

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2007**

**ROCHESTER, NEW YORK
U.S.A.**

Officials 2007

Robert J. Duffy
Mayor

Patricia Malgieri
Deputy Mayor

Darryl Porter
Assistant to the Mayor

James B. Barclay⁽¹⁾
Acting Director of Finance

Vincent J. Carfagna⁽²⁾
Director of Finance

Molly Clifford
Director of Neighborhood Empowerment Team

Floyd A. Madison⁽⁴⁾
Fire Chief

David T. Moore
Police Chief

Thomas S. Richards
Corporation Counsel

Donna L. Turner
Director of Human Resource Management

Gary Walker
Director of Communications

G. Jean Howard
Chief of Staff

William J. Ansbrow
Director of Budget and Efficiency

R. Carlos Carballada
Commissioner of Economic Development

John D. Caufield⁽³⁾
Fire Chief

Paul M. Holahan
Commissioner of Environmental Services

John M. Merklinger
Emergency Communications Center Director

Charles D. Reaves
Commissioner of Recreation and Youth Services

Brian L. Roulin⁽⁵⁾
Director of Finance

Julio Vazquez
Commissioner of Community Development

Paula V. Smith
Library Director

(1) Acting Director of Finance from June 29, 2007 through September 2, 2007.

(2) Retired June 28, 2007.

(3) As of September 8, 2007.

(4) Retired September 8, 2007.

(5) As of September 3, 2007.

Members of Council 2007

Members	Residence
Lois J. Giess	15 East Boulevard, 14610
President, Councilmember, East District	
Gladys Santiago	1850 Culver Road, 14609
Vice President, Councilmember-at-Large	
Carolee A. Conklin	310 Exchange Boulevard, Apt. 257, 14608
Councilmember-at-Large	
Benjamin L. Douglas*	135 Rutledge Drive, 14621
Councilmember, Northeast District	
John F. Lightfoot	52 Dr. Samuel McCree Way, 14608
Councilmember-at-Large	
Adam C. McFadden	74 Marlborough Road, 14619
Councilmember, South District	
Dana K. Miller	265 Melrose Street, 14619
Councilmember-at-Large	
William F. Pritchard	250 Rosedale Street, 14620
Councilmember-at-Large	
Robert J. Stevenson	77 Albemarle Street, 14613
Councilmember, Northwest District	
Lovely A. Warren**	93 Woodman Park, 14609
Councilmember, Northeast District	

* Resigned April 14, 2007.

** Appointed May 10, 2007.

City Clerk's Office

2007

Daniel B. Karin City Clerk
Sharon C. Conheady Deputy City Clerk
Birth A. Manigault Senior Legislative Assistant
Rebecca M. McNamara Senior Legislative Assistant
Betsy P. Indivino Legislative Assistant
Bernard J. Christopher Legislative Aide Part-time
Candice A. Bianchi Senior Legislative Clerk
Michael Ann Flynn Receptionist
Lisa M. Alexander⁽¹⁾ Legislative Clerk
Vanessa Soria⁽²⁾ Legislative Clerk
Denise Quinones⁽³⁾ Legislative Clerk Part-time
Dorothy A. Sullivan Legislative Clerk Part-time
Carol A. Supernault⁽⁴⁾ Legislative Clerk Part-time

- (1) Hired June 5, 2007.
- (2) Hired January 8, 2007; resigned June 6, 2007.
- (3) Hired August 27, 2007.
- (4) Retired March 30, 2007.

Standing Committees of The City Council

January 1 - April 14, 2007

Finance & Public Services
Douglas, Conklin, Miller

Housing & Community Development
Conklin, Douglas, Lightfoot

**Jobs, Economic Development
& Center City**
Pritchard, McFadden, Miller

**Parks, Public Works,
& the Environment**
Stevenson, Lightfoot, Pritchard

Public Safety
McFadden, Miller, Stevenson

April 15 - December 31, 2007

Finance & Public Services*
Giess, Conklin, Miller, Warren**

Housing & Community Development
Conklin, Lightfoot, Warren**

**Jobs, Economic Development
& Center City**
Pritchard, McFadden, Miller

**Parks, Public Works,
& the Environment**
Stevenson, Lightfoot, Pritchard

Public Safety
McFadden, Miller, Stevenson

The first Councilmember named after
the designation of the Committee is
Chair thereof.

Regular Meetings of the Council - Regular meetings shall be held at 8:00 p.m. in the Council Chamber, Room 302-A, City Hall.

Special Meetings - Special meetings may be called at any time by the Mayor or President of Council or any three Councilmembers.

* President Giess was Chair of the Finance & Public Services Committee from April 15 through June 19, 2007. Councilmember Miller was Chair from June 20 through December 31, 2007.

** Councilmember Warren was appointed to Council on May 10, 2007.

REGULAR MEETING
JANUARY 16, 2007

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DRYS

- *Gilberto Cortes
- *William DeCoste

Fire Department

- *Firefighter Bruce Costello
- Lieutenant Samuel Imburgia
- Deputy Fire Chief Jerome Telfair
- *Lieutenant Frank Lobene

Police Department

- *Officer David Benitez
- *Lieutenant Michael Kozal
- *Officer Carol Ann Kretovic
- *Robert Luksch

Library

- *Joan Hopkins
- *Maureen Whalen
- *Thomas Blanda

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of December 16, 2006 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

- Notice of Environmental Determination 3870-7
- Administrative Cancellation or Refund of Erroneous Taxes and Charges 3871-7

The Director of Zoning Submits Notice of Environmental Determination 3872-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

1. Monroe/Boardman/Wilmer Pedestrian Improvement Project Petition No. 1620
2. Keep City Curfew Permanent Petition No. 1621

Received and filed.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The 2005-06 Consolidated Community Development Plan By Transferring Funds To The Industrial Loan Program, Appropriating Funds And Approving Agreements Int. No. 5 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of 286 Berlin Street For The Rochester City School District Int. No. 6 1 speaker - Andrew Wheatcraft.

Changing The Zoning Classification Of 105 And 107 Hickory Street From R-2 Medium Density Residential To C-2 Community Center Int. No. 7 No speakers.

Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street, As Subdivided And Combined With 117-125 Highland Parkway, From Institutional Planned Development (IPD)-Colgate Rochester Divinity School, To R-1 Low Density Residential Int. No. 22 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
January 16, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 3 - Acceptance Of Library Grants And Amending The 2006-07 Budget

Int. No. 4 - Amending The 2006-07 Budget With Respect To Property Management Funds

Int. No. 20 - Amending The Municipal Code With Respect To Real Estate

Int. No. 21 - Resolution Amending The Policy For The Sale Of City-Owned Real Property To Tax Exempt Organizations

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 5 - Amending The 2005-06 Consolidated Community Development Plan By Transferring Funds To The Industrial Loan Program, Appropriating Funds And Approving Agreements

Int. No. 6 - Authorizing The Acquisition By Negotiation Or Condemnation Of 286 Berlin Street For The Rochester City School District

Int. No. 7 - Changing The Zoning Classification Of 105 And 107 Hickory Street From R-2 Medium Density Residential To C-2 Community Center

Int. No. 22 - Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street, As Subdivided And Combined With 117-125 Highland Parkway, From Institutional Planned Development (IPD)-Colgate Rochester Divinity School, To R-1 Low Den-

sity Residential

Int. No. 419 - Authorizing The Sale Of Real Estate For The Mildred Johnson Estates Affordable Housing Project

Int. No. 420 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mildred Johnson Estates Affordable Housing Project

Int. No. 421 - Approving A Loan Agreement For The Mildred Johnson Estates Affordable Housing Project

The following entitled legislation is being held in committee:

Int. No. 2 - Amending Ordinance No. 2005-208 Relating To The Sale Of Real Estate

Respectfully submitted,
Carolee A. Conklin
Benjamin Douglas
John F. Lightfoot
Lois J. Giess (Did not vote on Int. Nos. 1 through 4)
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-1 And
Ordinance No. 2007-11
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of nineteen properties, and amending a prior ordinance relating to the sale of real estate. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes, with the exception of the purchaser of 563 Clifford Avenue and the purchasers of unbuildable vacant land. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first three properties are structures that were sold at public auction. The purchasers will be required to rehabilitate the structures within nine months of closing.

The next property is a vacant lot that is being sold to the adjoining owner. The purchaser will combine the parcel with his adjoining property.

The next two properties are vacant lots that were sold at public auction, subject to the acceptance of a development proposal. The purchaser of 563 Clifford Avenue will develop the parcel as a parking lot. The purchaser currently owns a vacant structure located at 555 Clifford Avenue that has been cited for code violations, however the structure has been secured and the purchaser intends to renovate it in the future for use as administrative office space. The property located at 25 Edward Street will be combined with the purchaser's adjoining property.

The next property is a structure that is being sold for

its appraised value. The structure will be rehabilitated as a multi-use community structure.

The last twelve properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

Amendment

The Division of Real Estate is requesting that Ordinance #2005-208 which authorized the sale of 392 Jay Street to Nothnagle Property Management, LLC be amended to authorize the sale of 392 Jay Street to David T. Nothnagle. Only one member, David T. Nothnagle, is interested in completing the renovation of the structure and taking title to the property.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-1

Ordinance No. 2007-1
(Int. No. 1, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Table with 4 columns: Address S.B.L.#, Lot Size Purchaser, Legal Use, Price. Rows include 85 Evergreen St, 72 Joseph Pl, and 972 North St.

Section 2. The Council hereby further approves the negotiated sale of the following parcel of vacant land with proposal:

Address: 8 Algonquin Terr
S.B.L.#: 120.42-1-53
Lot size: 45x100
Price: \$2,000
Purchaser: Roger Stevens

Section 3. The Council hereby further approves the sale of the following parcels of vacant land with proposal through regular auction:

Address S.B.L.#	Lot Size Purchaser	Price
563 Clifford Ave 106.31-4-26	40x151 Baden St. Settlement of Rochester, Inc.*	\$50
25 Edward St 106.40-3-41.1	65x99 St. John Baptist Church**	50

* Officers: Jeff Clark-President; Kelly Glover-Vice President; Vincent A Leo-Treasurer; Scott Adair-Assistant Treasurer; Robin Stein-Secretary

**Officers: Dan Butler-Chairman of Deacon Board; Frank Richards-Chairman of Trustee Board

Section 4. The Council hereby further approves the negotiated sale of the following improved property with proposal:

Address: 616 & 630 N. Goodman St.
S.B.L.#: 106.68-2-94&72
Lot Size: Irregular
Price: \$1,500
Purchaser: North East Area Development, Inc.*

* Board of Directors: Thomas Banister-President; Donna Blake-Vice President; Robert Shewell-Secretary; Jaunita Ball; Diane C. Russell; Eloise Henry; Jimmie Highsmith, Jr; Mary Anne Lipani-Sample; Leanne Statopoli

Section 5. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
436 Avenue D 091.78-3-48	37x118 [Mercedes Valentin & Lora Rivera] <u>Valentin & Mercedes B. Lora</u>	4460+/-
20 Barons St 106.32-3-13	28x140 Carlos <u>Rosa & Rosa</u> Laguer [Rosa]	4368+/-
532 Bay St 106.44-3-20	38x101 Heriberto & Evelyn Leon	3842+/-
1323 Clifford Av 106.35-3-7	36x124 Mark Sanders	2457+/-
61 Ferndale Cres 106.60-4-10	36x104 Larry M. [McColough] <u>McCullough</u>	3406+/-
E 1/2 of 300 Flint St Pt. of 120.76-1-41	18x100 William G. Peck	1800
W 1/2 of 300 Flint St Pt. of 120.76-1-41	18x100 Jose Raul Martinez	1800
87-89 Jefferson Av 120.35-4-5	32x90 Samuel & Eula Buckner, Jr.	2880
418 Orange St 105.82-3-57	25x140 Charlene P. Murphy	3522+/-
736 South Av 121.72-3-73.2	2x109 David E. Halter	218+/-
N 1/2 of 96 Violetta St Pt. of 121.69-3-29	16x99 Arthur O. Pieper, II	1634+/-
S 1/2 of 96 Violetta St Pt. of 121.69-3-29	16x99 Housing Opportunities, Incorporated*	1634+/-

*Officers: Germaine Knapp-Chairman; David Dworkin-Treasurer; Bryan Hetherington-Secretary

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-11 appears on page 11 of the current Council Proceedings.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-2
Re: Budget Amendment - Central Library PBX and Voice Mail Telephone System Replacement

Transmitted herewith for your approval is legislation amending the 2006-07 Budget of the Central Library by \$92,863 to reflect the receipt and use of a grant from the Schools and Libraries Corporation E-Rate Program. These funds will be used to cover 90% of the replacement cost of the Central Library's PBX and Voice Mail Telephone System. The remaining 10% of the costs will be funded from the 2006-07 Budget of the Central Library.

The 1996 Federal Telecommunications Act set up the Universal Service Administrative Company to administer the E-Rate Program. The Schools and Libraries Division of the USAC makes discounts available to schools and libraries for telecommunications services, internet access, and internal connections. The program is intended to ensure that schools and libraries have access to affordable telecommunications and information services. The amount of the discount is based on the area's poverty rate, determined by the school lunch program. Due to the high poverty level in Rochester, our reimbursement rate is 90%.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2007-2
(Int. No. 3)

Acceptance Of Library Grants And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of Schools and Libraries Corporation E-Rate Grants for the replacement of the Central Library's PBX and Voice Mail Telephone System.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$92,900, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-3
Re: Budget Amendment - Department of Community Development

Transmitted herewith for your approval is legislation amending the 2006-07 Budget by transferring \$70,000 from the Property Management Account to the Department of Community Development Budget, and authorizing these funds for costs related to the management of City-owned properties.

The Property Management Account is funded from rent paid on City-owned, tenant-occupied housing. The transfer to the operating budget will allow continued payments for management of properties acquired through tax foreclosure and other means while they remain in City ownership.

The funds will be used to cover property management expenses through the end of 2006-07 for the Valley Court Apartments and for occupied properties acquired by foreclosure. Expenses include items such as eviction costs, utility charges, trash removal, snow plowing, advertising, material costs, and miscellaneous repairs. The fund transfer is being made at this time in preparation for a rise in expenses that is anticipated in the coming months. In January, the City will acquire properties through tax-foreclosure which may be rented on a short-term basis, or may need to be vacated. During heating season, there is a steep rise in utility costs at Valley Court Apartments, which has a central heating unit. The \$70,000 excludes management fees and labor expenses, which are paid through a professional services agreement with R.D.F Management.

The unencumbered balance remaining in DCD's operating budget for property management expenses is approximately \$75,000. The estimated amount needed for evictions and property expenses through the end of the fiscal year is \$145,000. Therefore, a fund transfer in the amount of \$70,000 will be needed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-3
(Int. No. 4)

Amending The 2006-07 Budget With Respect To Property Management Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$70,000, which amount is hereby appropriated from the Property Management Account to fund the management and development of City-owned properties.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-4 And
Resolution No. 2007-1
Re: City Code Amendments - Real Estate Policy

Transmitted herewith for your approval is legislation relating to the procedures for certain real estate transactions. This legislation will:

1. Amend Resolution 2001-15 to revise guidelines concerning sales to tax-exempt organizations. This revision will allow City-owned structures, originally constructed as houses of worship, to be eligible for tax exemption when purchased by a buyer for tax exempt use;
2. Amend Section 21-16 of the City Code regarding the eligibility of purchaser. This amendment will:
 - a. Provide a means whereby purchasers may rectify past noncompliance with Housing Court through payment of tickets and correction of the related violations, and
 - b. Restrict sale to purchasers who have been involved in fraudulent activity related to City property; and
3. Amend Section 21-10 of the City Code to include a procedure for the sale of real estate to former owners of properties acquired via County foreclosure.

Resolution 2001-15

Section 21-11 of the City Code, authorizes the Director of Real Estate to sell property to a tax-exempt organization in accordance with guidelines adopted by the Council. The current guidelines, adopted on September 25, 2001 (Resolution 2001-15), permit the sale of a property to a tax-exempt purchaser under certain circumstances, including a stipulation that "the organization waives its tax-exempt status for five years and agrees to pay taxes for that period of time." The purpose of this was to increase the City's tax collections by returning City-owned property to taxable status.

This is a reasonable guideline when applied to structures with potential to be used for taxable purposes. However, this also means that a church group that purchases and renovates an abandoned church building would not be eligible for tax-exemption for a period of five years. It should be recognized that structures that were designed to serve as churches, synagogues, mosques, and temples are special use buildings that are not readily adaptable for other uses. While buildings of this type are occasionally retrofitted for non-religious uses, in most instances the alternative use is also a not-for-profit enterprise, as in the case of community centers and performing arts venues. The revised guidelines will allow a tax-exempt purchaser to maintain their right to tax exemption, provided that the City-owned building purchased was originally constructed as a house of worship.

For all other categories of structures and for vacant land, the 5-year waiver of tax-exempt status would

apply. Eligibility for property tax exemption is contingent upon approval of an application that is made to the Bureau of Assessment by the purchaser after taking title to the property.

Section 21-16

The current guidelines prohibit purchasers from buying City-owned property if they "have been held in contempt of a housing court order for failure to abate code violations", or "have been found guilty of code violations by a Municipal Code Violations Bureau hearing examiner within the previous five years". There is no relief from the five year period specified, even when the property owner has satisfied the housing court or code violation ticket. Therefore, a property owner who unsuccessfully appeals a ticket, and subsequently pays the fine would have to wait for five years before being eligible to purchase City-owned property. The new guidelines will allow the remedy for violations to be *either* payment of all outstanding tickets and correction of the violations, *or* expiration of a five-year waiting period.

Section 21-16 revisions will also create a new category of ineligible purchasers - those who have engaged in fraudulent activity in connection with the sale of a City-owned property. This will permanently prohibit an individual or entity from participating in City sale programs if that purchaser has committed fraud in connection with a City-owned property.

Section 21-10

There is currently no means to authorize a sale to a former owner of County-foreclosed property, due to a recent change in real estate procedures. Ordinance No. 2006-94 established a new procedure whereby a City tax foreclosure action against a property may be canceled by court order in cases where it is deemed in the City's best interest to do so. The new procedure is an improved method of reconveying title to a former owner, but applies only in instances where the City acquires a property directly through an in-rem foreclosure action, and cannot be used in cases where a property has been deeded to the City by the County of Monroe following a foreclosure action by the County. This amendment will authorize the City to convey title to former owners of County foreclosed properties at the City's discretion and where it is deemed in the City's best interest to do so.

For this type of sale, former owners will be required to pay all City taxes arrears, delinquent water bills, any other City charges, interest to the date of payment, a ten-percent penalty, the cost of a title report, all current taxes, all cancelled and outstanding County taxes and Pure Waters charges. Purchasers will be screened in accordance with § 21-16 of the Municipal Code. Former owners may also be disapproved for repurchase due to previous noncompliance with City codes, criminal activity or nuisance points on a parcel currently or formerly owned by the former owner, default in a demolition hearing, or default on a City grant or loan agreement. Former owners who are occupants of a building shall be required to execute a standard City rental agreement. If the sale is not completed, the City may deduct any back rent owed from deposits made by the former owner as part of the purchase price. The former owner shall be required to obtain a certificate of occupancy within a certain time after City Council's approval of the sale, as established by the Director of Real Estate. Title shall transfer to the former owner after issuance of the certificate of occupancy. This method of convey-

ance will permit the reinstatement of any liens against a property that had been canceled as a result of the foreclosure, upon title transfer to the former owner, under the Common Law doctrine of delinquent purchaser.

This amendment will advance the City's goals of returning properties to the active tax roll, decreasing the number of properties in City ownership, and promoting responsible private property ownership.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-4
(Int. No. 20)

Amending The Municipal Code With Respect To Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 21-10 of the Municipal Code, Cancellation of tax foreclosure deeds, as amended, is hereby further amended by amending the title to read "Cancellation of City tax foreclosure deeds and sales to former owners of County foreclosures", by designating the current paragraph thereof as Subsection A, and by adding thereto the following new Subsection B:

- B. Former owners shall not have an absolute right to repurchase a property taken through County tax foreclosure proceedings and deeded to the City. The former owner may repurchase said property only at the discretion of the Director of Real Estate. Where sale of such a foreclosed property to the former owner is deemed to be in the City's best interests by the Director of Real Estate, the sale price shall consist of all City tax arrears, delinquent water bills, Pure Waters charges previously paid by the city and any other city charges, interest to the date of payment, a ten-percent penalty, the cost of a title report and all current taxes. The former owner shall also pay all current County taxes and charges and all County taxes and charges which had been canceled through the foreclosure proceedings. The Director of Real Estate may establish rules and regulations governing the eligibility of the various categories of former owners and governing the time period in which they may elect to repurchase their former property. Former owners shall be screened in accordance with Section 21-16 of the Municipal Code. Former owners may also be disapproved for repurchase due to previous non-compliance with city codes, criminal activity or nuisance points on a parcel currently or formerly owned by the former owner, default in a demolition hearing, or default on a City grant or loan agreement. Former owners who are occupants of a building shall be required to execute a standard city rental agreement. If the sale is not completed, the city may deduct any back rent owed from deposits made by the former owner as part of the purchase price. The former owner shall be required to obtain a certificate of occupancy within a certain time after City Council approval of the sale, as established by the Director of Real Estate. Title shall transfer to the former owner upon obtaining the certificate of occupancy.

Any liens against a property that had been canceled as a result of the foreclosure shall be reinstated upon transfer of title to the former owner.

Section 2. Section 21-16 of the Municipal Code, Eligibility of purchasers, as amended, is hereby further amended by amending the first sentence of Sub-section B thereof to read in its entirety as follows:

Purchasers who have engaged in fraudulent activity in connection with the sale of a City-owned property, who have lost real property through tax foreclosure proceedings within the previous five years, who own property within the City of Rochester for which taxes are not current, who have had a sale canceled by the City of Rochester within the previous three years, who own property within the City of Rochester that is in violation of City codes, who have been held in contempt of a court order for failure to abate code violations within the previous five years, or who have unsatisfied judgments in the Municipal Code Violations Bureau within the previous five years, shall be ineligible to purchase property from the City.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2007-1
(Int. No. 21)

Resolution Amending The Policy For The Sale Of City-Owned Real Property To Tax Exempt Organizations

BE IT RESOLVED, by the Council of the City of Rochester, as follows:

Section 1. Resolution No. 2001-15, establishing the policy of the City not to sell city-owned real property to tax exempt organizations except in certain cases, is hereby amended by adding thereto the following new exception:

- e. The building being purchased was originally constructed as a house of worship.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-5
Re: Consolidated Community Development Plan/Annual Action Plan - Amendment

Transmitted herewith for your approval is legislation amending the 2005-06 Consolidated Community Development Plan/Annual Action Plan by transferring a total of \$500,000 from the following allocations to the Industrial Revolving Loan Fund account of the Promote Economic Stability allocation:

Support Neighbors Building Neighborhoods	\$123,543
Promote Economic Stability (various accounts)	68,137

Improve the Housing Stock and General Property Conditions/Rehab	171,549
General Community Needs/Human Services	88,055
Other Programs/Indirect Costs	<u>48,716</u>
Total	\$500,000

This legislation will also:

Appropriate \$500,000 from the 2005-06 Consolidated Community Development Plan/Annual Action Plan for the Industrial Revolving Loan Fund, and authorize any necessary agreements to implement these programs.

The Industrial Revolving Loan Fund provides loans to industrial or manufacturing businesses for real estate, machinery/equipment, or working capital purposes. An equity investment is required. The loan will be converted to a grant in cases where the business meets predetermined job generation goals.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-2

Ordinance No. 2007-5
(Int. No. 5)

Amending The 2005-06 Consolidated Community Development Plan By Transferring Funds To The Industrial Loan Program, Appropriating Funds And Approving Agreements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 2005-06 Community Development Program Plan whereby funds will be transferred to the Industrial Loan Program (\$500,000) within the Promoting Economic Stability Allocation. These funds will be transferred from the Neighbors Building Neighborhoods Allocation (Planning - \$27,783 and Neighborhood Initiatives - \$95,760), Promoting Economic Stability Allocation (Business Support and Development - \$9,672, Economic Development Administration - \$34,584, and Industrial Development - \$23,881), Improving the Housing Stock and General Property Conditions Allocation (Housing Rehabilitation - \$171,549) General Community Needs Allocation (Human Services Planning and Monitoring - \$88,055) and Other Programs Allocation (Indirect Costs - \$48,716).

Section 2. The sum of \$500,000, or so much thereof as may be necessary, is hereby appropriated from the Promoting Economic Stability Allocation of the 2005-06 Community Development Program to fund the Industrial Loan Fund.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement this Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The Director of Finance shall record all transfers made herein and shall have the authority to make adjustments to the amounts set forth above which may have changed prior to the date of this ordinance.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 6
Re: Acquisition - 286 Berlin Street

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of 286 Berlin Street for the Rochester City School District. Pertinent information regarding the acquisition parcel is as follows:

Address: 286 Berlin St.
Owner: Natalie Webb
Lot size: 40 x 81.93
Type: Vacant land
Acquisition amount: \$400

The acquisition is part of the School District's capital improvement project for the transportation, maintenance, storehouse and food service operations center located at 835 Hudson Avenue.

The purchase amount was established through an independent appraisal prepared by Allen Fitzpatrick, SRA. The district is allocating \$3.35 million in bond funds for this project. This allocation includes money to cover the cost of this acquisition.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 6

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF 286 BERLIN STREET FOR THE ROCHESTER CITY SCHOOL DISTRICT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcel for use for the Rochester City School District Service Center at 835 Hudson Avenue:

Address: 286 Berlin St.
S.B.L.# 091.810-003-065
Owner: Natalie Webb
Lot size: 40 x 81.93
Type: Vacant land
Amount: \$400

Section 2. The acquisition and necessary closing costs shall be funded by the City School District.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-6
Re: Zoning Map Amendment - 105 and 107 Hickory Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties at 105 and 107 Hickory Street from R-2 Medium Density Residential to C-2 Community Center District.

The rezoning is being requested by Konar Properties in conjunction with their proposed mixed-use development project at 661 South Avenue and 105 and 107 Hickory Street. The project includes the demolition of two residential structures at 105 and 107 Hickory Street and the construction of a four-story, 44,000 square foot structure with accessory parking at the rear of the structure and accessory garages at 105 and 107 Hickory Street. The first floor will be developed for commercial tenancies with twenty-four apartments on the remaining three floors.

The project is currently undergoing Site Plan Review.

The Planning Commission held an informational meeting on December 18, 2006. By a vote of 6-0-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning as Lead Agency has determined that the proposal will not result in any significant environment impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-3

Ordinance No. 2007-6
(Int. No. 7)

Changing The Zoning Classification Of 105 And 107 Hickory Street From R-2 Medium Density Residential To C-2 Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 105 and 107 Hickory Street, from R-2 Medium Density Residential to C-2 Community Center:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly known and described as part of Lots 88 & 89 of the Munger Tract, as filed in the Monroe County Clerk's Office in Liber 1 of Maps, Page 65. Said part of Lots 88 & 89 and the adjoining portion of Hickory Street to be rezoned are

more particularly bounded and described as follows:

Beginning at the intersection of the south ROW line of Hickory Street (60' ROW) and the northwest corner of said Lot 88, said intersection also being the northwest corner of Lot 1 of the Martha Hussey Subdivision, as filed in Liber 58 of Maps, Page 31 and being the Point or Place of Beginning; thence

- 1) Northerly, along the projection of the west line of said Lots 88 & 89 and Lot 1, a distance of 30.3 feet, more or less, to the centerline of said Hickory Street; thence
- 2) Easterly, along said centerline, a distance of 79 feet, more or less, to the northerly projection of the east line of Lot 2 of the said Martha Hussey Subdivision; thence
- 3) Southerly, along said east line of Lot 2 and it's projections, a distance of 122.0 feet, more or less, to the northerly line of lands of Gregory Street Transfer LLC, as conveyed in Liber 9972 of Deeds, Page 412; thence
- 4) Southwesterly, along said northerly line of Gregory Street Transfer LLC, a distance of 71.64 feet to the northwest corner thereof, said corner also being the west line of said Lot 89 of the Munger Tract; thence
- 5) Northerly, along said west line of Lot 89 & 88 of the Munger Tract and the west line of said Lot 1 of the Hussey Subdivision, a distance of 104.2 feet to the northwest corner of said Lot 1 and said Lot 88, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-7
Re: Zoning Map Amendment -
Colgate Rochester Divinity School,
1100 S. Goodman Street

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning a portion of the Colgate Rochester Divinity School campus (CRDS) from IPD Institutional Planned Development to R-1 Low Density Residential.

The rezoning is requested by Colgate Divinity School in conjunction with a recently approved subdivision at 1100 S. Goodman Street from one lot into two lots. The subdivision and rezoning will allow CRDS to sell the newly created parcel (Lot 2) to Highland Parkway, LLC to meet the terms and conditions of a 99-year ground lease.

Lot 2 contains two multi-family residential buildings that were built as apartment buildings for use by Colgate Divinity students, which have been continuously utilized. The parcel will be combined with, and will be known as, 117-125 Highland Parkway. Under the R-1 zoning classification, the apartment buildings are considered to be nonconforming uses. Future expansion of these buildings is prohibited under

the R-1 use regulations.

In August of 2003, a 99-year ground lease agreement was negotiated by the two parties, with a condition that a resubdivision occur August 15, 2006. City Council considered a similar rezoning request at its November 2002 meeting, but the request was tabled.

The Planning Commission held an informational meeting on December 18, 2006. By a vote of 6-0-0 the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an unlisted action.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-4

Ordinance No. 2007-7
(Int. No. 22)

Changing The Zoning Classification Of A Portion Of 1100 South Goodman Street, As Subdivided And Combined With 117-125 Highland Parkway, From Institutional Planned Development (IPD)-Colgate Rochester Divinity School, To R-1 Low Density Residential

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting a portion of 1100 South Goodman Street, as subdivided and combined with 117-125 Highland Parkway, from Institutional Planned Development (IPD)-Colgate Rochester Divinity School, to R-1 Low Density Residential:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly known and described as Lot 2 of the Colgate Rochester Divinity School Subdivision, prepared by Erdman, Anthony, and Associates, Inc., dated July 26, 2006. Said Lot 2 and the adjoining portion of Highland Parkway are more particularly bounded and described as follows:

Beginning at the intersection of the southerly ROW line of Highland Parkway (50' ROW) and the northwest corner of said Lot 2, said intersection being the Point or Place of Beginning; thence

- 1) N 02° 54' 56" W, along the northerly projection of the west line of said Lot 2, a distance of 25.0 feet to the centerline of said Highland Parkway; thence
- 2) N 87° 05' 04" E, along said centerline, a distance of 50.00 feet to a point; thence
- 3) S 02° 54' 56" E, along the east line of said Lot 2 and it's projection, a distance of 145.71 feet to the southwest corner of Lot 58 of the Highland Parkway Tract, as filed in the Mon-

roe County Clerk's Office in Liber 55 of Maps, Page 19; thence

- 4) N 87° 04' 44" E, along the south line of said Highland Parkway Tract, a distance of 115.00 feet to the northwest corner of Lot R-46 of the Summit View Resubdivision; thence
- 5) S 17° 45' 57" W, along the west line of said Summit View Resubdivision and the east line of said Lot 2, a distance of 154.93 feet to the southeast corner of said Lot 2; thence
- 6) S 89° 42' 26" W, along the south line of said Lot 2, a distance of 243.00 feet to the southwest corner thereof; thence
- 7) N 27° 54' 06" W, along the west line of said Lot 2, a distance of 147.60 feet to the south line of said Highland Parkway Tract; thence
- 8) N 87° 04' 44" E, along said south line, a distance of 194.81 feet to the southeasterly corner of Lot 56 of the Highland Parkway Tract; thence
- 9) N 02° 54' 56" W, along the east line of said Lot 56, a distance of 120.71 feet to the south line of said Highland Parkway and the northwest corner of said Lot 2, being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-8,
Ordinance No. 2007-9 and
Ordinance No. 2007-10

Re: Mildred Johnson Estates

Transmitted herewith for your approval is legislation relating to the Mildred Johnson Estates Affordable Housing Project being undertaken by Housing Opportunities, Inc. This legislation will:

1. Authorize the sale of 23 City-owned vacant lots to Housing Opportunities, Inc. (HOP), or a subsidiary to be formed for the project;
2. Authorize property tax exemptions and payment-in-lieu-of-taxes agreements for the project;
3. Authorize an agreement not to exceed \$100,000, with HOP, or a subsidiary to be formed for the project, in the form of a loan, to subsidize the construction of five of the units to be constructed;
4. Appropriate \$100,000 from the Rental Housing Fund Allocation of the 2006 HOME Program to fund the agreement with HOP; and
5. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits.

Mildred Johnson Estates will include twenty-three single family rental housing units to be built on scattered sites in the 14621 neighborhood in northeast

Rochester. The sites are in areas identified as Challenged Street Projects by the Bureau of Neighborhood Empowerment Team (NET). A property list and map are attached.

HOP has recently been awarded Low Income Housing Tax Credits (LIHTC) and New York State Housing Trust funds for the construction of this project. All units will be for families with 50% or less of median income. Five units of project-based Section 8 assistance have been awarded by the Rochester Housing Authority, and four units will be reserved for victims of domestic violence with services provided by Sojourner House. At the end of the fifteen-year tax credit compliance period, the single-family homes will be offered to the tenants for purchase.

Ten homes will be three bedroom colonial style; eight will be four bedroom colonial style; and five will be three bedroom handicapped accessible ranch style.

Project Budget

Costs:	Property acquisition	\$ 11,575
	Soft costs	431,693
	Construction	3,799,494
	Construction contingency	194,042
	Developer fee	664,946
	Reserves	51,017
	Working capital	51,000
	Syndication cost	50,000
	Total	\$5,253,767
Sources:	City HOME Program	\$ 100,000
	LIHTC Equity	4,324,000
	NYS Housing Trust Fund	829,767
	Total	\$5,253,767

The City's funds will be used to partially fund five handicapped-accessible homes via a 30-year permanent loan with interest at the Applicable Federal Rate (AFR) and annual interest payments of 1%. The proposed in-lieu of tax agreement would provide a 30-year tax exemption in consideration for an annual in-lieu tax payment equal to 10% of the project shelter rents (gross rents less utility costs).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-5

Ordinance No. 2007-8
(Int. No. 419, As Amended)

Authorizing The Sale Of Real Estate For The Mildred Johnson Estates Affordable Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Housing Opportunities Housing Development Fund Corporation, for the following amounts, for the construction of housing as a part of the Mildred Johnson Estates Affordable Housing Project:

Address SBL #	Dimensions Price
17 Alphonse Street 106.32-2-40.1	71' x 144' \$600

29 Alphonse Street 106.32-2-42.1	71' x 144'	600
50 Alphonse Street 106.32-2-61	48' x 137'	475
8 Bernard Street 106.24-2-70	72' x 120'	525
28 Bernard Street 106.24-2-66.[1]2	69' x 150'	600
82 Bernard Street 106.24-3-44.1	53' x 150'	450
88 Bernard Street 106.24-3-43.1	53' x 150'	450
98 Bernard Street 106.24-3-41.1	53' x 150'	450
126 Bernard Street 106.24-3-35.1	66' x 150'	550
63 Maria Street 106.32-1-47	51' x 138'	500
65 Maria Street 106.32-1-46	52' x 139'	500
67 Maria Street 106.32-1-45	39' x 139'	450
71 Maria Street 106.23-3-63.1	53' x 138'	500
73 Maria Street 106.23-3-62.1	53' x 138'	500
74 Maria Street 106.32-1-4.1	66' x 106'	475
75 Maria Street 106.23-3-60.1	53' x 138'	500
77 Maria Street 106.23-3-57.3	53' x 138'	500
80 Maria Street 106.24-2-71.1	49' x 145'	500
81 Maria Street 106.23-3-57.2	53' x 138'	500
84 Maria Street 106.24-2-73.1	49' x 158'	500
105 Thomas Street 106.32-1-12.1	44' x 146'	475
109 Thomas Street 106.32-1-10.1	44' x 146'	475
122 Thomas Street 106.24-3-49.1	100' x 75'	500

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-9
(Int. No. 420, As Amended)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mildred Johnson Estates Affordable Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by the Housing Opportunities Housing Development Fund Corporation, and to be used for housing as a part of the Mildred Johnson Estates Affordable Housing Project:

opment Fund Corporation, and to be used for housing as a part of the Mildred Johnson Estates Affordable Housing Project:

Address	SBL #
17 Alphonse Street	106.32-2-40.1
29 Alphonse Street	106.32-2-42.1
50 Alphonse Street	106.32-2-61
8 Bernard Street	106.24-2-70
28 Bernard Street	106.24-2-66.[1]2
82 Bernard Street	106.24-3-44.1
88 Bernard Street	106.24-3-43.1
98 Bernard Street	106.24-3-41.1
126 Bernard Street	106.24-3-35.1
63 Maria Street	106.32-1-47
65 Maria Street	106.32-1-46
67 Maria Street	106.32-1-45
71 Maria Street	106.23-3-63.1
73 Maria Street	106.23-3-62.1
74 Maria Street	106.32-1-4.1
75 Maria Street	106.23-3-60.1
77 Maria Street	106.23-3-57.3
80 Maria Street	106.24-2-71.1
81 Maria Street	106.23-3-57.2
84 Maria Street	106.24-2-73.1
105 Thomas Street	106.32-1-12.1
109 Thomas Street	106.32-1-10.1
122 Thomas Street	106.24-3-49.1

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Housing Opportunities Housing Development Fund Corporation, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-10
(Int. No. 421, As Amended)

Approving A Loan Agreement For The Mildred Johnson Estates Affordable Housing Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Housing Opportunities, Inc., or a limited partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Mildred Johnson Estates Affordable Housing Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually. Payment of the additional interest and the principal shall be deferred until the

end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project. The developer shall make all best efforts to ensure that a reasonable portion of the workforce for this project consists of residents of the City and the immediate neighborhood. Following completion of construction, a report shall be submitted to the City detailing the results of these efforts.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2006 HOME Program Funds.

Section 3. The Mayor is further authorized to enter into such agreements as may be necessary to implement the Mildred Johnson Estates Affordable Housing Project.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 2 from Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

The transmittal letter for Int. No. 2 appears on page 2 of the current Council Proceedings.

Ordinance No. 2007-11
(Int. No. 2)

Amending Ordinance No. 2005-208 Relating To The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-208, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 392 Jay Street, as approved in Section 1, from Nothnagle Property Management, LLC to David T. Nothnagle.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
January 16, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 8 - Authorizing Agreements For Hazardous Materials Services

Int. No. 9 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of 935 West Broad Street

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-12
Re: Agreements - Hazardous
Materials Services

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of various services related to hazardous materials management:

Company
Address

- NY Environmental Technologies, Inc.
230 McKee Road, Rochester, 14611
- MARCOR Remediation, Inc.
460 Buffalo Road, Suite 5, Rochester, 14611
- TREC Environmental, Inc.
1018 Washington Street, Spencerport, 14559
- OP-Tech Environmental
305 Commerce Drive, Rochester 14623

The agreements will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services, or from capital funds appropriated for specific environmental projects.

The City routinely has a need for various services relating to the identification, disposal and remediation of hazardous materials. These services include:

- Testing and characterization of wastes;
- Preparation, transportation and disposal of hazardous wastes and hazardous materials;
- Removal of wastes routinely generated at City facilities, discovered on properties and rights-of-way owned by the City, or identified by the Rochester Fire Department;
- Removal of underground storage tanks from development parcels;
- Investigation and remediation of sites contaminated with hazardous substance;
- Emergency clean-up of spills;
- Abatement of asbestos, lead and mold contaminated materials; and
- Indoor air quality evaluation.

Similar agreements for these services have been in place since 1992.

In November 2006, the Department of Environmental Services solicited proposals from four environmen-

tal/hazardous materials services firms. Proposals received from all four companies, NY Environmental Technologies, Inc., MARCOR Remediation, TREC Environmental and OP-Tech Environmental are recommended for these services based on the variety and availability of services provided, cost for services, qualifications and past experience.

These agreements will provide for continued hazardous materials management services to be provided at specified unit prices. The selection of the company will be based on project specific proposals, type of environmental services required, and the ability to perform the services within the time specified by the City.

