

**CALLED CITY COMMISSION MEETING
AGENDA FOR NOVEMBER 29, 2016
5:30 P.M.
CITY HALL COMMISSION CHAMBERS
300 SOUTH FIFTH STREET**

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

**PRESENTATION: City Hall Nomination to National Register of Historic Places – M.
WINCHESTER**

	I. <u>MINUTES</u>
	II. <u>MOTION</u>
	A. R & F Notice
	III. <u>MUNICIPAL ORDER</u>
	A. Naming of PJ Grumley River Drive
	IV. <u>ORDINANCES - INTRODUCTION</u>
	A. Contract Extension for MAC Construction for Riverfront Redevelopment Project Phase 1-B – CITY MGR
	B. Amendment to Cable Television Franchise Agreement with Comcast – P. SPENCER
	V. <u>EXECUTIVE SESSION</u>

NOVEMBER 15, 2016

At a Regular Meeting of the Board of Commissioners, held on Tuesday, November 15, 2016, at 5:30 p.m., in the Commission Chambers of City Hall located at 300 South 5th Street, Mayor Kaler presided, and upon call of the roll by the City Clerk, the following answered to their names: Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

PRESENTATIONS

AWARD OF MERIT

Mayor Kaler presented an Award of Merit to BA & Frances Hamilton for community service.

PADUCAH CIVIC BEAUTIFICATION ANNUAL BUSINESS AWARDS

Mary Hammond, representative for Paducah Civic Beautification Board, distributed the 2016 Annual Business Awards to the following winners.

1. City of Paducah, Parks Department, Stewart Nelson Park, Mark Thompson
2. Dairy Queen of Paducah, 1031 Joe Clifton Dr., Jay Page
3. The 1857 Hotel, 210 Kentucky Ave., Jorge Martinez & Paul Gourieux
4. The English Apartments, 1640 Jefferson, Jason Coalter & Dustin Richardson
5. The Freight House, 330 S. 3Rd St., Sara Bradley,
6. Innovative Ophthalmology: Barbara Bowers, MD, 1130 Lone Oak Rd
7. O'So Beautiful Salon, 220 Broadway, Tonya Ousley
8. Paducah Running and Cycling Company, 102 S 31st St., Grant and Lindsay Gamster
9. Paducah School of Art & Design, 905 Harrison St., Paul Aho, Dean
10. Soirees Events, 2069 Irvin Cobb Dr., Brandi Bone & Jenny Nunley
11. Strawberry Hill Pharmacy, 2700 New Holt Rd. #D, Daniel Jones & Staci Overby

MINUTES

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the reading of the Minutes for the November 1, 2016, City Commission meeting be waived and that the Minutes of said meeting prepared by the City Clerk be approved as written.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

MOTION

R & F DOCUMENTS

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the following documents and bids be received and filed:

1. Notice of Cancellation for the Board of Commissioners of the City of Paducah, Kentucky for Tuesday, November 8, 2016
2. Contracts/Agreements:
 - a. Agreement with Bluegrass Uniforms & Equipment for Uniform Services for the Paducah Fire Department (ORD 2016-11-8444)
 - b. Agreement with Aramark Uniform Services for Uniforms for the Engineering-Public Works & Parks Department (ORD 2016-11-8446)

NOVEMBER 15, 2016

- c. Agreement with KYFAB, LLC for Two (2) Stainless Steel Salt Spreaders (ORD 2016-11-8447)
 - d. Agreement with KYFAB, LLC for Three (3) Snow Plows, Mounts and Electric Over Hydraulic Controls (ORD 2016-11-8448)
 - e. Agreement with McKeel Equipment Co., Inc. for Two (2) Utility Vehicles (ORD 2016-11-8449)
 - f. Memorandum of Understanding with The Kentucky Oaks Mall Company c/o Cafaro Company regarding the former Service Merchandise Building at 3410 James Sanders Drive (MO 1941)
 - g. ASO Standard Pricing Assumptions with Anthem Blue Cross Blue Shield for claims administrative services for the City's Health Insurance Plan (ORD 2016-10-8441)
 - h. ASO Benefit Plans and Illustrative Rates with Anthem Blue Cross Blue Shield for the City's Health Insurance Plan (ORD 2016-10-8441)
 - i. Single Case Agreement and Addendum to Broker Agreement with Anthem Blue Cross Blue Shield (ORD 2016-10-8440)
 - j. Stop Loss Policy Agreement with Anthem Blue Cross Blue Shield (ORD 2016-10-8439)
3. Summary Terms of Engagement Letter with Kemper CPA Group for audit of the year ended June 30, 2016
 4. City of Paducah Police and Firefighters Pension Fund and Appointive Employees' Pension Fund Statement of Governmental Accounting Standards Numbers 67 and 68 Actuarial Report for year ended June 30, 2016
 5. Luther F Carson Four Rivers Center, Inc. Financial Statements for Years Ended June 30, 2016 and 2015
 6. Paducah McCracken County Riverport Authority Financial Statements for the Years Ended June 30, 2016 and 2015

