



**CITY OF COVINGTON, KENTUCKY  
LEGISLATIVE MEETING  
BOARD OF COMMISSIONERS  
TUESDAY, AUGUST 18, 2015, 6:00 PM**

**20 WEST PIKE STREET  
COVINGTON, KENTUCKY**

**AGENDA**

**CALL TO ORDER:** Mayor Sherry Carran

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Reading of Minutes of the meetings of August 4, August 11, and August 12, 2015, (or motion to dispense with reading and approve minutes).

**PRESENTATIONS:**

**ITEMS FOR CONSIDERATION:**

**NEW BUSINESS – FIRST READING OF ORDINANCES**

1. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE RELATING TO THE GENERAL REVENUE AND LEVYING AND FIXING AN AD VALOREM TAX RATE ON ALL PROPERTY ASSESSED OR ASSESSABLE SUBJECT TO TAXATION FOR MUNICIPAL PURPOSES IN THE CITY OF COVINGTON, KENTUCKY, TO MEET THE GENERAL EXPENSES OF SAID CITY; PROVIDING A SINKING FUND FOR PAYMENT OF INTEREST ON THE BONDED INDEBTEDNESS OF THE CITY; AND TO REDEEM BONDS MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 2016.** *This Ordinance would set the Personal Property and Real Estate Tax Rate at \$0.3045. This is the first of three 2015*

*Property Tax Rates on the agenda for consideration. This tax rate, which is the City's current tax rate, would yield approximately \$23,000 in additional real property tax revenue, and \$16,394 in additional personal property tax revenue, for a total of \$39,386.*

**Staff Reporting:** Lisa Desmarais, City Operations Director and Interim Finance Director

**First Reading, No Vote**

2. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE RELATING TO THE GENERAL REVENUE AND LEVYING AND FIXING AN AD VALOREM TAX RATE ON ALL PROPERTY ASSESSED OR ASSESSABLE SUBJECT TO TAXATION FOR MUNICIPAL PURPOSES IN THE CITY OF COVINGTON, KENTUCKY, TO MEET THE GENERAL EXPENSES OF SAID CITY; PROVIDING A SINKING FUND FOR PAYMENT OF INTEREST ON THE BONDED INDEBTEDNESS OF THE CITY; AND TO REDEEM BONDS MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 2016.** *This Ordinance would set the Personal Property Tax Rate at \$0.3203 and the Real Estate Tax Rate at \$0.3010. This is the second of three 2015 Property Tax Rates on the agenda for consideration. This tax rate, which is the Compensating tax rate, is intended to produce the same total approximate amount of property tax revenue as last year, would yield approximately \$48,763 LESS in real property tax revenue, and \$46,768 in additional personal property tax revenue, for a total net decrease of (\$1,994).*

**Staff Reporting:** Lisa Desmarais, City Operations Director and Interim Finance Director

**First Reading, No Vote**

3. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE RELATING TO THE GENERAL REVENUE AND LEVYING AND FIXING AN AD VALOREM TAX RATE ON ALL PROPERTY ASSESSED OR ASSESSABLE SUBJECT TO TAXATION FOR MUNICIPAL PURPOSES IN THE CITY OF COVINGTON, KENTUCKY, TO MEET THE GENERAL EXPENSES OF SAID CITY; PROVIDING A SINKING FUND FOR PAYMENT OF INTEREST ON THE BONDED INDEBTEDNESS OF THE CITY; AND TO REDEEM BONDS MATURING DURING THE FISCAL YEAR ENDING JUNE 30, 2016.** *This Ordinance would set the Personal Property Tax Rate at \$0.3332 and the Real Estate Tax Rate at \$0.3130. This is the third of three 2015 Property Tax Rates on the agenda for consideration. This tax rate, which is the Allowable Rate, that is, the Compensating Rate plus 4%, is*