The agreements will be for two years, with the option of two one-year renewals.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-12
(Int. No. 8)

Authorizing Agreements For Hazardous Materials Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for hazardous materials services as required by the City:

<u>Company</u>	<u>Address</u>
MARCOR Remediation, Inc.	460 Buffalo Road, Suite 5
NY Environmental Technologies, Inc.	230 McKee Road
TREC Environmental, Inc.	1018 Washington Street
OP-Tech Environmental	305 Commerce Drive

Section 2. Each agreement shall have a term of two years, with provision for annual renewals for an additional two years. Each agreement shall provide for services to be performed on an as needed basis, and shall establish a unit price to be paid for a particular service. The unit price may be adjusted during the renewal years with the approval of the Manager of Environmental Quality. The cost of said services shall be funded from the annual budgets or from project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-13
Re: Brownfield Cleanup -
935 West Broad Street

Transmitted herewith for your approval is legislation establishing \$400,000 as maximum compensation for an agreement with LaBella Associates for the cleanup of a brownfield property at 935 West Broad Street; and appropriating \$200,000 in U.S. Environmental Protection Agency (USEPA) brownfield cleanup grant funds to partially fund the agreement (\$190,000) and to cover City management costs for the project (\$10,000). The remaining cost of this agreement, \$210,000, will be financed from 2005-06 Cash Capital allocation of the Department of Environmental Services.

The property, approximately 0.58-acres in area, was occupied from 1929 to 1974 by petroleum distributor Morse HH Oil, Inc. and Morse Tank car station, and then by the Caribbean Service Station and Auto Body Shop from 1979 until 1994, when it was abandoned.

The City acquired the property through tax foreclosure in 2003 and, in 2004, removed four underground storage tanks, piping, the pump and waste materials, and demolished the buildings. Phase I and Phase II environmental investigations, funded by EPA grants, conducted in 2005 identified extensive soil and groundwater contamination around the area of the former pump island, the former gas station building, the underground storage tank pit, and along the southern property line of the Site. Petroleum impacts have also migrated south of the site onto the adjacent City-owned property at 399 Saxton Street.

A Request For Proposal for remediation services was published in the Rochester Democrat and Chronicle on October 27, 2006. Proposals received from LaBella, Passero Associates, and O'Brien and Gere were evaluated for technical approach, qualifications and experience, and project cost. Each firm was interviewed, and references were checked. LaBella Associates, is recommended based on the quality and scope of its proposal, knowledge of site conditions, experience with the USEPA Brownfield programs, the proposed project team, and reasonableness of costs.

LaBella Associates will perform the cleanup which includes a soil removal program, installation of an oxygen injection system to treat contaminated groundwater, a groundwater monitoring network to evaluate groundwater quality, and an exposure assessment. The budget for services is \$344,600, with a contingency amount of \$55,400.

This agreement will have an initial term of two years with a renewal option of an additional year. Adjustment to the specific unit prices during the third year will be permitted subject to the City's approval. Remedial construction activities are anticipated to take approximately six months to complete; the total project, including groundwater treatment and monitoring, is anticipated take one to two years to complete.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-6

Ordinance No. 2007-13
(Int. No. 9)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of 935 West Broad Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$400,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for environmental cleanup of 935 West Broad Street. The agreement shall have a term of one year, with two one-year renewal options. Of said amount, \$190,000 is hereby appropriated from 2006 Brownfield Grant Funds from the United States Environmental Protection Agency and \$210,000 shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
January 16, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 10 - Cancellation Of Taxes And Charges

Int. No. 11 - Establishing Maximum Compensation For A Professional Services Agreement For The Junior Recreation Leader 2 Program And Amending The 2006-07 Budget

Int. No. 12 - Establishing Maximum Compensation For A Professional Services Agreement With The Freedom Trail Commission

Int. No. 18 - Resolution Approving Appointments To The Board Of Assessment Review

Int. No. 19 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 23 - Establishing Maximum Compensation For A Professional Services Agreement For The Adult Softball Program

Int. No. 24 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Services, As Amended

Int. No. 25 - Amending Ordinances No. 2006-121 And 2006-122 And The 2006-07 Budget, Appropriating Funds And Authorizing Agreements For The Rochester After School Academy Program

Int. No. 29 - 2006-07 Debt Resolution For The City School District

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 30 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$16,351,225 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin
Dana K. Miller

Lois J. Giess
Gladys Santiago (Voted on Int. Nos. 29 and 30)
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-14
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$11,199.55.

The three properties had code violations in the amount of \$11,199.55.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$376,495.70.

	<u>Accounts</u>	<u>Amounts</u>
City Council	77	\$314,618.69
Administrative	157	61,877.01
Total	234	\$376,495.70

These cancellations represent .163% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-14
(Int. No. 10)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax</u>	<u>Amount</u>
		<u>Year</u>	<u>Cancelled</u>
105.500-0001-018	H		
291 Sherman St.	2007	\$	4,500.00
107.370-0002-017.001	H		
51-53 Cummings St.	2007		2,400.00
107.710-0001-081.000	H		
88 Kingston St.	2002		1,123.22
107.710-0001-081.000	H		
88 Kingston St.	2003		2,176.33
107.710-0001-081.000	H		
88 Kingston St.	2005		1,000.00
Grand Total			\$11,199.55

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-15
Re: CDBG Appropriation - Junior
Recreation Leader 2/Center
for Youth Services

Transmitted herewith for your approval is legislation establishing \$16,375 as maximum compensation for an agreement with the Center for Youth Services to provide job readiness training and summer payroll for youth; appropriating \$23,900 from the General Community Needs allocation of the 2004-05 Community Development Block Grant to finance the Junior Recreation Leader 2 Program and amending the 2006-07 Budget of the Department of Recreation and Youth Services by this amount.

This agreement will allow an additional twelve youth to be included in the Junior Recreation Leader Program. These youth, currently working with City Recreation Department, will receive stipends for summer employment after completing school year requirements for the program. These school year activities include tutoring twice a week with RIT students, and civic engagement, conflict resolution and job readiness activities.

This program prepares youth for participation in Summer of Opportunity jobs.

A program description is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-7

Ordinance No. 2007-15
(Int. No. 11)

Establishing Maximum Compensation For A Professional Services Agreement For The Junior Recreation Leader 2 Program And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$16,375, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Youth Services for job readiness training and a summer payroll for youth as a part of the Junior Recreation Leader 2 Program. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$23,900, which amount is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-16
Re: Agreement - Rochester/Monroe
County Freedom Trail Commission

Transmitted herewith for your approval is legislation authorizing \$25,000 as maximum compensation for an agreement with the Rochester-Monroe County Freedom Trail Commission, c/o David Anderson, 181 Royleston Road, Rochester, NY 14609, to coordinate a conference and events recognizing Frederick Douglass and the Underground Railroad in Western New York. This agreement will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services.

The Freedom Trail Commission will hire a consultant to organize and implement a scholarly conference on Frederick Douglass and the Underground Railroad in Western New York. The conference will take place in Rochester and Monroe County in September 2007. The consultant will organize and complete all aspects of planning and implementing the program, including sponsor development, coordination of program and speakers, budget management, and on-site logistics.

The Commission has also requested \$25,000 from the County of Monroe, for a total of \$50,000 in local funding; it is expected that this funding will be matched by the National Underground Railroad Freedom Center in Cincinnati. The goal of the conference is to disseminate up-to-date, accurate information about Frederick Douglass and other individuals and events related to the Underground Railroad in Western New York. Included will be a keynote speaker, ten scholar/historians and other experts to present to 300-500 conference registrants. In addition, there are plans for a Heritage Festival of Events to run from February through December 2007.

The conference and events, much of which will celebrate Rochester's multi-racial Underground Railroad legacy, will contribute to the dynamic quality of life in our city and advance multi-racial and multi-ethnic understanding. It will support the City's priorities of education and economic development.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-8

Ordinance No. 2007-16
(Int. No. 12)

Establishing Maximum Compensation For A Professional Services Agreement With The Freedom Trail Commission

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester-Monroe County Freedom Trail Commission, c/o David Anderson, for coordination of a conference on Frederick Douglass and the Underground Railroad in Western New York. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and

Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-2
Re: Appointment - Board Of
Assessment Review

Transmitted herewith for your approval is legislation to approve the appointment of the following individual to the Board of Assessment Review:

Carlos H. Mercado, Jr.
12 Vick Park A
Rochester, NY 14607

Mr. Mercado will replace William G. Coppard, whose term has expired and who has also relocated outside of Rochester.

Mr. Mercado has extensive banking experience and is well versed in multiple aspects of finance. His experience will be especially valuable in commercial and industrial assessment cases. A copy of his resume is on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-2
(Int. No. 18)

Resolution Approving Appointment To The Board Of Assessment Review

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Carlos H. Mercado, Jr., 12 Vick Park A, Rochester, NY 14607 to the Board of Assessment Review for a term that will expire on September 30, 2011.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-3
Re: Temporary Appointments -
Board of Assessment Review

Transmitted herewith for your approval is legislation appointing the following individuals to serve as temporary members of the Board of Assessment Review:

Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619

Peter J. Easterly
65 Beacon Street
Rochester, NY 14607

Eileen M. Mance
95 Merriman Street
Rochester, NY 14607

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that only three panelists will be required for the workload in the coming cycle since a full reevaluation was completed in 2004.

The three temporary members would each serve for one year and would receive the same compensation rate as permanent board members. Hearings will be conducted by panels of three members each, drawn from the pool of eleven. Each panel would have a minimum of one permanent Board member who would serve as its Chair.

The City successfully utilized three-member assessment review panels during the revaluations of 1984, 1986, 1990, 1996, 2000, and 2004, as well as during the intervening years. As in the past, all panel decisions would be reviewed by the permanent Board in executive session. The Board of Assessment Review would have the option of accepting or modifying a panel's decision or, if necessary, scheduling a second hearing with the property owner and the Assessor to reexamine the facts and testimony.

Approval of the appointments will allow members to receive mandatory training by the County before hearings begin in March. The appointment of additional board members will have no impact on the City's budget.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-3
(Int. No. 19)

Resolution Appointing Temporary Members To The Board Of Assessment Review

Section 1. The Council hereby appoints the following persons to serve as temporary members of the Board of Assessment Review during 2007:

Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619

Peter J. Easterly
65 Beacon Street
Rochester, NY 14607

Eileen M. Mance
95 Merriman Street
Rochester, NY 14607

Section 2. The temporary members of the Board of Assessment Review shall be compensated in the same amount and manner as permanent Board members.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-17
Re: Adult Softball Agreement

Transmitted herewith for your approval is legislation establishing \$165,000 as maximum compensation for an agreement with Brooklyn Sports Management (principal, Andrew Yazwinski), for administration of the Adult Softball Program. This cost will be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

The term will be from February 24 through December 31, 2007 with an option for four additional one-year terms. The leagues are fee-based; revenue covers all associated costs.

A Request For Qualifications appeared in the December 18 and December 20 issues of the *Democrat and Chronicle* and *City Newspaper*, respectively. Brooklyn Sports Management was the only response received; Mr. Yazwinski has operated the program for the City since 1982.

The adult softball program provides organized leagues for both men and women. In 2006, 4,374 people played on 243 teams on the City's softball fields at Cobbs Hill and Norton Village.

For 2007, Brooklyn Sports Management will provide the following services:

- Obtaining any insurance policies prescribed by the Director of Finance;
- Coordinating and managing the program in accordance with policies and procedures established by the Bureau of Recreation and Youth Services;
- Registering all teams and scheduling all games;
- Instructing team representatives concerning rules and regulations, and conducting a clinic by umpires;
- Hiring and scheduling all umpires;
- Preparing and maintaining fields for use by the adult and interscholastic league teams;
- Providing all equipment, supplies, and trophies;
- Supervising all games; and
- Recording all game results and printing team standings and league newsletter.

The payment to the contractor for the initial year of this agreement will be equal to \$300 per registered team, plus reimbursement of all operating costs approved by the City. The agreement will continue to provide for direct control by the City of all receipts and disbursements. A summary of the revenues and expenses of the program is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-9

Ordinance No. 2007-17
(Int. No. 23)

Establishing Maximum Compensation For A Professional Services Agreement For The Adult Softball Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year for a professional services agreement between the City and Brooklyn Sports Management for the continued operation of the adult recreational softball program for a term of one year, with options to renew for four additional one-year terms. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services. Amounts for the renewal years shall not exceed those set forth in the annual budgets of the Department of Recreation and Youth Services for said purpose, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-18
Re: Labor Relations Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Daniel C. Wissman, Pittsford NY, to provide labor relations services to the City of Rochester. This legislation will increase the amount of the agreement from \$10,000 to \$40,000, and extend the time period from February 28, 2007 to April 30, 2007. The extension will be financed from the 2006-07 operating budget of the Bureau of Human Resource Management. This extension will allow time for recruitment and interviews for a nationwide search for a permanent Manager of Labor Relations.

The City contracted with Mr. Wissman on December 1, 2006 to provide labor relations services on a temporary basis. The services include: management of the Labor Relations unit, grievance administration, collective bargaining, representation of the City at grievances and Public Employment Relations Board hearings, general consulting services to City management regarding labor matters, and assistance in the selection process for Labor Relations staff, as requested. For the amendatory contract, in addition to these services, Mr. Wissman will also provide training on labor relations.

Mr. Wissman was selected because he had served well in the position of Manager of Labor Relations until his retirement in 2001, and because of his familiarity with the organization, staff and labor issues.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-18
(Int. No. 24, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Services And Amending Ordinance No. 2006-385

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional

services agreement between the City and Daniel Wissman for labor relations services. Said amount shall be funded from the 2006-07 Budget of the Bureau of Human Resource Management.

Section 2. Ordinance No. 2006-385, relating to an agreement for Federal lobbying services, is hereby amended by changing the source of funds from the 2006-07 Budget of the Office of the Mayor to the 2006-07 Budget for Undistributed Expense.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-19
Re: Amendatory Agreements - RASA I & II,
21st Century Community Learning
Centers Program

Transmitted herewith for your approval is legislation related to the New York State 21st Century Community Learning Centers Program, RASA (Rochester After School Academy) I and RASA II. There are several reallocations of funds that require budget amendments, amendatory agreements and authorization of agreements.

New Funds

An additional \$58,400 has been received from the NY State Department of Education as a result of an approved increase in the rate of reimbursement for indirect costs. Legislation requested is as follows:

1. Appropriating these funds for use with RASA I and RASA II programming. \$43,400 is targeted for summer jobs for youth, special events and parent support activities; and
2. Establishing \$15,000 as maximum compensation for an agreement with the Children's Institute to conduct the Youth Program Quality Assessment, which is a tool developed by High Scope Research Foundation. The YPQA is in its second year of a three-year pilot and is jointly funded by the City, the Rochester Area Community Foundation and the Rochester-Monroe County Youth Board.

RASA I Amendments

Requested legislation:

1. Amend Ordinance No. 2006-121 by eliminating the RASA contract with the Rochester City School District for \$11,788;
2. Reappropriate those funds to be used as follows:
 - a. Amend the 2006-07 Budget of the Department of Recreation and Youth Services operating budget by \$6,800 to cover retroactive staff salary increases; and
 - b. Authorize an amendatory agreement with the University of Rochester (Ordinance No. 2006-175), increasing the amount by \$5,000 to a total of \$19,900 for a RASA Work Ex-

perience program for nineteen participants to undertake a survey and report on the needs of youth in the Rochester Children's Zone.

RASA II Amendments

Requested legislation:

1. Amend Ordinance No. 2006-122 by eliminating the \$2,012 agreement with the Rochester City School District, and reducing by \$40,000 the agreement with the Rochester School for the Deaf;
2. Reappropriate these funds to be used as follows:
 - a. Amend the 2006-07 Budget of the Department of Recreation and Youth Services by \$12,300 for seasonal staff salaries, fringe benefits and printing costs associated with RASA II.
 - b. Establish \$29,700 as maximum compensation for an agreement with the Xerox Center for Multi-Cultural Teacher Education at SUNY Geneseo to support the Young Scholars Academy, a partnership with the Rochester City School District, to provide RASA students with an orientation to college over three weekends during the school year, and an on-campus educational experience during the 2007 summer.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-19
(Int. No. 25)

Amending Ordinances No. 2006-121 And 2006-122 And The 2006-07 Budget, Appropriating Funds And Authorizing Agreements For The Rochester After School Academy Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the New York 21st Century Community Learning Centers Program Funds the sum of \$43,400, or so much thereof as may be necessary, to fund the Rochester After School Academy (RASA) Program I and II expenses for summer jobs for youth, special events and parent support activities.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Children's Institute to conduct the Youth Program Quality Assessment. The agreement shall obligate the City to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the New York 21st Century Community Learning Centers Program Funds.

Section 3. Ordinance No. 2006-121, relating to the Rochester After School Academy (RASA) I Program, is hereby amended by deleting the authorization in Section 2 for the agreement with the Rochester City School District and by reducing the appropriation in Section 3 from the New York 21st Century Community Learning Centers Program Funds by the sum of \$11,788 for this agreement.

Section 4. Ordinance No. 2006-191, the 2006-07

Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$6,800, which amount is hereby reappropriated from the funds reduced in Section 3 to fund staff for RASA I.

Section 5. The Mayor is hereby further authorized to enter into an amendatory agreement with the University of Rochester for a RASA Work Experience Program for a survey on the needs of youth in the Rochester Children's Zone. The amendatory agreement shall obligate the City to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the funds reduced in Section 3.

Section 6. Ordinance No. 2006-122, relating to the Rochester After School Academy (RASA) II Program, is hereby amended by deleting the authorization in Section 2 for the agreement with the Rochester City School District and by reducing the appropriation in Section 3 from the New York 21st Century Community Learning Centers Program Funds by the sum of \$2,012 for this agreement, and by reducing the amount authorized and appropriated for the Rochester School for the Deaf by \$40,000.

Section 7. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$12,300, which amount is hereby reappropriated from the funds reduced in Section 6 to fund staff and printing for RASA II.

Section 8. The Mayor is hereby further authorized to enter into an agreement with the Xerox Center for Multi-Cultural Teacher Education at SUNY Geneseo for the Rochester-Geneseo Young Scholars Academy. The agreement shall obligate the City to pay an amount not to exceed \$29,700, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the funds reduced in Section 6.

Section 9. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 10. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-4 And
Ordinance No. 2007-20
Re: Capital Improvement Program -
City School District

Transmitted herewith for your approval is legislation relating to the Capital Improvement Program of the City School District. The legislation will:

1. Establish \$16,351,225 as the maximum amount of debt to be authorized on behalf of the District during 2006-07; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to make capital improvements to existing school buildings in the School District.

At its meeting of November 16, 2006, the Board of Education approved a capital plan that details the use of these funds for improvements and maintenance of educational facilities, fixtures, and equipment. The request was forwarded to the Mayor and City Council for approval of the borrowing required to implement this plan. By City Council Policy, borrowing in any fiscal year may not exceed the principal on outstanding debt redeemed during that year. During 2006-07, the City School District will redeem \$16,559,625 in principal. Since the request limit is less than the principal redeemed, the request complies with the Council's debt limit.

A copy of the District's 2006-07 CIP bond request for Long-term Facility Improvements and New Construction is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-10

Resolution No. 2007-4
(Int. No. 29)

2006-07 Debt Resolution For The City School District

BE IT RESOLVED, by the Council of the City of Rochester as follows:

WHEREAS, an important component of the City School District's expense budget and tax levy is debt service; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized for City School District purposes in fiscal year 2006-07 to \$16,351,225, which is less than the amount of debt to be redeemed in fiscal year 2006-07; and

BE IT FURTHER RESOLVED, that for all bonds authorized for the City School District, the following language shall be inserted into the bond ordinance:

The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and,

if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of and adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Santiago, Stevenson - 8.

Nays - Councilmember Pritchard - 1.

Ordinance No. 2007-20
(Int. No. 30)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$16,351,225 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$16,351,225, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$16,351,225 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$16,351,225 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$16,351,225. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11.(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Sec-

tion 11.00 a.12.(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in

"The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Santiago, Stevenson - 8.

Nays - Councilmember Pritchard - 1.

By Councilmember McFadden
January 16, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 13 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 14 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2006-07 Budget

Int. No. 15 - Authorizing Agreements For Video Surveillance System Grants And Amending The 2006-07 Budget

Int. No. 26 - Establishing Maximum Compensation For A Professional Services Agreement For The Teen Court Program And Amending The 2006-07 Budget

Int. No. 27 - Authorizing An Agreement For An Anti-Gang Pilot Program And Amending The 2006-07 Budget

Int. No. 31 - Authorizing An Amendatory Professional Services Agreement For The Curfew Center And Amending The 2006-07 Budget

Int. No. 32 - Extending The Effective Date Of Ordinance No. 2006-246 Establishing A Nighttime Curfew For Minors

Respectfully submitted,
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-21
Re: STOP Violence Against
Women Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for the acceptance and use of a \$52,200 grant for the STOP Violence Against Women Program (VAWA).

The VAWA Program provides assistance to victims of domestic violence to ensure their immediate safety and to help them secure safe housing. Services in-

clude contacting victims prior to the arraignment of the perpetrators, legal advocacy, and other appropriate follow-up services to ensure their continued safety.

This is the eighth round of funding received under the VAWA program. The City's grant award for calendar year 2006, authorized by City Council in November 2005, was extended to March 31, 2007. The new award amount of \$52,200 is pro-rated to cover the remaining nine months of calendar 2007, as DCJS desires to get the program back on a calendar year cycle. No budget amendment is necessary, as the renewal and the required 25% match were anticipated in the 2006-07 Budget of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-21
(Int. No. 13)

Authorizing An Application And Agreement For The STOP Violence Against Women Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the STOP Violence Against Women Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-22
Re: Agreement - Governor's Traffic
Safety Committee STEP Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the NYS Governor's Traffic Safety Committee (GTSC) for the acceptance and use of a \$17,972 grant for the Selective Traffic Enforcement Program (STEP); and amending the 2006-07 Budget by \$12,000 to reflect receipt and use of a portion of these funds. Remaining funds (\$5,972) will be included in the 2007-08 Police Budget request.

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. GTSC will reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents. Enforcement strategies include the use of Laser RADAR speed detection and saturation patrol with marked and unmarked police vehicles. During the previous funding period, 589 citations were issued to motorists for infractions related to unsafe or aggressive driving.

This is the fifth year of GTSC funding to the City under this program. The previous award was approved under City Council Ordinance No. 2006-29, adopted

in February 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-23
(Int. No. 15)

Ordinance No. 2007-22
(Int. No. 14)

Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Governor's Traffic Safety Committee for funding for the Selective Traffic Enforcement Program (STEP).

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$12,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-23
Re: NYS Legislative Grants for a Video Surveillance System in the City of Rochester

Transmitted herewith for your approval is legislation authorizing the receipt and use of legislative grants in the amounts of \$250,000 and \$150,000 in partial support of the development of a video surveillance system in certain high crime areas of the City, and amending the 2006-07 Cash Capital Allocation of the Police Department by \$400,000 to reflect the grants. These grants were made possible through the efforts of NY State Assembly Member Susan John and NY State Senator Joe Robach, respectively.

The surveillance system will include the installation of visible video cameras to monitor activity in areas of the City known to be used for open air drug markets, prostitution, and other crimes, in an effort to deter criminal activity. The legislative grants will augment City funding earmarked to purchase, operate, and train staff in the use of the video surveillance system. The total cost of the project is estimated at \$900,000. This is the first legislative grant funding the City has received for the project and no matching funds are required.

Also, \$5,000 was made available for this initiative in the 2006-07 Budget through an amendment sponsored by Councilmembers Carolee Conklin and Robert Stevenson.

Authorizing Agreements For Video Surveillance System Grants And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for State of New York legislative grants to assist with the development of a video surveillance system in certain high crime areas of the city.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$400,000, which amount is hereby appropriated from funds to be received under the grant agreements authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-24
Re: Agreement -Teen Court Program

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with the Center for Dispute Settlement (CDS), to operate the City of Rochester's Teen Court Program through January 30, 2008; and amending the 2006-07 Budget by transferring \$100,000 from Contingency to the Mayor's Office to finance the cost of the agreement.

In October 2006, Council approved a temporary agreement with Valerie Sullivan for continued service while the City sought an external agency to administer the Teen Court Program on a permanent basis. This legislation will supercede that agreement.

The City has agreed to provide primary funding for one year, provide contract oversight, and assist in grant preparation to secure external funding for Teen Court as a stand-alone program. CDS will operate as the Teen Court program's central point of contact in collaboration with the Center for Youth. CDS has agreed to take administrative and operational responsibility for the program, including current contractual staff members. The Center for Youth will develop a tracking system for increased data collection and accountability, and will assign Case Managers for follow-up counseling with youth and families as part of the Teen Court process.

Both agencies have invested considerable time in developing this agreement, and are to be commended for their efforts. CDS is confident that the Teen Court

caseload can be expanded to roughly 200 cases annually. It is anticipated that in-kind services will continue to be provided by Monroe County Court and City Court.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-24
(Int. No. 26)

Establishing Maximum Compensation For A Professional Services Agreement For The Teen Court Program And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Dispute Settlement for operation of the Teen Court Program through January 30, 2008. Said amount shall be funded from the 2006-07 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency allocation to the Office of the Mayor to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-25
Re: Project Safe Neighborhoods

Transmitted herewith for your approval is legislation authorizing the receipt and use of a \$40,924 grant from the Rochester Institute of Technology for Pathways to Peace to conduct outreach activities for the Project Safe Neighborhood (PSN) Comprehensive Anti-gang Pilot Program; and amending the 2006-07 Budget of the Mayor's Office by this amount.

The funding will be used to support activities that support anti-gang prevention. Pathways will create a temporary staff position to focus on gang related activities in the "Crescent" area of Rochester, which is known to have a high concentration of gang-related activities, and youth most at risk of gang involvement.

Pathways staff will meet with and assist fifty youth in avoiding gang behavior by involving them in employment opportunities, positive asset building activities and educational advocacy. In addition to these street outreach activities, Pathways will work collaboratively with existing Human Services agencies for referrals of troubled youth.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-25
(Int. No. 27)

Authorizing An Agreement For An Anti-Gang Pilot Program And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Institute of Technology for funding for a Project Safe Neighborhoods Comprehensive Anti-Gang Pilot Program through Pathways to Peace.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Mayor's Office by the sum of \$41,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-26 And
Ordinance No. 2007-27
Re: Nighttime Youth Curfew -
Extension of Pilot Program

Transmitted herewith for your approval is legislation related to a further extension of the Pilot Curfew Program through September 4, 2007, creating a full year for thorough evaluation before a decision is made to commit to a permanent nighttime youth curfew. This legislation will:

1. Further amend Ordinance No. 2006-246 (as amended in November 2006 by Ordinance No. 2006-370) to extend the pilot period through September 4, 2007;
2. Further amend Ordinance No. 2006-247 (as amended in November 2006 by Ordinance No. 2006-371) to establish \$145,000 as maximum compensation for an agreement with Hillside Children's Center to continue to operate the facility for detained youth; and
3. Amend the 2006-07 Budget by transferring \$145,000 from Contingency to the Budget of the Department of Recreation and Youth Services to fund the agreement with Hillside; and transferring \$40,000 from Contingency to the Budget of the Mayor's Office (Communications) for marketing of the curfew program.

As you are aware, the Curfew pilot program was initially established in August to run from September 5 through December 4, 2006, and subsequently extended through January 31, 2007. This extension allowed for analysis of a full three months worth of data, while keeping the program in operation.

Because of the short duration of the evaluation period and the relatively small number of youth encountered, the three month report issued on December 22,

2006 contained insufficient data to fully evaluate the effects of the curfew. A full year of experience with the curfew will enable more data to be collected and analyzed, and will allow the curfew to be effective and to be evaluated both during the school year and the summer break, and during all seasons of the year. It is also important to note that the curfew establishes a consistent standard that can be adopted by both youth and their families to provide for the protection of our youth during the nighttime hours when the dangers of youth being involved in crime or victimization are great. The report is not able to measure the impact that the curfew has had in changing the habits of youth and keeping them off the streets and out of danger during nighttime hours.

While the report does show improvements in certain areas during curfew hours, including decreases in reported crime and juvenile victimizations, the data is not sufficient to directly relate the changes to the curfew program. However, police officers report that the curfew has served its stated purposes by allowing the officers to remove youth from dangerous situations in which they are likely to either become involved in criminal acts or the victims of crime. In addition, the enforcement of the curfew by the Rochester Police Department and the performance of the Hillside Children's Center has been exceptional. Youth found in violation of the curfew have been treated with care and have been promptly and safely returned to their homes or have been otherwise placed consistent with their status under law. No charges have been brought against youth for curfew violations. Hillside has also provided intervention services without charge to those youth and their families willing to receive the services. This intervention may well prevent those youth from becoming involved in crime or victimized in the future.

Given the benefits of the curfew, it would be appropriate to continue the program in order to provide a full year's worth of data and to provide a standard consistent with community expectations that can be adopted by youth and their families in order to protect our youth.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-26
(Int. No. 31)

Authorizing An Amendatory Professional Services Agreement For The Curfew Center And Amending the 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$145,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Hillside Children's Center for the operation of a curfew center through September 4, 2007, as originally authorized by Ordinance No. 2006-247 and extended by Ordinance No. 2006-371. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$145,000 from the Contingency allocation to the Department

of Recreation and Youth Services to fund this agreement, and the sum of \$40,000 to the Office of the Mayor for marketing of the curfew program.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Lightfoot - 1.

Councilmember Pritchard moved to amend Int. No. 32.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Pritchard, Santiago, Stevenson - 8.

Nays - Miller - 1.

Ordinance No. 2007-27
(Int. No. 32, As Amended)

Extending The Effective Date Of Ordinance No. 2006-246 Establishing A Nighttime Curfew For Minors

WHEREAS, by Ordinance No. 2006-246, the Council approved a new Chapter 45 of the Municipal Code establishing a nighttime curfew for minors; and

WHEREAS, the curfew was extended by Ordinance No. 2006-370 and is set to expire on January 31, 2007; and

WHEREAS, the Council finds that the original purposes of the curfew to prevent youth victimization and crime are still valid and that the curfew has allowed the Rochester Police Department to remove youth from dangerous situations and return them safely to their homes. The continuation of the curfew will allow the City to collect additional data so that a more comprehensive evaluation of the effect of the curfew can be made, through data obtained during all seasons of the year and while school is in session and on summer break. This additional trial period will continue to protect youth from violence and from being involved in crime, provide a standard consistent with community expectations that can be adopted by youth and their families in order to protect our youth, avoid the interruption of services provided to at-risk youth, and provide an opportunity for further adjustments to the curfew as indicated by the evaluation;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The nighttime curfew for minors set forth in Chapter 45 of the Municipal Code, as adopted by Ordinance No. 2006-246 and extended by Ordinance No. 2006-370, is hereby extended and shall remain in full force and effect until 5:00 a.m. on September 4, 2007.

Section 2. The Administration and the Public

Safety Committee shall work to develop benchmarks that will measure progress toward reaching the Minneapolis curfew model. The Administration shall then submit reports on progress toward those benchmarks by May 15 and July 15, 2007 to ensure that all parties understand the degree of such progress prior to the expiration of this curfew.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Conklin - 1.

By Councilmember Pritchard
January 16, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 16 - Local Law Adding The Quality Containment Services Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 17 - Establishing Maximum Compensation For A Professional Services Agreement For Inspection Services For Demolition Of The Old Mortimer Street Garage

Int. No. 28 - Authorizing A Loan And Grant For The Redevelopment Of 206-208 Mill Street

Respectfully submitted,
William F. Pritchard
Dana K. Miller
Lois J. Giess
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1
Re: New York State Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of Quality Containment Services Inc. to the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

The New York State Empire Zone Program allows local zones, with the approval of Empire State Development, to include regionally significant projects, i.e., manufacturing companies projecting 50 or more new jobs within an Empire Zone. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage.

Quality Containment Services, Inc. is expanding their manufacturing operation in the City. The company currently employs 30 employees and leases 30,000 square feet at the former Valeo site on Lyell Avenue,

which is now owned by Maguire properties. The company is involved in inspection, containment, kitting, warehouse sequencing and light manufacturing for the automotive industry.

Their two-phase expansion project involves adding an additional 50,000 square feet at the Valeo facility and creating 53 new manufacturing jobs within five years.

Attached is the legal description of the project area to be included within the City of Rochester Empire Zone.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-11

Local Law No. 1
(Int. No. 16)

Local Law Adding The Quality Containment Services Inc. Facilities To The City of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Quality Containment Services Inc. is proposing an expansion at the former Valeo facility in the City of Rochester; and

WHEREAS, this expansion will add 53 jobs that support Quality Containment Services Inc.'s on-site manufacturing; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(1) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(1) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Quality Containment Services Inc.'s manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the property described as follows: 1525-1685 Lyell Avenue, SBL #104.760-0001-003.004.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve this addition to the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-28
Re: Inspection Services for Old Mortimer
Street Garage Demolition

Transmitted herewith for your approval is legislation establishing \$56,000 as maximum compensation for an agreement with Passero Associates, 100 Liberty Pole Way, Rochester, for field inspection and construction administration services related to the asbestos abatement and demolition of the Old Mortimer Street Garage. The agreement will be funded from 2005-06 Cash Capital.

The demolition of the Mortimer Street Garage is expected to begin in late January 2007. It will require the abatement of asbestos containing materials.

Passero Associates is recommended for the inspection/administrative services because:

1. The size and location of the structure require an on-site inspector at all times during the process. Given the number of other demolitions the City is presently committed to, there are not sufficient City staff available to provide full-time inspection at Mortimer Street.
2. Having developed the original specifications and plans for the Mortimer Street Demolition Project, Passero Associates has the specific knowledge to oversee the project.

The term of the agreement will be five months.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-28
(Int. No. 17)

Establishing Maximum Compensation For A Professional Services Agreement For Inspection Services For Demolition Of The Old Mortimer Street Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$56,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for inspection and construction administration services related to the demolition of the Old Mortimer Street Garage. Said amount shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-29
Re: 206-208 Mill Street Redevelopment

Transmitted herewith for your approval is legislation authorizing a loan of \$300,000 and a grant of \$200,000 to Plain Sight Collateral, LLC (Ben Kendig, Member) to be used for the redevelopment of 206-208 Mill Street. Funds for the loan and grant will be taken from the City Development Fund (Rental Housing

Fund) as follows:

2001-02	\$173,876
2004-05	89,000
2005-06	<u>237,124</u>
	\$500,000

In August 2006, City Council authorized the sale of 206-208 Mill Street to an entity to be formed by Ben Kendig in order to preserve the historic structure and develop it for office and residential uses.

The four-story stone building, circa 1836, is located in the Browns Race Preservation District, which is listed on the National Register of Historic Places. The building will be renovated in accordance with the standards and requirements of the Preservation District, as well as those of the National Register. As such, the costs incurred in preserving original elements of the building will not be easily recovered through typical market rents.

The building requires significant structural repair due to years of vacancy and resultant deterioration. It also requires retrofitting to comply with current building and fire codes, including installation of an elevator, two new interior staircases, a sprinkler system, and completely new mechanical systems.

The original proposal for redeveloping the property included only repairs and stabilization necessary to permit reuse of the first floor as offices, with the remaining three floors to be undertaken as separate phases dictated by market demand. However, given the extensive amount of work required to retrofit the building and the impact this work will have on the first floor space, it is recommended that the City assist the developer in enabling this work to be accomplished in one phase.

The completed project will provide a minimum of six new residential units. The developer is approaching the project with a flexible plan that can accommodate market demand. The plan is to redevelop the upper three stories as six live/work suites, with two offices and two apartments per floor. Each two-bedroom apartment and its connecting office would contain approximately 2,000 square feet. If there is greater market demand, there is capability to build out more apartments than offices. There would also be flexibility to adjust the sizes of the apartments and offices based on the needs of tenants.

The total project has a budgeted cost of \$1,520,000 and can support private debt of approximately \$820,000. The remaining balance would be funded through a combination of City assistance and developer equity. The City's \$300,000 loan would be for a term of fifteen years at 3% interest. The \$200,000 grant would be utilized to finance elements of the project that are required to comply with historic preservation standards.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-29
(Int. No. 28)

Authorizing A Loan And Grant For The Redevelopment Of 206-208 Mill Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Plain Sight Collateral, LLC for the redevelopment of 206-208 Mill Street. The agreement shall obligate the City to pay an amount not to exceed \$300,000. The loan shall have a term of 15 years, with 3% annual interest, with annual payments of principal and interest.

Section 2. The Mayor is hereby further authorized to enter into a grant agreement with Plain Sight Collateral, LLC for funding for elements of the redevelopment of 206-208 Mill Street that are required to comply with historic preservation standards. The agreement shall obligate the City to pay an amount not to exceed \$200,000.

Section 3. In order to fund the agreements authorized herein, \$173,876 shall be funded from the 2001-02 City Development Fund, \$89,000 shall be funded from the 2004-05 City Development Fund and \$237,124 shall be funded from the 2005-06 City Development Fund.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:55 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
FEBRUARY 13, 2007

Present - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Absent - Councilmember Lightfoot - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

*Robert J. Barricelli

*Dean L. George

Library

*Joan Hopkins

Fire Department

*Serafino C. Torregrossa

Police Department

Joseph Davis

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Douglas

RESOLVED, that the minutes of the Regular Meeting of January 16, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Quarterly Reports - Professional Services Agreements, and Delinquent Receivables 3873-7

Quarterly Reports - Schedule of Revenues & Expenditures, and Claims Reports 3874-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Approving An Increase In The Pavement Width Of Royleston Road Between Merchants Road And North Winton Road Int. No. 43 No speakers.

Approving An Increase In The Pavement Width Of Delray Road Between Atlantic Avenue And Drexmore Road Int. No. 75 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 13, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 33 - Authorizing The Sale Of Real Estate, Release Of A Covenant And Amending Ordinance No. 2005-250, As Amended

Int. No. 34 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinance No. 2005-44

Int. No. 35 - Amending The 2006-07 Budget For The Demolition Program

Int. No. 36 - Authorizing An Agreement For The Rehabilitation Of 250 South Avenue

Int. No. 37 - Authorizing An Agreement For Lead Poisoning Prevention Services

Int. No. 38 - Approving A Lease For Office Space For The Swillburg Neighborhood Association

Int. No. 39 - Resolution Approving Appointment To The Rochester Public Library Board Of Trustees

Int. No. 40 - Determinations And Findings Relating To The Acquisition Of 286 Berlin Street As Part Of The Rochester City School District Service Center Expansion And Reconfiguration Project

Int. No. 6 - Authorizing The Acquisition By Nego-

tiation Or Condemnation Of 286 Berlin Street For The Rochester City School District

The following entitled legislation is being held in committee:

Int. No. 76 - Authorizing A Trial Real Estate Investor Bulk Sale Program

Respectfully submitted, Carolee A. Conklin Benjamin L. Douglas Gladys Santiago (Did not vote on Int. Nos. 37 & 38) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2007-30 Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of three properties. Staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first sale is two vacant lots that are being sold for their combined appraised value. The parcels are part of a larger site that will be utilized for the construction of an affordable housing complex.

The next property is a structure that was sold at the May 10, 2006 Public Auction. The purchaser will be required to rehabilitate the structure within nine months of closing.

The last property is a vacant lot that was sold at the May 10, 2006 Public Auction, subject to the acceptance of a development proposal. The purchaser will be required to fence and landscape the parcel and combine it with his adjoining property.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted, Robert J. Duffy Mayor

Attachment No. AG-12

Ordinance No. 2007-30 (Int. No. 33, As Amended)

Authorizing The Sale Of Real Estate, Release Of A Covenant And Amending Ordinance No. 2005-250

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the nego-

tiated sale of the following parcel of vacant land with proposal:

Address: 149&161 Palm St SBL #: 090.34-2-43&42 Lot size: 100x116 Price: \$34,800 Purchaser: [Norstar Development USA, L.P.] Eastman Commons Housing Development Fund Corporation, or an affiliated entity *

* Officer[s]: [Richard L. Higgins] David J. Agostinelli - President [; Gary S. Silver - Board Member; Neil Brown - Board Member]

Section 2. The Council hereby approves the sale of the following parcel of improved property by regular auction:

Address: 225 Fulton Ave SBL #: 105.35-1-15 Lot size: 38x82 Price: \$9,000 Legal use: 2 Family Purchaser: David Mankowski

Section 3. The Council hereby further approves the sale of the following parcel of vacant land with proposal through regular auction:

Address: 126-132 Rohr St SBL #: 106.43-2-53.1&54 Lot size: 40x129 Price: \$1,100 Purchaser: David McMill[i]on, Jr.

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. Ordinance 2005-250, relating to an amendatory in lieu of tax agreement for the Crossroads Apartments, 125 St. Paul Street (aka 91 St. Paul Street, SBL #106.79-1-64), as amended, is hereby further amended by authorizing the Mayor to enter into a further amendatory in lieu of tax agreement with Andrews Terrace Housing Development Fund Corporation upon the same terms and conditions as the original amendatory agreement, and by authorizing pursuant to Section 577 of the New York State Private Housing Finance Law that the parcel at 125 St. Paul Street shall be exempt from real property taxes until 2045, after which time the apartments shall be subject to full taxation.

Section 6. The Council hereby further approves the release of a covenant requiring 118 Colby Street to be combined with 102 Colby Street, thereby allowing 118 Colby Street to be combined with the adjacent parcel at 108 Colby Street.