BIDS FOR PLANNING DEPT
SALE OF 2400 SPRUCE STREET

1. Jenny Hari-Keeling & Seth Keeling*
2. Daniel Shelley Jones

*Denotes recommended bid.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5).

MUNICIPAL ORDER
ACCEPT TRANSFER OF PROPERTIES LOCATED AT 900 AND 904 NORTH 10TH STREET

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that a Municipal Order entitled, "A MUNICIPAL ORDER OF THE CITY OF PADUCAH, KENTUCKY, AUTHORIZING THE MAYOR TO EXECUTE THE DEED CONSIDERATION CERTIFICATE FOR THE CITY'S ACCEPTANCE OF THE TRANSFER OF REAL PROPERTIES LOCATED AT 900 AND 904 NORTH 10TH STREET, PADUCAH, KENTUCKY," be adopted.

NOVEMBER 15, 2016

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). MO.#1942; BK 9

DECLARATION AND SALE OF SURPLUS PROPERTY LOCATED AT 2400 SPRUCE STREET

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that a Municipal Order entitled, "A MUNICIPAL ORDER ACCEPTING THE BID OF JENNY HARI-KEELING AND SETH KEELING IN THE AMOUNT OF \$50 PLUS RECORDING FEES FOR REAL PROPERTY LOCATED AT 2400 SPRUCE STREET AND AUTHORIZING THE MAYOR TO EXECUTE A DEED AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE SALE," be adopted.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). MO.#1943; BK 9

ORDINANCES – ADOPTION

ACCEPT 2016 COMMUNITY DEVELOPMENT BLOCK GRANT FOR FOUR RIVERS RECOVERY CENTER (CENTER POINT)

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE OF THE CITY OF PADUCAH APPROVING AN AGREEMENT WITH THE KENTUCKY DEPARTMENT FOR LOCAL GOVERNMENT TO OBTAIN A COMMUNITY DEVELOPMENT BLOCK GRANT AWARD ON BEHALF OF THE FOUR RIVERS BEHAVIORAL HEALTH CENTER POINT RECOVERY CENTER, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAME". This Ordinance is summarized as follows: That the City of Paducah approves an Agreement with the Kentucky Department for Local Government to obtain a Community Development Block Grant Award on behalf of Four Rivers Behavioral Health Center Point Recovery Center in the amount of \$220,000 with the City receiving \$10,500 of said grant for administration. No local match is required. Further, the Mayor is hereby authorized to execute all documents necessary to accept the grant award with the Kentucky Department for Local Government and authorized to execute the legally binding agreement with Four Rivers Behavioral Health for the Center Point Recovery Center.

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.#2016-11-8450; BK 34

ACCEPT BID FOR HEALTH PARK CONSTRUCTION OF WALKWAYS, LIGHTING COMMUNITY GARDENS AND FITNESS AREAS

Commissioner Gault offered motion, seconded by Commissioner Abraham, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE ACCEPTING THE BID FOR THE CONSTRUCTION OF THE WALKING TRAIL, COMMUNITY GARDENS, LIGHTING, GREAT LAWN AND FITNESS AREAS FOR THE HEALTH PARK LOCATED AT 421 NORTH 13TH STREET, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SAME." This Ordinance is summarized as follows: The City of Paducah accepts the bid of Wilkins Construction Company, Inc., in the amount of \$619,169.36 for construction of the walking trail, community gardens, lighting, great lawn and fitness areas for the Health Park located at 421 North 13th Street, and authorizes the Mayor to execute a contract for same.