*intended to produce approximately 4% more in revenue than last year, exclusive of new revenue from new construction (net of Additions and Deletions from the property assessment list in the City), would yield approximately \$197,243, in additional real property tax revenue, and \$71,334 in additional personal property tax revenue, for a total of \$268,577. This is the recommended rate, as a means to produce the additional revenue for general operation of the City, and could be used for additional public safety staffing. The City's property tax rate has been relatively flat since 2002, but the City's expenses have not been flat. Rising employee pension, health care and compensation costs along with increases in utilities, fuel, maintenance, etc. have been increasing since 2002 and cannot be funded entirely over that extended period of time solely on growth revenue sources such as payroll taxes.*

**Staff Reporting:** Lisa Desmarais, City Operations Director and Interim Finance Director

**First Reading, No Vote**

4. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING SECTION 97.02 OF THE COVINGTON CODE OF ORDINANCES CHANGING THE DUE DATE FOR CITY TAXES.**

**Staff Reporting:** Lisa Desmarais, Interim Finance Director

**First Reading, No Vote**

5. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE OF THE CITY OF COVINGTON CREATING NEW CHAPTER 100 OF TITLE IX OF THE CITY OF COVINGTON, KENTUCKY CODE OF ORDINANCES TO CREATE AN ENERGY PROJECT ASSESSMENT DISTRICT PURSUANT TO KRS § 65.205.209.** *The Energy Project Assessment District Act (House Bill 100) authorizes local governments to establish Energy Project Assessment Districts (EPADs), an innovative financing option for energy efficiency upgrades, on-site renewable energy projects and water conservation measures. The City could partner with organizations such as the Greater Cincinnati Energy Alliance who would be responsible for all program administration tasks. The City's role would be limited to approval of the individual projects and special assessments, collection of the special assessment and the pass through of funds to the third party lender.*

**Staff Reporting:** Geoff Milz, Economic Development Manager

**First Reading, No Vote**

## **OLD BUSINESS – SECOND READING OF ORDINANCES**

6. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING § 34.50 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES, AND COMMISSIONERS’ ORDINANCE NO. O-27-13, CREATING THE POSITION OF BUSINESS ANALYST/EXECUTIVE ASSISTANT AND ESTABLISHING THE SALARY FOR THE POSITION.** *This new position in the Police Department is to provide extensive administrative support and to serve as a representative of the Department to employees and the public.*

**Staff Reporting:** Bryan Carter, Police Chief

**Recommendation:** Approve Ordinance. Approval allows the Police Department Administration to maintain the level of administrative support needed for Police Chief and two Assistant Police Chiefs.

7. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE VACATING A 16-FOOT WIDE ALLEY REFERENCED AS PARCEL C LOCATED IN WHAT IS REFERRED TO AS THE ROEBLING POINTE PARKING LOT THAT IS LOCATED BETWEEN ROEBLING WAY AND GREENUP STREET.** *The closing of this alley is necessary to effectuate combining all of the parcels located in the Roebbling Pointe Parking Lot into one contiguous property description.*

**Staff Reporting:** Frank Warnock, City Solicitor/Assistant City Manager

**Recommendation:** Approve Ordinance. Approval allows the City to proceed with “swapping” this lot with the parcel on Washington Street to facilitate Phase I of the Duveneck Place project.

8. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING CHAPTER 76 SCHEDULE II OF THE COVINGTON CODE OF ORDINANCES MAKING EAST THIRTEENTH STREET ONE WAY EASTBOUND FROM GREENUP STREET TO WHEELER STREET.** *This change was temporarily made on an emergency basis on June 23, 2015, after the Engineering Department was contacted by the Police Department about some quality of life issues that were being experienced in the area. Since this change, the issues have improved and it is recommended that the change be made permanent.*

**Staff Reporting:** Mike Yeager, Community Services Director/City Engineer, and Bryan Carter, Police Chief

**Recommendation:** Approve Ordinance. Approval makes this City neighborhood easier for Police patrol and increases safety there.

9. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING CHAPTER 92 OF THE COVINGTON CODE OF ORDINANCES TO DEFINE VIOLATIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS A PUBLIC NUISANCE, AMENDING THE DEFINITION OF A CRIMINAL NUISANCE VIOLATION, AMENDING THE NUMBER OF CRIMINAL NUISANCE VIOLATIONS NECESSARY TO CONSTITUTE A CRIMINAL ACTIVITY NUISANCE, EXCLUDING DOMESTIC VIOLENCE AND CERTAIN OTHER ACTIVITY FROM THE CRIMINAL ACTIVITY NUISANCE ORDINANCE, REPEALING PROVISIONS OF THE CRIMINAL ACTIVITY NUISANCE ORDINANCE RELATED TO ABATEMENT AND EVICTION, AND ESTABLISHING PENALTIES FOR PERMITTING A CRIMINAL ACTIVITY NUISANCE.** *The City's existing Criminal Activity Ordinance has proven to be very helpful to the Code Enforcement department, the Police Department, and landlords. The amendments to be made will provide an even bigger benefit to the departments.*

**Staff Reporting:** Bryan Carter, Police Chief; Mike Yeager, Community Services Director/City Engineer and; Jessica Moss, GIS/Business Analyst

**Recommendation:** Approve Ordinance. This ordinance revision and the two to follow are “game-changers” for the City in addressing poorly maintained and managed residential rental properties throughout the City. Approval places more responsibility on the rental property owners, where it belongs, to maintain order on the premises, and better screen to whom they lease property.

10. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING CHAPTER 91 OF THE COVINGTON CODE OF ORDINANCES TO ADOPT THE KENTUCKY STANDARDS OF SAFETY (FIRE PREVENTION CODE), DESIGNATE THE COVINGTON FIRE DEPARTMENT AS THE CITY'S PRIMARY ENFORCEMENT AGENCY, EXTEND THE APPLICATION OF KRS CHAPTER 227 TO SINGLE FAMILY DWELLINGS, AUTHORIZE THE FIRE DEPARTMENT TO CHARGE RE-INSPECTION FEES ACCORDING TO THE FEE SCHEDULE ESTABLISHED BY STATE LAW, PERMIT THE FIRE DEPARTMENT TO ABATE VIOLATIONS OF THE KENTUCKY STANDARDS OF SAFETY, AND IMPOSE CRIMINAL PENALTIES FOR VIOLATION OF LAWFUL ORDERS OF THE FIRE DEPARTMENT, AND AMENDING SECTION 111.025 OF THE COVINGTON CODE OF ORDINANCES TO AUTHORIZE SUSPENSION OR REVOCATION OF A CITY ALCOHOLIC BEVERAGE**

**CONTROL LICENSE IF THE LICENSEE IS IN VIOLATION OF ANY PROVISION OF THE KENTUCKY STANDARDS OF SAFETY (FIRE PREVENTION CODE) OR HAS FAILED TO OBTAIN A FIRE INSPECTION OF THE LICENSED PREMISES.** *The Fire Department has been administering a fire inspection program over the last several years. Some issues have been identified that necessitate amending the ordinance which will enable staff to enforce the codes beyond conducting repeated inspections.*

**Staff Reporting:** Dan Mathew, Fire Chief

**Recommendation:** Approve Ordinance. This ordinance revision too is a “game-changer” for the City by empowering the Fire Department and combining the City’s residential rental inspectors with them to conduct life safety and other code inspections on a combined basis, and imposing criminal penalties for violations, and increasing the number of residential rental units that can be inspected on a regular basis as needed.