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-31
Re: Housing Opportunities for Persons
With AIDS Program

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements for projects funded through the 2006-07 federal Housing Opportunities for Persons With AIDS (HOPWA) Program, as follows:

<u>Organization</u>	<u>Amount</u>	<u>Number of Households</u>
AIDS Rochester, Inc.	\$361,906	52
Diocese of Rochester - Catholic Charities	<u>221,811</u>	92
Total	<u>\$583,717</u>	

The 2006-07 HOPWA allocation of \$599,000, included in the 2006-07 Consolidated Community Development Action Plan, will be used to fund these agreements. A total of \$17,970 to cover administrative costs will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services. Of this amount, \$15,283 is the remainder of this year's HOPWA allocation; \$2,686 of this amount is from unexpended HOPWA funds from Ordinance 2005-44.

The HOPWA program provides housing assistance services, long-term rent subsidies, and short-term emergency rent and utility assistance, to meet the housing needs of persons with AIDS and related diseases. Data about the most recent full program year is attached.

Since 1999, funds for these programs have been allocated to the City as part of the HUD consolidated entitlement program. At that time, a review of the housing needs and available housing services for people with AIDS was conducted. Organizations that had received HOPWA funds in the past, and other agencies that serve people with AIDS, were surveyed. The review resulted in the recommendation that the annual grants to the organizations be continued.

Other providers have been sought, and, in 2006, one agency expressed interest in participation, but was unable to secure the required State funding. In the absence of inquiries from other qualified providers and funds for an updated survey, and with the good performance of current providers, it was decided that current providers be re-funded.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-13

Ordinance No. 2007-31
(Int. No. 34)

Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinance No. 2005-44

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Per-

sons With AIDS Grant Program:

<u>Organization</u>	<u>Amount</u>
AIDS Rochester, Inc.	\$361,906
Catholic Charities, Inc.	221,811

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$583,717, and of said amount, \$581,030 is hereby appropriated from Housing Opportunities for Persons With AIDS Grant Funds and \$2,686 is reappropriated from funds reduced in Section 4.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2005-44, as amended by Ordinance No. 2005-280, appropriating funds and authorizing agreements for the Housing Opportunities for Persons With AIDS Grant Program, is hereby amended by reducing the amount authorized and appropriated therein for Catholic Charities, Inc. by the sum of \$2,686, which amount is reappropriated herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-32 And
Ordinance No. 2007-33
Re: Restore NY Communities Initiative

Transmitted herewith for your approval is legislation relating to a \$2,300,000 grant from the Empire State Development Corporation (ESDC) through its Restore NY Communities Initiative Program. The legislation will:

1. Amend the 2006-07 Cash Capital Budget of the Department of Community Development by \$2,000,000 to reflect the receipt and use of a portion of this grant to partially finance the City Demolition Program for 2006-07; and
2. Establish \$300,000 as maximum compensation for an agreement with 250 South Development LLC for the rehabilitation of 250 South Avenue, to be funded from the grant.

Restore NY provides funds for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned residential and/or commercial buildings. The funds will be used for two projects:

1. \$300,000 to offset costs for the rehabilitation of 250 South Avenue, a three-story brick structure at the former Natatorium site, to include market rate housing and commercial space.
2. \$2,000,000 for the demolition of up to 135 properties. The structures have been assessed for possible re-use and demolition is recommended. The demolitions will be publicly bid.

The rehabilitation of 250 South Avenue will be financed as follows:

<u>Source</u>	<u>Amount</u>
Bank financing	\$1,100,000
Equity	485,000
ESDC	<u>300,000</u>
Total	\$1,885,000

<u>Use</u>	<u>Amount</u>
Acquisition	\$ 88,600
Construction	1,685,000
Soft costs	<u>111,400</u>
Total	\$1,885,000

Plans include: 2,740 square feet of commercial space on the first floor; 2,740 square feet of office or residential space on the second floor; two market-rate 1,370 square foot residential loft units on the third floor; and a new 2,155 square foot penthouse residential unit. Construction is anticipated to commence in March 2007 and be completed by December 2007.

City Council previously authorized the sale of 250 South Avenue to 250 South Development LLC in November 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-14

Ordinance No. 2007-32
(Int. No. 35)

Amending The 2006-07 Budget For The Demolition Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$2,000,000, which amount is hereby appropriated from grant funds to be received from the Empire State Development Corporation through the Restore NY Communities Initiative Program to fund the 2006-07 Demolition Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-33
(Int. No. 36)

Authorizing An Agreement For The Rehabilitation Of 250 South Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a grant agreement with 250 South Development LLC for the rehabilitation of 250 South Avenue.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds to be received from the Empire State Development Corporation through the Restore NY Communities Initiative Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-34
Re: Agreement - Housing Council in
the Monroe County Area, Inc.

Transmitted herewith for your approval is legislation establishing \$47,024 as maximum compensation for an agreement with the Housing Council in the Monroe County Area, Inc. for services related to the City LEAD Program. The agreement will be funded from the 2004 HOME Program authorized by Ordinance No. 2004-387 for the Lead Hazard Control Program.

A Request for Proposal (RFP) was issued in December 2006 to solicit agencies for landlord program application intake services to support the City LEAD Program. City LEAD provides financial assistance to owner-occupants and investor-owners to control lead hazards in pre-1978 housing.

The RFP specified the delivery of 75 completed applications over a one-year period. Proposals were received from four agencies - the Housing Council in the Monroe County Area; Action for a Better Community; NeighborWorks Rochester; and the Urban League of Rochester. The Housing Council (HC) is recommended based on price, quality of service, and experience. The HC has been delivering these services for the City since 2004. In 2006, the agency produced 82 completed applications, which represents a total of 132 housing units, and responded to over 600 landlords seeking an application for the program.

The HC will provide application intake services for the LEAD Program, and will deliver no fewer than eighty completed applications during this time. The HC will recruit applicants using existing Housing Council program resources including: a bi-lingual Housing Hotline, a Rental Registry, educational programs for investor-owners, and a Landlord "Expo", an annual event with approximately fifty vendors. The term of the agreement will be for one year.

The budget proposed by the Housing Council is as follows:

Direct Program Costs	
Personnel (program labor)	\$31,454
Fringe benefits	9,750
Supplies and mailing costs	1,400
Indirect program costs	<u>4,420</u>
Total	\$47,024

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-34
(Int. No. 37)

Authorizing An Agreement For Lead Poisoning Prevention Services

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continuation of lead poisoning prevention services.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$47,024, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Section 2 of Ordinance No. 2004-387.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-35
Re: Lease - 846 South Clinton Avenue

Transmitted herewith for your approval is legislation authorizing a lease agreement with the Swillburg Neighborhood Association for the continued use of office space on the second floor of the City owned-property at 846 South Clinton Avenue. The City's NET Area D offices are located on the first floor of this property.

The Swillburg Neighborhood Association has been occupying approximately 500 square feet of space since 2005. The space is primarily used as a meeting area for the Association's Executive Committee.

The term of the lease will be for one year, beginning March 1, 2007, at an annual cost of \$1,000. Improvements to the space, including drywall, carpet, suspended ceilings and HVAC, were made by the Association at the beginning of the original term in 2005.

The annual rental amount will be satisfied through community services performed by the Neighborhood Association. These services include, but are not limited to, maintenance of garden projects, coordinating neighborhood social events and the neighborhood watch program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-35
(Int. No. 38)

Approving A Lease For Office Space For The Swillburg Neighborhood Association

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Swillburg Neighborhood Association for the lease of office space on the second floor of the NET Area D Office building at 846 South Clinton Avenue, for a term of one year. The Swillburg Neighborhood Association shall be required to provide community services in the amount of \$1,000 to offset rent.

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-5
Re: Appointment - Rochester
Public Library Board

Transmitted herewith for your approval is legislation confirming the appointment of Richard L. Hamilton, 230 Dartmouth Street, to the Rochester Public Library Board of Trustees. Mr. Hamilton will complete the unexpired term of Lydia Boddie-Rice who resigned in 2006. His term will expire December 31, 2009.

Mr. Hamilton's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-5
(Int. No. 39)

Resolution Approving Appointment To The Rochester Public Library Board Of Trustees

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Richard L. Hamilton, 230 Dartmouth Street, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2009. Mr. Hamilton shall replace Lydia Boddie-Rice, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-36
Re: Determinations and Findings -
286 Berlin Street

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of 286 Berlin Street. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on January 16, 2007. There was one speaker, who supported the acquisition.

Based upon the public hearing, the following determinations and findings are proposed:

1. Project description - That the project includes the acquisition of one vacant lot on Berlin Street.
2. Project purpose - That the acquisition will per-

mit the Rochester City School District to complete an expansion and reconfiguration of the District's Service Center located at 835 Hudson Avenue.

- 3. Project effect - That the project will improve the efficiency of the operations at the Center and will permit the District to replace aged facilities and address the need for increased storage space for new school buses.

If these determinations and findings are approved, the legislation authorizing the property acquisition may be considered.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-36
(Int. No. 40)

Determinations And Findings Relating To The Acquisition Of 286 Berlin Street As Part Of The Rochester City School District Service Center Expansion And Reconfiguration Project

WHEREAS, the City of Rochester proposes to acquire for use by the Rochester City School District the parcel at 286 Berlin Street as part of the District's Service Center Expansion and Reconfiguration Project at 835 Hudson Avenue, and

WHEREAS, the Council of the City of Rochester held a public hearing on January 16, 2007 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of this parcel as part of the Rochester City School District's Service Center Expansion and Reconfiguration Project:

Project Location: The City proposes the public acquisition of the following parcel:

<u>Address</u>	<u>SBL#</u>
286 Berlin Street	091.810-003-065

Public purpose and general effect:

- 1. The District would like to further its objectives for completion of the redevelopment of the District's Service Center by acquiring the above referenced property which is located amongst the previously acquired properties. The subject property consists of a vacant lot (40 feet by 82 feet). The subject property will be incorporated with the other previously acquired parcels and integrated as part of the reconfigured site plan. The parcel is an integral part of an efficient layout for future bus storage and the streetscape improvement plan.
- 2. The proposed acquisition will permit the Rochester City School District to complete an expansion and reconfiguration of the District's Service Center operations. The expansion and reconfiguration will improve

the efficiency of the operations at the Center and will permit the District to replace aged facilities and address the need for increased storage space for new school busses. Additionally, the District will undertake streetscape improvements that will improve the overall look of the facility and its relationship with surrounding residential properties. There will be no negative environmental effects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-37
Re: Acquisition - 286 Berlin Street

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of 286 Berlin Street for the Rochester City School District. Pertinent information regarding the acquisition parcel is as follows:

Address:	286 Berlin St.
Owner:	Natalie Webb
Lot size:	40 x 81.93
Type:	Vacant land
Acquisition amount:	\$400

The acquisition is part of the School District's capital improvement project for the transportation, maintenance, storehouse and food service operations center located at 835 Hudson Avenue.

The purchase amount was established through an independent appraisal prepared by Allen Fitzpatrick, SRA. The district is allocating \$3.35 million in bond funds for this project. This allocation includes money to cover the cost of this acquisition.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-15

Ordinance No. 2007-37
(Int. No. 6)

Authorizing The Acquisition By Negotiation Or Condemnation Of 286 Berlin Street For The Rochester City School District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcel for use for the Rochester City School District Service Center at 835 Hudson Avenue:

Address:	286 Berlin St.
SBL#	091.810-0003-065
Owner:	Natalie Webb
Lot size:	40 x 81.93
Type:	Vacant land
Acquisition amount:	\$400

Section 2. The acquisition and necessary closing costs shall be funded by the City School District.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 76 from Committee.

The motion was seconded by Councilmember Douglas.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-38
Re: Investor Bulk Sale Program

Transmitted herewith for your approval is legislation authorizing a trial sale program which will facilitate the transfer of multiple properties to qualified investors who have the ability to conduct the rehabilitation of a large number of properties within a twelve-month period. Surplus City-owned residential structures containing three units or less will be offered for sale to developers who are selected through a Request For Qualification process.

Under current Municipal Code and various legislation enacted by Council, investors are limited to the purchase of three City-owned properties for rehabilitation at any one time. This limit, established by Resolution 82-110, prevents purchasers from undertaking a greater number of projects than they can complete. However, it also restricts buyers who actually do possess the financial strength and expertise to complete more than three simultaneous repair projects.

The Investor Bulk Sale Program will allow pre-qualified participants to purchase any number of properties for which they can demonstrate the capacity to rehabilitate. Resolution 82-110 will remain in force for all public offerings of City real estate with the exception of this trial program. This program is consistent with the desire of the Administration to maintain and increase the inventory of properties on the tax roll.

Participants in the Investor Bulk Sale must be pre-qualified by means of an RFQ to be issued by the City and advertised at least once in an official newspaper of the City. Applicants must meet these requirements:

- Demonstrate financial strength to cover the purchase, rehabilitation and holding costs for multiple properties;
- Demonstrate construction knowledge/experience;

- Demonstrate capacity to conduct multiple projects simultaneously;
- Demonstrate presence of local management for the construction period and, if applicable, for management of rentals;
- Provide a listing of all real estate containing residential living units currently owned by the applicant;
- Have an ethical approach;
- Not own any other property within the City for which there are delinquent taxes for a previous fiscal year, or other outstanding City charges;
- Not own other property within the City against which there are code violations, unless the applicant owns other property that is currently in the process of being rehabilitated, in which case the applicant must supply a statement from the NET Administrator indicating that the progress toward repairs and the quality of workmanship is satisfactory; and
- Meet all other provisions of Section 21-16 of the Municipal Code relative to eligibility of purchasers.

The City will review and select developers, and, based on the strength of their qualifications, determine the maximum number of residential units that each developer will be permitted to purchase. Developers will be notified in writing of the review decision. Following developer selection, any sales under this program will be submitted to City Council for approval. Structures will be sold in "as-is" condition through a sealed bid auction process. Interior inspections will be scheduled prior to the bid deadline.

This sale shall also be subject to the following terms and conditions:

- A) All bids must be submitted by a specified deadline, together with a deposit of \$1,000, or a deposit deemed appropriate by the Director of Real Estate, payable by cash, money order, or cashier's check, for each property they wish to purchase. The deposit is refundable to parties who are not the high bidder. The amount of the minimum bid and deposits collected may be changed at the discretion of the Director of Real Estate due to special circumstances of the properties being offered for sale.
- B) Within a time period established by the Director of Real Estate, the high bidder for each property must execute a property disposition agreement, and deliver a deposit of 25% of the purchase price, along with an in-lieu-of-tax payment covering a time period of approximately 12 months, to the Division of Real Estate. At this time, the high bidder must also apply for a Certificate of Occupancy. The initial \$1,000 deposit will be applied toward the amount owed. If the high bidder misses the deadline for payment of the 25% deposit, the high bidder shall forfeit, as liquidated damages, the initial amount deposited to the City to secure the bid. The Division of Real Estate shall then contact the second highest bidder, provided that developer has not already reached the purchase limit determined by the prequalification process.

- C) Successful bidders must conditionally close with the Law Department in a timely manner. At the conditional closing, the purchaser shall be required to deposit the balance of the purchase price with the City. From the date of conditional closing, the purchaser shall have, by contract, a twelve-month period to simultaneously repair each of the properties purchased, and correct all building code violations cited by the Bureau of NET. Where warranted, extensions may be granted, in writing, by the Division of Real Estate. In such cases, the successful bidder must pay to the City additional in-lieu-of-tax payments and any other applicable charges.
- D) After issuance of a Certificate of Occupancy, the City shall record the deed.
- E) In the event of cancellation for nonperformance of the contract, the purchaser shall forfeit 25% of the purchase price, and all in-lieu-taxes deposited with the City, as liquidated damages. Purchasers who have real estate sales canceled for nonperformance shall be barred from purchasing additional City property through any sale program for a period of three years.

The City of Rochester reserves the right to cancel this sale program due to insufficient response to the RFQ, lack of qualified participants, or insufficient property inventory. This trial program is proposed as a method of restoring surplus real estate to private ownership, taxable status, code compliance and productive use. The Division of Real Estate monitors sale contracts to ensure that purchasers correct all code violations prior to title transfer, and do not engage in flipping without rehabilitation.

It is anticipated that the program will begin in March 2007, and that all purchase contracts will be completed by September 30, 2008. After completion and/or cancellation of all of the purchase contracts entered into through this sale method, the effectiveness of the Investor Bulk Sale Program will be evaluated.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-16

Councilmember Conklin moved to amend Int. No. 76.

The motion was seconded by Councilmember Douglas.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Ordinance No. 2007-38
(Int. No. 76, As Amended)

Authorizing A Trial Real Estate Investor Bulk Sale Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the provisions established for other real estate sales programs and the requirements of Resolution No. 82-110, the Council hereby approves the following guidelines for a trial Investor Bulk Sale Program:

- A. Surplus City-owned residential structures containing three units or less may be offered for sale to developers who are selected through a Request For Qualification process and who have the necessary resources to simultaneously conduct the rehabilitation of a large number of properties within a twelve-month period.
- B. Participants in the Investor Bulk Sale must be prequalified by means of an RFQ to be issued by the City. The RFQ shall be advertised at least once in an official newspaper of the City. Applicants must meet the following requirements:
 1. Demonstrate financial strength to cover the purchase, rehabilitation and holding costs for multiple properties;
 2. Demonstrate construction knowledge/experience;
 3. Demonstrate the capacity to conduct multiple projects simultaneously;
 4. Demonstrate presence of local management for the construction period and, if applicable, for management of rental units;
 5. Provide a listing of all real estate containing residential units currently owned by the applicant;
 6. Have an ethical approach;
 7. Not own any other properties within the City for which there are delinquent taxes for a previous fiscal year, or other outstanding City charges;
 8. Not own other properties within the City against which there are code violations, unless the applicant owns other property that is currently in the process of being rehabilitated, in which case the applicant must supply a statement from the NET [administrator] Director indicating that the progress toward repairs and the quality of workmanship is satisfactory; and
 9. Meet all other provisions of Section 21-16 of the Municipal Code relative to eligibility of purchasers.
- C. Upon review of the submissions, the Director of Real Estate shall select developers, and determine the maximum number of residential units that each developer will be permitted to purchase, based on the strength of their qualifications. Developers will be notified of their acceptance in writing, and informed of the maximum number of residential units they may purchase. Following developer selection, neighborhood groups shall be asked to comment prior to submission to City Council. City Council will be asked to authorize sale of any and all structures on the sale list to any of the approved developers. Structures will be sold in an "as-is" condition through a sealed bid

auction process. Interior inspections will be scheduled prior to the bid deadline.

- D. The sales shall also be subject to the following terms and conditions:
1. All bids must be submitted by a specified deadline, together with a deposit of \$1,000, or a deposit deemed appropriate by the Director of Real Estate, payable by cash, money order, or cashier's check, for each property to be purchased. The deposit shall be refunded to parties who are not the high bidder. The amount of the minimum bid and deposits collected may be changed at the discretion of the Director of Real Estate due to special circumstances of the properties being offered for sale.
 2. Within a time period established by the Director of Real Estate, the high bidder for each property must execute a property disposition agreement, and deliver a deposit of 25% of the purchase price, along with an in-lieu-of-tax payment covering a time period of 12 months, to the Division of Real Estate. At this time, the high bidder must also apply for a Certificate of Occupancy. The initial \$1,000 deposit will be applied toward the amount owed. If the high bidder misses the deadline for payment of the 25% deposit, the high bidder shall forfeit, as liquidated damages, the initial amount deposited to the City to secure the bid. The Division of Real Estate shall then contact the second highest bidder, provided that developer has not already reached the purchase limit determined by the prequalification process.
 3. Successful bidders must conditionally close with the Law Department in a timely manner. At the conditional closing, the purchaser shall be required to deposit the balance of the purchase price with the City. From the date of conditional closing, the purchaser shall have by contract a twelve-month period to simultaneously repair each of the properties purchased, and correct all building code violations cited by the Bureau of NET. Where warranted, extensions may be granted, in writing, by the Division of Real Estate. In such cases, the successful bidder must pay to the City additional in-lieu-of-tax payments and any other applicable charges.
 4. After issuance of a Certificate of Occupancy, the City shall record the deed.
 5. In the event of cancellation for nonperformance of the contract, the purchaser shall forfeit 25% of the purchase price, or \$1,000, whichever is greater, and all in-lieu-of-taxes deposited with the City, as liquidated damages. Purchasers who have real estate sales canceled for nonperformance shall be barred from purchasing additional City property through any sale program for a period of three years.
- E. The City of Rochester reserves the right to cancel this sale program due to insufficient response to the RFQ, lack of qualified participants, or insufficient property inventory. This

trial program is proposed as a method of restoring surplus real estate to private ownership, taxable status, code compliance and productive use. The Division of Real Estate shall monitor sale contracts to ensure that purchasers correct all code violations prior to title transfer, and do not engage in resale without rehabilitation.

- F. This Program may be initiated immediately, and the trial Program shall consist of one RFQ process which leads to approved purchases and rehabilitation, with contracts anticipated to be completed by September 30, 2008. At that time, the effectiveness of the Program shall be evaluated for possible continuation.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Douglas, Pritchard, Santiago, Stevenson - 6.

None - Councilmembers McFadden, Miller - 2.

Vice President Santiago exits the Council Chambers.

By Councilmember Stevenson
February 13, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 41 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The West Main Street Streetscape Project

Int. No. 42 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$910,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The West Main Street Streetscape Project, As Amended

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 43 - Approving An Increase In The Pavement Width Of Royleston Road Between Merchants Road And North Winton Road

Int. No. 69 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$685,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Int. No. 70 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$554,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Int. No. 71 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$74,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Int. No. 72 - Accepting The Donation Of Easements For The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Int. No. 73 - Authorizing Agreements And Appropriating Funds For The Atlantic Avenue (CSX Railroad Bridge To Culver Road) And Delray Road Improvement Projects

Int. No. 74 - Local Improvement Ordinance - Upgrading Of Landscape Features As A Part Of The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Int. No. 75 - Approving An Increase In The Pavement Width Of Delray Road Between Atlantic Avenue And Drexmore Road

Respectfully submitted,
Robert J. Stevenson
William F. Pritchard
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-39 And
Ordinance No. 2007-40
Re: West Main Street Streetscape
Project (Jefferson Avenue to
Broad Street)

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Bergmann Associates, 200 First Federal Plaza, for Resident Project Representation Services; and authorizing the issuance of bonds totaling \$910,000 and the appropriation of the proceeds thereof to finance construction of the project and the agreement with Bergmann Associates.

The \$1.6 million project, designed by Bergman Associates as authorized by Council in August 2004, is intended to support and enhance economic development on West Main Street between Jefferson Avenue and Broad Street through streetscape improvements. A streetscape master plan was developed for the entire project corridor. Construction improvements will be focused on the Susan B. Anthony Historic District (Madison Street to Canal Street) with select improvements extending west to Jefferson Avenue and east to Broad Street.

The improvements include: new north side exposed aggregate sidewalks; brick accent strips along the curb edge; historic themed lighting Canal Street to Madison Street; King Street narrowing at West Main; Litchfield Street narrowing at West Main; West Main narrowing at Canal Street; recessed parking spaces at 601 W. Main; tree and grate replacements; new brick historic district piers; Heritage Trail inlaid stripe; commemoration of the site of the former Genesee Valley Canal with a unique sidewalk pavement treatment and

historic marker, and; replacement of select curb sections.

The project also includes several additional alternate features, including: a bus shelter; the Susan B. Anthony vote site memorial; recessed parking ornamental surface treatment; planters; cleanup and landscaping of the vacant 486 W. Main Street site; inlaid bronze historic marker; and special crosswalk treatment.

Previous Council authorizations related to this project include: Ordinance No. 2006-119 authorized pavement width changes to West Main Street and King Street and acceptance of a permanent easement for sidewalk purposes; Ordinance No. 2006-353 authorized appropriation of \$250,000 in reimbursements from the New York State Department of Transportation; and Ordinance No.2006-354 authorized changes in the pavement width on Litchfield Street to accommodate installation of an ADA accessible ramp at 480 West Main Street.

Bergmann Associates was selected to perform Resident Project Representation Services based on the quality of the team assigned to the project and their familiarity with the project.

Bids for construction of the project were received on January 9, 2007. The work will be performed by Gordon J. Phillips, Inc. at a cost of \$795,612, which is 26% less than the engineer's estimate. An additional \$264,388 will be allocated for contingencies and street lighting.

Funding for construction of the project is as follows:

	Bond	NYS Multi Modal	Total
Construction	\$545,612	\$250,000	\$ 795,612
RPR	100,000	0	100,000
Contingency	264,388	0	264,388
Total	\$910,000	\$250,000	\$1,160,000

The project has been presented to an advisory group (with representatives from the Susan B. Anthony Neighborhood Group, Freedom Way Business Association, Susan B. Anthony House, New Life Fellowship Church and NET and Sector offices) at several meetings. It is anticipated that construction of these improvements will begin in spring 2007 and be completed by year end.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-39
(Int. No. 41)

Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The West Main Street Streetscape Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for resident project representation services for the West Main Street Streetscape (Jefferson Avenue to Broad

Street) Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for the Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-40
(Int. No. 42, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$910,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The West Main Street Streetscape Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of new sidewalks, street lighting and [trees] other streetscape enhancements relating to the City's West Main Street Streetscape (Jefferson Avenue to Broad Street) Project (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,250,000. The plan of financing includes the issuance of \$910,000 principal amount of bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$90,000 bonds previously appropriated in Ordinance No. 2004-291 and \$250,000 in funds from the State of New York previously appropriated in Ordinance No. 2006-353, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$910,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 24 of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in an-

icipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-41
Re: Royleston Road Public Improvement
Project (Merchants Road to North
Winton Road)

Transmitted herewith for your approval is legislation

which authorizes a four-foot increase in the pavement width on Royleston Road, between Merchants Road and North Winton Road. This will increase the pavement width from 20 feet to 24 feet and will be accomplished within the existing right-of-way.

The Royleston Road project also includes reconstruction of the pavement, installation of new curbs, driveway aprons, replacement of sidewalks, catch basins, street lighting upgrades, topsoil and seed.

The project is being designed by the City of Rochester's Bureau of Architecture and Engineering Services of the Department of Environmental Services. It is anticipated that construction will begin in the Spring of 2007 with substantial completion by the Fall of 2007.

A public meeting was held on November 15, 2006. A copy of the minutes is attached. The pavement width changes were endorsed at the December 19, 2006 Traffic Control Board meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-17

Ordinance No. 2007-41
(Int. No. 43)

Approving An Increase In The Pavement Width Of Royleston Road Between Merchants Road And North Winton Road

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of four feet, from 20 feet to 24 feet, in the pavement width of Royleston Road, between Merchants Road and North Winton Road.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-42,
Ordinance No. 2007-43,
Ordinance No. 2007-44,
Ordinance No. 2007-45,
Ordinance No. 2007-46,
Local Improvement Ordinance No. 1565
And Ordinance No. 2007-47

Re: Atlantic Avenue Public Improvement Project Phase II (CSX Railroad Bridge-Culver Road); and Delray Road Public Improvement Project (Atlantic Avenue-Drexmore Road)

Transmitted herewith for your approval is legislation related to two public improvement projects. This leg-

islation will:

1. Appropriate \$50,000 from anticipated reimbursements from the Dormitory Authority of the State of New York (DASNY) to partially finance the cost of the street improvements as part of the Atlantic Avenue Phase II Public Improvement Project;
2. Authorize the issuance of bonds totaling \$685,000 and the appropriation of the proceeds thereof to partially finance the cost of the street improvements as part of the Atlantic Avenue Phase II Public Improvement Project;
3. Authorize the issuance of bonds totaling \$554,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements as part of the Atlantic Avenue Phase II Public Improvement Project;
4. Authorize the issuance of bonds totaling \$74,000 and the appropriation of the proceeds thereof to finance the cost of the sewer improvements as part of the Atlantic Avenue Phase II Public Improvement Project;
5. Authorize acquisition, by donation of three de minimus easements to accommodate installation of local enhancement improvements adjacent to the right-of-way;
6. Authorize a project participation agreement with PSB Limited, owner of the adjacent property, for the installation and maintenance of local enhancement improvements;
7. Appropriate \$48,000 from the Local Improvement Fund and the subsequent assessment of this amount against the adjacent properties (PSB Limited) to replenish the Fund to finance the cost of the local enhancement improvements;
8. Authorize agreements as necessary with CSXT, Inc., related to construction of improvements adjacent to lands along Atlantic Avenue owned by CSXT;
9. Establish \$221,000 as maximum compensation for a professional service agreement with FRA Engineering, P.C., Henrietta, New York, for Resident Project Representation (RPR) services related to the Atlantic Avenue Phase II Public Improvement Project and the Delray Road Public Improvement Project; and
10. Authorize a four foot increase in the pavement width on Delray Road, from 20 feet to 24 feet, between Atlantic Avenue and Drexmore Road within the existing right-of-way.

Atlantic Avenue Public Improvement Project

The Atlantic Avenue Improvement Project was designed by FRA Engineering, P.C. under agreements authorized by Council in 2004 and 2005. The Phase II features include: Rehabilitation or reconstruction of the pavement, intersection, drainage, curb, traffic signal, signage, sidewalk, landscaping including decorative fencing and screening along the CSX property, water system and other improvements. Construction of the Phase II improvements is being implemented as a City-administered, Federal-aid project. The federal aid was previously appropriated on July 12, 2005.

Bids for construction were received on January 24, 2007. The work will be performed by Villager Construction Inc., at a cost of \$1,790,225, which is 1.6 % more than the engineer's estimate. An additional \$250,775 will be allocated for contingencies which includes the cost of street lighting.

The costs for the categories of work for the project based upon the bid amount are as follows:

Category	Construction	RPR
	Contingency	Total
Street	\$1,121,680.53	\$134,980.00
	\$183,343.47	\$1,440,004.00
Water	455,261.55	52,860.00
	45,878.45	554,000.00
Sewer	66,558.00	0.00
	7,442.00	74,000.00
Traffic	106,713.92	10,160.00
	10,126.08	127,000.00
LIO	40,011.00	4,000.00
	3,989.00	48,000.00
Total	\$1,790,225.00	\$202,000.00
	\$250,779.00	\$2,243,004.00

The cost of the street improvements will be financed from proceeds of the proposed street bond (\$685,000), Federal Highway Administration reimbursements (\$560,662), DASNY reimbursements (\$50,000), and Cash Capital (\$144,342). The cost of water improvements and sewer improvements will be financed from the bond issues proposed herein. The traffic improvements will be financed from Monroe County reimbursements (\$97,305) and from the Federal Highway Administration (\$29,695).

FRA Engineering was selected to perform RPR Services based on its familiarity with the project and ability to adhere to the time period specified by the City. The Atlantic Avenue Phase II Public Improvement Project portion of the cost of the professional service agreement with FRA will be financed from proceeds from the Street Bond (\$134,980), proceeds from the Water Bond (\$52,860), anticipated reimbursements from Monroe County (\$10,160), and the Local Improvement Fund (\$4,000).

The proposed easements will provide for the construction of local enhancement improvements on parcels adjacent to the project. The grantor, PSB Limited, will donate the easements to the City.

Address	Owner	Square Feet
Pt of 625 Culver Road	PSB Limited	646
Pt of 625 Culver Road	PSB Limited	472
Pt of 593-613 Culver Road	PSB Limited	435

The proceeds of the proposed Local Improvement Ordinance will be used to finance the installation of improvements along PSB properties at 593-613 Culver Road and 625 Culver Road. This will unify and extend the landscape buffer treatment to be installed

along the CSXT property. The amount of the local improvement will be proportionally assessed against the two PSB properties and will be repaid in two interest-free payments for each property. The first, totaling \$22,000 (\$7,150 for 593-613 Culver Road and \$14,850 for 625 Culver Road), will be included as a local assessment charge on the 2007-08 City tax bill. The final amount will be included as a local assessment on the first City tax bill following substantial completion of the project.

Construction of the Phase I improvements was completed last fall. It is anticipated that construction of the Phase II improvements will begin this spring and be substantially completed by Fall 2007.

The Atlantic Avenue Project was presented at a public meeting on April 27, 2006; the minutes of the meeting are on file in the City Clerk's Office.

Delray Road Public Improvement Project

The Delray Road Project is a curb-replacement project designed by the City Department of Environmental Services. Project features include the proposed four foot increase in the pavement width; installation of new curbs and driveway aprons; replacement of sidewalks in select areas; new catch basins; and topsoil and seeding.

Delray Road is located immediately adjacent to the Atlantic Avenue Project. It is anticipated that construction of improvements on Delray will begin this spring, and be substantially completed this Fall, similar to the schedule for the Atlantic Avenue Phase II improvements. Given the proximity and construction schedules of these projects, it is proposed that the agreement with FRA Engineering provide Resident Project Representation Services for both projects. The cost for the professional services for this project is \$19,000 and will be financed from residential street bonds (Ord. No. 2005-059) previously appropriated, as will the cost for construction of the Delray Road project, which is estimated at \$175,000.

The Delray Road Project was presented at a public meeting on July 24, 2006; the minutes of the meetings are on file in the City Clerk's Office. The pavement width changes were endorsed at the December 19, 2006 Traffic Control Board meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-18

Ordinance No. 2007-42
(Int. No. 69)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$685,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby

authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,440,004. The plan of financing includes the issuance of \$685,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$50,000 in anticipated reimbursements from the Dormitory Authority of the State of New York appropriated at this meeting, \$144,342 in current funds and \$560,662 in anticipated reimbursements from the Federal Highway Administration previously appropriated in Ordinance No. 2005-240, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$685,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to

providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-43
(Int. No. 70)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$554,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$554,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$554,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$554,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Con-

solidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$554,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-44
(Int. No. 71)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$74,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$74,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$74,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$74,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$74,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in an-

icipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-45
(Int. No. 72)

Accepting The Donation Of Easements For The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of permanent easements over

approximately 646 and 472 square feet of the parcel at 625 Culver Road, SBL #122.22-1-34, and approximately 435 square feet of the parcel at 593-613 Culver Road, SBL #122.22-1-35, owned by PSB, LTD., for the construction and maintenance of landscape improvements as a part of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-46
(Int. No. 73)

Authorizing Agreements And Appropriating Funds For The Atlantic Avenue (CSX Railroad Bridge To Culver Road) And Delray Road Improvement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into such agreements with CSXT, Inc. as may be necessary for the construction of improvements adjacent to Atlantic Avenue as a part of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 2. The Mayor is hereby further authorized to enter into an agreement with PSB Limited for the construction and maintenance of landscape improvements as a part of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. The sum of \$221,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C., for resident project representation services related to the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project and Delray Road Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$19,000 shall be funded from Bond Ordinance No. 2005-59, \$134,980 shall be funded from a bond adopted for street purposes, \$52,860 shall be funded from a bond adopted for water purposes, \$10,160 shall be funded from anticipated reimbursements from the County of Monroe for traffic improvements, and \$4,000 shall be funded from a Local Improvement Ordinance for landscape improvements for the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 5. There is hereby appropriated from anticipated reimbursements from the Dormitory Authority of the State of New York the sum of \$50,000, or so much thereof as may be necessary, to fund construction of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1565
(Int. No. 74)

Local Improvement Ordinance - Upgrading Of Landscape Features As A Part Of The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the upgrading of landscape features as a part of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 2. The improvements and work described in Section 1 shall be constructed in accordance with the provisions of Chapter 10 of the Municipal Code and shall be done by contract.

Section 3. The limits of the District of Assessment for the improvements and work shall be the following properties. The Council hereby finds that the upgrading of said landscape features will benefit the parcels of property within the district described in proportion to the value of the improvements to each property, owned by PSB Limited, in proportions and amounts not to exceed the following:

<u>Address</u>	<u>SBL No.</u>	<u>Percent</u>	<u>Amount</u>
625 Culver Road	122.220-001-034	67.5	\$32,400
593-613 Culver Road	122.220-001-035	32.5	15,600

Section 4. The additional construction costs relating to such landscape features upgrading, in an amount not to exceed \$48,000, shall be assessed and billed as Special Assessments against the parcels of property within the district in two installments, without interest. Such amount shall be appropriated from the Special Assessments. Such assessments shall be billed on the regular tax bill and shall be due in one installment. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner. The first installment, in the amount of \$7,150 for 593-613 Culver Road and \$14,850 for 625 Culver Road, shall be billed on the 2007-08 tax bill, and the balance of the final certified local improvement amount shall be billed on the first City tax bill following substantial completion of the Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-47
(Int. No. 75)

Approving An Increase In The Pavement Width Of Delray Road Between Atlantic Avenue And Drexmore Road

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of four feet, from 20 feet to 24 feet, in the pavement width of Delray Road, between Atlantic Avenue and Drexmore Road.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
February 13, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 45 - Establishing Maximum Compensation For A Professional Services Agreement For Image Updates For The 2008 Reassessment

Int. No. 46 - Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

Int. No. 47 - Authorizing An Agreement And Appropriating Funds For The Biz Kid\$ And Beyond Program

Int. No. 66 - Establishing Maximum Compensation For A Professional Services Agreement For Audit Services For The Workers' Compensation Program

Int. No. 67 - Amending The 2006-07 Budget To Provide For Salary And Wage Increases

Int. No. 68 - Authorizing An Agreement With The Town Of Brighton For Continuation Of Mutual Fire Assistance To West Brighton

The following entitled legislation is being held in Committee:

Int. No. 44 - Cancellation Of Taxes And Charges

Int. No. 58 - Local Law Amending The City Charter With Respect To Financial Disclosure Statements

Int. No. 59 - Local Law Amending The City Charter With Respect To The Chief Information Officer

Int. No. 60 - Local Law Amending The City Charter With Respect To The Office Of Public Integrity

Int. No. 61 - Local Law Amending The City Charter With Respect To Units In The Office Of The Mayor

Int. No. 62 - Local Law Amending The City Charter With Respect To The Director Of Human Resource Management

Int. No. 63 - Local Law Amending The City Charter With Respect To The Emergency Communications Center Director

Int. No. 64 - Local Law Amending The City Charter With Respect To Actions To Restrain Nuisances

Int. No. 65 - Amending The Municipal Code With Respect To Abatement Of Code Violations

Respectfully submitted,
Benjamin L. Douglas
Carolee A. Conklin

Dana K. Miller
Gladys Santiago
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-48
Re: Image Update Project for 2008
Reassessment

Transmitted herewith for your approval is legislation establishing \$107,050 as maximum compensation for an agreement with Facet Technology Corporation to update property images for the City's 2008 reassessment. This agreement will be funded from the 2006-07 Cash Capital allocation.

The Department of Finance maintains digital images of all improved properties located within the City. The images are used primarily for assessment purposes but are shared and used by several City departments. The vast majority of images are more than eleven years old. The need for a comprehensive updating of the collection of digital images of City properties has been recognized and is reflected in the 2006-07 Capital Improvement Program.

The Department of Finance issued a Request for Proposal for the project. Four proposals were received and reviewed. The proposal submitted by Facet Technology Corporation will provide the most utility to the City at a reasonable cost.

Facet Technology Corporation will provide both the standard single static image of buildings and properties and a feature allowing the user to pan left and right to see three sides of the selected building. They will also include a feature allowing a virtual "drive" down the street looking at all the buildings and vacant lots in the neighborhood, including what is directly across the street from the subject property.

The attached proposal comparison grid identifies the key components of the proposals received. Facet Technology Corporation, using its standard package, can provide the desired product outcome at a cost of \$107,050. This is accomplished by fully utilizing the technology that is available only to Facet Technology Corporation. This makes the cost of upgraded services offered by Facet Technology Corporation the lowest of the qualified proposals.

The proposal from Pictometry Visual Intelligence of Henrietta, NY, while showing the lowest cost, provides only aerial images. Street level images are necessary for reassessment purposes. Facet Technology Corporation provides both.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-19

Ordinance No. 48
(Int. No. 45)

Establishing Maximum Compensation For A Professional Services Agreement For Image Updates For The 2008 Reassessment

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$107,050, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Facet Technology Corporation to update property images for the 2008 Reassessment. Said amount shall be funded from the 2006-07 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-49
Re: Agreement - Hinman Straub,
State Lobbying Services

Transmitted herewith for your approval is legislation establishing \$43,200 as maximum compensation for an agreement with Hinman Straub, PC of Albany, for state lobbying services. The cost of this agreement will be funded from the 2006-07 Budget of the Mayor's Office. This agreement will cover the 2007 calendar year.