NOVEMBER 15, 2016

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.#2016-11-8451; BK 34

AUTHORIZE PAYMENT FOR RESCUE EQUIPMENT

Commissioner Rhodes offered motion, seconded by Commissioner Wilson, that the Board of Commissioners adopt an Ordinance entitled, "AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO MAKE PAYMENT TO P & L RESCUE SERVICES, LLC FOR THE PURCHASE OF RESCUE EQUIPMENT TO BE USED BY THE PADUCAH FIRE DEPARTMENT." This Ordinance is summarized as follows: That the City of Paducah hereby authorizes and directs the Finance Director to make payment in the amount of \$30,476.60 to P & L Rescue Services, LLC for the purchase of the rescue equipment listed below to be used by the Paducah Fire Department:

GENESIS C236 E-FORCE 2.0 CUTTER	\$10,195.00
GENESIS S45-SL 2.0 SPREADER	9,700.00
GENESIS 2136 RAM 2.0	7,945.00
GENESIS 28V 5AH BATTERY	390.00
GENESIS E28 EPACK	2,246.60

Adopted upon call of the roll, yeas, Commissioners Abraham, Gault, Rhodes, Wilson and Mayor Kaler (5). ORD.#2016-11-8452; BK 34

ORDINANCES – INTRODUCTION

AUTHORIZE FINANCE DIRECTOR TO MAKE PAYMENT FOR ARCHITECTURAL & DESIGN SERVICES FOR POLICE DEPARTMENT ANNEX

Commissioner Wilson offered motion, seconded by Commissioner Rhodes, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO MAKE PAYMENT TO i5 DESIGN GROUP, INC., FOR ARCHITECTURAL AND DESIGN SERVICES FOR THE POLICE DEPARTMENT ANNEX." This Ordinance is summarized as follows: That the City of Paducah hereby authorizes and directs the Finance Director to make payment in the amount of \$22,634.35 to i5 Design Group, Inc., for architectural and design services for the Paducah Police Department Annex.

PAY FOR FENCING FOR POLICE DEPARTMENT ANNEX

Commissioner Abraham offered motion, seconded by Commissioner Gault, that the Board of Commissioners introduce an Ordinance entitled, "AN ORDINANCE AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO MAKE PAYMENT TO MORRIS FENCING FOR FENCING FOR THE POLICE DEPARTMENT ANNEX." This Ordinance is summarized as follows: That the City of Paducah hereby authorizes and directs the Finance Director to make payment in the amount of \$24,390 to Morris Fencing for fencing for the Paducah Police Department Annex.

CITY MANAGER REPORT

NOVEMBER 15, 2016

Riverfront Project – The seeding for the park area has been completed. City Engineer Rick Murphy and a representative from Bacon, Farmer, Workman are going to visit the manufacturer of the floating dock for a quality inspection.

The City Manager commended City Engineer Rick Murphy on his receiving a Certificate of Appreciation from the U.S Army Corps of Engineers Louisville District for his time and effort in facilitating a Pre-Command Course Phase II. Colonel Beck felt his shared experience and knowledge will help shape the leadership of nearly half of the US Army Corps of Engineers for years to come.

MAYOR AND COMMISSIONER COMMENTS

Commissioner Abraham wants a complaint system to be established to log all incoming complaints. The system will show who the complaint was from, a phone number for how to reach the complainant, which department handled the complaint and will note the resolution. He would like this to be handled by the public information officer.

ADOPTED: November 29, 2016

City Clerk

Mayor

**Agenda Action Form
Paducah City Commission**

Meeting Date: 29 November 2016

Short Title: PJ Grumley River Drive Name Assignment

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Lindsay Parish
Presentation By: Gayle Kaler

Background Information:

PJ Grumley (January 19, 1926 - April 7, 2016) served as a City Commissioner from 1975 to 1998, which included seven years as Mayor Pro Tem. Mr. Grumley owned and operated Burger Chef restaurants from 1962 until 1988 and served terms as president of the following organizations: Paducah Area Chamber of Commerce, Retail Merchants Association, St. Paul Lutheran Church, and the Lion's Club.

The family of Mr. PJ Grumley has requested that the City of Paducah assign the name "PJ Grumley River Drive" to the portion of drive between Kentucky Avenue and Broadway Street known as Foot of Broadway.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Funds Available:

Finance

Account Name:
Account Number:

Recommendation: That the Board of Commissioners approve the name assignment for the aforementioned portion of drive in memory of PJ Grumley.

Attachments: GIS Map

Department Head	City Clerk	 City Manager
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MUNICIPAL ORDER NO. _____

A MUNICIPAL ORDER ASSIGNING THE NAME PJ GRUMLEY
RIVER DRIVE TO THE PORTION OF DRIVE KNOWN AS FOOT OF BROADWAY
BETWEEN KENTUCKY AVENUE AND BROADWAY STREET

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. Authorization. The Board of Commissioners hereby
approves the assignment of the name PJ Grumley River Drive to the portion of drive
located between Kentucky Avenue and Broadway Street, known as Foot of Broadway.