11. Consider Ordinance No. O-xx-15 entitled: **AN ORDINANCE AMENDING CHAPTER 155 OF THE COVINGTON CODE OF ORDINANCES, ENTITLED RENTAL DWELLING LICENSING, TO PROVIDE FOR PROACTIVE INSPECTION OF RENTAL PROPERTIES WITHIN THE CITY, PROVIDE FOR JOINT ENFORCEMENT AND ADMINISTRATION BY THE COMMUNITY SERVICES DIVISION AND FIRE DEPARTMENT, UPDATE LICENSING STANDARDS AND CONDITIONS, AMEND THE LATE FEE CHARGED FOR RENTAL DWELLING LICENSES AND CLARIFY WHEN A LATE FEE SHALL BE CHARGED, ESTABLISH AMENDED FEES FOR INSPECTION AND RE-INSPECTION OF RENTAL DWELLING UNITS, PROVIDE FOR SUSPENSION OF A RENTAL DWELLING LICENSE WHERE A PROPERTY OWNER FAILS TO SCHEDULE A RE-INSPECTION, AMEND THE METHODS OF SERVICE OF NOTICES AND ORDERS, AND DESIGNATE RENTING WITHOUT A RENTAL DWELLING LICENSE AS A CLASS B MISDEMEANOR, AND AMENDING CHAPTER 110 OF THE COVINGTON CODE OF ORDINANCES TO REPEAL DUPLICATE PROVISIONS.** *Some issues have been identified that necessitate this amendment to the current ordinance relating to Fire Inspections. The amendments will include provisions that will provide a basis for enforcement of the codes beyond conducting repeated inspections.*

**Staff Reporting:** Larisa Sims, Assistant City Manager for Development; Dan Mathew, Fire Chief

**Recommendation:** Approve Ordinance. This ordinance revision is also a “game-changer” for the residential rental industry in the City, establishing a more rigorous inspection and re-inspection schedule for violations, and with criminal penalties failing to comply with the City’s residential rental ordinance.

## **NEW BUSINESS – ORDER/RESOLUTIONS**

12. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF RYAN JONES AS POLICE OFFICER IN THE COVINGTON POLICE DEPARTMENT, WITH A 12 MONTH PROBATIONARY PERIOD, EFFECTIVE NOVEMBER 15, 2015.** *Mr. Jones is a US Army Veteran with seven years of active duty service as a Military Police Officer. He is well qualified to become a Covington Police Officer.*

**Staff Reporting:** Bryan Carter, Police Chief

**Recommendation:** Approve Order/Resolution. Approval allows the Police Department to fill one of four currently vacant positions. Mr. Jones is highly qualified and thus highly recommended for appointment.

13. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE PROMOTION OF LIEUTENANT MICAH FOSTER TO CAPTAIN IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE AUGUST 18, 2015.** *Due to a recent retirement, a Captain position is open in the department and Lieutenant Foster is first on the Captain's promotional list.*

**Staff Reporting:** Dan Mathew, Fire Chief

**Recommendation:** Approve Order/Resolution. Approval is recommended.

14. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE PROMOTION OF ENGINEER/PARAMEDIC PAUL WOODRING TO LIEUTENANT/PARAMEDIC IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE AUGUST 18, 2015.** *Due to retirement and promotion, a Lieutenant's position is open in the department and Engineer/Paramedic Woodring is first on the active Lieutenant's promotional list.*

**Staff Reporting:** Dan Mathew, Fire Chief

**Recommendation:** Approve Order/Resolution. Approval is recommended.

15. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE PROMOTION OF FIREFIGHTER/PARAMEDIC PATRICK AVERBECK TO ENGINEER/PARAMEDIC IN THE COVINGTON FIRE DEPARTMENT, EFFECTIVE AUGUST 18, 2015.** *Due to retirement and promotion, and Engineer's position is open in the department and Firefighter/Paramedic Averbeck is first on the active Engineer's promotion list.*

**Staff Reporting:** Dan Mathew, Fire Chief

**Recommendation:** Approve Order/Resolution. Approval is recommended.

16. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION FOR RETIREMENT OF JEANETTE MAHAN, CLERK/TYPIST IN THE COMMUNITY SERVICES DEPARTMENT, EFFECTIVE SEPTEMBER 1, 2015.** *Jeanette has 25 years of service with the City and has been an integral employee within the Community Services Department for a number of years. She will be missed.*

**Staff Reporting:** Mike Yeager, Community Services Manager/City Engineer

**Recommendation:** Approve Order/Resolution. Approval is recommended. Jeanette's contributions to the City over her career are acknowledged and appreciated, and best wishes extended for her future endeavors.

17. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION ACCEPTING THE RESIGNATION OF CHRISTIAN DENNERY, INTERIM CITY SOLICITOR, EFFECTIVE AUGUST 28, 2015.**

**Staff Reporting:** Frank Warnock, City Solicitor/Assistant City Manager

**Recommendation:** Approve Order/Resolution. Approval is reluctantly recommended. Christian has been an outstanding Interim City Solicitor in his short tenure with the City, accomplishing the legal work on many important projects including Hotel Covington, the Mutual Building and the Boone Block, in addition to the City's first comprehensive waste and recycling contract. He is also responsible for creating the CCDI (Covington Community Developer Initiative) program to reduce the number of vacant and abandoned properties in the City by getting them into the hands of responsible owners. He will be greatly missed and best wishes are certainly extended for his undoubted future success.

18. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT AGREEMENT WITH PRO MACH, INC. TO PROVIDE BUSINESS INCENTIVES PURSUANT TO CITY OF COVINGTON CODE OF ORDINANCES CHAPTER 116.** *Pro Mach, Inc. manufactures packaging and processing products and is currently headquartered in Loveland, Ohio. The firm is moving its corporate headquarters to RiverCenter Towers.*

**Staff Reporting:** Geoff Milz, Economic Development Manager

**Recommendation:** Approve Order/Resolution. Approval allows Pro Mach Inc. to relocate their business and 20 jobs to River Center. The average annual wage for these jobs is \$150,000 per year.

19. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A NON-COMPETITIVE PROCUREMENT AGREEMENT WITH GREATER CINCINNATI ENERGY ALLIANCE.** *The Greater Cincinnati Clean Energy Alliance (GCEA) provides administrative services needed to administer an*

*Energy Project Assessment District. The services provided by GCEA will be at no cost to the City.*

**Staff Reporting:** Geoff Milz, Economic Development Manager

**Recommendation:** Approve Order/Resolution. Approval allows the City to utilize GCEA, to administer the Energy Project Assessment District program's administrative services for businesses who take advantage of this new program offered by the City.

20. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING A RENEWAL CONTRACT WITH THE KENTON COUNTY PROPERTY VALUATION ADMINISTRATOR FOR REGULAR DATA UPDATES, IN AN ANNUAL AMOUNT OF \$1,342.16, PAYABLE FROM THE GENERAL FUND.**

**Staff Reporting:** Jessica Moss, GIS Business Analyst/Project Manager

**Recommendation:** Approve Order/Resolution. Approval of this annually recurring item allows the City to continue receiving its data information from the Property Valuation Office, which is used in some manner by every department in the City, from Police to Finance, to Legal to code enforcement, etc.

21. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH THELEN ASSOCIATES, INC. FOR COMPLETION OF DESIGN PLANS AND BID DOCUMENTS ASSOCIATED WITH THE LICKING RIVER LEVEE SLIDE AT 21<sup>st</sup> STREET, IN AN AMOUNT NOT TO EXCEED \$3,962.00, PAYABLE FROM BOND FUNDS.** *The City entered into an agreement with Thelen for design services associated with stabilizing the levee slide along the Licking River near 21<sup>st</sup> Street. The slide has since extended another 35 feet. This will require additional survey and design work from Thelen that was not anticipated.*

**Staff Reporting:** Mike Yeager, Community Services Manager/City Engineer

**Recommendation:** Approve Order/Resolution. Approval allows the City to proceed with the additional engineering design needed for the additional slide that has occurred at the 21<sup>st</sup> Street levee. The City has this project funded in its current capital budget, but has also submitted a grant application to FEMA for assistance, which would then free up those capital funds for other use.

22. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO SIGN AN EXTENSION ON THE OPTION TO PURCHASE 824 GREENUP STREET WITH MARIAN DEVELOPMENT GROUP (dba LINCOLN SCHOLAR HOUSE LLC).** *In August 2014, the Commission approved an extension of the option for purchase to Marian Development Group until September 2015 to allow the project to apply for Low Income Housing Tax Credits. The project was*

*selected to receive the credits and the final designs are in the process of being drafted and a 90 day extension is required for this work.*

**Staff Reporting:** Larisa Sims, Assistant City Manager for Development

**Recommendation:** Approve Order/Resolution. Approval extends the option to purchase for Lincoln Grant Scholar House Project by the developer, so that final design work for the project can be completed.

23. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AMENDING THE ADMINISTRATIVE PLAN FOR THE CITY OF COVINGTON'S HOUSING CHOICE VOUCHER/SECTION 8 PROGRAM.**

**Staff Reporting:** Larisa Sims, Assistant City Manager for Development/Kim Phillips, Section 8 Coordinator

**Recommendation:** Approve Order/Resolution. Approval is recommended.

24. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION APPROVING THE PUBLICATION OF REQUEST FOR PROPOSALS FOR PROJECT-BASED SECTION 8 VOUCHERS.**

**Staff Reporting:** Larisa Sims, Assistant City Manager for Development/Kim Phillips, Section 8 Coordinator

**Recommendation:** Approve Order/Resolution. Approval is recommended.

25. Consider Order/Resolution No. O/R-xx-15 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO MAKE A NEGOTIATED AWARD TO AND ENTER INTO COMPETITIVE NEGOTIATIONS WITH MAXWELL CONSTRUCTION, DER DEVELOPMENT AND PERFORMANCE CONSTRUCTION FOR THE DEVOU PARK CLUBHOUSE IMPROVEMENT PROJECT, AND REJECT ALL OTHER BIDS RECEIVED.** An O/R authorizing the Mayor and Commission, pursuant to KRS 45A.090 and K.R.S. 45A.085(3), to make a negotiated award and enter into competitive negotiations with Maxwell Construction, DER Development, and Performance Construction, and to reject all other bids submitted for the construction of the new Devou Park Clubhouse. An RFP was issued for the Clubhouse construction on July 15, 2015. The seven bids returned on August 11, 2015, exceeded the available funds for the project by 25%-40%. When computing the bids using alternate sources, City Staff found that the total lump sum was reduced for each bidder, thus fulfilling the ultimate goal of the project to reduce construction costs, but still rendering total project costs in excess of the available funds. The City further determined that there were not additional funds available from any source to make an award to the responsive and responsible bidder whose bid offered the best value.

Because under any method of calculation the project bids exceeded the total available funds, the project team is recommending that pursuant to KRS 45A.090 and KRS 45A.085(3), the City make a negotiated award and enter into competitive negotiations with the three (3) most responsive and responsible bidders before awarding the final contract. The determination of “most responsive and responsible” was made pursuant to the calculation of the bids using alternate sources and a review of whether each bidder submitted all responsive documentation.

After reviewing the bids according to the relevant criteria, the project team recommends that the project team make a negotiated award and enter into competitive negotiations with Maxwell Construction (\$5,871,000), DER Development (\$5,904,147), and Performance Construction (\$5,912,220)(the “Competitive Bidders”).

Entering into competitive negotiations will allow the project team to evaluate project specifications and negotiate further cost-saving options with the Competitive Bidders. The original bid was restrictive in timeline and sequence causing increases in price. One area this especially impacted was the earthwork, which encompasses a significant portion of the project. If the price can be reduced to an affordable level, the project team will come before the Commission to approve the winning bid.