Hinman Straub was selected in 2006 through a Request for Proposal process; their initial contract was approved by Council in March 2006. The firm will continue to provide the following services:

1. Present and explain the City's legislative proposals to the City's Albany delegation, committee chairpersons, Senate and Assembly leaders, the Governor and administrative staff;
2. Arrange for the introduction of specific bills, their consideration by the appropriate committees in the Senate and Assembly and their approval by the Governor;
3. Identify and review all other bills that could affect the City and, as directed by the City, present comments concerning these bills;
4. Review and analyze the annual State budget with respect to its impact on the City;
5. Arrange and coordinate any necessary meetings between State and City officials;
6. Coordinate the above activities with the NYS Conference of Mayors and other "Big 6" cities, as necessary;
7. Work with state agencies and departments as necessary; and
8. Provide general advice on legislative and regulatory matters.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-49
(Int. No. 46)

Establishing Maximum Compensation For A Professional Services Agreement For State Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$43,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Hinman Straub, PC, for the provision of State lobbying services. Said amount shall be funded from the 2006-07 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-50
Re: CDBG Appropriation - Biz Kid\$ and Beyond/Credit Education Bureau

Transmitted herewith for your approval is legislation appropriating \$28,900 from the General Community Needs allocation of the 2005-06 Community Development Block Grant and establishing \$13,200 as maximum compensation for an agreement with the Credit Education Bureau to help coordinate the Biz Kid\$ and Beyond program. The remaining funds will be used toward supplies, publications, and conventions as reflected in the attached budget.

The Credit Education Bureau will provide one-on-one mentoring for Biz Kid\$ graduates, creating and providing seminars, and assistance in recruiting and training youth participants and adult volunteers.

Since 1999, the Biz Kid\$ program has provided an opportunity for City youth to participate in an entrepreneurial program which teaches basic business skills, encourages youth enterprise and provides business start-up grants for graduates. Biz Kid\$ and Beyond is the second phase of the program that provides graduates of Biz Kid\$ an opportunity to further explore business topics and ideas. A new portion of the Biz Kid\$ and Beyond program will include pairing graduates with business mentors from the community to help students take further steps to starting their business, make positive connections in the community and increase their financial well-being.

A program description is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-20

Ordinance No. 2007-50
(Int. No. 47)

Authorizing An Agreement And Appropriating Funds For The Biz Kid\$ And Beyond Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Credit Education Bureau for the Biz Kid\$ and Beyond Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$13,200, and said

amount, and an amount not to exceed \$15,700 for additional costs of the Program, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-51
Re: Professional Services Agreement for Audit of Workers Compensation Third-Party Administration

Transmitted herewith for your approval is legislation establishing \$37,500 as maximum compensation for an agreement with Marsh USA Inc. of Buffalo, NY to conduct an audit of the Workers' Compensation claims review and payment processes that are managed by a third-party administrator on behalf of the City of Rochester. This agreement will be funded from the 2006-07 Budget for Undistributed Funds.

The City's Workers' Compensation program is self-insured. EM Risk Management, a POMCO Company, currently holds the contract for administration of claims and case management. EM (formerly doing business as Hilb Rogal & Hobbs and GOW Management) has held the contract since 1998.

This audit is intended to identify and test the controls exercised by EM to prevent overpayment of workers' compensation claims, to ensure efficient review of bills submitted by medical providers, and to ensure timely, accurate and complete recordkeeping according to New York State Workers' Compensation Law and City contract requirements.

The results of the audit will include a report of findings, observations and recommendations for cost-saving initiatives, process improvement strategies and efficiencies.

Bids for audit services were solicited, resulting in two proposals. Based on the specific criteria that was developed according to the audit objectives, Marsh USA Inc. has been selected as the most appropriate consultant to provide this service.

Specifically, Marsh USA Inc. has demonstrated the knowledge, experience and results from similarly performed audits that will assure a complete, detailed and action-oriented plan for the City to move forward with cost-control initiatives in Workers Compensation administration.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-51
(Int. No. 66)

Establishing Maximum Compensation For A Professional Services Agreement For Audit Services For The Workers' Compensation Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$37,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Marsh USA Inc. for audit services for the third party administration of the City's Workers' Compensation Program. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-52
Re: 2006-07 Budget Amendments -Wage and Salary Increase, Local Works Purchases and Debt Service

Transmitted herewith for your approval is legislation amending the 2006-07 Budget as follows:

1. Transfer \$4,251,600 from Contingency to various departmental budgets to reflect negotiated wage and salary increases for non-uniformed employees.
2. Amend Cash Capital by a total of \$2,050,000 by transferring \$700,000 from Contingency, and appropriating \$1,350,000 from the Local Works Fund Balance for an acceleration of equipment purchases and improvements.
3. Transfer \$261,000 from Contingency to Debt Service to cover higher than anticipated interest charges on the ferry loan.

Wage and Salary Amendment

When the 2006-07 Budget was adopted by the City Council in June 2006, salary and wage rates had not yet been established for employees represented by the following bargaining units: American Federation of State, County and Municipal Employees (AFSCME); the Civilian Bargaining Unit of the Rochester Firefighters Association (IAFF); the Civil Service Employees Association (CSEA) Rochester Public Library Part Time Employees; International Union of Operating Engineers (IUOE); and Rochester Police Locust Club, Inc. Further, no wage adjustment decision had been made for employees in the Administrative, Professional and Technical (APT) classification, employees in the Confidential classification, or non full-time employees. As result, special provision for possible increases for all of these employees was included in the Contingency Account.

Labor agreements with a wage increase of 2.75% for 2006-07 have now been negotiated with AFSCME, IAFF Civilian, CSEA, and IUOE. Negotiations with the Locust Club are in arbitration and are not included here. It has also been decided to provide a 2.75% increase in 2006-07 to employees in the Confidential classification and to non full-time employees. In order to contain costs, a comprehensive increase for APT employees was not provided for 2006-07, except for the creation of a new top salary step 2.75% higher than the previous one. The amounts by classification are as follows:

AFSCME	\$2,376,100
APT Authorization	650,900
Confidential Authorization	285,200
CSEA	45,300
IAFF Civilian	27,700
IUOE	14,700
Part Time, Temporary & Seasonal Allowance	187,000
Salary Benefits - Undistributed	664,700
Total	\$4,251,600

The costs described above will be financed through transfers from Contingency to Departmental Budgets as follows:

Administration	
Mayor's Office	\$ 45,900
NET	99,000
Budget & Efficiency	44,800
Human Resource Management	45,000
Communications	37,900
Administration subtotal	272,600
Law	48,600
City Council & Clerk	37,100
Community Development	186,200
Economic Development	37,900
Emergency Communications	428,800
Environmental Services	1,383,000
Finance	271,500
Fire	94,800
Library	92,600
Police	361,600
Recreation & Youth Services	372,200
Undistributed Expense	664,700
Total	\$4,251,600

Local Works Cash Capital

The funds being transferred to Cash Capital will allow the purchase of ten dump trucks at an estimated per unit cost of \$175,000. These trucks were originally scheduled to be purchased in 2007-08. However, the current fleet has experienced serious corrosion problems. Appropriating these funds now will enable the procurement process to begin earlier than anticipated and ensure these trucks are available for service in 2007-08. This amendment will also fund the roof replacement of the salt shed, estimated at \$300,000. This roof has been identified by City Architectural Services as a high priority. The availability of these funds will allow the work to be completed before next winter.

Debt Service

These additional funds are required in Debt Service due to a higher than anticipated interest rate on the variable-rate ferry loan. The budget assumed a 5% interest rate; the actual rate for the payment due on February 15, 2007 is 6.473%.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-52
(Int. No. 67)

Amending The 2006-07 Budget To Provide For Salary And Wage Increases

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$4,251,600 from the Contingency Account to the following appropriations in order to fund salary and wage increases, by transferring the sum of \$700,000 from the Contingency Account to the Cash Capital Account and by increasing revenue estimates and appropriations to the Cash Capital Account by \$1,350,000, which amount is hereby appropriated from the Local Works fund balance, and by transferring the sum of \$261,000 from the Contingency Account to Debt Service:

City Council & Clerk	\$ 37,100
Administration	272,600
Law	48,600
Community Development	186,200
Economic Development	37,900
Emergency Communications	428,800
Environmental Services	1,383,000
Finance	271,500
Fire	94,800
Library	92,600
Police	361,600
Recreation & Youth Services	372,200
Undistributed Expense	<u>664,700</u>
Total	\$4,251,600
Cash Capital	\$2,050,000
Debt Service	\$ 261,000

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-53
Re: Agreement with the Town of Brighton

Transmitted herewith for your approval is legislation authorizing an agreement with the Town of Brighton whereby the Rochester Fire Department will provide limited mutual assistance to the West Brighton Fire Protection District. In exchange for an annual fee of \$125,000, the RFD will provide six firefighters and apparatus when available for all calls classified as possible structure fire assignments, and at least four firefighters and apparatus for all automatic fire alarms at fifteen specified addresses on East River Road, East Henrietta Road and Corporate Woods in the Town of Brighton.

Information gathered from the Emergency Communications Department indicates that Rochester could expect to be dispatched to approximately ninety of these types of calls per year. Rochester would not respond to calls, other than those types listed above, unless requested through the Monroe County Mutual Aid Plan.

The proposed agreement will have an initial term of one year and will continue for up to three additional terms of one year each. The agreement will be reviewed annually, at which time either party may propose changes or request termination of the agreement. An agreement for these services was first authorized in 2002 (Ordinance No. 2002-306).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-53
(Int. No. 68)

Authorizing An Agreement With The Town Of Brighton For Continuation Of Mutual Fire Assistance To West Brighton

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the Rochester Fire Department will continue to provide mutual assistance to the West Brighton Fire Protection District on structural fire calls and automatic alarms from specified addresses. The agreement shall extend for a term not to exceed four years, except that either party may terminate the agreement at the end of each year upon written notice.

Section 2. The agreement shall obligate the Town of Brighton to pay the sum of \$125,000 for the first year. For subsequent years, said amount may be changed through agreement of the Mayor and the Town Supervisor based upon the volume of calls to which the City responds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Douglas moved to discharge Int. No. 44 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-54
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$31,550.00.

A total of four properties had code violations in the amount of \$29,900.00, 94.77% of the cancellations, that were incurred by a former owner.

One property is owned by a person with medical conditions. Code violations in the amount of \$1,650.00 or 5.23% of the total have been corrected by the property owner.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$410,829.02.

	<u>Accounts</u>	<u>Amounts</u>
City Council	82	\$346,168.69
Administrative	170	64,660.33
Total	252	\$410,829.02

These cancellations represent .178% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Conklin moved to amend Int. No. 44.

The motion was seconded by Councilmember Douglas.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Stevenson - 7.

Nays - None - 0.

Ordinance No. 2007-54
(Int. No. 44, As Amended)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) Ownership of these properties recently transferred. The code violations associated with these properties were issued against the former owner. The charges remain unpaid and have been forwarded to the Municipal Code Violation Bureau for collection.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
090.640-0001-003	H	526 Augustine St.	2007	\$15,400.00
105.570-0003-029	H	315 Murray St.	2006	3,550.00
			2007	5,000.00
105.730-0001-064	H	210 Masseth St.	2007	3,500.00
106.330-0003-034	H	75 Watkin Ter.	2007	2,450.00

- (b) The [property is occupied by an owner with medical conditions and the code violations have been resolved with no further problems] tickets were issued erroneously against the following property.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
090.520-0001-024	H	133 Parkdale Ter.	2006	\$ 1,650.00
Grand Total				\$31,550.00

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received,

the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Councilmember Douglas moved to discharge Int. Nos. 59 through 65 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, McFadden, Miller, Pritchard, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Int. No. 58, Local Law No. 2,
Local Law No. 3, Local Law No. 4,
Local Law No. 5, Local Law No. 6,
Local Law No. 7 And
Ordinance No. 2007-55

Re: Amendments to the City Charter and
Municipal Code

Transmitted herewith for your approval is legislation authorizing several amendments to the City Charter required to reflect recent changes in the structure of the administration, and to accommodate changes regarding actions and proceedings in City and State Supreme Courts. These amendments are as follows:

1. Section 2-18, Code of Ethics. The list of those required to file financial disclosure statements will be updated to include new titles and new positions and deleting unused titles.
2. Section 3-12 Director of Information Systems. This section will be replaced in its entirety with a description of the duties for Chief Information Officer, a new position superceding the Director of Information Systems.
3. Section 3-13 Internal Auditor. This section will be replaced in its entirety with a description of the duties for the Director of the Office of Public Integrity, a new position superceding the Manager of Internal Audit.
4. Section 8C-5 Director of Personnel. The title will be replaced with Director of Human Resource Management to reflect the correct name of the bureau.
5. Section 8D-1 Emergency Communications Department. The term "director" will replace the term "manager" to reflect the correct title of the head of this department.
6. Section 9-21 of the Charter, Actions to restrain nuisances and Section 52-3 of the Municipal Code, Penalties for offenses. These sections are being amended to allow actions and special pro-

ceedings to restrain nuisances and code violations to be brought in either City Court or State Supreme Court. Section 9-21 of the City Charter currently allows actions to restrain nuisances to be brought in any court of competent jurisdiction. The amendment will add special proceedings to this authority, as a special proceeding is often the appropriate method to abate a nuisance. Section 52-3 of the Municipal Code allows equity actions or special proceedings to be brought in State Supreme Court to abate code violations. State law now also provides City Court with jurisdiction over such actions or proceedings, and the legislation will allow the City to enjoin and abate violations in City Court and Supreme Courts.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 58

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO FINANCIAL DISCLOSURE STATEMENTS

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 2-18, Code of Ethics, by amending the list of persons required to file financial disclosure statements in Subsection G(1) thereof to read in its entirety as follows:

Mayor
Candidate for Mayor
Deputy Mayor
Chief of Staff
Assistant to the Mayor
Member of City Council
Candidate for City Council
City Clerk
Director of Budget and Efficiency
Assistant Director of Budget and Efficiency
Director of Human Resource Management
Deputy Director of Human Resource Management
Manager of Labor Relations
Executive Secretary of the Civil Service Commission
Director of Communications
Deputy Director/Communications
Corporation Counsel
Deputy Corporation Counsel
Municipal Attorney IV
Municipal Attorney III
Youth Intervention Supervisor
NET Director
NET Administrator
NET Code Coordinator
Director of the Office of Public Integrity
Manager of Internal Audit
Chief Information Officer
Director of Information Systems
Assistant Director of Information Systems
Director of Finance
Director of Accounting
City Treasurer
Deputy City Treasurer
Assessor
Deputy City Assessor
Director of Parking Violations

Purchasing Agent
Commissioner of Community Development
Deputy Commissioner of Community Development
Director of Planning
Director of Zoning
Manager of Housing
Manager/Plan Review/Building Inspection
Director of Development Services
Director of Real Estate
Manager of Technical Services
Commissioner of Economic Development
Deputy Commissioner/Economic Development Department
Director of Community and Economic Development Integration
Manager of Business Development
Manager of Downtown Development
Municipal Parking Coordinator
Commissioner of Environmental Services
Deputy Commissioner of Environmental Services
Chief of Security Operations
Superintendent of Security
City Engineer
Managing Engineer/Street Design
Managing Engineer/Construction
Director of Operations
Assistant Director of Operations
Refuse Operations Manager
Operations Manager
Street Maintenance Manager
Manager/Building Services
Manager/Contract Services
Manager/Customer Satisfaction
Manager/Environmental Quality
Managing Architect
Senior Architect
Senior Engineer/Mechanical
Director of Water Bureau
Managing Engineer/Water Design
Senior Engineer/Water Design
Manager/Water Distribution
Manager/Water Production
Fleet Service Manager
Emergency Communications Center Director
Deputy Director/Emergency Communications Department
Chief of Police
Deputy Police Chief
Police Commander
Police Captain
Manager of Police Property
Senior Property Clerk
Property Clerk
Fire Chief
Executive Deputy Fire Chief
Deputy Fire Chief
Battalion Chief
Commissioner of Recreation and Youth Services
Deputy Commissioner of Recreation and Youth Services
Director of Recreation/Leisure Services
Manager of Human Services Planning
Principal Staff Assistant

Persons occupying other positions, determined by the Mayor to be policy-making positions in a document transmitted to the Secretary of the Board of Ethics by December 31 of each year, shall also be required to file financial disclosure statements as prescribed herein.

Section 2. This local law shall take effect immediately.

Item held in committee.

Local Law No. 2
(Int. No. 59)

Local Law Amending The City Charter With Respect To The Chief Information Officer

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 3-12, Director of Information Systems, to read in its entirety as follows:

Section 3-12. Chief Information Officer.

The Chief Information Officer shall identify and prioritize the delivery of the City's online services and information, document management systems, enterprise architecture and wireless strategies. He or she shall maintain effective communication between the City's information technology groups so as to maximize operating efficiencies and provide highly effective information technology services. The Chief Information Officer shall supervise all information technology operations and develop and oversee City information technology policies and procedures, the City's website, Geographic Information Systems, records management, telephone and related functions; and provide for the security of City information.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 3
(Int. No. 60)

Local Law Amending The City Charter With Respect To The Office Of Public Integrity

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 3-13, Internal Auditor, to read in its entirety as follows:

Section 3-13. Director of the Office of Public Integrity.

The head of the Office of Public Integrity shall be the Director of the Office of Public Integrity. Under the supervision of the Mayor, he or she shall articulate the standards of business conduct for the City and shall coordinate the analysis, investigation and resolution of concerns and complaints involving City government operations. The Director shall oversee the Manager of Internal Audit and the internal audit staff, which shall develop and conduct an internal audit program on a timely basis. Such program shall examine the financial records and procedures of all city departments, bureaus and their subdivisions in accordance with accepted auditing principles and practices.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 4
(Int. No. 61)

Local Law Amending The City Charter With Respect To Units In The Office Of The Mayor

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 3-1, Mayor, by deleting the words "the Bureau of Information Systems, the head of which shall be the Director of Information Systems;" where they are contained in the third paragraph thereof, and by inserting in their place the words "a Chief Information Officer; an Office of Public Integrity, the head of which shall be the Director of the Office of Public Integrity; a Neighborhood Empowerment Team, the head of which shall be the Neighborhood Empowerment Team Director;"

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 5
(Int. No. 62)

Local Law Amending The City Charter With Respect To The Director Of Human Resource Management

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 8C-5, Administration, by deleting the words "Director of Personnel" where they are contained therein and by inserting in their place the words "Director of Human Resource Management".

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 6
(Int. No. 63)

Local Law Amending The City Charter With Respect To The Emergency Communications Center Director

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 8D-1, Emergency Communications Department, by deleting the word "Manager" in each place that it is contained therein and by inserting in its place the word "Director".

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 7
(Int. No. 64)

Local Law Amending The City Charter With Respect To Actions To Restrain Nuisances

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 9-21, Actions to restrain nuisances, by adding the words "and special proceedings" after the word "Actions" in both the title and the body thereof.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-55
(Int. No. 65)

Amending The Municipal Code With Respect To Abatement Of Code Violations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 52-3 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by amending Subsection A(2) and Subsection B thereof to read in their entirety as follows:

- A. (2) For violations returnable in the Municipal Code Violations Bureau, the penalties shall be as set forth in § 13A-11 of the Municipal Code. Referral to the Municipal Code Violations Bureau shall not preclude subsequent referral of unabated violations to either City Court or State Supreme Court, and in said instances the courts shall have concurrent jurisdiction.

Every day of such violation may be held to constitute a separate offense.

- B. An action or special proceeding may be brought in either City Court or State Supreme Court seeking the Court's equity jurisdiction to enjoin and abate the continued violation of the Municipal Code and the costs of said proceeding.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
February 13, 2007

To the Council:

The Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 48 - Establishing Maximum Compensation For Professional Services Agreements For The Emergency Training And Information Network

Int. No. 49 - Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention

Program And Amending The 2006-07 Budget

Int. No. 50 - Establishing Maximum Compensation For A Professional Services Agreement For Data Analysis For Project IMPACT III

Int. No. 51 - Authorizing An Application and Agreement For A Buffer Zone Protection Program Grant And Amending The 2006-07 Budget

Int. No. 52 - Authorizing An Application And Agreement For A Metropolitan Medical Response System Program Grant And Amending The 2006-07 Budget

Int. No. 53 - Authorizing An Application And Agreement For A State Urban Area Supplemental Program Grant And Amending The 2006-07 Budget

Respectfully submitted,
Dana K. Miller
Robert J. Stevenson
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-56
Re: Emergency Training/Information Network

Transmitted herewith for your approval is legislation establishing \$11,220 as maximum annual compensation for a five-year agreement with Fire and Emergency Training Network, Carrollton, Texas, for the provision of programming services for the Fire Department's Emergency Training/Information Network (ETIN). The cost of this agreement will be funded from the annual budgets of the Fire Department, beginning with 2006-07.

Through a previous agreement with this firm, authorized by Council in July 2005, the City purchased programming for content creation for use on the ETIN. This new agreement will allow for the continued purchase of programming to be used on dedicated channels; a monthly instructors disk for Fire & Emergency Training Network and the Law Enforcement Training Network with program guides, lesson plans, testing materials and test keys; and personalized service and support including monitoring of the satellite dishes and all repairs and/or necessary replacement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-56
(Int. No. 48)

Establishing Maximum Compensation For Professional Services Agreements For The Emergency Training And Information Network

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$11,220, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Fire and Emergency Training Network for programming ser-

vices for the Emergency Training and Information Network for a term of five years. Said amounts shall be funded from the 2006-07 and subsequent Budgets of the Rochester Fire Department, contingent upon adoption of subsequent budgets.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-57
Re: Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) Grant Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services, for application for funding under the Motor Vehicle Theft and Insurance Fraud Prevention (MVTIFP) grant program in the amount of \$100,000. Also requested is amendment of the 2006-07 Budget of the Police Department of \$25,000 to reflect the receipt and use of a portion of the grant funds. The remaining \$75,000 will be included in the 2007-08 Budget.

This grant is to be used for the reduction of auto theft and insurance fraud in the City by deploying Rochester police officers in high theft areas, and by increasing investigative efforts to arrest individuals who commit insurance fraud. The grant also may be used to train police officers in specialized anti-motor vehicle theft techniques and technology.

The most recent agreement for MVTIFP funding was authorized by City Council in February 2006. During the last grant period, over 2500 investigations of auto theft were opened, resulting in 880 arrests, and the recovery of more than \$8,000,000 in stolen vehicles. The term of the current grant is for one year beginning April 1, 2007. No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-57
(Int. No. 49)

Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Motor Vehicle Theft and Insurance Fraud Prevention Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$25,000, which amount is hereby

appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-58
Re: Agreement - RIT for Crime Data Analysis for Project IMPACT III

Transmitted for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with the Rochester Institute of Technology for crime data analysis related to Project IMPACT III. The cost of this agreement will be funded from the 2006-07 Budget of the Police Department, with Project IMPACT III grant funds authorized by Council through Ordinance No. 2006-339.

RIT criminal justice specialists will review and analyze City crime data and make recommendations on how, where and when to most effectively use the Project IMPACT resources to combat crime.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-58
(Int. No. 50)

Establishing Maximum Compensation For A Professional Services Agreement For Data Analysis For Project IMPACT III

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for data analysis under Project IMPACT III. Said amount shall be funded from the 2006-07 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-59,
Ordinance No. 2007-60 And
Ordinance No. 2007-61
Re: Agreements - New York State Office of Homeland Security

Transmitted herewith for your approval is legislation related to Homeland Security Funds through three programs, as follows:

Buffer Zone Protection Plan (BZPP) \$189,000

Authorize an agreement with the NYS Office of Homeland Security for the receipt and use of a BZPP grant, and amend the Cash Capital allocation of the 2006-07 Budget by \$189,000 to reflect

the grant.

These funds will be used for project expenses at a site in Rochester with a pre-approved plan. In 2005, the City received a BZPP grant to develop protection plans for three community sites. This new grant continues the development of the plan into Stage 2 (target hardening) for one of these sites. Funds would be used to purchase equipment and materials required to bring the facility in compliance with the BZPP, to make the site less vulnerable to terrorist activity. For security reasons, public disclosure of the individualized site plans is strictly prohibited. The term of this grant is October 1, 2006 to September 30, 2008, and no matching funds are required.

Metropolitan Medical Response System Program (MMRS) \$232,330

Authorize an agreement with the NYS Office of Homeland Security for the receipt and use of a \$232,330 MMRS grant, and amend the 2006-07 Budget of the Fire Department by \$59,100 and 2006-07 Undistributed by \$8,200 to reflect portions of the grant. The remaining \$165,030, will be included in the 2007-08 proposed budget.

Rochester is one of 124 cities nationwide designated by the Federal government as an MMRS jurisdiction. Since 2000, the Rochester Fire Department has led this regional program whose purpose is to support local jurisdictions in the development and enhancement of emergency preparedness systems. The local project includes:

- Establishment and maintenance of a pharmaceutical stockpile and distribution network;
- Ability to track and monitor threats from chemical or biological agents;
- Increasing interoperable communications during an emergency event;
- Conducting a functional exercise testing overall preparedness; and
- Purchase of portable emergency ventilation equipment.

These efforts will continue to allow the City to improve and augment existing emergency preparedness plans and capabilities. Proactive efforts toward community preparedness are essential steps to effectively respond to and minimize the effects of any incident on responders and the community.

State Urban Area Supplemental Program (SUASP) \$280,000

Authorize agreements with the NYS Office of Homeland Security (OHS) and Monroe County for the receipt and use of \$280,000 in SUASP funds, and amend the Cash Capital allocation of the 2006-07 Budget by \$280,000 to reflect the grant.

These funds will be used for an access control system for City Hall and the Public Safety Building that is compatible with the system used in County buildings. Exterior surveillance equipment will also be purchased and installed to improve monitoring capabilities surrounding the buildings. In addition, various equipment will be purchased for use by the inter-municipal Hostage Response Team, Emergency Task Force and the Surveillance and Electronic Support

Team. No match is required for this funding, which expires June 30, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-59
(Int. No. 51)

Authorizing An Application And Agreement For A Buffer Zone Protection Program Grant And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Office of Homeland Security for funding under the Buffer Zone Protection Program for equipment to help protect critical infrastructure sites.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$189,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-60
(Int. No. 52)

Authorizing An Application And Agreement For A Metropolitan Medical Response System Program Grant And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Office of Homeland Security for funding under the Metropolitan Medical Response System Program for the Rochester Fire Department.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$59,100, and to Undistributed Expense by the sum of \$8,200, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-61
(Int. No. 53)

Authorizing An Application And Agreement For A State Urban Area Supplemental Program Grant And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and/or enter into an agreement with the New York State Office of Homeland Security and the County of Monroe for funding under the State Urban Area Supplemental Program for security measures at City Hall and the Public Safety Building.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$280,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
February 13, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 54 - Establishing Maximum Compensation For An Agreement For The Rochester International Jazz Festival And Amending The 2006-07 Budget

Int. No. 55 - Establishing Maximum Compensation For A Professional Services Agreement For A Center City Parking Study And Amending The 2006-07 Budget

Int. No. 56 - Transferring And Appropriating Funds For The Business Association Support Program

Int. No. 57 - Authorizing An Agreement With The Rochester & Monroe County Employees Federal Credit Union For The Lease Of Commercial Space In The Sister Cities Parking Garage

Respectfully submitted,
William F. Pritchard
Dana K. Miller
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-62
Re: Agreement - Rochester International Jazz Festival

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with Rochester International Jazz Festival, LLC (RIJF) for City sponsorship of the 2007 festival; and amending the 2006-07 Budget by transferring \$180,000 from Contingency to the Department of Recreation and Youth Services. The agreement will be funded from the 2006-07 Budget of DRYS (\$215,000) and the Mayor's Office (\$35,000).

The 2006 legislation was approved through ordinance 2006-78.

The Rochester International Jazz Festival (RIJF) has quickly become one of the nation's most popular and most respected music festivals. Attendance has grown from 15,000 in its first year, 2002, to 80,000 in 2006, and represents music lovers from throughout the country and several foreign countries. RIJF is held at multiple venues within walking distance of each other in Rochester's East End Cultural District.

The Festival consistently delivers multi-dimensional, multi-cultural programs ranging from legendary performers and familiar favorites to rising stars and new discoveries. The festival navigates several genres of creative improvised music from all corners of the world.

For the 2006 Festival, the City provided \$35,000 to fund the free performance segment of the International Jazz Festival. The funding increase for 2007 reflects the recognition that RIJF stimulates tourism and economic development in the Rochester area. This level of sponsorship will also provide several opportunities for the City to be acknowledged as a contributor and supporter, thereby growing our image as a cultural destination.

The 2007 festival will be held June 8 through 16, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-21

Ordinance No. 2007-62
(Int. No. 54)

Establishing Maximum Compensation For An Agreement For The Rochester International Jazz Festival And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester International Jazz Festival, LLC, (RIJF) for the 2007 Rochester International Jazz Festival. Of said amount, \$215,000 shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services and \$35,000 shall be funded from the 2006-07 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$180,000

from the Contingency Account to the Department of Recreation and Youth Services to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-63
Re: Center City Parking Study

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with Walker Parking Consultants to conduct a Downtown Parking Study; appropriating \$80,000 from a Federal Highway Administration grant administered through the Genesee Transportation Council (GTC) to fund the agreement; and amending the 2006-07 Budget of the Department of Economic Development to reflect the receipt and use of the grant.

Walker Parking Consultants will provide a comprehensive inventory and analysis of the existing parking supply and parking demand in Rochester's Center City as it relates to new residential and mixed-use developments being proposed. With the recent activity of development downtown, the potential to build, renovate, manage, provide, and maintain parking facilities in a customer responsive, long term, cost effective manner will be explored.

A detailed scope of work developed by the City and the Rochester Downtown Development Corporation was approved by GTC in July 2006.

A request for proposal (RFP), based on the approved scope of services, was issued and advertised through the New York State Contract Reporter. Eight responses were received and reviewed by an inter-departmental committee of five persons. After review of the written proposals and interviews with the top four candidates, the review committee agreed unanimously to recommend Walker Parking Consultants for this project.

The study is expected to be completed by September 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-22

Ordinance No. 2007-63
(Int. No. 55)

Establishing Maximum Compensation For A Professional Services Agreement For A Center City Parking Study And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$80,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Walker Parking Consultants for a Center City Parking Study. Said amount shall be funded from the 2006-07 Budget of the Eco-

nomie Development Department, Parking Fund.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Economic Development Department, Parking Fund, by the sum of \$80,000, which amount is hereby appropriated from anticipated reimbursements from the Federal Highway Administration administered through the Genesee Transportation Council.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-64
Re: CDBG Transfer - Business
Association Support

Transmitted herewith for your approval is legislation authorizing the transfer of \$15,000 from the Other Program Allocation/Indirect Cost Account of the 2005-06 Community Development Program to the Business Association Support Program of the Promoting Economic Stability allocation, and appropriating those funds for additional management services for the Thurston Road Commercial District.

The Business Association Support Program provides funds to business associations for improvement and promotions. These funds are being used on a trial basis to support the Thurston Road Commercial District by enhancing their neighborhood street manager position.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-23

Ordinance No. 2007-64
(Int. No. 56)

Transferring And Appropriating Funds For The Business Association Support Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000 is hereby transferred from the Other Programs allocation to the Promoting Economic Stability allocation of the 2005-06 Community Development Program, and said amount, or so much thereof as may be necessary, is hereby appropriated to additionally fund the Business Association Support Program as authorized in Ordinance No. 2005-154.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-65
Re: Lease Agreement - Rochester and
Monroe County Employees Federal
Credit Union - Sister Cities Garage

Transmitted herewith for your approval is legislation authorizing a new lease agreement with the Rochester and Monroe County Employees Federal Credit Union for commercial space in the Sister Cities parking garage.

The Credit Union's main office is at 460 North Goodman Street; there are branch offices at Park Ridge Hospital, St. John's Nursing Home, and in the City of Canandaigua. The Credit Union has operated the Sister Cities garage branch since 1996, and will continue to operate between 10:00 a.m. and 3 p.m., Monday through Friday, with a manager and a customer service representative. Services will include: checking and savings accounts; auto and home mortgage loans; Visa and ATM services.

The Credit Union will lease 1,023.5 square feet of space for \$700 per month. This amount is based on an independent appraisal conducted by Bruckner, Tillett, Rossi, Cahill & Associates on January 19, 2007 and is at market rate. The term of the lease will be for five years, with an option to renew for an additional five years. The rent for the five-year extension term shall be calculated as follows: five-year total for the base rent (\$42,000) multiplied by the percent change, if positive, in the Urban Consumer Price Index.

The tenant will be responsible for all utilities, maintenance and minor repairs, trash removal, and appropriate liability insurance.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-65
(Int. No. 57)

Authorizing An Agreement With The Rochester & Monroe County Employees Federal Credit Union For The Lease Of Commercial Space In The Sister Cities Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester & Monroe County Employees Federal Credit Union for the lease of approximately 1,023.5 square feet of space in the Sister Cities Parking Garage for a term of five years, with an option to renew for an additional five years. The Council finds that the term of the lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease.

Section 2. The agreement shall obligate the Credit Union to pay to the City the sum of \$700 per month in rent for the initial term. Rent during the renewal term shall be increased in accordance with any increase in the urban consumer price index during the initial term. In addition, the tenant shall be responsible for all utilities, maintenance and minor repairs, trash removal, and the cost of liability insurance.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:15 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
MARCH 20, 2007

Present - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

- Retirement:
 - DES
 - *Robert T. Baleno
 - Finance
 - *Carl C. Klein
 - Fire Department
 - *Mark J. Savastano

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of February 13, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The 1997, 1998, 1999, 2000, 2001, 2002 And 2005-06 Emergency Shelter Grant Programs And Corresponding Ordinances And Consolidated Community Development Plans By Transferring Unexpended Funds To Fund The 2006-07 Emergency Shelter Grant Program Int. No. 85 No speakers.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 93 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 94 No speakers

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2007-08 Int. No. 114 Two speakers: Sam Spoto; Larry Gardner.

Approving The Urban Renewal Plan For The Midtown Urban Renewal Project Int. No. 107 No speakers

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Midtown Urban Renewal Project Int. No. 108 No speakers

Changing The Zoning Classification Of The Midtown Plaza Parcels At 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E. Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S. Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35 Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67 Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street And 45 Euclid Street From Center City District-Tower District (CCD-T) To Midtown Urban Renewal District Int. No. 109 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
March 20, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 77 - Authorizing The Sale Of Real Estate

Int. No. 78 - Appropriating Funds For Lead-Based Paint Hazard Control/Reduction Programs

Int. No. 79 - Authorizing Agreements And Appropriating Funds For Housing Rehabilitation

Int. No. 80 - Authorizing An Agreement For Charlotte Community Improvement Projects As Part Of The Sector Targeted Initiative Program

Int. No. 81 - Authorizing An Agreement For The El Camino Trail Gateway Project As Part Of The Sector Targeted Initiative Program

Int. No. 82 - Resolution Approving Appointments To The Electrical Examining Board

Int. No. 83 - Amending Chapter 39 Of The Municipal Code, Building Code

Int. No. 84 - Resolution Approving Reappointments To The Board Of Stationary Engineers And Refrigeration Operators

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 85 - Amending The 1997, 1998, 1999, 2000, 2001, 2002 And 2005-06 Emergency Shelter Grant Programs And Corresponding Ordinances And Consolidated Community Development Plans By Transferring Unexpended Funds To Fund The 2006-07 Emergency Shelter Grant Program

Respectfully submitted,
Carolee A. Conklin
Benjamin L. Douglas (Abstained on Int. No. 85)
John F. Lightfoot

Lois J. Giess
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-66
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of fourteen properties. Staff have audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are structures that were sold at the May 10 and 11, 2006 Public Auction. The purchaser will be required to rehabilitate the structures within nine months of closing.

The last twelve properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-24

Ordinance No. 2007-66
(Int. No. 77)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u> <u>Purchaser</u>	<u>Legal</u> <u>Use</u> <u>Price</u>
19-21 Chamberlain St	40x128	1 Family
107.69-1-47	George F. Kraft	\$11,000
369 Orange St	45x72	1 Family
105.82-2-64	George F. Kraft	6,500

Section 2. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
E 1/2 of 9 Bartlett St Pt. of 121.61-2-24	20x44 Halim M. Saeed	1187±
W 1/2 of 9 Bartlett St Pt. of 121.61-2-24	20x64 Lue Terry & Deborah M. Stith	1389±
Pt. of 51 Bartlett St Pt. of 121.61-2-8	18x173 Hani A.T. Shuaibi	3205±
Pt. of 51 Bartlett St Pt. of 121.61-2-8	18x93 Alton Owens	1721±
Pt. of 51 Bartlett St Pt. of 121.61-2-8	18x80 Community Temple Holiness Church*	1486±
148 Bernard St 106.24-3-30	33x150 Enrique & Ramona Ortiz	4964±
159 Cady St 120.59-2-18	33x158 Joshua & Clara Avery	5214
16 Churchlea Pl 120.43-2-70	40x52 Junior Frazier	2089±
E 1/2 of 73 Clifford Av Pt. of 106.29-4-50	17x159 Darryl & Trina Jefferson	2984±
W 1/2 of 73 Clifford Av Pt. of 106.29-4-50	17x171 Lamima Gilbert-Lewis	3067±
856 Clifford Av 106.33-1-61	32x144 Milton & Carmen Irizarry	4710±
122 Columbia Av 121.61-2-92	25x174 Niyoker Foster	4378±

*Officers: Emily Anderson - Pastor; William L. Jones - Minister; Marshall Johnson - Deacon; James I. Jones - Deacon

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-67
Re: City Lead Program

Transmitted herewith for your approval is legislation appropriating, as follows, a total of \$1,600,393 to fund the City's lead hazard control/reduction activities:

- \$600,000 from the 2005 HOME Program;
- \$600,393 from the 2006 HOME Program; and
- \$400,000 from the 2005-06 Community Development Block Grant.

The City of Rochester received, in 2003 and 2004, a total of \$7,985,897 in grants from the HUD Office of Healthy Homes and Lead Hazard Control. The City is required to provide a construction funding match of \$6,661,999 to complete a total of 632 units.

Since March 2004 when the City Lead Program began, a total of \$4,346,739 has been appropriated to meet the required match. The current appropriations will bring this total to \$5,947,132. A total of 223 units

have been completed and 201 units are either in process or have funds committed.

The remaining 208 units are to be completed by March 31, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-67
(Int. No. 78)

Appropriating Funds For Lead-Based Paint Hazard Control/Reduction Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$600,000, or so much thereof as may be necessary, is hereby appropriated from 2005 HOME Program Funds to fund the Lead-Based Paint Hazard Control/Reduction Programs.

Section 2. The sum of \$600,393, or so much thereof as may be necessary, is hereby appropriated from 2006 HOME Program Funds to fund the Lead-Based Paint Hazard Control/Reduction Programs.

Section 3. The sum of \$400,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program to fund the Lead-Based Paint Hazard Control/Reduction Programs.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-68
Re: NYS Affordable Housing Corporation Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Affordable Housing Corporation (AHC) for the receipt and use of a grant of \$300,000 for housing rehabilitation.

This brings the total amount to \$1,500,000 awarded to date by the AHC for owner-occupant housing rehabilitation. City Council most recently passed legislation authorizing the receipt of AHC funds for housing rehabilitation on January 18, 2005 through Ordinance No. 2005-03.

These funds allow the City to provide grants to income-eligible households for the rehabilitation and lead-based paint hazard reduction of owner-occupied houses. Households with incomes not exceeding 80% of the median family income (MFI) are eligible to participate. The AHC requires the following residency periods, following rehab, for participants in the program: 1) Two years if the AHC funds are less than or equal to \$5,000; 2) Five years if between \$5,000 and \$10,000; and 3) 114 months if more than \$10,000.

The proposed appropriation, along with matching funds, will provide grants of up to \$25,000 for the rehabilitation of up to 24 structures. The AHC award

will be matched with \$300,000 from existing appropriations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-68
(Int. No. 79)

Authorizing Agreements And Appropriating Funds For Housing Rehabilitation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Affordable Housing Corporation for funding for housing rehabilitation.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$300,000, or so much thereof as may be necessary, to fund housing rehabilitation.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the housing rehabilitation program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-69 And
Ordinance No. 2007-70

Re: Agreements - Sector Targeted Fund
Initiative Sector 1 and Sector 9

Transmitted herewith for your approval is legislation related to the Sector Targeted Fund Initiative. Both Sector 1 and Sector 9 are proposing projects through this program.

The Sector Targeted Funding Initiative (STFI) Program set aside \$100,000 in the 2000-01 Cash Capital allocation for each City Sector to use for neighborhood enhancements. In order to receive the funding, each sector group is required to submit proposals for projects that will achieve highly visible physical improvements or economic development area (i.e., investment, job creation, retail or commercial services). The proposals must also be collaborative in nature, using additional funding and/or volunteer support, and contributed services from other groups, organizations or businesses. Applications must demonstrate a minimum ratio of 1:1 leveraged resources.

Sector 1 Charlotte Community Improvement Projects (\$55,000)

Legislation is requested to establish \$55,000 as maximum compensation for an agreement with the Charlotte Community Development Corporation for community development projects intended to restore and enhance the Charlotte area and its history.