SECTION 2. Effective Date. This Order shall be in full force and effect
on and after the date as approved by the Board of Commissioners of the City of Paducah,
Kentucky.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Adopted by the Board of Commissioners, November 29, 2016
Recorded by Tammara S. Sanderson, City Clerk, November 29, 2016
\\mo\ PJ Grumley River Drive

Agenda Action Form

Paducah City Commission

Meeting Date: November 29, 2016

**Short Title: Contract Extension with MAC Construction and Excavation, Inc.
Riverfront Redevelopment Project Phase 1-B**

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Jeff Pederson
Presentation By: Jeff Pederson

Background Information:

On November 10, 2015, the City of Paducah entered into a contract with MAC Construction & Excavating, Inc., for construction of the Riverfront Redevelopment Project Phase 1-B Gangway, Transient Dock and Land Mass.

According to the contract, construction was to be fully complete within 240 consecutive calendar days after receipt of the Notice to Proceed; however, due to river conditions, weather, and other unforeseen project requirements, MAC Construction could not complete the project within the allotted timeframe and requested an extension of time. The City's project engineer, Bacon, Farmer and Workman, investigated the circumstances surrounding the request and determined that an extension would be in order. The City Manager forwarded a letter to Chad Unruh setting forth the conditions under which MAC would be granted the extension through January 31, 2017, including a written acknowledgment that it shall not be entitled to any additional compensation for services performed during the extension period. The new project deadline shall be January 31, 2017.

Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Staff Recommendation: Allow a contract extension through January 31, 2017

Attachments: Ordinance
Letter to Chad Nuruh w/attachments

Department Head	City Clerk	 City Manager
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CITY OF PADUCAH

300 South 5th Street
P. O. Box 2267
Paducah, KY 42002-2267
Phone: (270) 444-8503
Fax: (270) 443-5058
jpederson@paducahky.gov

Jeff Pederson
City Manager

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

November 16, 2016

Mr. Chad M. Unruh, CEO
MAC Construction & Excavating, Inc.
P. O. Box 6787
New Albany, IN 47151-6787

Dear Mr. Unruh:

As we are both aware, the contract period for completion of the Riverfront Redevelopment Project Phase 1-B has elapsed and it becomes necessary to formalize an extension to the contract. I have begun the process for the City Commission to take action to authorize an extension, and I will briefly state the conditions whereby the City will take such action.

Through the interactive process involving multiple parties over the past few months, the City is of the belief and understanding that January 31, 2017, is a date that has generally been understood as doable for completion. In consultation with the City's Project Engineer, we believe that an extension to the aforementioned date is justifiable, provided that MAC Construction both agrees to the date and is willing to provide written assurance.

On November 29, the Paducah City Commission will be presented with an Ordinance that would extend the completion date upon agreement and acknowledgement by MAC that it shall not be entitled to any additional compensation for any services on work done on the project during the extension period. Additionally, MAC will be required to waive and release the City from any claims related to the failure of MAC to complete the Project within the timeframe set forth in the November 10, 2015 Contract.

I am providing for your reference a copy of the letter from BFW that supports the granting of the extension. Also enclosed is a copy of the Ordinance that will be taken before the City Commission for authorization of the extension. I ask that you respond back to me with your acceptance of the aforementioned date and conditions.

Sincerely,

Jeff Pederson
City Manager

CITY OF PADUCAH
ORDINANCE NO. 2016-_____

**AN ORDINANCE AUTHORIZING A CONTRACT AMENDMENT AND
EXTENDING THE TIME FOR MAC CONSTRUCTION &
EXCAVATING, INC. TO COMPLETE CONSTRUCTION OF THE
RIVERFRONT REDEVELOPMENT PROJECT PHASE 1-B, AS
INITIALLY SET FORTH IN AN AGREEMENT MADE NOVEMBER 10,
2015.**

WHEREAS, on November 10, 2015, the City of Paducah, Kentucky (hereinafter referred to as "City") entered into a contract (a/k/a as an "Agreement") whereby MAC Construction & Excavating, Inc. (hereinafter referred to as MAC) agreed to furnish all the necessary labor, materials, tools and services necessary for the construction of the Riverfront Redevelopment Project Phase 1-B Gangway, Transient Dock and Land Mass (hereinafter the "Project"); and

WHEREAS, Article 2 of the aforesaid contract specified that MAC's performance was to be fully completed within Two Hundred and Forty (240) consecutive calendar days after receiving a Notice to Proceed; and

WHEREAS, Owing to project related circumstances pertaining to river conditions, weather and unique, unforeseen project requirements, MAC has requested that it be granted an extension until January 31, 2017 to fully complete its work; and

WHEREAS, the City's project engineers, Bacon, Farmer and Workman, (hereinafter "Project Engineers") have investigated the circumstances cited and have issued an opinion that granting the aforesaid extension would be justified and fair.