The current clubhouse was constructed in 1934 and in 1980 the Devou Park Master Plan rated it in “Poor Condition”. In 2011, the second floor no longer could be used for golf outings or other community events due to access, code and mechanical issues, resulting in lost revenue for the golf course. Also in 2011, the Devou Park Advisory Committee (DPAC) formed a Clubhouse Subcommittee to determine if the clubhouse should be renovated or replaced. The Devou Properties, Inc. Board funded a \$30,000 feasibility study to determine if there was a market for replacing the clubhouse. CDS Associates, Inc. determined it was cost prohibitive to renovate the current facility. Several meetings with the public including nearby residents of Park Hills were conducted in 2013 and 2014 on various site plans and building configurations. Several changes were made to the original plan to accommodate noise concerns of nearby residents including the removal of parking spaces in the rear of building to provide an additional 18’ of buffer and landscaping; parking in rear restricted to Park Rangers and staff only and handicapped parking; elimination of an events lawn adjacent to clubhouse; privacy fence on landscaped berm; a pedestrian access and gate for residents of Audobon Road to the golf course; and relocation of #10 tees from existing location to a site further away from Park Hills’ residents. The project also eliminates all storm water drainage from the

clubhouse and parking lot to Miller's Pond in Park Hills, the storm water being diverted to a golf course retention area.

The Recommended Funding structure for this project includes a total of \$2.75 million contributed by the joint DPAC and Devou Properties Inc Boards (Drees Pavilion), as well as the two Devou Trusts. Based on the higher-than-anticipated bid prices received, and their expressed desire to maintain the quality and lasting impression of the new clubhouse, the Devou Properties Inc. Board at their meeting on August 12, 2015, approved a resolution to the effect that it would fund any remaining gap in the project cost between the original project cost estimate of \$4.7 million, and the final project cost, to be determined after competitive negotiation with the "Competitive Bidders" as described above. In addition, the Devou Trust has given written consent to use at least \$100,000 of Devou Trust funds for this project as necessary. Those contributions along with the operating revenue from the new facility will service the debt until at least 2030 when the City can provide those payments. In addition, the operating pro forma for the project will be updated based on the final project cost by the Clubhouse Committee that includes Greg Engelman of Devou Properties, Inc. Board, and a former City Finance Director; Scott Mescher, Executive Director of the Drees Pavilion; and David Peru and Ron Freking of Devou Park Golf Course. The pro forma also includes a Building Maintenance Reserve fund to ensure it is well maintained and not a burden on City's budget. In addition, this Recommended Funding structure no longer needs the \$1.5 million in City's current capital budget that can be used for other City needs now.

Other benefits of the new clubhouse include its availability for events such as private parties, wedding receptions, retirement parties, etc. It also provides a pleasant and convenient place for park visitors to purchase food and beverage, and rent bicycles and obtain general information about Devou Park, and as a Park Ranger station.

**Staff Reporting:** Natalie Gardner, Programs and Strategic Projects Manager  
**Recommendation:** Approve Order/Resolution

**PROJECT UPDATE:** Peaselburg Storm Water Detention Basins, Mike Yeager, City Engineer/Community Services Manager

**A Special Legislative Meeting will be scheduled for 6:00 p.m., Tuesday, August 25, 2015.**

**Next regularly scheduled Legislative Commission Meeting: 6:00 PM, Tuesday, September 1, 2015.**

**Next regularly scheduled Caucus Meeting: 6:00 PM, Tuesday, September 15, 2015.**

**PUBLIC COMMENTS**

**COMMISSIONERS' COMMENTS**

**CITY MANAGER'S COMMENTS**

**CITY SOLICITOR'S COMMENTS**

**MAYOR'S COMMENTS**

**ADJOURNMENT**