Two projects have previously been completed in Sector 1 with \$45,000 in STFI funds: community baseball fields were reconstructed on Estes Street; and the Bill Davis Overlook was installed at the former Stutson Street Bridge abutment. The remaining balance of STFI funds allocated to Sector 1 will be used for the following projects (detailed plans and budgets for each are attached):

1. Bill Davis Overlook Planters & Benches: Street benches and planters will be installed to enhance the public streetscape at the Bill Davis Overlook in Charlotte. The allocation of STFI funds for this project, in the amount of \$5,350, will be matched as required (at a minimum of a 1:1 ratio) by a combination of cash and in-kind services totaling \$6,420.
2. Dentzel Carousel Renovation: This project will restore the hundred year-old Dentzel Carousel at Ontario Beach Park and will also add new educational signage describing its history through text and pictures. The allocation of STFI funds, \$9,362, will be matched by a combination of cash and in-kind services totaling \$11,000.
3. Ontario Beach Park Gates: This project will install gates in keeping with the historic appearance of the Ontario Beach Park to both enhance the public space aesthetics and aid in traffic control by limiting vehicular access to the park. The allocation of STFI funds, \$8,000, will be matched by a combination of cash and in-kind services totaling \$9,000.
4. Community Signs: The purchase and installation of signage to enhance public space aesthetics and promote community pride will include an additional "Welcome to Charlotte" sign and directional signs for the Estes Street ballpark. The funds for this project, \$5,259, will be matched by a combination of cash and in-kind services totaling \$14,700.
5. Charlotte Museum: This project will establish a museum dedicated to commemorating the history of the community and educating current and future area residents and visitors about the growth and development of Charlotte. The allocation of STFI funds, \$26,759, will be matched by a combination of cash and in-kind services totaling \$27,000.

Sector 9 El Camino Trail (\$100,000)

Legislation is requested to establish \$100,000 as maximum compensation for agreements with the Genesee Land Trust, Inc. 500 East Avenue, to perform work related to the El Camino Trail, and with the Ibero Development Corporation to act as fiduciary agent for the project, which will create a gateway to the El Camino Trail with signs, parking, plantings and other trail enhancements.

The project will enhance the attractiveness of the 14621 neighborhoods along "El Camino Trail" of Sector 9. The design phase of the trail will begin in June 2007 and construction of the Gateway is expected to begin in the Fall of 2007, with a completion goal of the Spring of 2008.

The Gateway will be developed on two City-owned vacant lots at 184-186 Clifford Avenue and 92 Conkey Avenue. The vacant structure at 92 Conkey Avenue

scheduled for demolition in 2007-08. The City will retain ownership of both lots.

The required leverage of resources for the El Camino Trail Gateway Project is provided through NYS Multi-Modal Funds, a grant from Eastman Kodak Company, and the Federal Transportation Funds (TEP), as follows:

<u>Source</u> <u>Purpose</u>	<u>Amount</u>
Federal (TEP)	\$2,000,000
Overall trail design and construction	
Kodak	150,000
Construction of trail at Seneca Park area	
NYS Multi-modal	<u>50,000</u>
Construction of trail at Avenue D area	
Total	\$2,200,000

Attached is a more detailed description of the project with budget, along with a map of the Trail, and a schematic design of the Gateway Project at the corner of Clifford and Conkey Avenues.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-25

Ordinance No. 2007-69
(Int. No. 80)

Authorizing An Agreement For Charlotte Community Improvement Projects As Part Of The Sector Targeted Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the Charlotte Community Development Corporation under the Sector Targeted Initiative Program for funding for community development projects intended to restore and enhance the Charlotte area and its history.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$55,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-70
(Int. No. 81)

Authorizing An Agreement For The El Camino Trail Gateway Project As Part Of The Sector Targeted Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreement with the Genesee Land Trust, Inc.

and the Ibero Development Corporation under the Sector Targeted Initiative Program for funding for the El Camino Trail Gateway Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-6
Re: Appointment/Reappointments -
Electrical Examining Board

Transmitted herewith for your approval is legislation confirming the appointment and reappointment of the following Electrical Examining Board members:

Appointment:

William R. Stiewe, 404 Olde Harbour Trail, Rochester, NY 14612, replaces Ronald Appleton, whose term expired on December 31, 2005, as the representative member electrical engineer in the electronics distribution department of a local utility provider, Rochester Gas and Electric.

Reappointments:

<u>Member</u>	<u>Last Appointment</u>	<u>Attendance</u>
Andrew Cresciullo Rochester, NY 14624	November 2002	43 of 43 meetings
Joseph D. Armstrong Rochester, NY 14624	March 2000	57 of 73 meetings
Daniel E. Conte Hilton, NY 14468	August 2004	23 of 25 meetings
Walter Parkes Rochester, NY 14609	November 2002	34 of 43 meetings
Dennis Schaut Rochester, NY 14609	November 2002	42 of 43 meetings

The terms for each member will extend through December 31, 2008. Resumes are on file in the City Clerks office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-6
(Int. No. 82)

Resolution Approving Appointments To The Electrical Examining Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of William R. Stiewe, 404 Olde Harbour Trail, Rochester, New York 14612, to the Electrical Examining Board for a term which shall expire on December 31, 2008. Mr. Stiewe shall replace Ronald Appleton, whose term has expired.

Section 2. The Council hereby further approves the reappointment of the following persons to the Electrical Examining Board for terms which shall expire on December 31, 2008:

Andrew Cresciullo
14 Yolanda Drive
Rochester, NY 14624

Joseph D. Armstrong
30 Cheshire Lane
Rochester, NY 14624

Daniel E. Conte
392 Wilder Road
Hilton, NY 14468

Walter Parkes
141 Browncroft Boulevard
Rochester, NY 14609

Dennis Schaut
51 Vayo Street
Rochester, NY 14609

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-71
Re: Revisions to Chapter 39 of the
Code of the City of Rochester

Transmitted herewith for your approval is legislation amending Chapter 39 of the City Code to bring requirements and terminology into conformance with the new Part 1203 of Title 19 New York Codes Rules and Regulations. Part 1203 sets forth the minimum standards for administration and enforcement of the Uniform Code.

A copy of the revisions to Chapter 39 is attached. Text to be deleted is struck out and new text is highlighted. Major revisions are as follows:

1. The title of ARTICLE I, is expanded to include the State Energy Conservation Construction Code since it is separate from the Uniform Building Code and is cited separately in Part 1203.
2. Definitions (39-201) have been modified to: reflect the addition of the Energy Code; include "Code Enforcement Official" to conform to the City's use of this title.
3. Responsibilities of the Commissioner (39-203 - A) is modified to insert "direct the Code En-

forcement Official". Throughout Chapter 39 wherever Part 1203 specifically requires duties to be carried out by the Code Enforcement Official, the term "Commissioner" has been replaced.

4. Responsibilities of the Commissioner (39-203 - C, D) is modified to include "Certificate of Compliance", the permit close-out document to be used where the work done is required to conform to the code, but is of a nature not requiring a Certificate of Occupancy. It will typically be used for minor alterations and structures not meant for occupancy.
5. Records (39-205 - A) is totally revised to reflect requirements set forth in 1203.
6. When a building permit is required (39-207 - A) accommodates new language used in 1203; all instances struck are already covered by the language in the first paragraph citing when a permit is required.
7. When a building permit is required (39-207 - B, C). Exemptions are completely revised using language directly from Part 1203.
8. Performance of work under building permit (39-210 - I). Construction inspection requirements have been inserted per those specified in 1203.
9. Issuance of a Certificate of Occupancy (39-215) is expanded to include "or a Certificate of Compliance" and Certificate of Compliance is added wherever applicable. "A" is replaced with requirements as set forth in 1203.
10. Contents of certificate of occupancy (39-216, B-K). Added to comply with information required as specified in 1203.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-26

Ordinance No. 2007-71
(Int. No. 83)

Amending Chapter 39 Of The Municipal Code, Building Code

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 39 of the Municipal Code, Building Code, as amended, is hereby further amended as follows:

- a. The title of Article I and the first sentence of Section 39-101, Applicability of State Code, are hereby amended by adding the words "and the State Energy Conservation Construction Code" after the words "New York State Uniform Fire Prevention and Building Code" where they are contained therein.
- b. § 39-201, Definitions, is hereby amended by adding thereto the following new definitions where they should appear in alphabetical order:

CODE ENFORCEMENT OFFICIAL - An au-

thorized representative of the Commissioner of Community Development who successfully completed the training required by the State of New York for code enforcement personnel and who has obtained and maintains certification from the State Fire Administrator pursuant to the Executive Law and the regulations promulgated thereunder.

ENERGY CODE - Energy Conservation Construction Code of New York State.

- c. § 39-203, Responsibilities of Commissioner, is hereby amended to read in its entirety as follows:

§ 39-203. Responsibilities of Commissioner.

Under the duties and powers provided in § 10-2 of the Charter, the Commissioner shall direct the Code Enforcement Official to:

- A. Receive applications, review plans and specifications and issue permits for the erection and alteration of buildings or structures or parts thereof for the purpose of ensuring compliance with laws, ordinances and regulations governing building, construction or alterations. The Code Enforcement Official shall review building plans and specifications for general conformity with the Building Code, with specific emphasis on the code's fire and life safety provisions. The Code Enforcement Official need not analyze the structural design of a planned building when plans and specifications are prepared by an architect or engineer per § 39-208D. The Code Enforcement Official need not analyze or determine methods used during construction.
- B. Make all inspections which are necessary or proper for the carrying out of these duties or may, in the Commissioner's discretion, accept and rely upon written reports by other persons having qualifications equivalent to those individuals who have met the requirements of 19 NYCRR Part 434 satisfactory to the Commissioner.
- C. Before issuing a certificate of occupancy/certificate of compliance and as deemed appropriate from time to time during and upon completion of the work for which a building permit has been issued, examine all buildings, structures and sites for which a permit was issued.
- D. Issue certificates of occupancy/certificates of compliance where appropriate for a building constructed or altered in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code and other applicable regulations.
- E. Interpret the provisions of the Building Code pursuant to their expressed purpose and spirit.

- d. § 39-205, Records, is hereby amended to read in its entirety as follows:

§ 39-205. Records.

- A. The Commissioner shall maintain records

of the Department's activities as follows:

- (1) All applications received, reviewed and approved or denied;
 - (2) All plans, specifications and construction documents approved;
 - (3) All Building Permits, Certificates of Occupancy, Certificates of Compliance, Temporary Certificates, Stop Work Orders, and Operating Permits issued;
 - (4) All inspections and tests performed;
 - (5) All statements and reports issued;
 - (6) All complaints received;
 - (7) All investigations conducted; and
 - (8) All fees charged and collected.
- B. All records listed in A of this section shall be retained for at least the minimum time period so required by the Records Retention and Disposition Schedule MU-1 in Section 18.11 of 8 NYCRR (Appendix H).
 - C. The Commissioner shall notify the City Historian prior to the disposal of plans and specifications for buildings that no longer are in existence. The Records Management Coordinator will secure proper storage of those plans and specifications deemed to be significant by the City Historian.
- e. § 39-206, Construction responsibilities, is hereby amended by deleting the word "Commissioner" in each place that it appears, and by inserting in its place the words "Code Enforcement Official".
- f. § 39-207, When a building permit is required, is hereby amended to read in its entirety as follows:
- § 39-207. When a building permit is required.
- A. Except as otherwise provided in subdivision B of this section, a Building Permit shall be required for any work which must conform to the Building Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue. No Person shall commence any work for which a Building Permit is required without first having obtained such Permit. A building permit shall also be required for the following:
 - (1) Change of occupancy classification.
 - (2) Increase in hazard classification.
 - (3) Amusement device.
 - (4) Antenna structure 16 feet or more in height above the base, satellite dishes with a diameter greater than 24

- inches, or personal wireless telecommunication facilities.
- (5) Cellar stair enclosure.
 - (6) Fence, wall, or retaining wall over two feet in height above average grade.
 - (7) Fire escape.
 - (8) Marquee and awning.
 - (9) New or replacement cladding materials, whether installed over existing cladding or if existing cladding is replaced; except that no permit is required to replace original cladding with like materials which have identical profiles.
 - (10) Paved area or addition to a paved area having an aggregate size in either case of 2,000 square feet or more, or a parking lot as defined by the Zoning Code, Chapter 120.
 - (11) Sign.
 - (12) Any exterior alterations to architectural features of a designated building of historic value as defined in the Zoning Code, Chapter 120, including but not limited to slate or tile roofing, cladding, porches, cornices, windows, etc.; except that a permit shall not be required to replace original materials or elements with like materials or elements which have identical profiles.
- B. Exemptions. No Building Permit shall be required for work in any of the following categories:
- (1) Construction or installation of one story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 100 square feet;
 - (2) Installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (3) Installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
 - (4) Construction of temporary motion picture, television and theater stage sets and scenery;
 - (5) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
 - (6) Installation of partitions or movable cases less than 5'-9" in height;
 - (7) Painting, wallpapering, tiling, carpeting, or other similar finish work;
 - (8) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
 - (9) Replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or
 - (10) Repairs, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.
- C. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision B of this section shall not be deemed an authorization for work to be performed in violation of the Building Code or the Energy Code.
- g. § 39-208, Permit application, is hereby amended to read in its entirety as follows:
- § 39-208. Permit application.
- A. Form. Application for a building permit shall be made to the Commissioner in such form as the Commissioner shall prescribe.
 - B. By whom. The application shall be made by the owner or by an authorized agent, architect, engineer or contractor employed in connection with the proposed work.
 - C. Contents of permit application.
 - (1) The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure; the names and addresses of the owner and the applicant, contractor, architect and engineer, if applicable; and the responsible employees if the owner is a corporate body.
 - (2) The application shall contain the estimated cost of the proposed work.
 - (3) The application may also contain such other information as may reasonably be required by the Commissioner to establish compliance of the proposed work with the requirements of applicable building codes, energy codes,

ordinances and regulations.

- D. Plans and specifications.
- (1) Each application for a building permit shall be accompanied by sufficient copies of site plans, construction plans and specifications describing the nature and character of the work to be performed and the materials to be incorporated, drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site; and such other details required by the Commissioner. The Commissioner may waive the requirements for filing plans, specifications and site plans for minor work.
 - (2) Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by § 7209 or 7307, as amended, of Article 145 or 147 of the Education Law of the State of New York, the seal of the licensed architect or the licensed professional engineer.
 - (3) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Building Code.
- E. Changes in the work. Changes in any work (change orders) which must conform to the applicable requirements of the code shall be filed with the Code Enforcement Official and reviewed by the Code Enforcement Official prior to the commencement of such change of work.
- F. Time limit on applications. A permit application shall be deemed to be abandoned and may be destroyed three months after date of filing unless a permit shall have been issued or an extension granted by the Commissioner for reasonable cause.
- h. § 39-209, Issuance of permit or disapproval of application, is hereby amended by deleting the word "Commissioner" where it appears in Subsections A(3) and (6) thereof, and by inserting in its place the words "Code Enforcement Official".
- i. § 39-210, Performance of work under building permit, is hereby amended by deleting the word "Commissioner" where it appears in Subsection B, and by inserting in its place the words "Code Enforcement Official".
- j. § 39-210, Performance of work under building permit, is hereby further amended by adding the words "or does not comply with the requirements of the Building Code" to the end of Subsection H(3) thereof.
- k. § 39-210, Performance of work under building permit, is hereby further amended by amending Subsection I to read in its entirety as follows:
- I. Construction Inspections.
- (1) Permitted work shall be required to remain accessible and exposed until inspected and accepted by the Code Enforcement Official. The permit holder shall notify the Code Enforcement Official when any element of work described in subdivision (2) of this section is ready for inspection.
 - (2) The following elements of the construction process shall be inspected where applicable:
 - (a) Work site prior to the issuance of a building permit;
 - (b) Footings and foundations;
 - (c) Preparation for concrete slab;
 - (d) Framing;
 - (e) Building systems, including underground and rough-in;
 - (f) Fire resistant construction;
 - (g) Fire resistant penetrations;
 - (h) Solid fuel burning heating appliances, chimneys, flues or gas vents;
 - (i) Energy Code compliance; and
 - (j) A final inspection after all work authorized by the building permit has been completed.
 - (3) After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the permit holder shall be notified as to where the work fails to comply with the Building Code or Energy Code. Work not in compliance with any applicable provision of the Building Code or Energy Code shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Codes, reinspected, and found satisfactory as completed.
 - (4) For inspections on Saturdays, Sundays, holidays or other than regular working hours, the rate shall be \$50 per hour. A minimum of four hours will be charged if the inspector was called in and/or has no other inspections during the four hours.
- l. § 39-213, When a certificate of occupancy is required, is hereby amended by adding the words "or certificate of compliance" after the words "certificate of occupancy" where they appear in the title and the introductory phrase to Subsection A thereof.
- m. § 39-214, Certificate of occupancy application, is hereby amended to read in its entirety as follows:
- § 39-214. Certificate of occupancy/certificate of compliance.
- A. Applicants shall apply for the required cer-

tificate of occupancy concurrently with their application for a building permit. The certificate of occupancy application shall be held on file until the Commissioner receives notice from the Code Enforcement Official that the construction is completed.

- B. The Commissioner may require the applicant, at his or her own expense, to submit the following information prepared in accordance with the provisions of the Code of the City of Rochester and/or the Building Code by such person or persons as may be designated or otherwise acceptable to the Commissioner and/or the Code Enforcement Official prior to issuing a certificate of occupancy or a certificate of compliance:
- (1) A statement of the actual construction cost of the work.
 - (2) A survey by a licensed surveyor or licensed professional engineer indicating all lot lines and the as-built location of the structure.
 - (3) A written statement of structural observations and/or a final report of special inspections.
 - (4) Flood hazard certifications.
- n. § 39-215, Issuance of a certificate of occupancy, is hereby amended to read in its entirety as follows:
- § 39-215. Issuance of a certificate of occupancy or certificate of compliance.
- A. A certificate of occupancy or certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another whether or not work requiring a permit occurs. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or certificate of compliance.
 - B. A certificate of occupancy or certificate of compliance may be issued for an entire building or a specific portion of a building.
 - C. Within 10 days after an inspection, the Commissioner shall either issue a certificate of occupancy or certificate of compliance or notify the applicant in writing of the existing violations.
 - D. An application for a certificate of occupancy shall be endorsed by the Director of Zoning.
 - E. As regulated by the New York State Uniform Fire Prevention and Building Code and the Rochester Fire Prevention Code, signs specifying maximum occupancy must be posted prior to the issuance of a certificate of occupancy.
- o. § 39-216, Contents of certificate of occupancy,

is hereby amended to read in its entirety as follows:

§ 39-216. Contents of certificate of occupancy/certificate of compliance.

A certificate of occupancy or certificate of compliance shall contain the following information:

- A. A statement that the premises substantially comply with the Building Code, the Zoning Code, Chapter 120, the Fire Prevention Code (if a new or substantially altered building) and the Multiple Residence Law (if applicable);
 - B. The building permit number, if any;
 - C. The date of issuance of the building permit, if any;
 - D. The name, address and tax number of the property;
 - E. A description of that portion of the structure for which the certificate is issued if the certificate is not for the entire structure;
 - F. The use and occupancy classification of the structure;
 - G. The type of construction of the structure;
 - H. The assembly occupant load of the structure, if any;
 - I. If an automatic sprinkler system is provided;
 - J. Any special conditions imposed in connection with the issuance of the building permit;
 - K. The signature of the Code Enforcement Official issuing the certificate; and
 - L. The certificate of occupancy shall specify the date of issuance and the date of expiration, if the premises are subject to Chapter 90, the Property Conservation Code, of the City Code.
- p. § 39-217, Conditional certificate of occupancy, is hereby amended by adding the words “, specifically ensuring the completion of all fire and smoke detecting or fire protection equipment and all required means of egress” to the end of Subsection B(4) thereof.
- q. § 39-219, Renewal or revocation of certificate of occupancy, is hereby amended by adding the words “or certificate of compliance” after the words “certificate of occupancy” where they appear in the title and Subsection B thereof.
- r. § 39-220, General provisions regarding fees, is hereby amended by deleting the fee “\$25” where it is contained therein and by inserting in its place the fee “\$50”.
- s. § 39-221, Fees for permits, is hereby amended by deleting the fee “\$25” where it is contained in Subsection G thereof and by inserting in its place the fee “\$50”.
- t. § 39-223, Fees for other Department actions, is

hereby amended by deleting the fee "\$25" where it is contained in Subsection A thereof and by inserting in its place the fee "\$50".

u. § 39-310. Marquees and awnings, is hereby amended by repealing Subsections B and C thereof, and by retaining the current Subsection A as the new undesignated body thereof.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-7
Re: Reappointments - Board of Examiners of Stationary Engineers and Refrigeration Operators

Transmitted herewith for your approval is legislation confirming the reappointment of the following Board of Examiners of Stationary Engineers and Refrigeration Operators members:

<u>Member</u>	<u>Last Appointment</u>	<u>Attendance</u>
William H. Carey Rush, NY 14543 June 2004		24 of 31 meetings
Bernard Metzger Webster, NY 14580 June 2004		28 of 31 meetings
Perry Moyd Rochester, NY 14624 June 2004		28 of 31 meetings
Frederick Jentons Rochester, NY 14620 June 2004		26 of 31 meetings

The terms of Mr. Carey and Mr. Metzger will extend through December 31, 2008 and the terms of Mr. Moyd and Mr. Jentons will extend through December 31, 2009

Resumes are on file in the City Clerks office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-7
(Int. No. 84)

Resolution Approving Reappointments To The Board Of Stationary Engineers And Refrigeration Operators

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of the following persons to the Board of Stationary Engineers and Refrigeration Operators for terms which shall expire as follows:

William H. Carey
1220 Middle Road
Rush, New York 14543
Term expires December 31, 2008

Bernard Metzger
343 Reef Point Circle
Webster, New York 14580
Term expires December 31, 2008

Frederick Jentons
1270 Crittenden Road
Rochester, New York 14620
Term expires December 31, 2009

Perry Moyd
876 Marshall Road
Rochester, New York 14624
Term expires December 31, 2009

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-72
Re: Agreement and Amendment - Emergency Shelter Grant Program

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan/Annual Action Plan - Emergency Shelter Grant Program. This legislation will:

1. Amend the Consolidated Community Development Plans/Annual Action Plans - Emergency Shelter Grant Program by transferring amounts to the 2006-07 plans as follows:

<u>Year</u>	<u>Amount</u>
1997-98	\$ 3,101.55
1998-99	7,058.59
1999-2000	7,765.72
2000-01	2,656.83
2001-02	46,066.89
2002-03	3,035.44
2005-06	5,975.29

2. Appropriate the following amounts from the above transferred for the following 2006-07 projects:

<u>Project</u>	<u>Amount</u>
Mercy Residential/Melita House	\$ 3,400.00
Hillside Children's Center	3,101.55
YWCA	3,658.59
Wilson Commencement Park	7,765.72
Veteran's Outreach Center	2,656.83
RAIHN (Rochester Area Interfaith Hospitality Network)	9,000.00
Alternatives for Battered Women	11,250.00
Salvation Army	15,000.00
Sojourner House	10,816.89
Volunteers of America/Homelessness Prevention Center	3,035.44
Community Place	480.92
Total	\$70,165.94

A review of the Emergency Shelter Grant Program identified unexpended balances of \$70,165.94 in prior

years. The proposed amendments and appropriations will result in a maximum of two Emergency Shelter Grants open at any one time. This will improve financial and programmatic monitoring of the program.

The unexpended funds from prior years will be used for 2006-07 contracts previously authorized by Council on May 16, 2006 in Ordinance No. 2006-92 with the exception of a new appropriation for Mercy Residential Services/Melita House. The resulting unspent 2006-07 funds will be allocated with 2007-08 funds in a future submission to Council.

Mercy Residential Services/Melita House, a provider of housing and support services to pregnant and parenting teens and their babies, was allocated \$13,000 of City Emergency Shelter Grant funds for the period July 1, 2006-June 30, 2007. Recently they have had a security emergency and have incurred expenses for additional security. They are requesting \$3,400 of the \$6,400 cost to install a security surveillance camera system. After the proposed amendment, the contract will total \$16,400.

A public hearing on the amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-27

Ordinance No. 2007-72
(Int. No. 85)

Amending The 1997, 1998, 1999, 2000, 2001, 2002 And 2005-06 Emergency Shelter Grant Programs And Corresponding Ordinances And Consolidated Community Development Plans By Transferring Unexpended Funds To Fund The 2006-07 Emergency Shelter Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the following Ordinances for the Emergency Shelter Grant Programs and to the corresponding Community Development Program Plans whereby unexpended funds, as determined by the Director of Finance and the Principal Staff Assistant/Assistant to the Commissioner of Community Development, previously authorized and appropriated to fund the following Emergency Shelter Grant Programs, are hereby reduced:

Year	Ordinance No.	Amount
1997	1997-166	\$ 3,101.55
1998	1998-179	7,058.59
1999	1999-151	7,765.72
2000	2000-169	2,656.83
2001	2001-155	46,066.89
2002	2002-180	3,035.44
2005-06	2005-111	5,975.29

Section 2. The amounts reduced in Section 1 are hereby reappropriated to fund the agreement authorized in Section 3, any necessary prior yearly deficits, and agreements in the 2006-07 Emergency Shelter Grant Program with unexpended funds, as determined by the Director of Finance and the Principal Staff Assistant/Assistant to the Commissioner of Community Development, and the corresponding amounts funding current agreements from the 2006-07 Emer-

gency Shelter Grant Program funds, as authorized and appropriated in Ordinance No. 2006-92, shall be reduced.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with Mercy Residential/Melita House for security improvements under the 2006-07 Emergency Shelter Grant Program.

Section 4. The amendatory agreement shall obligate the City to pay an amount not to exceed \$3,400, and said amount, or so much thereof as may be necessary, is reappropriated in Section 2 from the amounts reduced in Section 1.

Section 5. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. The Director of Finance and the Principal Staff Assistant/Assistant to the Commissioner of Community Development shall record all transfers made herein and shall have the authority to make adjustments to the amounts set forth above which may have changed prior to the date of this ordinance.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Douglas abstained because his wife is an employee of one of the affiliated agencies.

By Councilmember Stevenson
March 20, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 86 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Water System Security Study

Int. No. 87 - Authorizing Extension Of A Professional Services Agreement For A Water Hydraulic Model

Int. No. 88 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Agreement Services

Int. No. 89 - Authorizing Agreements For The Brownfield Assistance Program

Int. No. 90 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance of \$1,160,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of the Norton Street (Portland Avenue To East City Line) Improvement Project

Int. No. 91 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$706,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City

Related To The Norton Street (Portland Avenue To East City Line) Improvement Project

Int. No. 92 - Establishing Maximum Compensation For A Professional Services Agreement And Appropriating Funds For The Norton Street (Portland Avenue To East City Line) Improvement Project

Int. No. 110 - Establishing Maximum Compensation For A Professional Services Agreement For The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

Int. No. 111 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,606,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

Int. No. 112 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$321,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

Int. No. 113 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 93 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 94 - Local Improvement Ordinance - Security At The Public Market

Int. No. 114 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2007-08

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
Lois J. Giess

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-73
Re: Amendatory Agreement - Water System Security Enhancements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Business Protection Specialists (BPS), Canandaigua, New York, to extend the scope of service related to their evaluation of water system vulnerabilities. The amendment will increase the maximum compensation by \$35,000 for a total of \$85,000, and will be funded from the 2006-07 Cash Capital allowance of the Department

of Environmental Services. The term of the contract will remain unchanged.

In September 2005, City Council authorized an agreement with BPS for an evaluation of water system vulnerabilities, and for design and specification of equipment and systems to be used to address these vulnerabilities. The entirety of that work, now largely complete, was focused on material improvements to facilities managed by the Water Bureau's Production and Treatment Division.

This requested amendment will extend the scope of work to include refinement and alignment of security systems at Bureau facilities not previously integrated into a security program, including the new headquarters facility at Felix Street. Another important focus of the work will be the development of a comprehensive written security plan, and assistance in the associated employee training and program implementation.

BPS is the only area consulting firm that is uniquely dedicated to providing business-related security services, and in particular, these services as they relate to the water and wastewater industry. Their performance to date has been excellent.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-73
(Int. No. 86)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Water System Security Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Business Protection Specialists for assessment of security needs and specification of security equipment related to the City's public water system. The agreement may extend for two years. Said amount shall be funded from the 2006-07 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-74
Re: Amendatory Agreement - Water Bureau Hydraulic Modeling

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Malcolm Pirnie, Inc., 300 State Street, for continued provision of engineering services required to complete the calibration of a water main hydraulic model and provide training to Water Bureau staff. This legislation will extend the term of the original agreement for an additional eighteen months in order to complete the remaining work authorized by this agreement. No additional funding is requested.

The original agreement was authorized by City Council in October 2005. Under this agreement, Malcolm Pirnie has been assisting Bureau staff in developing a GIS-based hydraulic model of the water system. The base model has been created and is being used to assist the Bureau in complying with recently adopted EPA water quality regulations. The model is also being used as part of the on-going reservoir study.

Further calibration of the model is required to refine its accuracy. Field tests required to calibrate the model must be performed by Bureau personnel. Due to staff workloads and winter weather conditions, additional time is needed to complete the calibration process. During the calibration process, Malcolm Pirnie will continue to provide technical support to Bureau staff. Once the calibration is complete, the firm will train Bureau staff in the use and maintenance of the model, in accordance with the terms of the original agreement.

Consulting services are expected to be completed by the summer of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-74
(Int. No. 87)

Authorizing Extension Of A Professional Services Agreement For A Water Hydraulic Model

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into the extension for a term not to exceed eighteen months of the professional services agreement between the City and Malcolm Pirnie for engineering consulting and support services for the creation of a water hydraulic model based on the Water and Lighting Bureau's GIS data.

Section 2. The agreement extension shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-75
Re: Amendatory Agreement - Paul
Bringewatt - Water Sharing

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Paul Bringewatt to provide additional services related to negotiating the water sharing agreement between the City and the Monroe County Water Authority (MCWA). The original agreement for \$9,900 was executed in October 2006; this amendment will increase maximum compensation for the agreement by \$10,100 to a total of \$20,000, and will be funded from the 2006-07 Budget of the Department of Environmental Services. The term of the agreement will be extended to June 1, 2008.

Mr. Bringewatt will provide the following services:

1. Review various alternatives for the renewal of the water exchange contract between the MCWA and the City;
2. Advise the City regarding negotiations between the City and the MCWA; and
3. Participate directly in the negotiations and make recommendations to the City regarding negotiations strategy.

The current water exchange agreement with the Monroe County Water Authority expires on April 27, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-75
(Int. No. 88)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Agreement Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Paul Bringewatt for assistance in negotiating the agreement with the Monroe County Water Authority for water sharing. The agreement may extend until June 1, 2008. Said amount shall be funded from the 2006-07 Budget of the Department of Environmental Services (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-76
Re: Agreements - Brownfield
Assistance Program

Transmitted herewith for your approval is legislation authorizing professional services agreements for brownfield consulting services with the following companies:

Company
Address

Day Environmental, Inc.
40 Commercial Street, Rochester, 14604
LaBella Associates, PC
300 State Street, Rochester, 14614
Passero
100 Liberty Pole Way, Rochester, 14604
Tritech
1100 University Avenue, Rochester, 14607
O'Brien & Gere Engineers, Inc.
400 Andrews Street, Rochester, 14604
Clough, Harbour & Associates LLP
16 West Main Street, Rochester, 14614
Bergmann Associates
28 East Main Street, Rochester, 14614
Stantec Consulting Services, Inc.
2250 Brighton-Henrietta Town Line Road 14623

Leader Professional Services, Inc.
271 Marsh Road, Pittsford, 14534
Lu Engineers
2230 Penfield Road, Penfield, 14526

The selected companies will provide environmental assessments, investigations, and analyses under the City's Brownfield Assistance Program.

The cost of this agreement will be financed from a 2006 brownfield assessment grant from the United States Environmental Protection Agency Brownfield Redevelopment Initiative. A portion of the grant budget provides the City with \$180,000 for the Brownfield Assistance Program.

The City's Brownfield Assistance Program is to stimulate environmental investigation and testing of brownfield properties by private developers and business owners. Under the BAP, the City accepts applications from interested parties for environmental investigations of proposed redevelopment sites. Upon approval, the applicant selects one or more of the BAP consultants to develop a proposal for assessment, investigation, or work planning services. The Department of Environmental Services manages the site investigation process.

The applicant pays the City a fee equal to one third of the cost of the investigation. BAP service agreements are executed that require the applicant to notify the City if it has terminated the proposed redevelopment project based on the environmental conditions found. If the City receives such a notice, the BAP fee will be waived. All investigation reporting remains the property of the City for use during future economic development planning. Program income from the fees paid to the City will be used for additional BAP projects.

Industrial, commercial and residential redevelopment sites are eligible if the interested applicant has a demonstrable project which meets the City's economic development or housing goals. Priority is given to projects located in areas of the City where significant public investment has taken place and in areas that the City has targeted for revitalization studies and loan activities.

Phase I site assessment services which may be provided include:

1. Review of title and deed history records;
2. Examination of other public records, including aerial photographs, that may contain relevant environmental information;
3. Inspection of the property and observation of adjacent properties; and
4. Preparation of a report with recommendations based on the findings.

If requested by the applicant, additional Phase II level testing services will be provided that may include the following:

1. Subsurface soil and groundwater testing;
2. Collection and analysis of wastes, soil, and groundwater samples;
3. Identification of remedial options; and
4. Preparation of a report documenting findings

and recommendations.

The BAP has helped make successful redevelopment projects possible. Projects that were supported by the BAP included the Klein Steel and XLI Corporation redevelopments on the former Emerson Street Landfill, as well as the 1025 Chili Avenue redevelopment. This agreement will have an initial term of three years with provisions for two one year renewals. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2007-76
(Int. No. 89)

Authorizing Agreements For The Brownfield Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for environmental site assessments, investigations and analyses as a part of the Brownfield Assistance Program:

<u>Company</u>
<u>Address</u>
Day Environmental, Inc.
40 Commercial Street
LaBella Associates, PC
300 State Street
Passero Associates
100 Liberty Pole Way
Tritech Environmental Health And Safety, Inc.
1100 University Avenue
O'Brien & Gere Engineers, Inc.
400 Andrews Street
Clough, Harbour & Associates LLP
16 West Main Street
Bergmann Associates
28 East Main Street
Stantec Consulting Services, Inc.
2250 Brighton-Henrietta Town Line Road
Leader Professional Services, Inc.
271 Marsh Road
Lu Engineers
2230 Penfield Road

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$180,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2006 Brownfield Assessment Grant Funds received from the United States Environmental Protection Agency.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-77, Ordinance No. 2007-78
And Ordinance No. 2007-79
Re: Norton Street Improvement Project
(Portland Avenue-East City Line)

Transmitted herewith for your approval is legislation related to the Norton Street (Portland Avenue to East City Line) Public Improvement Project. This legislation will:

1. Authorize the issuance of bonds in the amount of \$1,160,000 and appropriation of the proceeds thereof to finance a portion of the costs of the street improvements;
2. Authorize the issuance of bonds in the amount of \$706,000 and appropriation of the proceeds thereof to finance the cost of the water improvements;
3. Appropriate \$3,108,000 in anticipated reimbursements from Monroe County to finance a portion of the costs of the street improvements; and
4. Establish \$520,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc. for resident project representation services.

Stantec performed the planning and preliminary engineering and design for the project, as authorized by Council in 2004, and is recommended due to their familiarity with the project.

Included in this project are: reconstruction of pavement; replacement of curbs, sidewalks, driveway aprons and street lights; new water mains on side streets; new hydrants; new pavement markings, signal equipment upgrades; topsoil and tree plantings; and drainage improvements to connecting residential streets between Norton Street and the northern boundary of the City.

Bids for construction were received on February 20, 2007. The work will be performed by Sealand Contractors Corp. at a cost of \$4,318,848.35, which is 6% less than the engineer's estimate. An additional \$548,151.65 (13%) will be allocated for contingencies (i.e., street lighting costs and other items not included in the contract). This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by Council in 2003.

The cost of the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>
	<u>Contingency</u>	<u>Total</u>
Street		
County	\$2,896,924.90	\$211,075.10
	\$ 0.00	\$3,108,000.00
City - Debt	843,186.74	201,113.26
	115,700.00	1,160,000.00
City - Cash	0.00	38,703.64
	374,296.36	413,000.00
Water - Debt	578,736.71	69,108.00
	<u>58,155.29</u>	<u>706,000.00</u>

Total	\$4,318,848.35	\$520,000.00
	\$548,151.65	\$5,387,000.00

The cost of the street improvements will be financed from proceeds of the proposed street bond, from the 2004-05 Cash Capital allocation, and from anticipated reimbursements from Monroe County. The cost of the water improvements will be financed from proceeds of the proposed water bond.

Stantec Consulting Group, Inc. is being recommended for resident project representation for the project because of its qualifications and familiarity with the project.

Construction is expected to begin this spring, and be completed in the fall of 2008.

Public informational meetings were conducted on February 9, 2006, and on January 18, 2007. The minutes of the February meeting are on file in the City Clerk's office and the minutes of the January 18, 2007, meeting are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-28

Ordinance No. 2007-77
(Int. No. 90)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,160,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Norton Street (Portland Avenue To East City Line) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Norton Street (Portland Avenue to East City Line) Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,681,000. The plan of financing includes the issuance of \$1,160,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$413,000 in current funds and \$3,108,000 in anticipated reimbursements from the County of Monroe appropriated at this meeting, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,160,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said

improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially

the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-78
(Int. No. 91)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$706,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Norton Street (Portland Avenue To East City Line) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Norton Street (Portland Avenue to East City Line) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$706,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$706,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$706,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$706,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said bonds and any notes issued in anticipation of the sale of said bonds and

provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-79
(Int. No. 92)

Establishing Maximum Compensation For A Professional Services Agreement And Appropriating Funds For The Norton Street (Portland Avenue To East City Line) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$520,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Group, Inc. for resident project representation services related to the Norton Street (Portland Avenue to East City Line) Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said

amount, \$38,703.64 shall be funded from the 2004-05 Cash Capital Allocation, \$201,113.26 shall be funded from a bond adopted for street purposes, \$69,108 shall be funded from a bond adopted for water purposes, and \$211,075.10 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the County of Monroe the sum of \$3,108,000, or so much thereof as may be necessary, to fund construction of the Norton Street (Portland Avenue to East City Line) Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-80,
Ordinance No. 2007-81,
Ordinance No. 2007-82 And
Ordinance No. 2007-83

Re: Gregory Street Public Improvement
Project (Mt. Hope Avenue to South
Clinton Avenue)

Transmitted herewith for your approval is legislation which will:

1. Establish \$200,000 as maximum compensation for an agreement with Fisher Associates, for Resident Project Representation (RPR) services related to the project. The cost of the agreement will be financed from the proceeds of the bonds requested herein.
2. Authorize the issuance of bonds totaling \$1,606,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
3. Authorize the issuance of bonds totaling \$321,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements; and
4. Authorize the issuance of bonds totaling \$75,000 and the appropriation of the proceeds thereof to finance the cost of the sewer improvements.

The Gregory Street Public Improvement Project was designed in house by the Department of Environmental Services, Bureau of Architecture & Engineering. The project features include reconstruction or rehabilitation of the pavement; installation of granite curbs, concrete sidewalks, and driveway aprons; a partial water main replacement and hydrant and water service upgrades; drainage, street lighting and landscaping improvements.

On October 17, 2006, City Council authorized acquisition of a de minimus parcel, an Official Map Amendment and various changes in the pavement widths to accommodate design of the project.

Bids for construction of the project were received on March 7, 2007. The work will be performed by Gordon J. Phillips, Inc. at a cost of \$ 1,621,464.75, which is 2.69% less than the engineer's estimate. An additional \$191,147 will be allocated for contingencies which include street lighting and tree planting costs

which will be funded from the proposed bonds.

Funding for construction of the project is as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>
	<u>Contingency</u>	<u>Total</u>
Street Bond		
\$1,288,940.00		\$160,175.00
\$156,885.00		\$1,606,000.00
Water Bond		
261,593.00		32,265.00
27,142.00		321,000.00
Sewer Bond		
61,285.00		7,560.00
6,155.00		75,000.00
County Traffic		
9,646.75		0.00
965.00		10,611.75
Total		
\$1,621,464.75		\$200,000.00
\$191,147.00		\$2,012,611.75

The cost of the street, water, and sewer improvements will be financed from proceeds of the proposed bonds. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

Fisher Associates was selected to perform resident project representation services subsequent to solicitation of qualifications from 24 local consulting firms. Of the ten firms that responded, the following three firms were asked to submit proposals for resident project representation services: Bergmann Associates, Fisher Associates and FRA Engineers. Fisher Associates was selected based on the rating of the firm's qualifications and availability of staff. The cost of the services will be financed from the Street Bond (\$160,175), Water Bond (\$32,265) and Sewer Bond (\$7,560) appropriated herein.