NOW, THEREFORE, be it ordained by the Board Of Commissioners of the City of Paducah, Kentucky:

SECTION 1. Pursuant to the recommendation of the Project Engineer as set forth in its November 14, 2016, letter, attached hereto as Exhibit A, the City Manager is authorized to extend MAC's completion time for the Project until midnight January 31, 2017, subject to the conditions precedent as set forth in Section 2 and Section 3 below.

SECTION 2. Prior to extending the contract as aforesaid the City Manager must first receive from MAC written assurances whereby MAC acknowledges and agrees that it shall not be entitled to any additional compensation for any of its services or any work of whatever nature on the Project during the extension period. Further, that MAC will use best efforts to complete its work prior to January 31, 2017, and that MAC waives and releases the City and its agents from any claims that it might now have, or might later attempt to assert, pertaining to any circumstances, events or actions relating, directly or indirectly, to the failure of MAC to complete the Project within the time frame set forth in the November 10, 2015 contract.

SECTION 3. The required written acknowledgment and agreement from MAC shall, in the opinion of the City Manager and Corporation Counsel, be binding in nature and legally sufficient to protect the interest of the City and its agents.

SECTION 4. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

GAYLE KALER, MAYOR

ATTEST:

CITY CLERK

Introduced by the Board of Commissioners _____

Adopted by the Board of Commissioners _____

Recorded by City Clerk _____

Published by *The Paducah Sun* _____



BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.

November 15, 2016

City of Paducah
300 South 5th Street
Paducah, KY 42003

Attention: Jeff Pederson, City Manager

RE: Paducah Riverfront Re-Development Phase 1B
Contract Time Extension

Mr. Pederson,

Please accept this letter in concurrence with the request for a time extension from MAC Construction and Excavating, Inc. (MAC) for an extension in time of 184 calendar days to set the contract end date at January 31st, 2017 due to the following circumstances.

Since project start date, MAC Construction has requested 103 days that river work could not be completed due to high waters or weather. Bacon Farmer Workman Engineering and Testing, Inc. (BFW) has verified that there were 103 days where the river was above a gage reading of 25 feet. This would extend the original project completion date to November 11th, 2016. The work items affected due to the inability to work on the river effected other ongoing work items due to the construction methods.

Additionally, this project includes material based specifications and performance based specifications that make it unique within the construction industry. There have been several intricate items dealing with not only the materials specified and performance based products which have required close coordination between the Owner, Design Team and the Contractor.

Initial contractor provided performance based design of gangways and platforms proved through the design / review process to deviate from the original design intent, and did not meet the performance based specifications. The initial design review process of gangways and platforms began on contract start date and was temporarily halted on May 6th, 2016. At that point, supplemental information was supplied through the owner by the design team to help facilitate the contractor in providing products and materials that would meet the performance based specifications.

500 South 17th Street
P.O. Box 120
Paducah, KY 42002-0120
phone: (270) 443-1995
fax: (270) 443-1904

1215 Dluguid Drive
Murray, KY. 42071
phone: 270-753-7307
fax: 270-759-4950

966 Double Bridge Road
Lewisburg, TN 37091
phone: 931-359-4882

P.O. Box 8188
Champaign, IL 61826
phone: 217-433-2172

403 N. Court Street
Marion, IL 62959
phone: (618) 993-6700
phone: (618) 997-9190
fax: (618) 993-6717

Throughout construction of this project, field directives have been issued by the Design Team. Due to unknown circumstances and unique materials specified, unit quantities in the Bid Form had to be adjusted to try to maintain the overall contract amount. With the adjustments in unit quantities, additional days were requested by MAC in the amount of 55 days at no cost increase to the project to meet the design intent and final grades. This addition of these days would increase the project completion date to January 5th, 2017.

With the platform and gangway design review items mentioned above coupled with unknown weather events that may occur, the additional 26 days in our opinion will be fair to the contractor, therefore making the date of substantial completion January 31st, 2017.

