pertains to outreach workers. Speaking about the strategic plan, Carama said the strategic plan is a guide for the next four years that shows how to reimagine the relationship between public safety and underserved communities. Carama said the biggest issue for youth programming is peer support and whether those with "lived experience" will be allowed to come into community centers to lead programming. No action was taken on this item.

II. Items Referred to Committee

Motion by Baxter to remove *A Review of Potential Handoff of Juvenile Probation Officers to the State* from the list of committee referral items. Seconded by J. Brown. Motion passed without dissent.

Motion by Baxter to remove *Review of All Social Programs for Potential Duplication with Non-profits to see if there are partnerships that can be enhanced* from the list of committee referral items. Seconded by Sevigny. Motion passed without dissent.

Motion by Sevigny to remove *(Ban on) Rental Income Discrimination* from the list of committee referral items. Seconded by Gray. Motion passed without dissent.

Motion by Baxter to remove *Tenants' Bill of Rights* from the list of committee referral items. Seconded by F. Brown. Motion passed without dissent.

Motion by Sevigny to remove *Review of Outdated Civil Defense Ordinance* from the list of committee referral items. Seconded by Gray. Motion passed without dissent.

Motion by J. Brown to remove *Review of Housing Rehabilitation Grants Program* from the list of committee referral items. Seconded by Ellinger. Motion passed without dissent.

Motion by Fogle to adjourn at 2:45 p.m. Seconded by Baxter. Motion passed without dissent.