The project was presented at a public informational meeting on July 27 and September 20, 2006, the minutes of which are on file in the City Clerk's Office. Construction of the project is anticipated to begin this spring, and be completed this year.

Respectfully submitted,
Robert J. Duffy,
Mayor

Attachment No. AG-29

Ordinance No. 2007-80
(Int. No. 110)

Establishing Maximum Compensation For A Professional Services Agreement For The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Fisher Associates for resident project representation services for the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$160,175 shall be funded from a bond

adopted for street purposes, \$32,265 shall be funded from a bond adopted for water purposes, and \$7,560 shall be funded from a bond adopted for sewer purposes.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-81
(Int. No. 111)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,606,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,606,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,606,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,606,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real prop-

erty within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-82
(Int. No. 112)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$321,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby

authorized to finance the cost of reconstruction of certain water mains related to the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$321,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$321,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$321,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$321,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-83
(Int. No. 113)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Gregory Street (Mt. Hope Avenue To South Clinton Avenue) Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Gregory Street (Mt. Hope Avenue to South Clinton Avenue) Public Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$75,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$75,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said

improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in

“The Daily Record”, a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1566
And
Local Improvement Ordinance No. 1567
Re: Public Market Snow Removal
and Security Services

Transmitted herewith for your approval is legislation authorizing the appropriations and assessments for snow removal and security services at the Public Market. The snow removal and security districts were established in 1990 and 1991, respectively, and include 15 properties adjacent to the Public Market.

The Department of Recreation and Youth Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays. Part of the cost of these services is apportioned among the properties within the district. For each property, these assessments include both a fixed fee, and a fee per foot of frontage.

Snow Removal

In 2007-08 for snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$2.11 per foot. The total amount of assessment will be \$4,576.02, which is \$72.89 more than the 2006-2007 amount.

	<u>2006-07</u>	<u>2007-08</u>
Fixed fee	\$ 100.00	\$ 100.00
Number of properties	<u>15</u>	<u>15</u>
Total	\$ 1,500.00	\$ 1,500.00
Footage fee	\$ 2.06	\$ 2.11
Footage	<u>1,457.83</u>	<u>1,457.83</u>
Total	\$ 3,003.13	\$ 3,076.02
Total Assessment	\$ 4,503.13	\$ 4,576.02

Security Services

For security services in 2007-08, the fixed fee will be \$1,190 per property, and the front footage fee will be \$8.93 per foot. The total amount of the assessment will be \$30,868.42, which is the same as the 2006-07 amount.

	<u>2006-07</u>	<u>2007-08</u>
Fixed fee	\$ 1,190.00	\$ 1,190.00
Number of properties	<u>15</u>	<u>15</u>
Total	\$17,850.00	\$17,850.00
Footage fee	\$ 8.93	\$ 8.93
Footage	<u>1,457.83</u>	<u>1,457.83</u>
Total	\$13,018.42	\$13,018.42
Total Assessment	\$30,868.42	\$30,868.42

Public hearings are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-30

Local Improvement Ordinance No. 1566
(Int. No. 93)

**Local Improvement Ordinance - Snow Removal
At The Public Market**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special snow plowing and salting services for the Public Market during the fiscal year from July 1, 2007 to June 30, 2008.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2007-08 year shall be \$4,576.02. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and eleven cents (\$2.11) per foot of frontage that receives plowing and/or salting services. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Ave. 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The snow plowing and salting services

shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2007 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

Local Improvement Ordinance No. 1567
(Int. No. 94)

Local Improvement Ordinance - Security At The Public Market

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council authorizes special security services for the Public Market during the fiscal year from July 1, 2007 to June 30, 2008.

Section 2. The Council hereby finds that such services will benefit both the City-owned portions of the Public Market and the privately-owned properties adjacent to the Public Market. The Council directs that a portion of the cost of providing such services be assessed against the privately-owned properties adjacent to the Public Market as listed below, which properties shall constitute the district of assessment. The total amount to be assessed for the 2007-08 year shall be \$30,868.42. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$1,190.) per parcel plus eight dollars and ninety-three cents (\$8.93) per foot of frontage. The frontage may be on more than one side of the parcel. The Council hereby determines that such formula represents the relative amount of benefit received by each such parcel from such services. The parcels to be assessed are as follows:

<u>Property Address</u> <u>SBL No.</u>	<u>Front Footage</u>
248 N. Union St. 106.660-0001-014	558.27
171 Railroad St. 106.670-0001-078	190.25
60 Public Market 106.590-0003-008	40
64-66 Public Market 106.590-0003-009	40
68-70 Public Market 106.590-0003-010	40
50-52 Public Market 106.590-0003-006	40
55-57 Public Market 106.590-0003-007	40
59 Pennsylvania Avenue 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40

15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2007 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1568
Re: Care and Embellishment of Malls

Transmitted herewith for your approval is legislation authorizing appropriations and assessments for the care and embellishment of street malls during 2007. The total to be apportioned among benefitted properties is \$76,788.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Recreation and Youth Services or street or neighborhood associations. Standards of maintenance are established by the department and the appropriate street associations are asked whether they wish to assume responsibility for this maintenance.

If an association accepts responsibility, it may augment or enhance the level of care, subject to the willingness of the property owners on the affected street to pay the additional costs. All maintenance, however, is monitored by the department.

The costs of the maintenance are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Until these payments are received, the department advances the necessary funds to the street associations.

In 2006, twelve malls were maintained by the department for \$32,200, and twelve malls were maintained by street or neighborhood associations for \$44,325. In 2007, the department will be responsible for the maintenance of twelve malls at a total cost of \$33,062. Street associations will be responsible for the maintenance of twelve malls at a total cost of \$43,726. Attached is list of malls and their associated costs.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-31

Local Improvement Ordinance No. 1568
(Int. No. 114)

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2007-08

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. It is hereby determined that the following improvements and work are necessary, required and shall be made:

- a. The care and embellishment of the following streets hereinafter referred to as "Group I" during 2007-08:

Boulevard Parkway	\$ 1,931.00
Burke Terrace	425.00
Carthage Drive	533.00
Central Park	4,835.00
Elmwood Mall	3,007.00
Glendale Park	1,609.00
Knickerbocker Street	1,609.00
Nye Park	1,717.00
Raines Park	1,072.00
Seneca Parkway	11,601.00
Sumner Park	2,792.00
Werner Park	1,931.00

- b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2007-08:

Arnold Park	\$ 1,157.00
Hazelwood Terrace	1,278.00
Highland Parkway	2,050.00
Hillside Avenue	2,200.00
Huntington Park	3,462.00
Lafayette Park	4,652.00
Lakeview Park	4,360.00
Nunda Boulevard	7,413.00
Oxford Street	9,859.00
Portsmouth Terrace	2,944.00
Rundel Park	1,400.00
Sibley Place	<u>2,951.00</u>
Total	\$76,788.00

Section 2. The district of assessment for each street mall shall consist of all the parcels of property that front on the mall, or on any extension of the street or streets containing the mall up to the next intersecting street. The cost of maintenance of each street mall, in the amount set forth in Section 1, shall be apportioned among the parcels in the district based on each parcel's footage along the street containing the mall.

Section 3. Assessments for the cost of such improvements and work shall be due in one payment and shall be added to the tax rolls for the fiscal year commencing July 1, 2007.

Section 4. The total cost of such improvements and work, estimated at \$76,788.00, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said sum, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. The work described for Group I shall be performed by or at the direction of the Department of Recreation and Youth Services.

Section 6. It is hereby determined that it is impracticable to have the work described herein for Group II done by competitive contract. Therefore, contracts for the work described herein for Group II may be awarded to such qualified persons or neighborhood associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
March 20, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 95 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 96 - Cancellation Of Taxes And Charges

Int. No. 97 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 98 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 99 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 100 - Authorizing Competitive Grant Applications, As Amended

Int. No. 101 - Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Services

Int. No. 102 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 58 - Local Law Amending The City Charter With Respect To Financial Disclosure Statements, As Amended

Respectfully submitted,
Benjamin L. Douglas (Abstained on Int. No. 102)
Carolee A. Conklin
Dana K. Miller
Lois J. Giess
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-84
Re: Authorization - Tax Cancellations
and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous ad valorem taxes, charges and fees during 2007.

Each year, approximately 63,000 tax bills are issued by the City. In 2006-07, these bills contained City and School taxes, charges and fees totaling \$194,085,988. Of this amount, taxes and charges totaling \$1,751,869 or .95% of the total levy, were subsequently determined to be erroneous and were canceled. These cancellations involved 333 accounts or 0.53 of the total number.

Pursuant to Section 556 of the NYS Real Property Tax Law, City Council is required to approve all cancellations, but Chapter 383 of the Laws of 1984, provides that Council may delegate to the Director of Finance the authority to approve such cancellations. Delegation has been approved annually, as required, since 1987.

The authorization to cancel charges up to the amount of \$1,000 was most recently approved in January 2006. During calendar year 2006 the Director of Finance authorized cancellations totaling \$79,005.74 for 241 accounts.

Reapproval of this delegation of authority is requested for 2007. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-84
(Int. No. 95)

Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less;
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month; and
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-85
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$18,250.

Two properties had code violations in the amount of \$18,250. The violations were issued in error.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$432,177.52.

	<u>Accounts</u>	<u>Amounts</u>
City Council	84	\$364,418.69
Administrative	<u>181</u>	<u>67,758.83</u>
Total	265	\$432,177.52

These cancellations represent .188% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-32

Ordinance No. 2007-85
(Int. No. 96)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (a) The code violations on these properties were issued in error.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount</u>
<u>Address</u>	<u>Tax</u> <u>Year</u>	<u>Cancelled</u>
106.250-0001-055.001	H	
220-222 Bernard St.	2006	\$ 1,800.00
	2007	2,600.00
121.610-0002-017	H	
33 Bartlett St.	2005	3,850.00
	2006	<u>10,000.00</u>
Grand Total		\$18,250.00

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-8,
Resolution No. 2007-9 And
Resolution No. 2007-10

Re: RGRTA Appointments

Transmitted herewith for your approval is legislation nominating the following persons for appointment and reappointment to the Rochester-Genesee Regional Transportation Authority (RGRTA).

Appointment:

Barbara J. Jones 45 Fairfax Road Rochester, NY 14609	Sara I. Taylor 248 Willmont Street Rochester, NY 14609
--	--

Karen C. Pryor 224 Roslyn Street Rochester, NY 14619	Matthew J. Fero 58 Elmerston Road Rochester, NY 14620
--	---

Reappointment:

Thomas R. Argust 37 Gaslight Lane Rochester, NY 14610	Jack A. Schroeder 180 Nunda Boulevard Rochester, NY 14610
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Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGRTA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative bodies of the participating municipalities. Two nominations are required for each commissioner position, along with a recommendation of one of the two. Ms. Jones, Ms. Pryor and Mr. Argust are so recommended.

The recommendation of Ms. Jones is to fill the seat of Commissioner Marilyn Schutte, whose five-year term expired over a year ago. The recommendation of Ms. Pryor is to fill the seat Commissioner Stephen Horstman, whose five-year term also expired over a year ago. The recommendation to reappoint Commissioner Argust recognizes that although his current term has also expired, he was only actually appointed in June 2005. The length of term for each Commissioner is five years.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-8
(Int. No. 97)

Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Marilyn Schutte:

Barbara J. Jones 45 Fairfax Road Rochester, NY 14609	Sara I. Taylor 248 Willmont Street Rochester, NY 14609
--	--

Section 2. Pursuant to section 1299-dd of the Pub-

lic Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Barbara J. Jones to such position because of her interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2007-9
(Int. No. 98)

Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of the term of Stephen Horstman:

Karen C. Pryor 224 Roslyn Street Rochester, NY 14619	Matthew J. Fero 58 Elmerston Road Rochester, NY 14620
--	---

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Karen C. Pryor to such position because of her interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

Resolution No. 2007-10
(Int. No. 99)

Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the expiration of

the term of Thomas R. Argust:

Ordinance No. 2007-86
(Int. No. 100, As Amended)

Thomas R. Argust Jack A. Schroeder
37 Gaslight Lane 180 Nunda Boulevard
Rochester, NY 14610 Rochester, NY 14610

Authorizing Competitive Grant Applications

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the reappointment of Thomas R. Argust to such position because of his interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 1. The Mayor is hereby authorized to submit applications to Federal, State, and regional governments, agencies and authorities, as well as private foundations and other funding sponsors, for funding that will support City programs, services and capital operations.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 2. For successful award applications, the Mayor shall obtain City Council approval to enter into agreements for receipt of the funding and necessary professional services agreements for performance of the work, and for appropriation of the funds.

Section 4. This resolution shall take effect immediately.

Section 3. The applications shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Adopted unanimously.

Section 4. Grant applications which obligate the City of Rochester to pay more than [50% of the cost of the project] \$250,000 in the form of operating capital shall require City Council authorization.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-86
Re: Competitive Grant Applications -
Fiscal Year 2007-08

Section 5. Grant applications exceeding \$1,000,000 and awards for capital projects that require project completion in one calendar year or less shall require City Council authorization.

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2007-08. As you know, one of the goals of this administration is to increase revenue from granting sources. This legislation will help to streamline the process by which the City applies for competitive federal, state and private grants.

Section 6. This ordinance shall take effect immediately and shall extend through June 30, 2008. Thereafter, approval shall be sought annually.

There are over 900 grant programs offered by Federal grant-making agencies, as well as hundreds of state, regional and private grant opportunities that the City qualifies for as a municipality. Frequently granting agencies require City Council endorsement as part of the application process.

Bracketed material deleted; underlined material added.

Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

Passed unanimously.

When any of the following conditions apply, grant applications will continue to require individual Council endorsement:

TO THE COUNCIL
Ladies and Gentlemen:

- 1. If the City is required to pay more than 50% of the cost of the project in the form of operating capital;
- 2. If the award exceeds \$1,000,000; or
- 3. If, in the case of a capital project, completion is required in one calendar or less.

Ordinance No. 2007-87
Re: Agreement - Gartner, Inc. -
Information Technology Services

The City will develop and maintain an inventory of available grant resources to further optimize our ability to take full advantage of funding opportunities. Reports on funds received will be presented to Council on request.

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Gartner, Inc. for information technology research and advisory services. The cost of this agreement will be funded from the Undistributed allocation of the 2006-07 Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Gartner, Inc. is a leading independent information technology (IT) research firm which provides research and advice on vendors, product technology, and best practices used in the field and in governmental agencies. Gartner's expertise will assist the City's new Chief Information Officer and the City's IT unit in developing general IT strategy, making recommendations on vendor selection, and the implementation of best practices within IT and other City departments on specific IT automation initiatives.

The proposed agreement is for a term of one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-87
(Int. No. 101)

Attachment No. AG-33

Ordinance No. 2007-88
(Int. No. 102)

Establishing Maximum Compensation For A Professional Services Agreement For Information Technology Services

Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Gartner, Inc. for information technology research and advisory services. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. This ordinance shall take effect immediately.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House, Inc.	\$50,133
Junior Achievement	3,400
Society for the Protection & Care of Children (TAPSS)	95,000
Baden Street/Metro Council for Teen Potential	50,000
Puerto Rican Youth Development	21,267
YWCA of Rochester & Monroe County	70,000

Ordinance No. 2007-88
Re: Agreements - Adolescent Pregnancy Prevention Services Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Children and Family Services for the receipt and use of a \$377,396 grant for the Adolescent Pregnancy Prevention Services Program, and establishing maximum compensation with the CONECTS consortium of providers as follows:

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Charles Settlement House Inc.	\$ 50,133
Junior Achievement	3,400
Society for the Protection & Care of Children (TAPSS)	95,000
Baden Street/Metro Council For Teen Potential	50,000
PRYD (Puerto Rican Youth Development)	21,267
YWCA of Rochester and Monroe County	70,000
	<u>\$289,800</u>

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$289,800, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services.

The remaining amount, \$87,596, is included in the 2006-07 Budget to cover administrative costs.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

The CONECTS program, initiated in 1984, is a consortium of agencies whose purpose is to reduce the rate of initial and repeat teen pregnancies and provide services to pregnant or parenting teenagers. The City's Bureau of Youth Services is the lead agency for the grant, and the Metro Council For Teen Potential serves as the policy making community board for the collaborative. The above service providers were selected through a Request For Proposal application and review process, administered by the Bureau of Youth Services in partnership with the CONECTS Collaborative in July 2006. The program will serve a total of 420 youth and their families.

Section 5. This ordinance shall take effect immediately.

The Metro Council for Teen Potential (Community Council for APPS) and the NYS OCFS reserves the right to allocate funds between subcontractors as needed during the contract year.

Passed by the following vote:

Respectfully submitted,
Robert J. Duffy
Mayor

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Douglas abstained because his wife is an employee of one of the affiliated agencies.

Introductory No. 58 was introduced February 2007, and appears in its original form with its transmittal letter on page 47 of the current Council Proceedings.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 8
Re: Amendments to the City Charter and Municipal Code With Respect to Financial Disclosure Statements

Transmitted herewith for your approval is legislation authorizing several amendments to the City Charter required to reflect recent changes in the structure of the administration, and to accommodate changes regarding actions and proceedings in City and State Supreme Courts. These amendments are as follows:

1. Section 2-18, Code of Ethics. The list of those required to file financial disclosure statements will be updated to include new titles and new positions and deleting unused titles.
2. Section 3-12 Director of Information Systems. This section will be replaced in its entirety with a description of the duties for Chief Information Officer, a new position superceding the Director of Information Systems.
3. Section 3-13 Internal Auditor. This section will be replaced in its entirety with a description of the duties for the Director of the Office of Public Integrity, a new position superceding the Manager of Internal Audit.
4. Section 8C-5 Director of Personnel. The title will be replaced with Director of Human Resource Management to reflect the correct name of the bureau.
5. Section 8D-1 Emergency Communications Department. The term "director" will replace the term "manager" to reflect the correct title of the head of this department.
6. Section 9-21 of the Charter, Actions to restrain nuisances and Section 52-3 of the Municipal Code, Penalties for offenses. These sections are being amended to allow actions and special proceedings to restrain nuisances and code violations to be brought in either City Court or State Supreme Court. Section 9-21 of the City Charter currently allows actions to restrain nuisances to be brought in any court of competent jurisdiction. The amendment will add special proceedings to this authority, as a special proceeding is often the appropriate method to abate a nuisance. Section 52-3 of the Municipal Code allows equity actions or special proceedings to be brought in State Supreme Court to abate code violations. State law now also provides City Court with jurisdiction over such actions or proceedings, and the legislation will allow the City to enjoin and abate violations in City Court and Supreme Courts.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-34

Local Law No. 8
(Int. No. 58, As Amended)

Local Law Amending The City Charter With Respect To Financial Disclosure Statements

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 2-18, Code of Ethics, by amending the list of persons required to file financial dis-

closure statements in Subsection G(1) thereof to read in its entirety as follows:

Mayor
Candidate for Mayor
Deputy Mayor
Chief of Staff
Assistant to the Mayor
Member of City Council
Candidate for City Council
City Clerk
Director of Budget and Efficiency
Assistant Director of Budget and Efficiency
Chief of Performance Accountability and Customer Satisfaction
Director of Human Resource Management
Deputy Director of Human Resource Management
Manager of Labor Relations
Executive Secretary of the Civil Service Commission
Director of Communications
Deputy Director/Communications
Corporation Counsel
Deputy Corporation Counsel
Municipal Attorney IV
[Municipal Attorney III]
Youth Intervention Supervisor
NET Director
NET Administrator
NET Code Coordinator
Director of the Office of Public Integrity
Manager of Internal Audit
Chief Information Officer
Director of Information Systems
[Assistant Director of Information Systems]
Director of Finance
Director of Accounting
City Treasurer
Deputy City Treasurer
Assessor
Deputy City Assessor
Director of Parking Violations
Purchasing Agent
Commissioner of Community Development
Deputy Commissioner of Community Development
Director of Planning
Director of Zoning
Supervising City Planner/Zoning
Manager of Housing
Manager/Plan Review/Building Inspection
Director of Development Services
Director of Real Estate
Manager of Technical Services
Manager of Contract Services
Commissioner of Economic Development
Deputy Commissioner/Economic Development Department
[Director of Community and Economic Development Integration]
Manager of Business Development
Manager of Downtown Development
Municipal Parking Coordinator
Commissioner of Environmental Services
Deputy Commissioner of Environmental Services
Chief of Security Operations
[Superintendent of Security]
City Engineer
Managing Engineer/Street Design
Managing Engineer/Construction
Director of Operations
Assistant Director of Operations
Refuse Operations Manager
Operations Manager
Street Maintenance Manager

Manager/Building Services
 [Manager/Contract Services]
 [Manager/Customer Satisfaction]
 Manager/Environmental Quality
 Managing Architect
 [Senior Architect]
 [Senior Engineer/Mechanical]
 Director of Water Bureau
 Managing Engineer/Water Design
 [Senior Engineer/Water Design]
 Manager/Water Distribution
 Manager/Water Production
 Fleet Service Manager
 Emergency Communications Center Director
 Deputy Director/Emergency Communications
 Department
 Chief of Police
 Deputy Police Chief
 Police Commander
 [Police Captain]
 Manager of Police Property
 Senior Property Clerk
 Property Clerk
 Fire Chief
 Executive Deputy Fire Chief
 Deputy Fire Chief
Fire Marshal
 [Battalion Chief]
Superintendent/Fire Equipment Maintenance
Lieutenant in charge of Supply Depot
 Commissioner of Recreation and Youth Services
 Deputy Commissioner of Recreation and Youth
 Services
 Director of Recreation/Leisure Services
 Manager of Human Services Planning
 [Principal Staff Assistant]

Persons occupying other positions, determined by the Mayor to be policy-making positions in a document transmitted to the Secretary of the Board of Ethics by December 31 of each year, shall also be required to file financial disclosure statements as prescribed herein.

Section 2. This local law shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember McFadden
March 20, 2007

To the Council:

The following entitled legislation is being held in committee:

Int. No. 103 - Amending The Municipal Code With Respect To Search Warrants

Respectfully submitted,
 Adam C. McFadden
 Dana K. Miller
 Robert J. Stevenson
 Lois J. Giess
 PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 103
 Re: Amending the Municipal Code -
 Administrative Search Warrants

Transmitted herewith for your approval is legislation amending the Municipal Code to provide specific authority for the Courts to issue administrative search warrants in conjunction with the enforcement of City codes.

Currently, authority for such warrants is provided through decisions of the United States Supreme Court and the New York State Court of Appeals, and through the Criminal Procedure Law. Adoption of this legislation will provide specific local authority and procedures for the issuance of administrative warrants. This will provide guidance for the City and the Courts and allow citizens to understand the search warrant process. At present, most warrants are granted following criminal procedures which often are not easily adapted to fit administrative needs. Administrative search warrants are often required by the City in enforcement of fire, building, property conservation and lead paint codes.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Introductory No. 103

AMENDING THE MUNICIPAL CODE WITH RESPECT TO SEARCH WARRANTS

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 52 of the Municipal Code, Enforcement Procedures, as amended, is hereby further amended by designating the current Sections 52-1 through 52-9 as Article I, General Provisions, and by adding thereto a new Article II to read in its entirety as follows:

Article II. Administrative Search Warrants.

§ 52-10. Administrative search warrants; in general; definition.

- A. Under circumstances prescribed in this article, an authorized City officer or employee may make an application to either Rochester City Court, County Court or State Supreme Court for an administrative search warrant to inspect any premises located within the jurisdictional boundaries of the City of Rochester.
- B. An administrative search warrant is a written order signed by a judge of competent jurisdiction directing an authorized City officer or employee to conduct an inspection of any premises and further authorizing the photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any federal, state, county or city laws, ordinances, rules or regulations relating to the maintenance, operation, use, condition or occupancy of the premises located within the City of Rochester, or to enforce the provisions of any such law, ordinance, rule or regulation.
- C. Probable cause for an administrative search warrant shall be:

1. Credible evidence that the subject premises is in violation of any applicable federal, state, county or city law, ordinance, rule or regulation; or
2. Reasonable legislative or administrative standards for conducting an inspection are satisfied with respect to the particular premises to be inspected; or
3. An application for a Certificate of Occupancy, Business Permit, permit, license or other similar document which authorizes the construction, use, occupancy or alteration of the premises has been submitted and the occupants and the owner have failed to arrange for, deny or unduly delay the inspection; or
4. Any re-inspection that is required to determine whether violations have been corrected.

§ 52-11. Right of entry.

In the performance of official duties, subject to the further requirements herein and the obtaining of a warrant where constitutionally required, City officers or their employees may enter any premises in the City to enforce federal, state, county or city laws, ordinances, rules or regulations, at any reasonable time, or at any time in an emergency that might endanger public health or safety.

§ 52-12. Entry without notice or warrant.

Neither an administrative search warrant nor prior notice is needed in any of the following circumstances:

- A. If entry is by permission or at the request of an occupant of the premises or a person with apparent right of possession;
- B. If the premises is open and accessible to members of the general public including but not limited to unsecured vacant structures;
- C. If the City officer or employee reasonably believes that an imminent danger to health or safety exists or may exist;
- D. City officers or employees are entering the premises under the authority of a Court ordered criminal search warrant; or
- E. In response to or immediately after a fire, emergency, accident or disaster.

§ 52-13. Authority to seek warrant.

Where appropriate, a City officer or employee may seek an administrative search warrant to enter any premises in the City to make an inspection or to take any other authorized action to administer and enforce federal, state, county or city laws, ordinances, rules or regulations.

§ 52-14. Initial warrant after prior notice.

Before the officer or employee may apply for an initial administrative search warrant to make a routine inspection, the officer or employee must give prior notice of his or her intent to the occupant or other person with apparent right of possession or, in the case of an unoccupied structure or premises, to the

owner, the owner's agent or other person in apparent control of the structure or premises. No further notice is required for any subsequent administrative search warrants sought on that case or any cases arising concurrently.

§ 52-15. Contents of notice.

The notice must:

- A. State the date and time at which the City officer or employee will be present to make inspection;
- B. Inform the person notified that he or she may reschedule the inspection to a reasonable date and time by contacting the officer or employee before the stated date; and
- C. Advise that if the inspection is not conducted, the City officer or employee will make an ex parte application for an administrative search warrant.

§ 52-16. Service of notice when premises is occupied.

If the premises is occupied, the notice must be either sent by first class mail or personally delivered to the occupant or person with apparent right of possession. The notice shall be addressed to the occupants if the names are provided by the owner in writing, otherwise notice shall be sufficient if addressed to the occupant of the particular unit.

§ 52-17. Service of notice when premises is unoccupied.

If the premises is unoccupied, the notice must be mailed to the owner's tax mailing address for the premises or personally served upon the owner.

§ 52-18. When a warrant with notice application may be submitted.

After notice has been given, if the person notified fails to arrange for, denies or unduly delays the entry, the City officer or employee may apply to a court of competent jurisdiction for an administrative search warrant to authorize the inspection.

§ 52-19. Warrant without prior notice.

A City officer or employee may apply for an administrative search warrant to enter a premises without giving the prior notice otherwise required by §52-14 if there is credible evidence to believe that a violation of any federal, state, county or local law, ordinance, rule or regulation exists which creates an unsafe condition that may result in injury to occupants. The basis of the application for the search warrant is the failure of either the occupants or owner to permit entry to reinspect the premises to determine if violations have been corrected, or that a City officer or employee was unable to execute a Court ordered administrative search warrant before it expired.

§ 52-20. Administrative search warrants; the application.

The application for an administrative search warrant must:

- A. Be in writing;

- B. State the name of the court and the name and title of the applicant;
- C. State the time and date of the making of the application;
- D. Identify the premises to be entered and inspected in sufficient detail and particularity that the City officer or employee executing the administrative search warrant can readily ascertain it;
- E. In cases where prior notice is required, that notice has been given and entry has not been arranged for or has been denied or unduly delayed by the person notified;
- F. State facts sufficient to demonstrate probable cause for the issuance of an administrative search warrant;
- G. Be verified by the oath or affirmation of the applicant;
- H. Be signed by the applicant; and
- I. Request that the court issue an administrative search warrant directing an inspection of the premises in question.

§ 52-21. Issuance of the administrative search warrant.

A. Hearing and Procedure.

In determining an application for an administrative search warrant the court may, but need not, examine, under oath, any person whom it believes may possess pertinent information. Any such examination must be either recorded or summarized on the record by the court.

B. Determination of Application.

- (1) In determining whether the City officer or employee has alleged facts to support a finding that probable cause exists to conduct the inspection, the judge shall determine whether the action to be taken by the City officer or employee is reasonable in light of the facts stated. In making this assessment, the court should consider the goals of the law, ordinance, rule or regulation sought to be enforced and such other factors as may be appropriate, including but not limited to, the maintenance, operation, use, condition or occupancy of the specified premises, the age and nature of the premises, where it is located, the known violation of any relevant law, ordinance, rule or regulation and the passage of time since the premises' last inspection.
- (2) If it appears from the application and any supporting affidavits that there is probable cause to inspect, an administrative search warrant shall immediately be issued.
- (3) The administrative search warrant shall issue in the form of an original and two copies.

C. Contents of the Warrant.

The warrant shall:

- (1) Be in writing, state the name of the issuing court and contain the subscription of the issuing judge;
- (2) State the name, department or title of the City officer or employee authorized to conduct the requested inspection and to whom it is addressed;
- (3) Direct that a peace officer may, if requested by the City officer or employee, assist in the execution of the administrative search warrant;
- (4) State the time and date the warrant was issued and the duration of the warrant;
- (5) Identify the premises to be entered and inspected in sufficient detail and particularity that the officer or employee executing the warrant can readily ascertain it;
- (6) For warrants of premises containing multiple dwelling units, a provision which authorizes a single entry into each unit, which entry need not occur at the same date and time for all units, but which entries must occur before the expiration of the warrant;
- (7) Direct that the administrative search warrant be executed between the hours of 7:00 a.m. and 8:00 p.m., or when the court has specially so determined, direct execution thereof at any time of the day or night;
- (8) Direct that the administrative search warrant authorizing entry to the designated premises shall be served upon the owner and/or occupants personally; or in the alternative, the Court may authorize service by means of confirmation mail and shall require the owner and/or occupants to provide the designated City officer or employee with a reasonable date and time to conduct the inspection, which date and time must be within seven (7) days of receipt of the warrant or thereafter entry shall be authorized upon personal service; and
- (9) A notice to the owner and occupants that it is unlawful to deny entry or access to any premises to any City officer or employee to whom an administrative search warrant has been issued authorizing inspection of said premises or to unduly delay or fail to set a date and time for the court ordered inspection, and that such failure can result in a finding of contempt by a City, County or State Supreme Court Judge.

§ 52-22. Execution of the administrative search warrant.

- A. Except as provided in Subsection B of this section, in executing an administrative search warrant, the officer or employee authorized by the court to execute the warrant shall, before entry, make a reasonable effort to present his or her credentials, authority and purpose to an occupant or person in possession of the premises designated in the warrant, and to serve a copy of the warrant upon the occupant or person in possession of the premises;

- B. In executing an administrative search warrant, the officer or employee authorized to execute the warrant may promptly enter the designated premises if it is or is reasonably believed to be vacant or unoccupied. Such officer or employee need not provide notice of his or her authority and purpose as prescribed in Subsection A of this section;
- C. A peace officer may be requested to assist in the execution of the administrative search warrant;
- D. Any administrative search warrant issued shall be executed within:
 - (1) The time specified in the warrant, not to exceed forty-five (45) days; or
 - (2) If no time is specified therein, within forty-five (45) days from its date of issuance.

§ 52-23. Unlawful to refuse entry.

It shall be unlawful for any person to refuse entry or access to any premises to any officer or employee with an administrative search warrant or to fail to schedule a date and time for the inspection as set forth in the administrative search warrant. Any person who fails to permit the inspection, including failing to schedule an inspection after receiving a copy of the administrative search warrant, may be found in contempt of the court's order and punishment may consist of a fine or imprisonment or both.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Item held in Committee.

By Councilmember Pritchard
March 20, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 104 - Authorizing A Lease Agreement And Purchase Option For A Portion Of 1030 Jay Street

Int. No. 105 - Authorizing The Exchange Of Land With Rochester Midland Corporation

Int. No. 106 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Building Evaluation Of Midtown Plaza

Int. No. 115 - Local Law Adding The Carestream Health, Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

The Jobs, Economic Development & Center City Committee recommends for consideration the following entitled legislation:

Int. No. 107 - Approving The Urban Renewal Plan For The Midtown Urban Renewal Project

Int. No. 108 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Midtown Urban Renewal Project

Int. No. 109 - Changing The Zoning Classification

Of The Midtown Plaza Parcels At 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E. Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S. Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35 Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67 Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street And 45 Euclid Street From Center City District-Tower District (CCD-T) To Midtown Urban Renewal District

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Lois J. Giess
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-89
Re: Lease Agreement - Jay Hague Properties LLC

Transmitted for your approval is legislation authorizing a two year lease, with purchase option, of a portion of City owned property located at 1030 Jay Street to Jay Hague Properties, LLC. The lease price of \$1200 per year was determined by an independent appraisal prepared by Kevin Bruckner.

Jay Hague Properties is a related entity of Woerner Industries, Inc. who will use the site to relocate parking and access, allowing the construction of a 5000 square foot addition to their existing building on the adjacent site at 485 and 471 Hague Street.

Woerner, founded in 1918 as a manufacturer of church furniture, acquired Lasseco Products, a graphic arts equipment manufacturer in 1936. In 1998 the company was acquired by its current owners, and in 2006 the company acquired a Michigan based church furniture manufacturing company. Woerner will expand the existing facility to accommodate relocated operations.

Prior to the acquisition, Woerner employed 38; fourteen are city residents. The expansion project will result in approximately ten new jobs over the next three years. The total cost of the acquisition, purchase of machinery and equipment, and construction is more than \$750,000. The City will assist the company with financing for the building expansion.

The 1.23 acre property at 1030 Jay Street will be subdivided. The parcel to be leased, .27 acres, is vacant industrial land. Previous environmental work identified fill materials including soil, gravel, asphalt, concrete, slag, ash, dried paint petroleum/volatile and semi volatile organic compounds associated with prior operations. A limited subsurface study was conducted in 2006. Two options to address the fill material were identified by the environmental consultant: complete removal of the material, or implementation of environmental management and health and safety plans.

Woerner will lease the property in "as is" condition for the two-year term. During the lease term, the city will conduct environmental remediation activities. Upon completion, Woerner will purchase the property and complete permanent physical improvements

for parking.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-35

Ordinance No. 2007-89
(Int. No. 104)

Authorizing A Lease Agreement And Purchase Option For A Portion Of 1030 Jay Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Jay Hague Properties, LLC, for the lease of a portion of 1030 Jay Street for two years. The agreement shall obligate Jay Hague Properties, LLC, to pay rent in the annual amount of \$1,200, payable in monthly amounts of \$100. The agreement shall also contain a purchase option which will allow Jay Hague Properties, LLC, to purchase the property for its appraised value at the end of the lease term.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-90
Re: Exchange of Land with Rochester
Midland Corporation

Transmitted for your approval is legislation authorizing the exchange of property owned by the City for property owned by Rochester Midland Corporation. The exchange will permit re-development of Rochester Midland Corporation's adjacent property at 333 Hollenbeck Street and the development by the City of the exchange parcel for recreational purposes, together with adjacent City-owned land.

The City property to be exchanged is a portion of a parcel of railroad land at 0000 St. Paul Street (SBL No. 91-.69-2-24) and is approximately .58 acres (34 feet by 732 feet) of vacant land. The property owned by Rochester Midland is located at 530 Conkey Avenue (SBL 91.69-2-14) and a portion of 271 Norton Street (SBL 91-.69-2-24); combined they comprise approximately 1.01 acres of vacant land. The parcels are described in the attached Schedules A and B.

An appraisal prepared by Robert Pogel has determined that the value of the City parcel is \$23,000 and the value of Rochester Midland's parcel is \$24,000. The parties agree that the values are equivalent and that there will be no additional consideration or compensation due for the exchange.

Rochester Midland owns land on both sides of the abandoned rail corridor, and for more than ten years has desired to acquire the City parcel to complete an expansion of its facility. This exchange will allow Rochester Midland to expand in its existing location and operate more efficiently. Rochester Midland Corporation, founded in Rochester in 1888, currently has 180 local employees, and manufactures and distributes chemical and personal care products world wide.

Rochester Midland will accept the property in an "as is" condition. Midland has been accommodating in working with the City so that the proposed El Camino-Butterhole trail and the company's expansion can both be achieved.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-36

Ordinance No. 2007-90
(Int. No. 105)

Authorizing The Exchange Of Land With Rochester Midland Corporation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an exchange of land with Rochester Midland Corporation whereby the City will exchange a portion of the City owned railroad parcel at 0000 St. Paul Street, SBL #91.21-1-1, for parcels owned by Rochester Midland Corporation at 530 Conkey Avenue, SBL #91.69-2-14, and a portion of 271 Norton Street, SBL #91.69-2-24.

Section 2. For the parcels to be acquired by the City, any taxes levied after the date of closing, while the City still owns the parcels, shall be canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-91
Re: Amendatory Agreement - Midtown
Plaza Evaluation

Transmitted herewith for your approval is legislation authorizing a second amendatory agreement with Bergmann Associates for the building evaluation services for Midtown Plaza which it conducted in conjunction with the City's option to buy the Plaza. Bergmann Associates conducted an initial review of reports and studies of Midtown Plaza in an amount not to exceed \$9,750.

By Ordinance No. 2006-369, Council authorized an amendatory agreement to complete the building review of Midtown Plaza in an amount not to exceed

\$45,750. This amendatory agreement failed to contain sufficient funds for copies of the voluminous reports requested by the City. An additional \$770 is required, which will increase the total to be paid to Bergmann to an amount not to exceed \$56,270. The cost of the amendatory agreement will be funded from the 2006-07 Budget for Undistributed Expense.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-91
(Int. No. 106)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Building Evaluation Of Midtown Plaza

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$770, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for building evaluation services of Midtown Plaza. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 9
Re: NYS Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of Carestream Health Inc. in the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

The New York State Empire Zone Program, with the approval of Empire State Development, allows local Empire Zones to include regionally significant projects, i.e., manufacturing companies projecting at least fifty new jobs within five years. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage

Carestream Health, Inc intends to acquire the Eastman Kodak Company health business, making Carestream a leading global provider of innovative medical imaging and health care information technology solutions. Carestream's operations would include the development, manufacturing, marketing and sale of digital x-ray systems, computed radiography systems, molecular imaging systems, picture archiving and communications systems and film to meet the growing imaging and information need of the health care community.

Carestream will purchase the assets of the health business from Kodak, including properties at 150 Verona Street and 1049 West Ridge Road, and equipment. The company will retain the 819 employees who are currently employed by Kodak Healthcare, and projects, within five years, the creation of at least fifty new jobs, including:

- * Research and development technicians and professionals
- * Professional positions in human resources, purchasing, marketing, finance
- * Management
- * Support staff
- * Manufacturing professionals at all levels including; testing, quality control and fabricators

Attached is the legal description of the project area to be included within the City of Rochester Empire Zone.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-37

Local Law No. 9
(Int. No. 115)

Local Law Adding The Carestream Health, Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Carestream Health, Inc. is proposing an expansion at 150 Verona Street and 1049 West Ridge Road in the City of Rochester; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone shall also determine that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Carestream Health Inc.'s manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the properties described as follows: 150 Verona Street, S.B.L. #106.770-0001-002/0000, and 1049 West Ridge Road, which is described as follows:

All that tract or parcel of land situated in Lot 69, Township 1, Short Range, 20,000 Acre Tract in the Mill Seat Tract, City of Rochester, County of Monroe, and State of New York and being more particularly described as follows:

Beginning on the southerly right of way of West Ridge Road at the northwesterly property corner of lands of now or formerly of Cheryl D. Hogan; thence

- 1) S 01° 05' 21" E, a distance of 586.50 feet to a point; thence

- 2) N 88° 54' 39" E, a distance of 15.00 feet to a point; thence
- 3) S 01° 05' 21" E, a distance of 50.00 feet to a point; thence
- 4) S 88° 54' 39" W, a distance of 15.00 feet to a point; thence
- 5) S 00° 40' 21" E, a distance of 120.00 feet to a point; thence
- 6) N 89° 34' 08" E, a distance of 399.67 feet to a point; thence
- 7) S 00° 24' 20" E, a distance of 391.21 feet to a point; thence
- 8) N 89° 35' 40" E, a distance of 288.22 feet to a point; thence
- 9) S 00° 24' 20" E, a distance of 60.00 feet to a point; thence
- 10) N 89° 35' 40" E, a distance of 38.00 feet to a point; thence
- 11) S 00° 24' 20" E, a distance of 458.30 feet to a point; thence
- 12) S 89° 35' 40" W, a distance of 452.00 feet to a point; thence
- 13) S 00° 24' 20" E, a distance of 2.60 feet to a point; thence
- 14) S 89° 35' 40" W, a distance of 820.00 feet to a point; thence
- 15) N 00° 24' 20" W, a distance of 161.00 feet to a point; thence
- 16) N 52° 28' 59" W, a distance of 156.84 feet to a point; thence
- 17) N 00° 24' 20" W, a distance of 536.00 feet to a point; thence
- 18) N 10° 14' 56" E, a distance of 50.61 feet to a point; thence
- 19) N 89° 33' 10" E, a distance of 594.00 feet to a point; thence
- 20) N 00° 23' 44" W, a distance of 614.77 feet to a point; thence
- 21) N 14° 26' 06" W, a distance of 234.68 feet to a point on said right of way; thence
- 22) S 81° 42' 07" E, along said right of way, a distance of 116.45 feet to the point of beginning, encompassing 25.918 acres of land, more or less.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve the additions to the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-92,
Ordinance No. 2007-93 And
Ordinance No. 2007-94

Re: Midtown Urban Renewal District

Transmitted herewith for your approval is legislation amending the Comprehensive Plan and Zoning Map by adopting the Midtown Urban Renewal Plan.