Regards,



BFW Engineering & Testing, Inc.

Kenneth D. McDaniel, PE

Project Engineer



BACON | FARMER | WORKMAN
ENGINEERING & TESTING, INC.

Agenda Action Form Paducah City Commission

Meeting Date: November 29, 2016

Short Title: Amendment to Cable Television Franchise Agreement with Comcast

Ordinance Emergency Municipal Order Resolution Motion

Staff Work By: Pam Spencer, PIO and Jeff Pederson, City Manager
Presentation By: Pam Spencer, PIO

Background Information:

The non-exclusive franchise agreement, adopted in October 2006, between the City of Paducah and Comcast expired November 1, 2016. With the assistance of telecommunications attorney Brian Grogan with Moss & Barnett, the City has entered into negotiations with Comcast for a new franchise agreement.

It is in the interest of both parties to reserve all of their respective rights under state and federal law during this franchise renewal process. This ordinance amends the franchise agreement to extend the term through April 11, 2017.

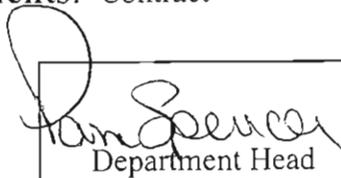
Goal: Strong Economy Quality Services Vital Neighborhoods Restored Downtowns

Finance

Funds Available: Account Name:
Account Number:

Staff Recommendation: Adoption of franchise agreement extension

Attachments: Contract

 Department Head	City Clerk	 City Manager
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ORDINANCE NO. 2016-12-_____

AN ORDINANCE OF THE CITY OF PADUCAH, KENTUCKY
GRANTING COMCAST CABLE, HEARTLAND REGION FORMERLY KNOWN AS
COMCAST OF THE SOUTH, L.P. A FRANCHISE EXTENSION THROUGH APRIL 11, 2017

WHEREAS, on or about December 5, 2006, the City of Paducah, Kentucky granted Cable Television Franchise Agreement (“Franchise”) which is currently held by Comcast Cable, Heartland Region formerly known as Comcast of the South, L.P. (“Comcast”); and

WHEREAS, Comcast has requested renewal of the Franchise; and

WHEREAS, the initial term of the Franchise expired on or about November 1, 2016; and

WHEREAS, both the City and Comcast desire to reserve all of their respective rights under state and federal law regarding the franchise renewal process, specifically all rights provided by 47 U.S.C. 546.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Paducah, Kentucky:

SECTION 1. The Franchise Agreement between the City of Paducah and Comcast Cable, Heartland Region formerly known as Comcast of the South, L.P., is hereby amended by extending the term of the Franchise from November 2, 2016 through and including April 11, 2017.

SECTION 2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

SECTION 3. The City and Comcast hereby agree that neither party waives any rights either may have under the Franchise or applicable law.

SECTION 4. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

Mayor

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, November 29, 2016

Adopted by the Board of Commissioners, December 6, 2016

Recorded by Tammara S. Sanderson, City Clerk, December 6, 2016

Published by The Paducah Sun, _____

\ord\cable-franchise extension 11-2016|

FRANCHISE EXTENSION

THIS AGREEMENT, effective as of December __, 2016 between the City of Paducah, KY (the "LFA"), and Comcast Cable, Heartland Region ("Comcast"), formerly Comcast of the South, L.P.

WHEREAS, on or about December 5, 2006, the LFA granted Comcast a non-exclusive franchise to construct, operate and maintain a cable television system (the "Franchise"); and

WHEREAS, Comcast timely filed a request with the LFA to activate the formal process for renewing the Franchise pursuant to the provisions of the Cable Communications Policy Act of 1984 ("Cable Act"); and

WHEREAS, the initial term of the Franchise expired on or about November 1, 2016; and

WHEREAS, the parties are in negotiations concerning a renewal of the Franchise utilizing the informal procedures set forth in the Cable Act; and

WHEREAS, the parties desire to extend the current Franchise term from November 2, 2016 through and including April 11, 2017 in order to accommodate such negotiations;

NOW, THEREFORE,
Section 1. Section 23 of the Franchise is hereby amended by extending the term of such Franchise through and including April 11, 2017.

Section 2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

Section 3. The LFA and Comcast hereby agree that neither party waives any rights either may have under the Franchise or applicable law.

Gayle Kaler, City of Paducah, KY Mayor

Attest: _____
Tammara S. Sanderson, City Clerk



Timothy P Collins, Senior Vice President
Comcast Cable, Heartland Region