In December 2006, the City Council designated the area generally bounded by East Main Street, Clinton Avenue, Broad Street and Chestnut Street as the Midtown Urban Renewal District. The purpose of this designation was to facilitate the redevelopment of properties within the District.

The Planning Commission held an informational hearing on the plan on February 15, 2007. There were no speakers in opposition to the plan or the Zoning Map amendment. The Commission voted 5-0 to recommend approval. Minutes and the recommendation are attached.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of Rochester, Lead Agency for the environmental review, has determined that the proposed action will not result in any significant environmental effects. A negative declaration has been issued.

The Midtown Urban Renewal Plan is attached.

Public hearings are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-38

Ordinance No. 2007-92
(Int. No. 107)

Approving The Urban Renewal Plan For The Midtown Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following Urban Renewal Plan for the Midtown Urban Renewal Project:

MIDTOWN URBAN RENEWAL PLAN

I. DESCRIPTION OF PROJECT.

A. LOCATION BOUNDARY.

The Midtown Urban Renewal Project is centrally located in downtown Rochester, New York. The district is bounded by East Main Street to the north, Clinton Avenue to the west, Broad Street to the south, and Chestnut and Euclid Streets to the east. Exhibit A includes the project District Boundary Map.

B. LEGAL DESCRIPTION.

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of

New York, being part of Town Lot 4, 2nd Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Clinton Avenue (66' ROW) with the southerly ROW line of East Main Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) N 73° 09' 16" E, along said southerly ROW line of East Main Street, a distance of 407.37 feet to the westerly ROW line of Euclid Street (66' ROW); thence
- 2) S 18° 13' 11" E, along said westerly ROW line of Euclid Street, a distance of 169.54 feet to an angle point in said ROW; thence
- 3) S 70° 58' 35" E, along the southwesterly ROW line of said Euclid Street, a distance of 506.1 feet, more or less, to the westerly ROW line of Chestnut Street (66' ROW); thence
- 4) S 18° 58' 11" W, along said westerly ROW line of Chestnut Street, a distance of 459.0 feet, more or less, to the northerly ROW line of East Broad Street (80' ROW); thence
- 5) S 87° 31' 48" W, along said northerly ROW line of East Broad Street, a distance of 340.68 feet to an angle point; thence
- 6) S 88° 46' 17" W, continuing along said northerly ROW line, a distance of 221.44 feet to the said easterly ROW line of South Clinton Avenue; thence
- 7) N 17° 38' 37" W, along said easterly ROW line of South Clinton Avenue, a distance of 694.13 feet to the said southerly ROW line of East Main Street, said ROW intersection being the Point or Place of Beginning.

C. BACKGROUND.

The project area is a 12.96 acre site and contains 16 parcels. Approximately 8 acres of the project area is occupied by Midtown Plaza: a 1.4 million square foot mixed-use, office and retail complex. The project area also includes a number of smaller underutilized and vacant buildings, primarily fronting on Chestnut Street. Midtown Plaza was constructed in 1962 as an enclosed shopping mall which was a destination for most city and county residents for years. The Plaza was anchored by two department stores, McCurdy's and B. Forman, and Wegmans Food Market. The complex also included a 17 story office building and an 1,800 car underground parking garage. The decline of Midtown Plaza began during the rise of suburban shopping malls in the Rochester region. By the mid 1990's, the Midtown retail anchors had closed leaving a significant amount of vacant space. Today, Midtown Plaza is 60% vacant. This vacancy rate will increase to over 86% in spring 2007 when the last major office tenant relocates to another property. This will leave the property with over 1 million square feet of vacant office and retail space. Compounding the problem for revitalization of Midtown is the fact that much of the structures

contain significant asbestos contamination. Remediation of the asbestos has been estimated at over \$40 million. A recent assessment completed for the building concluded that most all the building systems (heating, air conditioning, electrical, elevators, etc.) are the original systems installed over 45 years ago, and are in need of upgrades and replacement. The cost to simply renovate the property "as-is", including environmental abatement, has been estimated at \$141 million. Just to the east of the Midtown Urban Renewal District is the East End Entertainment District. The East End has experienced significant private sector investment over the past 15 years, including The Sagamore on East, Chevy Place, Eastman Living Center, Symphony Terrace and several other residential and mixed-use projects. The growth of the East End and the influx of private investment has not been realized west of Chestnut Street. This is directly attributable to the conditions and current uses of several of the Elm Street and Chestnut Street properties. 88 Elm Street is currently owned by the City and has significant asbestos contamination. The property is currently 100% vacant and the reuse of the building is unlikely. The Euclid Square building at 65 Chestnut Street is currently 100% vacant and has little redeeming architectural qualities. The Cadillac Hotel at 45 Chestnut Street is currently operated as a single room occupancy hotel and the use presents one of the most significant obstacles to revitalization of the Midtown Urban Renewal District.

II. URBAN RENEWAL OBJECTIVES.

The following are key objectives for the Midtown Urban Renewal District:

- A. To eliminate substandard and deteriorated structures and other blighting influences in the project area;
- B. To promote economic development in and around the project area through private development, and asbestos remediation of selected buildings;
- C. To acquire underutilized and vacant properties in the project area for economic development purposes;
- D. To sell city and agency acquired properties for private development;
- E. To generate additional jobs and municipal tax base within the project area; and
- F. To promote uses of underutilized land and buildings within the project area consistent with the Center City Master Plan.

III. URBAN RENEWAL ACTIONS.

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire selected properties from private owners;
- B. Consider demolition and removal of non-contributing structures in the project area that are not economically feasible to renovate;

- C. Identify structures that may be appropriate for demolition (any properties identified to be demolished may be subject to full review under the SEQR);
- D. Provide relocation assistance, if needed, in accordance with applicable relocation guidelines;
- E. Undertake asbestos removal for selective buildings; and
- F. Dispose of project area development opportunities by sale to qualified developers for renovation or re-development with standards incorporated in the Plan.

IV. LAND USE PLAN.

A. PURPOSE.

The Midtown Urban Renewal District is integral to the revitalization of the core Center City of Rochester. The district regulations, which coincide with the Center City District Zoning Code, are intended to emphasize and strengthen downtown as the region's center for business, entertainment, cultural assets and urban living. The following Comprehensive Plan campaign goals are supported by this plan:

CAMPAIGN SIX - ECONOMIC VITALITY.

Goals:

- (B) Develop a business and financial environment that encourages business and individuals to build on our rich entrepreneurial spirit.
- (C) Develop strong, economically viable and diverse neighborhood commercial areas that help to provide entry-level jobs, high-quality goods and personal services to our citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.
- (G) Support and promote opportunities for shopping for residents and visitors at stores, businesses and personal shops within our city.

CAMPAIGN EIGHT - TOURISM DESTINATION.

Goals:

- (B) Encourage and help create appropriate private, market-driven investments in the local tourism industry that result in additional revenue for businesses and the creation of new jobs for local residents.
- (F) Develop diverse, unique tourism attractions that balance economic issues and impacts with neighborhood preservation, enhancement and preservation.
- (G) Capitalize on our many recreational, historic, civic and business assets as

well as our high quality of life to expand recognition of Rochester as a highly desirable tourism destination and attractive place to live.

CAMPAIGN TEN - CENTER CITY.

Goals:

- (A) Reduce the office and commercial (retail) vacancy rate within our "Center City" through appropriate actions that include attraction of new tenants as well as the removal or conversion of unneeded space.
- (B) Develop unique festivals, events, celebrations and venues within our "Center City" that help create and enhance its identity, draw businesses, residents and visitors and provide a strong "sense of place" and identity for our community.
- (C) Encourage the development of an economically viable "Center City" that functions as the region's 24-hour activity center and is a safe and attractive environment for the cultural, nightlife, business, arts and entertainment center of our region.
- (D) Increase the number of people living in our "Center City" through affordable as well as market-rate housing development.
- (E) Create a strong, competitive and marketable identity for our "Center City" that is locally, regionally and nationally recognized.
- (H) Create a strong visual and aesthetic image for our "Center City" through articulated urban design and unique and inspiring architectural form.

B. LAND USE REGULATIONS.

Land uses within the Midtown Urban Renewal District will be regulated by the City of Rochester Center City District (CCD) Zoning. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:

1. Warehousing and distribution, unless accessory to the principal use of the property;
2. Rooming houses;
3. Recycling Centers; and
4. Auto Repair.

All of the requirements of the CCD contained in the Rochester Zoning Code shall apply.

V. ACQUISITION AND DISPOSITION PLAN. (see "Exhibit B" for Land Acquisition Map and "Exhibit C" for Land Disposition Map)

A. ACQUISITION PARCELS.

The Midtown Plaza parcels may be acquired by the City or Agency. Midtown Plaza (285 East Main Street, 18-26 South Clinton Avenue, 32-58 South Clinton Avenue, and 100 South Clinton Avenue). The purpose of the purchase is to control the future disposition and redevelopment of the properties. It has been determined that renovation, revitalization or redevelopment of the property cannot occur without intervention by the City of Rochester.

B. DISPOSITION PARCELS.

1. Midtown Plaza Parcels:

The Plaza properties may be sold individually or collectively to a private developer or developers for uses consistent with the CCD Zoning District and the Urban Renewal Plan. It is assumed that the buildings will be renovated and no demolition of any of the structures are being considered at this time. The City or Agency may sell the properties without public auction or sealed bid to a qualified and eligible sponsor pursuant to Article 15, N.Y.S. Urban Renewal Law, S 507 2(c).

2. 88-94 Elm Street:

The subject property is currently owned by the City of Rochester, and will be sold for residential or mixed-use residential-commercial/retail use consistent with the CCD Zoning District and the Urban Renewal Plan. The property is currently 100% vacant and has considerable asbestos contamination.

VI. URBAN RENEWAL PROCEDURES AND PROPOSALS.

A. REVIEW OF SITE AND DEVELOPMENT PLANS.

Site and development plans, including landscaping, shall be submitted to the Director of Zoning for review and approval subject to Site Plan Review. Prior to making a determination, the Director of Zoning shall transmit such plans to the Secretary of the Rochester Urban Renewal Agency for review and comment with respect to the conformance of such plans with the Urban Renewal Plan and its objectives.

B. VARIANCE OF PLAN REGULATIONS.

Variations of Urban Renewal District regulations may be approved by the Zoning Board of Appeals, with the exception of use variances.

VII. TERM OF URBAN RENEWAL PLAN.

This Urban Renewal Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the Rochester City Council.

VIII. OBLIGATION OF DEVELOPERS.

When land or buildings within the project area are sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchaser(s) or lessee(s) and their successor(s) or assign(s) shall be

obligated by the terms of the contract to devote such land to uses set forth in this urban renewal plan and to begin and complete construction of improvements within a reasonable time as established by the instrument of sale or lease.

IX. URBAN RENEWAL PLAN AMENDMENT.

This Urban Renewal Plan may be amended at any time by the Rochester City Council in accordance with procedures then in effect for the amendment of an urban renewal plan.

X. RELATIONSHIP TO THE ROCHESTER ZONING CODE.

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning Code of the City of Rochester shall be amended to include Section IV of the plan.

XI. SPECIAL PROVISIONS.

ANTI-DISCRIMINATION.

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy or use of any real property in the project area on the basis of race, color, creed or national origin.

XII. APPENDICES.

EXHIBIT A. Map 1 - District Boundary Map

EXHIBIT B. Map 2 - Land Acquisition Map

EXHIBIT C. Map 3 - Land Disposition Map

Section 2. The Council finds that:

- a. The Midtown Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The Midtown Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Urban Renewal Plan for the Midtown Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-93
(Int. No. 108)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Midtown Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by adding the

following new subsection O thereto:

O. Midtown Urban Renewal District.

(1) Land Use Regulations.

Land uses within the Midtown Urban Renewal District will be regulated by the City of Rochester Center City District (CCD) Zoning. The current zoning allows for a mix of uses within the district, most of which are consistent with the revitalization of the project area. Uses allowed in the Center City District but prohibited in the Midtown Urban Renewal District shall include:

- (a) Warehousing and distribution, unless accessory to the principal use of the property;
- (b) Rooming houses;
- (c) Recycling Centers; and
- (d) Auto Repair.

(2) All of the requirements of the CCD contained in the Rochester Zoning Code shall apply.

Section 2. Section 120-119 of the Municipal Code, relating to Urban Renewal Districts, is hereby amended by adding the following new subsection O thereto:

O. Midtown Urban Renewal District.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-94
(Int. No. 109)

Changing The Zoning Classification Of The Midtown Plaza Parcels At 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E. Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S. Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35 Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67 Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street And 45 Euclid Street From Center City District-Tower District (CCD-T) To Midtown Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting the Midtown Plaza parcels at 233-247 E. Main Street, 249-253 E. Main Street, 255-257 E. Main Street, 285 E. Main Street, 18-26 S. Clinton Avenue, 32-58 S. Clinton Avenue, 100 S. Clinton Avenue, 27-33 Chestnut Street, 35 Chestnut Street, 41 Chestnut Street, 45-51 Chestnut Street, 65-67 Chestnut Street, 88-94 Elm Street, 89-95 Elm Street, 6 Atlas Street and 45 Euclid Street, from Center City District-Tower District (CCD-T) to Midtown Urban Renewal District:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 4, 2nd Division, Township 13, Range 7, and more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Clinton Avenue (66' ROW) with the southerly ROW line of East Main Street (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) N 73° 09' 16" E, along said southerly ROW line of East Main Street, a distance of 407.37 feet to the westerly ROW line of Euclid Street (66' ROW); thence
- 2) S 18° 13' 11" E, along said westerly ROW line of Euclid Street, a distance of 169.54 feet to an angle point in said ROW; thence
- 3) S 70° 58' 35" E, along the southwesterly ROW line of said Euclid Street, a distance of 506.1 feet, more or less, to the westerly ROW line of Chestnut Street (66' ROW); thence
- 4) S 18° 58' 11" W, along said westerly ROW line of Chestnut Street, a distance of 459.0 feet, more or less, to the northerly ROW line of East Broad Street (80' ROW); thence
- 5) S 87° 31' 48" W, along said northerly ROW line of East Broad Street, a distance of 340.68 feet to an angle point; thence
- 6) S 88° 46' 17" W, continuing along said northerly ROW line, a distance of 221.44 feet to the said easterly ROW line of South Clinton Avenue; thence
- 7) N 17° 38' 37" W, along said easterly ROW line of South Clinton Avenue, a distance of 694.13 feet to the said southerly ROW line of East Main Street, said ROW intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:40 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
APRIL 17, 2007

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Santiago, Stevenson - 7.

Absent - Councilmember Pritchard - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

Community Development
 *Robert M. Barrows
 Environmental Services
 *George J. Bianchi, Jr.
 *James E. Lemmon
 *Larry L. McKinney
 *Glen Simpson
 *William H. Watson
 Finance Department
 Louis Howard
 Library
 *George F. Botticelli
 Fire Department
 *Eugene H. Michael
 Police Department
 *Daniel Stockslader
 *Robert T. Johansson
 *Did not attend meeting.

Ben Douglas recognized for his service on City Council.

APPROVAL OF THE MINUTES
 By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of March 20, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
 Administrative Cancellation or Refund of Erroneous Taxes and Charges
 January 2007 - 3875-7
 February 2007 - 3876-7
 March 2007 - 3877-7

Quarterly Reports - 3878-7
 Professional services agreements with costs of \$10,000 or less
 Delinquent Receivables
 Schedule of Revenues and Expenditures

The Director of Zoning submits a Notice of Environmental Determination 3879-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Councilmember Stevenson presents petition regarding change in public law 230. Petition No. 1622

Received and filed.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing An Amendatory 2006-07 Community Development Program Plan And Amendatory 2002-03, 2004-05, 2005-06 And 2006-07 HOME Program Plans To Provide Loans For The Rochester Housing Development Fund Corporation Int. No. 121 No speakers.

Changing The Zoning Classification Of 1218-1300

South Plymouth Avenue From R-1 Low Density Residential To R-3 High Density Residential And Authorizing The Sale Of 1236, 1256 And 1294 South Plymouth Avenue Int. No. 122 1 speaker: Gloria Edmonds, Plymouth-Exchange Neighborhood Association.

Local Improvement Ordinance - Areaway Repair At 673 Glide Street As A Part Of The Glide Street Improvement Project Int. No. 157 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
 April 17, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 116 - Authorizing The Sale Of Real Estate

Int. No. 117 - Authorizing An Agreement For Continuation Of The Fair Housing Enforcement Project

Int. No. 118 - Authorizing An Agreement For The Aging In Place Home Modification Program

Int. No. 119 - Authorizing An Agreement And Amending The 2006-07 Budget Of The Library

Int. No. 120 - Resolution Endorsing Grant Applications For The New York Main Street Program

The Housing And Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 121 - Authorizing An Amendatory 2006-07 Community Development Program Plan And Amendatory 2002-03, 2004-05, 2005-06 And 2006-07 HOME Program Plans To Provide Loans For The Rochester Housing Development Fund Corporation

Int. No. 122 - Changing The Zoning Classification Of 1218-1300 South Plymouth Avenue From R-1 Low Density Residential To R-3 High Density Residential And Authorizing The Sale Of 1236, 1256 And 1294 South Plymouth Avenue

Respectfully submitted,
 Carolee A. Conklin
 John F. Lightfoot
 HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-95
 Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of ten properties. With the exception of the purchasers of unbuildable vacant lots, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchas-

ers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first two properties are structures that were sold at a Request for Proposal sale. The property at 1502 Clifford Avenue will be rehabilitated as one apartment and one office and the property at 105 Norton Street will be rehabilitated as a church.

The next property is a vacant lot that was sold at a Request for Proposal sale. The purchaser intends to construct a gymnasium to be used with the adjoining church.

The next property is a vacant lot that was sold through the sealed bid process. The purchaser will combine the parcel with his adjoining property.

The next property is a portion of a vacant lot that is being sold for its appraised value. The parcel will be adjoined with the purchaser's adjoining property. The remaining portion of the parcel will be combined with the City's adjoining property at 728 Brown Street.

The last five properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-39

Ordinance No. 2007-95
(Int. No. 116)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by request for proposal sale:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Price</u>
1502 Clifford Av 106.36-1-72	33x97 Isaias R. Soto, Jr.	\$6,000
105 Norton St 091.61-3-6	178x215 Jesus Christ the Chief Cornerstone, Inc.*	8,000

* Officers: LaShanda McCadney, Secretary; Calvin Smith, Trustee; Glenn Williams, President; Eletha Williams, Vice President; Joseph Joyner, Treasurer

Section 2. The Council hereby further approves the sale of the following parcel of vacant land by request for proposal sale:

Address: 26 Radio St
S.B.L.# 106.30-4-44.2
Lot size: Approx. 108x96
Price: \$600
Purchaser: Pentecostal Holiness Church*

*Officer: Jose Marrero, Pastor

Section 3. The Council hereby further approves the sale of the following parcel of vacant land with proposal by sealed bid:

Address: 275 Parkway
S.B.L.#: 105.50-2-12.1
Lot size: 90x145
Price: \$50
Purchaser: Michael Valente

Section 4. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: S 1/2 of 734 Brown St
S.B.L.#: Pt. of 120.43-1-56
Lot size: 21x100
Price: \$500
Purchaser: Providence Northstar Development Fund Corporation*

* Officers: Monica McCullough, President; Board Members, Mark Greisberger, Lawrence Murphy, Jean Lindenhovius

Section 5. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
E 1/2 90 Bartlett St Pt. of 120.68-2-30	16.5x141 Karis D. Rainey	2327
W 1/2 90 Bartlett St Pt. of 120.68-2-30	16.5x141 Brunette McWilliams	2327
17 Day Pl 121.69-2-5	36.5x40 Fannye Mitchell	1460
664 Scio St 106.50-3-47	30x105 Masa LaBarbera	3160±
18 Terry St 120.35-3-9.3	27x33 Betty Humphrey	907±

Section 6. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-96
Re: Agreement - Fair Housing Enforcement Project

Transmitted herewith for your approval is legislation establishing \$46,000 as maximum compensation for

an agreement with Legal Assistance of Western New York, Inc., through its division, Monroe County Legal Assistance Center (MCLAC), for continuation of the Fair Housing Enforcement Project (FHEP); and appropriating \$46,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program to fund the agreement.

As a recipient of Federal funds, the City is obligated to engage in fair housing planning and actions, which were most recently provided in a HUD Memorandum on February 2, 2007. Eligible expenditures of CDBG funds include education and outreach activities.

Begun in January 1998, FHEP addresses illegal housing discrimination throughout the Greater Rochester area through community education and presentations, investigation of complaints, and legal representation. This agreement will fund education and outreach activities, including working with the public, community organizations, and housing service providers to increase awareness of fair housing issues and encouraging compliance with State and Federal statutes.

MCLAC will provide landlords, sellers and realtors information about fair housing requirements and prohibitions against denying housing to protected classes.

Legal Assistance of Western NY currently receives \$180,000 directly from HUD for its Rochester office (MCLAC). The City's contribution leverages approximately \$125,000 in pro bono services from the Advertising Council of Rochester, which has been an active participant in the effort since 2001. This year, the Ad Council will, with Legal Assistance of Western NY, produce a video for television broadcast. Also, Fair Housing statements will be published locally in: *About Time*, *Apartment Showcase*, *Catholic Courier*, *City Newspaper*, *Daily Record*, *Democrat and Chronicle*, and *Renters Guide*. Announcements are broadcast on radio and television.

The most recent appropriation and agreement was authorized by Council in December 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-96
(Int. No. 117)

Authorizing An Agreement For Continuation Of The Fair Housing Enforcement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Legal Assistance of Western New York, Inc. for continuation of the Fair Housing Enforcement Project (FHEP).

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$46,000, and of said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving Housing Stock and General Property Conditions Allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-97
Re: Agreement - Aging in Place Project

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Lifespan, South Clinton Avenue, for the continuation and promotion of the Aging In Place Home Modification Program; and appropriating \$40,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program to fund the agreement.

The City's Aging in Place Steering Committee identified home modification as a key and economical method to help older residents to remain independent and safe at home. The Home Modification Program conducts residential evaluations to determine adaptations, and provides the necessary modifications or repairs to support continued residence at home. These could include: stairway handrails, bathtub grab bars, handheld shower units, and others. Eligible City homeowners who receive assistance from the City's Residential Assistance Program, or other housing rehabilitation programs, will continue to be referred to Lifespan for this program.

Under the most recent agreement, authorized by Council in September 2005, Lifespan conducted 278 home surveys and made 193 home modifications. Under the new agreement, Lifespan proposed to conduct at least 200 Home Modification Program Home Safety Surveys in the City at an estimated cost of \$12,000 (\$60 per survey) and will provide modifications for a minimum of 150 of those surveyed, at an estimated cost of \$28,000. Lifespan will also provide orientation and training to potential home modification service providers and make appropriate referrals for home modification work beyond the scope of this program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-97
(Int. No. 118)

Authorizing An Agreement For The Aging In Place Home Modification Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Lifespan for the continuation and promotion of the Aging In Place Home Modification Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-98
Re: Budget Amendment - State Library
Construction Grant for the Arnett
Library Teen Center

Transmitted herewith for your approval is legislation amending the 2006-07 Operating Budget of the Rochester Public Library by \$32,500 to reflect the receipt of State Library Construction Grant funds to support the construction of the Arnett Branch Library Teen Center.

Each year the State distributes library construction funds to library systems statewide based on a per capita formula. The Monroe County Library System reviews applications and makes a recommendation to the MCLS Board for its approval. The Rochester Public Library received the total allocation this year because it was the only library with a project proposal that met program time lines.

The total project cost will be in the \$135,000-\$140,000 range. Of that amount \$96,000, was previously provided through the cash capital budget. Remaining funds are available in the 2006-07 Library operating budget.

The Teen Center will establish a separate area in the Arnett Library designed specifically for youth. The area will include computer workstations, listening stations, new furniture, and bookcases and display units for library materials for young adults.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-98
(Int. No. 119)

Authorizing An Agreement And Amending The 2006-07 Budget Of The Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement for the receipt of a New York State Library Construction Grant for construction of the Arnett Branch Library Teen Center.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Public Library by the sum of \$32,500, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-11
Re: NY Main Street Program

Transmitted herewith for your approval is legislation endorsing the applications of the Charlotte Community Development Corporation, the South Wedge Planning Committee (SWPC), the North Clinton Avenue Business Association, and the East Main Street Business Association to the New York State Division of Housing and Community Renewal (DHCR) for Main Street grants.

The New York Main Street Program was established in 2004. Under the terms of the program, not-for-profit organizations can apply for grants of up to \$200,000 to be applied to one of four program objectives: facade renovation, building renovation, streetscape enhancement and downtown anchor grants.

The legislation that created the program requires that the local legislative body provide a resolution of endorsement to ensure these applications are consistent with governmental policies and goals. The applicants must meet these requirements.

The applications will impact the following areas: North Clinton Avenue, South Clinton Avenue, East Main Street, and the areas of Lake Avenue, Latta Road, River Street and Stutson Street.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-11
(Int. No. 120)

Resolution Endorsing Grant Applications For The New York Main Street Program

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby endorses the applications of the Charlotte Community Development Corporation, South Wedge Planning Committee, North Clinton Avenue Business Association, and East Main Street Business Association to the New York State Division of Housing and Community Renewal for inclusion in the New York Main Street Grant Program, and finds that the applications are consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Division of Housing and Community Renewal and to the applicants.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-99
 Re :Rochester Housing Development
 Fund Corporation

Transmitted herewith for your consideration is legislation related to the financing for the Rochester Housing Development Fund Corporation (RHDFC). These technical amendments will provide necessary flexibility in the City's ability to provide funds for acquiring, rehabilitating, and reselling former HUD-foreclosed properties to income-eligible owner-occupants. This legislation will:

1. Authorize amendatory agreements with the RHDFC and other necessary parties to extend any float loans and loans related to property acquisition and rehabilitation from the current 46 months (expiring June 30, 2007) to 52 months (expiring December 31, 2007);
2. Amend the 2006-07 Community Development Program by adding \$2,000,000 for a capital loan pool and \$405,000 for an interest reserve account to the Improving the Housing Stock and General Property Conditions allocation to finance the float loans for the use of the RHDFC, and appropriate these funds;
3. Provide for a change in the source of the Community Development Block Grant (CDBG) float loan in the amount of \$2,000,000 from the CDBG float loan program to the CDBG float loan program and/or the HOME Program;
4. Amend the 2002-03, 2004-05, 2005-06 and 2006-07 Community Development Programs to reduce the amount of HOME funds allocated or appropriated, as needed, from the following programs:

<u>Year</u> <u>Program</u>	<u>Ordinance</u> <u>Number</u>	<u>Amount</u>
2002-03 Fulton Avenue Redevelopment	2003-301	\$ 100,000
2004-05 Employer Assisted Housing Program	-	400,000
2005-06 Hamilton Apartments	2005-377	500,000
2006-07 Buyer Assistance	-	300,000
2006-07 Rental Housing Fund	-	<u>700,000</u>
Total		\$2,000,000

5. Provide for the return of any HOME funds utilized for the program if required to their original allocations or accounts upon repayment of the loan which will occur no later than December 31, 2007.

The RHDFC allows the City to fulfill its obligation to HUD, through the Asset Control Area (ACA) agreement, by acquiring properties from the City for rehabilitation and resale to owner-occupants. The six-month extension of these loans will allow for the rehabilitation and sale of the eight properties remaining of the 169 acquired through the second ACA agreement. The term of the loan loss reserve fund of \$238,000 does not need to be extended; these funds will be repaid by June 30, 2007.

Program and project implementation will not be affected by this change in the source of funding. HOME

funds will be returned to their original allocations or appropriations as the funds are repaid to the City.

The CDBG and/or HOME funds will be used for the following purposes:

	<u>Amount</u>	<u>Source</u>
Acquisition and construction capital	\$2,000,000	CDBG/HOME
Interest reserve	<u>405,000</u>	CDBG
Total	\$2,405,000	

City Council previously authorized the extension of the above loans through Ordinance No. 2006-019 in February 2006.

A public hearing is required.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2007-99
 (Int. No. 121)

Authorizing An Amendatory 2006-07 Community Development Program Plan And Amendatory 2002-03, 2004-05, 2005-06 And 2006-07 HOME Program Plans To Provide Loans For The Rochester Housing Development Fund Corporation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2006-07 Community Development Program Plan whereby the sum of \$2,000,000 shall be added to the Improving the Housing Stock and General Property Conditions allocation in a new account to extend a float loan through December 31, 2007 for a capital loan pool to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City as a part of the HUD Asset Control Area (ACA) Partnership agreement.

Section 2. The Council hereby further approves an amendment to the 2006-07 Community Development Program Plan whereby the sum of \$405,000 shall be added to the Improving the Housing Stock and General Property Conditions allocation in a new account to extend a float loan through December 31, 2007 for an interest reserve account to be utilized by the Rochester Housing Development Fund Corporation for the acquisition from the City of HUD foreclosed properties as a part of the ACA Partnership agreement and the rehabilitation and resale of said properties.

Section 3. The Mayor is hereby authorized to enter into agreements to extend and participate in the Rochester Housing Development Fund Corporation loan pool and interest reserve account. The Mayor is hereby further authorized to enter into agreements with necessary parties to extend the float loans authorized herein. The float loan extensions shall be for a term not to exceed 6 months, without interest, upon the original terms and conditions.

Section 4. The agreements shall obligate the City to pay an amount not to exceed \$2,405,000, and said amount, or so much thereof as may be necessary, is

hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. In lieu of the authorization granted and funds appropriated above for the capital loan pool, the Council hereby approves all necessary agreements and amendments to the HOME Programs of the 2002-03, 2004-05, 2005-06 and 2006-07 Community Development Program Plans and appropriating ordinances whereby the sum of \$2,000,000 shall be reduced as follows and is hereby reappropriated under the same terms and conditions as set forth above to fund the capital loan pool through December 31, 2007 to be utilized by the Rochester Housing Development Fund Corporation for the acquisition and rehabilitation of HUD foreclosed properties acquired from the City as a part of the HUD Asset Control Area (ACA) Partnership agreement:

<u>Year</u>	<u>Ordinance Number</u>	<u>Amount</u>
2002-03	2003-301	\$100,000
	Fulton Avenue Redevelopment	
2004-05		400,000
	Employer Assisted Housing Program	
2005-06	2005-377	500,000
	Hamilton Apartments	
2006-07		300,000
	Buyer Assistance	
2006-07		700,000
	Rental Housing Fund	

Section 7. Upon repayment of any funds authorized and reappropriated in Section 6, the Director of Finance shall return said funds to their source programs. Upon their return, the sums previously appropriated for the Fulton Avenue Redevelopment and Hamilton Apartments are hereby reappropriated for said purposes.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-100
Re: Zoning Map Amendment and Sale of Real Estate - Rezoning Twelve Properties Between 1218 and 1300 S. Plymouth Avenue from R-1 to R-3

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the properties listed below from R-1 Low Density Residential to R-3 High Density Residential and authorizing the sale of three of these, which are City-owned, to Riverview Equity-1 LLC (John R. Yurtchuk and David A. Huck, members). The rezoning and subsequent sale will allow for the development of the vacant land for a 96-unit, 400-person student housing project serving the University of Rochester.

The properties to be rezoned include:

<u>Address</u>	<u>Current Use</u>	<u>Owner</u>
1218 S. Plymouth Avenue	single-family house	Jerry L. Carter
1224-1226 S. Plymouth Avenue	two-family house	Riverview
1236 S. Plymouth Avenue	vacant land	City
1256 S. Plymouth Avenue	vacant land	City
1264 S. Plymouth Avenue	vacant land	Riverview
1268 S. Plymouth Avenue	vacant land	Riverview
1272-1274 S. Plymouth Avenue	vacant land	Riverview
1280 S. Plymouth Avenue	vacant land	Riverview
1286-1288 S. Plymouth Avenue	single-family house	Riverview
1292 S. Plymouth Avenue	single-family house	Riverview
1294 S. Plymouth Avenue	vacant land	City
1300 S. Plymouth Avenue	vacant land	Riverview

This proposed development site is located in the southwest of the city and is bordered by the Genesee River to the South and R-1 Low Density Residential to the North, East and West. The proposed project is adjacent to a Rochester Housing Authority apartment complex along Luther Circle that was established under R-3 zoning in 1968. The proposed rezoning and subsequent sale allows for development that is consistent in scale and activity level with existing and emerging uses along the river to the south such as Plymouth Gardens Senior Apartment Complex and the hotel being constructed in the Brooks Landing Area.

The City-owned vacant lots at 1236, 1256 and 1294 S. Plymouth Avenue total 2.078 acres and will be sold to Riverview Equity-1 LLC for the appraised value of \$31,500. The purchase price may be reduced by the Director of Real Estate by the cost of environmental remediation performed by the purchaser.

The project requires site plan review, which is currently underway. If the rezoning is approved, the project will require variances for setback and lot coverage.

The Planning Commission held informational meetings on January 8, 2007 and on February 15, 2007; there were five speakers in support of the rezoning and six in opposition. By a vote of 5-0-0, the Commission recommended approval at the February 15, 2007 meeting. Minutes of these meetings are attached.

Pursuant to the requirement of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-40

Ordinance No. 2007-100
(Int. No. 122)

Changing The Zoning Classification Of 1218-1300 South Plymouth Avenue From R-1 Low Density Residential To R-3 High Density Residential And Authorizing The Sale Of 1236, 1256 And 1294 South Plymouth Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 1218, 1224-1226, 1236, 1256, 1264, 1268, 1272-1274, 1280, 1286-1288, 1292, 1294 and 1300 South Plymouth Avenue, from R-1 Low Density Residential to R-3 High Density Residential:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows: Beginning at a point along the southeasterly ROW line of South Plymouth Avenue (66' ROW), 340.5 feet southwesterly from the southwesterly ROW line of Cottage Street (60' ROW), said point being the northwesterly corner of lands conveyed to Jerry L. Carter by a deed filed in Liber 9163 of Deeds, Page 308 and being the Point or Place of Beginning; thence

- 1) Southeasterly, along the northeast line of said lands of Jerry L. Carter and through Lots 4 & 23 of the James H. Nellis Subdivision, as filed in the Monroe County Clerk's Office in Liber 10 of Maps, Page 70, a distance of 160.0 feet to the easterly line of said Lot 23; thence
- 2) Southwesterly, along said easterly line of Lot 23, a distance of 29.5 feet, more or less, to the southeast corner thereof; thence
- 3) Southeasterly, along the northerly line of Lots 16 through 21 of said James H. Nellis Subdivision, a distance of 247.67 feet, more or less, to the northeast corner of said Lot 16 and the northerly line of the former Pennsylvania Railroad - Rochester Branch; thence
- 4) N 86° 48' 28" E, along said northerly line of the former Pennsylvania Railroad, a distance of 51.33 feet to an angle point; thence
- 5) S 81° 54' 37" E, a distance of 68.39 feet to an angle point; thence
- 6) S 83° 57' 42" E, a distance of 65.16 feet to an angle point; thence
- 7) S 82° 34' 39" E, a distance of 68.31 feet to an angle point; thence
- 8) S 58° 50' 35" E, a distance of 75.66 feet an angle point; thence
- 9) S 87° 34' 03" E, a distance of 61.99 feet to an angle point; thence
- 10) N 83° 10' 53" E, a distance of 1.54 feet to a point which is the extreme northeast corner of said lands conveyed to Riverview Equity-1, LLC; thence

- 11) S 01° 53' 36" E, through said former lands of the Pennsylvania Railroad, a distance of 73.16 feet to the southeast corner of said lands conveyed to Riverview Equity-1, LLC; thence
- 12) N 88° 06' 24" W, along the south line of said lands of Riverview Equity-1, LLC, a distance of 1256 feet, more or less, to the centerline of said South Plymouth Avenue; thence
- 13) N 53° 29' 10" E, along said centerline, a distance of 777 feet, more or less, to the northwesterly projection of the said northeast line of lands conveyed to Jerry L. Carter, as recited in Course 1 herein; thence
- 14) Southeasterly, along said projection, a distance of 33 feet, more or less, to the southeasterly ROW line of said South Plymouth Avenue and the Point or Place of Beginning.

Section 2. The Council hereby further approves the sale of 1236, 1256 and 1294 South Plymouth Avenue, SBL No. 135.27-3-97, 96 and 89, to Riverview Equity 1 LLC for the sum of \$31,500. The purchase price may be reduced by the Director of Real Estate by the cost of environmental investigation and mitigation performed by the purchaser.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
April 17, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No 123 - Establishing Maximum Compensation For A Professional Services Agreement For An Inner Loop East Traffic/Scoping Study

Int. No. 124 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$750,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To City Hall

Int. No. 125 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$964,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Rundel Memorial Building Of The Rochester Public Library

Int. No. 126 - Authorizing An Agreement And Appropriation Of Library Funds

Int. No. 127 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Emergency Communications Center Building

Int. No. 128 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Cost Of Design, Construction And Resident Project Inspection Services Related To The Manhattan Square Park Improvements Project

Int. No. 129 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$850,000 Bonds Of Said City To Finance The Cost Of Construction Of Improvements To The Rochester Public Market Located Within The City

Int. No. 130 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Implementing Site Improvements To The High Falls Festival Site

Int. No. 131 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements

Int. No. 132 - Authorizing Agreements For Materials Testing Services

Int. No. 133 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 134 - Appropriating Funds For Recreation Center Improvements

Int. No. 135 - Establishing Maximum Compensation For Professional Services Agreements For Bridge And Structural Engineering Services

Int. No. 149 - Authorizing Agreements To Implement The Erie Canal Greenway Program

Int. No. 152 - Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 153 - Establishing Maximum Compensation For A Professional Services Agreement For The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

Int. No. 154 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,446,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

Int. No. 155 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$340,500 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

Int. No. 156 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$97,500 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

Int. No. 157 - Local Improvement Ordinance - Areaway Repair At 673 Glide Street As A Part Of The Glide Street Improvement Project

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard

Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-101
Re: Inner Loop East Traffic/Scoping Study

Transmitted herewith for your approval is legislation establishing \$480,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc. to conduct a Traffic/Scoping Study of the Inner Loop East. The cost will be financed from anticipated reimbursements from the Federal Highway Administration (\$400,000) and the New York State Department of Transportation (\$80,000), previously appropriated through Ordinance No. 2001-369.

The Inner Loop, owned by the NYSDOT, is a Federal Aid "principal arterial street" on the National Highway System. This study will be conducted in accordance with the NYSDOT's procedures for Federal Aid projects. City participation in this study was authorized by Council in November 2001.

The study area includes the eastern Inner Loop, and its adjacent streets and intersections from I-490 on the south to Main Street on the north and east. A map illustrating this area is attached.

Stantec will assess the feasibility of project concepts identified in the Inner Loop Study Phase I, including the proposal to realign and raise a one mile section to grade level, and to realign and reconstruct the sub-grade approaches to the raised section. The project, consistent with the City's Center City Master Plan, would reduce the barrier effect of the Inner Loop, creating opportunities for development and neighborhood cohesion.

The study will include an evaluation of traffic, environmental, economic and other impacts; cost estimates for these concepts; and the preparation of appropriate reports to obtain future Federal and State construction funds for the project.

Proposals for performance of the study were solicited in a state-wide advertisement per Federal Aid project procedures. Proposals were received from Bergmann Associates, Erdman Anthony, FRA Engineering, LaBella Associates, and Stantec, which was selected based on the qualifications of its team and the quality of the proposal.

The City will contribute in-kind administrative services up to \$25,000, financed as part of the annual Operating Budget. Services provided in excess of this amount are eligible for State and Federal Aid.

It is anticipated that the study will be completed in the spring of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-41

Ordinance No. 2007-101
(Int. No. 123)

Establishing Maximum Compensation For A Professional Services Agreement For An Inner Loop East Traffic/Scoping Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$480,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services for an Inner Loop East Traffic/Scoping Study. Of said amount, \$400,000 shall be funded from the appropriations of Federal Highway Administration funds and \$80,000 shall be funded from the appropriations of State of New York funds made in Section 4 of Ordinance No. 2001-369.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-102,
Ordinance No. 2007-103,
Ordinance No. 2007-104,
Ordinance No. 2007-105,
Ordinance No. 2007-106 And
Ordinance No. 2007-107

Re: Appropriations for Building and Site Renovation Projects

Transmitted herewith for your approval is legislation related to financing various building and site renovation projects. The purpose of this legislation is to reallocate some planned debt and authorize additional debt. This legislation will:

1. Authorize the issuance of bonds in the amount of \$750,000 and the appropriation of the proceeds thereof to finance preliminary engineering and design services and construction of HVAC improvements at City Hall;
2. Authorize the issuance of bonds in the amount of \$964,000 and the appropriation of the proceeds thereof to partially finance the design and construction of foundation improvements at the Rundel Library;
3. Appropriate anticipated reimbursement from the New York State Division of Library Development in the amount of \$511,481 to partially finance the cost of construction of the foundation improvements at the Rundel Library;
4. Authorize the issuance of bonds in the amount of \$250,000 and the appropriation of the proceeds thereof to finance preliminary engineering and design services and construction of improvements to the heat pump system at the Office of Emergency Communications;
5. Authorize the issuance of bonds in the amount of \$1,100,000 and the appropriation of the proceeds thereof to finance the cost of improvements at Manhattan Square Park; and
6. Authorize the issuance of bonds in the amount of \$850,000 and the appropriation of the proceeds thereof to finance the cost of parking

improvements for the Rochester Public Market at 3-9 Trinidad Street.

City Hall HVAC

In the late 1990's when the system at City Hall overheated, the PVC plastic piping was damaged, but not replaced, and, as a precautionary measure, isolation valves were installed throughout the system to avert potential for a system failure. The proposed project will provide for preliminary engineering and design services and for the installation of new piping and other improvements to the system. The preliminary estimate for the cost of the project is \$750,000.

Rundel Library

A structural visual survey was completed by Herrick-Saylor Engineering in August 2005 of the North and South Terraces, and in May 2006 of the building foundation. The survey indicated that structural repairs to the perimeter sections of the building foundation of Rundel Library and adjacent sections of the North, South, and East Terraces were needed. The proposed project will provide for design and construction of improvements to the foundation system at the Rundel Library.

The NYS Division of Library Development awarded the City a \$511,481 grant toward the cost of improvements. An equal amount in matching funds is required and will be financed from the proceeds of the proposed bond issue. The preliminary estimate for the project, including design and construction is \$1,708,481 and will be financed as follows:

New York State Division of Library Development Grant	\$511,481
Proceeds from the issuance of bonds	964,000
Library Fund balance	233,000

Department of Emergency Communications

The heat pumps installed in 1994, when the Emergency Communications Center was built, are nearing the end of their life cycle. Upon completion of preliminary engineering services, a design and construction schedule will be determined. The preliminary estimate for the cost of the project is \$250,000.

Manhattan Square Park

Manhattan Square Park was constructed in 1971 as part of the Southeast Loop Urban Renewal Project. A concept plan to revitalize Manhattan Square Park was completed in 2002. Phase One improvements, including the renovation of the children's play area, safety improvements to the electrical system, and space frame lighting are substantially complete. The planned interim reactivation of the fountain has been delayed by the need to replace the fountain mechanicals. Phase Two improvements, including the reconstruction of the ice rink and expansion of the pavilion, are under construction and expected to open in late fall 2007.

The use of the park has been limited during the construction period. In order to resume special events and support day-to-day use, upon completion of the current construction, repairs to the former restaurant building and amphitheater are needed. These repairs include replacement of doors and windows on the building, interior clean-up and repair of leaks, re-commissioning the elevator, replacement of doors on the tunnel, installation of ADA sidewalk ramps, refurbish-

ing railings and site drains, replacement of outdoor furnishings, replacement of mechanicals to reactivate the fountain, and associated improvements required to restore the park to use.

The preliminary estimate for design, construction and supervision of construction is \$1,100,000 which will be funded from the proposed issuance of bonds. Construction is scheduled for Spring 2008.

Rochester Public Market Parking Improvements at Trinidad Street

In September 2005, the City acquired the property at 3-9 Trinidad Street to use for public parking at the Rochester Public Market as authorized by Council on July 14, 2005. The parking lot is planned to be completed as part of the Trinidad and Hebard Streets Public Improvement Project. This will optimize economies of scale and sequence of construction. The cost of the street share of the project is estimated at \$290,000, and will be funded from T-3 and T-4 bonds and from cash capital.

The cost of the parking lot share of the project, including demolition of the existing structure, is estimated at \$850,000 which will be financed from the proposed issuance of bonds. It is anticipated that said bonds will be repaid from additional Market revenues generated by vending rate increases and from expanding the number of vending locations at the Market.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-42

Ordinance No. 2007-102
(Int. No. 124)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$750,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To City Hall

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the heating, ventilating and air conditioning systems of City Hall (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$750,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$750,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$750,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and

determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$750,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.13 of the Local Finance Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect imme-

diately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-103
(Int. No. 125)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$964,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Rundel Memorial Building Of The Rochester Public Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the Rundel Memorial Building of the Rochester Public Library at 115 South Avenue in the City, including repairs to the foundation and terraces (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,708,481. The plan of financing includes the issuance of \$964,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$511,481 from the New York State Division of Library Development appropriated at this meeting and \$233,000 in current Library funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$964,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$964,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in an-

icipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-104
(Int. No. 126)

Authorizing An Agreement And Appropriation Of Library Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Library Development for reimbursement of a

portion of the cost of construction of foundation improvements at the Rundel Memorial Building.

Section 2. The sum of \$511,481, or so much thereof as may be necessary, is hereby appropriated from the reimbursements authorized herein to fund a portion of the cost of construction of foundation improvements at the Rundel Memorial Building.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-105
(Int. No. 127)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Emergency Communications Center Building

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the heat pump system of the Emergency Communications Center Building at 321 West Main Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$250,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$250,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.13 of the Local Finance Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in

anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-106
(Int. No. 128)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,100,000 Bonds Of Said City To Finance The Cost Of Design, Construction And Resident Project Inspection Services Related To The Manhattan Square Park Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of design, construction and resident project representation services related to improvements to Manhattan Square Park within the City including, but not limited to, renovation of the former restaurant building and amphitheater and re-activation of the fountain (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,100,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,100,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,100,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,100,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.62 of the Law, is five (5) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein

authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-107
(Int. No. 129)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$850,000 Bonds Of Said City To Finance The Cost Of Construction Of Improvements To The Rochester Public Market Located Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of improvements to the Rochester Public Market, located within the City, including demolition of the City owned building at 3-9 Trinidad Street and expansion of the parking lot at said location (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$850,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$850,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$850,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State

of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$850,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00a.12-a(b) and 20(f) of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-108
Re: High Falls Festival Site
Masonry Restoration

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$200,000 and appropriating the proceeds thereof to finance the cost of the High Falls Festival Site Masonry Restoration Project.

The project, designed by City staff, consists of repointing existing stone masonry walls of the festival site two-story building and terrace level. The work includes removing and replacing window caulking, painting of wood frames and lintels, and fabricating and installing new surface drain covers for terrace level area drains. The project is necessary to resolve tenant issues due to water infiltration, to address the structural integrity of the festival site, and to reduce future expenses.

Bids for construction were received on March 15, 2007. The apparent low bid, \$231,710, was received from Heaster Building Restoration which is 2% less than the architect's estimate. An additional \$23,200 (10%) will be allocated for contingencies. The \$254,910 construction for the project will be financed as follows:

Proceeds from the issuance of bonds (identified in the 2006-07 Capital Improvement Program)	\$200,000
2004-05 Cash Capital allocation	54,910

Construction is expected to begin this summer, and be completed this fall.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-108
(Int. No. 130)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Implementing Site Improvements To The High Falls Festival Site

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the construction of site improvements to the High Falls festival site, includ-

ing but not limited to repointing the walls and repairing and painting windows and lintels in the festival site building and repointing the walls and improving drains on the terrace overlooking the High Falls of the Genesee River. The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$254,910. The plan of financing includes the issuance of \$200,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$54,910 in current funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$200,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvement for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.19(c) of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation of (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Section 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as

well as to executing agreements for credit enhancement, are hereby delegated to the director of Finance, as the Chief Fiscal officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, Miller, Santiago, Stevenson - 6.

Nays - Councilmember McFadden - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-109
Re: Amendment - Resident Project
Representation Services for
Park Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, PC, for Resident Project Representation Services for park improvements. This amendment will raise the maximum compensation for the agreement by \$50,000 to a total of \$110,000. This additional cost will be financed from 2006-07 Cash Capital.

The original amount of \$60,000 was established through Ord. No. 2006-104. Additional funds are required to correspond with 2007 construction projects that received budget allocations after the original agreement was authorized.

The additional projects include:

- Improvements at Gardiner and North Street Centers
- Installation of water spray facility and fencing at Edgerton Community Center
- Tennis court rehabilitation at Maplewood Park
- Tennis and basketball court improvements at Cobbs Hill Park.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-109
(Int. No. 131)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Parks And Recreation Center Improvements**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an amendatory professional
services agreement between the City and LaBella
Associates, P.C., for resident project representation
services related to parks and recreation center im-
provements. The agreement may extend until three
(3) months after completion of a two year guarantee
inspection of the projects for which the services were
provided. Said amount shall be funded from the 2006-
07 Cash Capital Allocation.

Section 2. This ordinance shall take effect imme-
diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-110
Re: Agreements - Materials Testing

Transmitted herewith for your approval is legislation
authorizing professional services agreements with the
following companies for the testing and analysis of
various construction materials:

- | <u>Company</u> | <u>Address</u> |
|---------------------------------------|------------------------------|
| Atlantic Testing Laboratories | 3495 Winton Place |
| Barton & Loguidice, P.C. | 1100 Midtown Tower |
| CME Associates | 385 Sherman Street |
| ENSR | 380 Linden Oaks |
| Lozier Analytical Group | 696 Winton Road N. |
| Paradigm Environmental Services, Inc. | 179 Lake Avenue |
| SJB Services, Inc. | 535 Summit Point Drive |
| Tierney Geotechnical Engineering | 3445 Winton Place, Suite 117 |

The costs of the testing will be financed from the an-
nual budget of the departments using the services or
from capital funds appropriated for construction
projects.

The tests will involve exploratory drilling and sam-
pling of soils, asbestos, asphalt, concrete, masonry,
structural steel and road base materials. Such tests
are routinely required by the Bureau of Architecture
and Engineering for street, bridge, and building reno-
vation projects.

The previous agreements for testing services were

authorized by the City Council in May 2005. In an-
ticipation of the expiration of these agreements, the
Department of Environmental Services solicited pro-
posals from eight firms; all responded and all are rec-
ommended.

When tests are necessary, one or more of these com-
panies will be utilized. The selection of a specific
company will depend upon the type of test required,
the company's special skills, and its ability to accom-
modate the City's schedule.

The volume of tests will depend upon the number of
construction projects that are authorized. The cost of
the tests will be based on the unit prices specified in
the company's proposal.

Each of the agreements will have an initial term of
one year with provision for renewal for an additional
one-year period. Adjustment of the specified unit
prices during the second year will be permitted but
will be subject to approval by the City Engineer.

Following is a summary of the payments made under
the agreements from 2005 thru 2007:

<u>Company</u>	<u>Amount</u>
Atlantic Testing Laboratories	\$ 0.00
Barton & Loguidice, P.C.	0.00
CME Associates	153,581.78
ENSR	304,986.34
Lozier Analytical Group	634,139.62
Paradigm Environmental Services, Inc.	226,134.50
SJB Services	<u>49,435.88</u>
	\$1,368,278.12

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-110
(Int. No. 132)

**Authorizing Agreements For Materials Testing
Services**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Mayor is hereby authorized to en-
ter into agreements with the following companies for
the testing of various construction materials as re-
quired by the City:

- | <u>Company</u> | <u>Address</u> |
|---------------------------------------|------------------------------|
| Atlantic Testing Laboratories | 3495 Winton Place |
| Barton & Loguidice, P.C. | 1100 Midtown Tower |
| CME Associates | 385 Sherman Street |
| ENSR | 360 Linden Oaks |
| Lozier Analytical Group | 696 N. Winton Road |
| Paradigm Environmental Services, Inc. | 179 Lake Avenue |
| SJB Services, Inc. | 535 Summit Point Drive |
| Tierney Geotechnical Engineering | 3445 Winton Place, Suite 117 |

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional one year. Each agreement shall provide for a test to be performed on an as needed basis and shall establish a unit price to be paid for a particular test. The unit price may be adjusted during the renewal year with the approval of the City Engineer. The cost of said test shall be funded from the annual budget or from project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-111
Re: Wholesale Water Rates Increase

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for the following:

1. Water Districts 1 and 2 in the Town of Lima;
2. The Town of West Bloomfield; and
3. The Town of Richmond.

The present wholesale rate for Water Districts 1 and 2 in the Town of Lima was established by the City Council on June 20, 2006. This ordinance set a rate of \$1.30 per 1,000 gallons. We are now proposing an increase of 3.23% based on the Consumer Price Index (CPI) for the calendar year 2006. This equals a \$0.04 increase for a proposed rate of \$1.34 per 1,000. The estimated additional revenue is \$6,400.

The present wholesale rate for West Bloomfield and Richmond was established by the City Council on April 12, 2005. They are being billed at a rate of \$1.26 per 1,000 gallons. The proposed increase to this rate is 6.62% or \$0.08 bringing the rate to \$1.34 per 1,000 gallons. This rate is derived from the 2005 CPI of 3.39% plus the 2006 CPI of 3.23%. The estimated additional revenue is \$4,500.

Currently, the wholesale water sales to these customers totals about 162,000,000 gallons, a 29% increase in usage from 2005, primarily due to the addition of the Town of Richmond as a wholesale customer. Usage in the Town of Lima Water Districts 1 and 2 (includes the Village) comprise about 49% of the total, West Bloomfield about 29% and Richmond about 22%.

The cost increase is primarily related to maintaining an aging system.

Future rate adjustments to the wholesale rate will be based upon changes in the Consumer Price Index. Rate changes are expected to be proposed on an annual basis for Lima and Richmond, and every two years for West Bloomfield. The proposed rate increase will go into effect on July 1, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-111
(Int. No. 133)

Amending The Municipal Code With Respect To Wholesale Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

- (9) Wholesale rate: \$1.34 per 1,000 gallons for the Towns of West Bloomfield and Richmond and Water Districts 1 and 2 of the Town of Lima.

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-112
Re: Gardiner, North Street, and Edgerton Recreation Centers

Transmitted herewith for your approval is legislation appropriating \$500,000 from the Improving the Housing Stock and General Property Conditions allocation of the Consolidated Community Development Plan/2006-07 Annual Action Plan to be used for improvements at the Gardiner Street, North Street and Edgerton Centers, as described below.

Gardiner Street Recreation Center. Improvements will include: replacement of the basketball court, construction of new parking facilities, installation of landscape features, and fencing. The work is scheduled for Spring/Summer 2007. A public informational meeting was held on March 1, 2007.

North Street Community Center. Improvements will include: rehabilitation and realignment of one tennis and one basketball court, installation of fencing and landscape features. The work is scheduled to take place in the Spring/Summer 2007. A public informational meeting was held on March 2, 2007.

Edgerton Community Center. Improvements will include: installation of a water spray facility, landscape features and fencing. Improvements are scheduled for construction in 2007-08. Public meetings will be scheduled closer to expected construction.

These projects were designed in-house by the Department of Environmental Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-112
(Int. No. 134)

Appropriating Funds For Recreation Center Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving Housing Stock and General Property Conditions Allocation of the 2006-07 Community Development Program the sum of \$500,000, or so much thereof as may be necessary, to fund improvements to the Gardiner Street, North Street and Edgerton Recreation Centers.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-113
Re: Bridge and Structural Engineering Agreement

Transmitted herewith for your approval is legislation establishing \$56,300 and \$30,000, respectively, as maximum compensation for agreements with LaBella Associates, 300 State Street, for bridge and structural engineering services, and for resident project representation services. The agreements will be financed from both the 2006-07 operating budget (\$41,300) of the Department of Environmental Services and 2006-07 cash capital allocation (\$45,000) of DES.

The engineering services are related to the City's annual bridge inspection program. Under this program, the structural condition of the following facilities is examined yearly and any required maintenance is identified and scheduled.

	<u>Number</u>
Bridges	
City responsibility	41
Shared responsibility	19
Tunnels	10
Total	70

Requests for proposals were sent to fifteen area firms; proposals were received from LaBella Associates, Bergmann Associates, Popli Consulting Engineers, Clark Patterson Associates, and a joint venture of HUNT and Lu Engineers. LaBella Associates was selected based on their qualifications, assigned personnel, and familiarity and expertise with the scope of the planned work.

Engineering: \$56,300. Under this agreement, LaBella Associates will provide bridge and tunnel inspections, structural investigations, design and construction reviews, contract preparation and software upgrades.

Resident Project Representation: \$30,000. Under the second agreement, LaBella will provide resident project representation and general consultation services during maintenance of the structures.

A breakdown of services and cost is provided below:

<u>Service</u>	<u>Five-Year Average</u>	<u>Estimated 2006-07</u>	<u>Budget 2007-08</u>
Bridge inspections	\$ 8,660	\$10,000	\$10,000
Misc. structural investigations	3,360	2,700	3,500
Contract preparation	17,260	18,500	19,500

Meetings and adm. function	5,600	6,000	6,000
Inventory/database management	1,500	2,000	1,500
Software enhancements	0	0	15,000
Printing and photography	680	800	800
Total	\$37,060	\$40,000	\$56,300

Resident project representation	\$33,000	\$25,000	\$30,000
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Each agreement will have an initial term of one year with provision for four yearly renewals for a maximum total of five years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-113
(Int. No. 135)

Establishing Maximum Compensation For Professional Services Agreements For Bridge And Structural Engineering Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$86,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of professional services agreements between the City and LaBella Associates, P.C. for bridge and structural engineering services. The agreements shall have an initial term of one (1) year, and may provide for four (4) annual renewals. The agreements may extend until three (3) months after completion of a two year guarantee inspection of the Projects. Of said amount for the first year, \$41,300 shall be funded from the 2006-07 Budget of the Department of Environmental Services and \$45,000 shall be funded from the 2006-07 Cash Capital allocation, with the amounts for subsequent years not to exceed the amounts set forth in the annual budgets for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-114
Re: Erie Canal Greenway Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Canal Corporation for receipt and use of a \$244,100 grant; and establishing that amount as maximum compensation for an agreement with Anthony J. Costello & Son Development LLC to provide enhancements to a segment of canalway trail. The grant requires a minimum 50% local match, which will be satisfied through the donation of services from Costello at an estimated value of \$275,825.

Costello will design and construct a pedestrian and recreational trail adjacent to its proposed Citygate development, a private residential, retail and commercial development project situated on the City's bor-

der with the Town of Brighton. The scope of the professional services includes planning, design of facilities, equipment purchases, installation, securing of all necessary permits, and public participation. The emphasis for the grant will be on equipment purchases related to a lighting system and seating areas along the Canal trail. This project includes proposed improvements that will require review and approval by multiple agencies.

It is anticipated that the project will commence in May and be completed by June 2009. No City funds will be expended for the project; in-kind City services to the project include planning, permitting and design consultation.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-43

Ordinance No. 2007-114
(Int. No. 149)

Authorizing Agreements To Implement The Erie Canal Greenway Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the New York State Canal Corporation for funding through the Erie Canal Greenway Grant Program and with Anthony J. Costello & Son Development LLC for enhancements to the canalway trail.

Section 2. The agreement with Anthony J. Costello & Son Development LLC shall obligate the City to pay an amount not to exceed \$244,100, and said amount, or so much thereof as may be necessary, is hereby appropriated from grant funds from the New York State Canal Corporation to be received through the Erie Canal Greenway Grant Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 152
Re: Agreement For Property
Appraisal Services

Transmitted herewith for your approval is legislation authorizing an agreement with Midland Appraisal Associates, Inc. to provide property appraisal services for the City's watershed properties surrounding Hemlock and Canadice Lakes in Livingston and Ontario Counties. The maximum cost of the agreement will be \$28,000, which will be funded from the 2006-07 Budget of the Department of Environmental Services (Water Fund).

The property consists of about 7,000 acres of mostly wooded land that has varying access and topography. The report will encompass analyses of "the highest

and best use" of the property both as a watershed with restricted development, and as a site subdivided into large parcels available for residential and recreational purposes. The report will also consider various problems of access, restrictions of water frontage, and the PILOT agreements with the towns of Livonia and Conesus which affect approximately 2,600 acres through 2028.

Midland Appraisal Associates, Inc. is recommended for this assignment based on their experience and availability of adequate staff.

The final conclusions will be separated by tax parcels within the five towns and two counties. The research and analysis expected is to be completed during the summer of 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 152

Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$28,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Midland Appraisal Associates, Inc. for appraisal services for the City watershed properties surrounding Hemlock and Canadice Lakes. Said amount shall be funded from the 2006-07 Budget of the Department of Environmental Services (Water Fund).

Section 2. This ordinance shall take effect immediately.

Item failed by the following vote:

Ayes - President Giess, Councilmember Stevenson - 2.

Nays - Councilmembers Conklin, Lightfoot, McFadden, Miller, Santiago - 5.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-115,
Ordinance No. 2007-116,
Ordinance No. 2007-117,
Ordinance No. 2007-118 And
Local Improvement Ordinance No. 1569
Re: Glide Street Improvement Project
(Lyell Avenue-Emerson Street)

Transmitted herewith for your approval is legislation related to the Glide Street (Lyell Avenue-Emerson Street) Public Improvement Project. This legislation will:

- 1. Establish \$184,000 as maximum compensation for an agreement with Passero Associates, for Resident Project Representation (RPR) services related to the project. The cost of the agreement will be financed from the proceeds of the bonds requested herein and from anticipated reimbursements from Monroe County;

2. Authorize the issuance of bonds in the amount of \$1,446,000 and appropriate the proceeds thereof to finance the cost of the street improvements;
3. Authorize the issuance of bonds in the amount of \$340,500 and appropriate the proceeds thereof to finance the cost of the water improvements;
4. Authorize the issuance of bonds in the amount of \$97,500 and appropriate the proceeds thereof to finance the cost of the sewer improvements;
5. Appropriate \$5,200 from the Local Improvement Fund to finance the cost of repair of an underground areaway at a property; and
6. Authorize the subsequent assessment of the \$5,200 against the property to replenish the Local Improvement Fund.

Design of the project by Passero Associates was authorized by Council in January 2006; pavement width changes to Glide Street were approved by Council in July 2006.

Project features include: rehabilitation and reconstruction of the roadway; a new water main from Otis Street to Emerson Street; installation of new granite curbs, concrete sidewalks, drainage basins, and pavement markings; and tree plantings.

Bids for construction were received on March 27, 2007. The work will be performed by Ramsey Constructors, Inc., at a cost of \$1,624,468, which is 5.7% less than the engineer's estimate. An additional \$205,132 (12.6%) will be allocated for contingencies which include street lighting costs and other items not included in the contract. This contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provision as authorized by City Council on October 21, 2003.

The cost of the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>RPR</u>	<u>Total</u>
Construction		
Contingency		
Street bond		
\$1,148,990.82	\$140,392.00	
\$156,617.18	\$1,446,000	
Water bond		
280,628.14	31,722.00	
28,149.86	340,500	
Sewer bond		
88,572.00	0.00	
8,928.00	97,500	
County traffic		
102,277.04	11,886.00	
10,236.96	124,400	
LIO		
4,000.00	0.00	
1,200.00	5,200	
Total		
\$1,624,468.00	\$184,000.00	
\$205,132.00	\$2,013,600	

The cost of the street, water and sewer improvements will be financed from proceeds of the proposed bonds. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

There is an areaway located at 673 Glide Street that is currently in use and important to the use of the property. The owner has elected to retain it and has requested that the City's Street Project contractor perform the repair work necessary to bring it up to standards.

The City proposes to pre-finance the property owner's areaway repair costs through a Local Improvement Ordinance pursuant to the City's Areaway Policy as established by Ordinance No. 81-104. The Local Improvement Ordinance for this work will be paid back at 1% above the City's borrowing rate in one payment at the completion of the street construction.

The information on this property is as follows:

Name: Tri-Brennen Corp.
 Address: 673 Glide Street
 SBL#: 105.630-001-023
 LIO amount: \$5,200

Passero Associates was chosen for resident project representation services due to their understanding of the project and qualifications.

Construction is expected to begin in Spring 2007, and be completed in Fall 2007.

Public informational meetings were conducted on June 6, 2006 and on January 11, 2007. The minutes of the June meeting are on file in the City Clerk's office and the minutes of the January meeting are attached.

A public hearing is required.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AG-44

Ordinance No. 2007-115
 (Int. No. 153)

Establishing Maximum Compensation For A Professional Services Agreement For The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$184,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for resident project representation services for the Glide Street (Lyell Avenue to Emerson Street) Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$140,392 shall be funded from a bond adopted for street purposes, \$31,722 shall be funded from a bond adopted for water purposes, and \$11,886 shall be funded from anticipated reimbursements from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-116
(Int. No. 154)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,446,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Glide Street (Lyell Avenue to Emerson Street) Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,446,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,446,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,446,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-117
(Int. No. 155)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$340,500 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Glide Street (Lyell Avenue to Emerson Street) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$340,500, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$340,500 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the

City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$340,500 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$340,500. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be com-

plied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-118
(Int. No. 156)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$97,500 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Glide Street (Lyell Avenue To Emerson Street) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Glide Street (Lyell Avenue to Emerson Street) Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$97,500, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$97,500 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$97,500 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$97,500. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of

the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Local Improvement Ordinance No. 1569
(Int. No. 157)

Local Improvement Ordinance - Areaway Repair At 673 Glide Street As A Part Of The Glide

Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Glide Street Improvement Project, the Council hereby authorizes the special treatment of the areaway at 673 Glide Street in the form of the repair of said areaway, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

Section 2. The improvements and work described in Section 1 shall be constructed in accordance with the provisions of Chapter 10 of the Municipal Code and shall be done by contract.

Section 3. The limits of the District of Assessment for the improvements and work shall be the following property, in amounts not to exceed the following:

Address:	673 Glide Street
SBL No.:	105.630-1-23
Owner:	Tri-Brennen Corp.
Amount:	\$5,200

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$5,200, plus interest at a rate 1% above the City's "latest borrowing rate", shall be assessed on the property described above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed after the completion of the improvements and work described, and shall be due in one installment. Any assessment not paid by May 15 after its due date may be added to the upcoming annual tax bill for the property.

Section 6. The total cost of said improvements and work, up to \$5,200, shall be charged as described in this ordinance and paid from the local improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Conklin
April 17, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 136 - Establishing Maximum Compensation For An Agreement For The Educational Leadership Council And Amending The 2006-07 Budget

Int. No. 137 - Establishing Maximum Compensation For Agreements For Management Training

Int. No. 138 - Authorizing An Application And

Agreements For The 2007 Summer Food Service Program For Children

Int. No. 139 - Authorizing An Amendatory Agreement For The Rochester After School Academy Program

Int. No. 140 - Authorizing A Grant Agreement With Quad A For Kids And Amending The 2006-07 Budget

Int. No. 141 - Authorizing An Agreement For The Biz Kid\$ Program

Int. No. 142 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Audit Services

The following entitled legislation is being held in committee:

Int. No. 151 - Authorizing The Sale Of The Fast Ferry And Repealing Ordinance No. 2006-82

Respectfully submitted, Carolee A. Conklin, Dana K. Miller, Gladys Santiago, FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2007-119 Re: Agreement - Center for Governmental Research, Inc. - Educational Leadership Council

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with the Center for Governmental Research, Inc. (CGR) for services related to the Educational Leadership Council (ELC); and amending the 2006-07 Budget by transferring \$30,000 from contingency to the Budget of the Mayors Office to fund the agreement.

In June 2006, the Mayor and the Rochester City School District Superintendent, Dr. Manuel Rivera, formed the ELC, a group of local leaders from government, business, education and the faith community. The goal of the group is to identify strategies, techniques and programs, both within the schools and in the community, that have demonstrated success in increasing student graduation rates.

ELC members have agreed that independent facilitation and data analysis would enable the group to establish and execute a work plan and maximize their use of time and efficiency. CGR will provide the following services to the ELC:

Conduct individual interviews with ELC members

Propose organizational and structural guidelines for the group's operation

Facilitate both ELC and its work group meetings

Provide assistance with data collection, analysis and presentation in support of the ELC's work

The term of this agreement will be for one year.

Respectfully submitted, Robert J. Duffy Mayor

Ordinance No. 2007-119 (Int. No. 136)

Establishing Maximum Compensation For An Agreement For The Educational Leadership Council And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with the Center for Governmental Research, Inc. for services for the Educational Leadership Council. Said amount shall be funded from the 2006-07 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency Account to the Office of the Mayor to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2007-120 Re: Agreements - Leadership Academy Management Training for City Staff

Transmitted herewith for your approval is legislation establishing \$32,400 and \$16,400, respectively, as maximum compensation for agreements with the Rochester Industries Education Fund Inc., a division of the Rochester Business Alliance, and the Rochester City School District Office of Workforce Preparation, for the design and delivery of management training for City staff. The cost of these agreements will be financed from the Undistributed allocation of the 2006-07 Budget.

The Leadership Academy, piloted in Fall 2006, is designed with the following goals:

- Enhance the leadership skills of City managers;
- Build an effective communication network throughout City government;
- Use professional development as a succession planning enabler;
- Strengthen community relations and collaboration;
- Support the One City goals of economic development, public safety, educational excellence, and customer service with a strong core of highly skilled and motivated managers.

The Bureau of Human Resource Management Office of Training and Safety has developed partnerships with the Rochester Business Alliance Training Services and the City of Rochester School District's Office of Workforce Preparation to develop and deliver

components of the program. Eight sessions of up to 25 participants each are planned for calendar years 2007 and 2008.

Based on input from the pilot group the following program is recommended:

<u>Session</u>	<u>Topic</u> <u>Presenter</u>
1	Program Overview One City Leadership Roundtable Senior Management Team The Challenge of Leadership in the Public Sector City training staff
2	Interpersonal Communication (Myers-Briggs Indicator) RCSD Workforce Ed. staff
3	Problem Solving - Assignments received from Mayor RBA trainers
4	Presentation and Engagement Skills RCSD Workforce Ed. Staff
5	Presentations by participants: overview of functions Participants
6	Performance Management Cross Generation and Cultural Competency RBA trainers
7	Leading from Good to Great City training staff An inside look at City Council Council members and/or staff Community Leadership Citizen participants
8	Assignment presentations to Senior team Participants Recognition Ceremony Senior Management Team Program Evaluation

Cost Efficiencies:

The total cost of the pilot program was \$12,620, or \$526 per participant. This compares favorably to vendors offering similar programs such as Dale Carnegie (\$1,895), Cornell (\$1,195), and several other consultant seminars beginning at \$695.

The recommended on-going curriculum is reduced to \$6,100 per class or \$244 per participant. The RBA cost of \$32,400 includes development for two days, and material preparation and training space for all eight weeks of each Academy. The RCSD cost of \$16,400 includes development for 2.5 days and instruction for each Academy.

A total of eight Academies of 25 participants each are recommended for calendar years 2007 and 2008 for a total cost of \$48,800.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-120
(Int. No. 137)

Establishing Maximum Compensation For Agreements For Management Training

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$32,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with the Rochester Industries Education Fund Inc. for the development and delivery of Leadership Academy management training for City staff. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. The sum of \$16,400, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with the Rochester City School District Office of Workforce Preparation for the development and delivery of Leadership Academy management training for City staff. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-121
Re: 2007 Summer Food Service Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Education for the receipt and use of funds for the Summer Food Service Program (SFSP) for children; and establishing \$340,000 as maximum compensation for an agreement with the Rochester City School District (RCSD) for the preparation and delivery of the breakfasts and lunches to be provided under the program.

SFSP provides free breakfast and lunch to City children eighteen and under. Disabled persons over eighteen who are enrolled in a program for children with disabilities during the school year are also eligible. The program is administered by the Bureau of Youth Services, and the RCSD's central kitchen prepares and delivers the meals to the program sites.

The School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals, qualifying all areas of the city for participation. Approximately seventy sites will operate June 25-August 31, 2007. Site selection is based on proximity to youth service activities and satisfactory past participation in the program.

The City School District will prepare and deliver meals for SFSP at the following unit costs:

	<u>Breakfast</u>	<u>Lunch</u>
2006 RCSD Rate	\$1.20	\$2.20
2007 RCSD Rate	1.25	2.25
SFSP 2007 Reimbursement Rate	1.63	2.87

Based on these rates, and a projection of 74,000 breakfasts and 110,000 lunches, estimated reimbursement will be \$436,300, which will also fund \$96,300 in operating costs. These amounts have been included in the proposed 2007-08 Budget of the Department of Recreation and Youth Services.

The most recent agreement for these services was approved by Council in June 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-121
(Int. No. 138)

Authorizing An Application And Agreements For The 2007 Summer Food Service Program For Children

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of Education for the funding for the 2007 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$340,000, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2007-08 budget of the Department of Recreation and Youth Services, contingent upon receipt of said funding.

Section 4. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-122
Re: Amendatory Agreement -
Keith Simmons - RASA

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Keith Simmons, 81 Barton Street, for services related to the New York State 21st Century Community Learning Centers Program (RASA). This amendment will extend the term of the contract to June 30, 2007, and increase the amount by \$5,500 for a maximum total of \$15,000. The additional cost will be funded from the NY 21st Century Community Learning Centers Program Funds.

The sixteen schools participating in the 21st Century Community Learning Center program will be holding their Annual Event on May 23, 2007. The theme this year is "A Salute to our Sister City, Hamamatsu,

Japan".

Mr. Simmons has developed software that allows internet correspondence in a protected environment. He has also developed the structure for an internet encyclopedia on Japan, and he is the liaison between Rochester Institute of Technology, University of Rochester and the Rochester Museum and Science Center, all partners in this effort.

A real-time portal will be developed between Edison High School and the Rochester Institute of Technology on Internet II (Educational Internet) which will allow participating students access around the world to other educational sites. A web site to celebrate the relationship between the cities will also be developed. Mr. Simmons will be working with various students at the sixteen RASA sites to prepare and present the RASA Annual Event.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-122
(Int. No. 139)

Authorizing An Amendatory Agreement For The Rochester After School Academy Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Keith Simmons for services for the Rochester After School Academy (RASA) Program.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$5,500, and said amount, or so much thereof as may be necessary, shall be funded from the appropriations made in Ordinance No. 2007-19.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-123
Re: Quad A for Kids Grant - Learn
to Swim Program

Transmitted herewith for your approval is legislation authorizing an agreement with Quad A for Kids for receipt and use of a \$10,000 grant and amending the 2006-07 Budget of the Department of Recreation and Youth Services to reflect the grant.

The funds will be used to support the Learn to Swim Program, coordinated by the City in collaboration with the American Red Cross and the Rochester City School District. Quad A, an organization supporting academic, cultural and athletic services for inner-city children, has provided this grant since 2002; nearly 600 city youth have been served through the program.

The Learn to Swim Program is a free ten-week pro-

gram that also provides tutoring support for city youth ages 7-13. The program is offered at six locations: two community centers - Adams Street and Clinton-Baden; and four schools - Frederick Douglas, Benjamin Franklin, John Marshall, and James Monroe.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-123
(Int. No. 140)

Authorizing A Grant Agreement With Quad A For Kids And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Quad A For Kids for the receipt of funding for a Learn to Swim Program and tutoring support for City youth at community centers and schools.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$10,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-124
Re: Biz Kid\$ Coordinator

Transmitted herewith for your approval is legislation establishing \$12,500 as maximum compensation for a one-year agreement with Coordinated Care Services, Inc. to provide a coordinator for the Biz Kid\$ program. This cost will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

Since 1999, the Biz Kid\$ program has provided an opportunity for City youth to participate in a program that teaches basic business skills, encourages youth enterprise and provides business start-up grants for graduates. The coordinator will have responsibility for the overall operation and logistics of the program.

Appropriated funds for a similar agreement were previously approved in February 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-124
(Int. No. 141)

Authorizing An Agreement For The Biz Kid\$ Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Coordinated Care Services, Inc. to provide a coordinator for the Biz Kid\$ Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$12,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-125
Re: Amendatory Agreement -
Deloitte & Touche LLP

Transmitted herewith for your approval is legislation regarding the annual independent audit of the City and the City School District. The legislation will authorize an amendatory agreement with Deloitte & Touche LLP for additional services connected with the audit of both organizations at an additional cost of \$45,650; of that amount, the City will pay \$21,525 and the District will pay \$24,125.

In March 2003, City Council approved a five-year agreement with Deloitte & Touche LLP for the performance of annual audits for the City and the City School District for fiscal years 2002-03 through 2006-07. Since then, there have been significant changes in audit requirements that necessitate additional audit work that was not contemplated when the original fees were established. Among these are a series of Governmental Accounting Standards Board (GASB) requirements as well as substantial changes within the accounting industry itself subsequent to the Enron and other corporate accounting scandals.

In the Fall, we were notified by Deloitte that they would be unable to conduct the final year of the audit work at the agreed upon price given the changed environment and substantially increased regulatory environment. They sought an increase of \$143,595 - from \$107,400 to \$250,995 - for the 2006-07 audit. Reviews of the Deloitte proposals were conducted by representatives of the City Council, Finance Department and Corporation Counsel. After careful reviews and consideration of the potential costs of litigation, it is recommended that the negotiated increase of \$45,650 be approved. This increase relates directly to auditing standards that have been imposed within the industry, subsequent to the 2003 agreement, and over which Deloitte has no control.

The Board of Education approved the increase in their portion of the agreement on March 15.

Following the close of the current fiscal year, the City will issue a new Request for Proposals (RFP) for audit services for the subsequent cycle.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2007-125
(Int. No. 142)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Audit Services**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The sum of \$45,650, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an amendatory professional
services agreement between the City and Deloitte &
Touche LLP for independent audits of the financial
statements of the City and the City School District,
for the remaining year of the original agreement. Of
said amount, \$21,525 shall be funded from the 2007-
08 Budget of the City Council/City Clerk, and \$24,125
shall be funded from the 2007-08 Budget of the City
School District, contingent upon approval of said
budgets.

Section 2. This ordinance shall take effect imme-
diately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No.
151 from committee.

The motion was seconded by Councilmember
Stevenson.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin,
Lightfoot, McFadden, Miller, Santiago, Stevenson -
7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-126
Re: Sale of The Spirit of Ontario

Transmitted herewith for your approval is legislation
authorizing the Rochester Ferry Company, LLC
(RFC) to sell the vessel, The Spirit of Ontario, to Forde
Reederei Seetouristik GMBH & Co. KG (FRS) for the
sum of \$30,000,000.

The sale proceeds will be used by RFC to repay those
funds loaned by the City pursuant to Ordinance No.
2006-13, and its other debts, and to apply the remain-
ing proceeds as ultimately directed by Council. Or-
dinance No. 2006-82, authorizing the sale of the fast
ferry to Euroferries, Limited, shall be repealed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-126
(Int. No. 151)

**Authorizing The Sale Of The Fast Ferry And
Repealing Ordinance No. 2006-82**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Council hereby authorizes the sale
of the vessel Spirit of Ontario I by the Rochester Ferry
Company, LLC to Forde Reederei Seetouristik
GMBH & Co. KG, for the sum of \$30,000,000.

Section 2. Ordinance No. 2006-82, authorizing the
sale of the fast ferry to Euroferries, Limited, is hereby
repealed.

Section 3. This ordinance shall take effect imme-
diately.

Passed unanimously.

By Councilmember McFadden
April 17, 2007

To the Council:

The Public Safety Committee recommends for adop-
tion the following entitled legislation:

Int. No. 144 - Authorizing Agreements With The
County Of Monroe For Funding For Police Programs

Int. No. 145 - Establishing Maximum Compensa-
tion For A Professional Services Agreement For The
Emergency Communications Center

Int. No. 146 - Establishing Maximum Compensa-
tion For An Amendatory Professional Services Agree-
ment For Emergency Communications Center Secu-
rity Systems

The following entitled legislation is being held in com-
mittee:

Int. No. 143 - Authorizing A Grant Agreement For
Backup Generators For Fire Stations

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-127
Re: Agreements - Monroe County/
Police Programs

Transmitted herewith for your approval is legislation
authorizing agreements with Monroe County for the
receipt and use of funds related to three Police De-
partment programs as described below.

1. \$55,675 for the 2006 Firearms Instruction Pro-
gram. The County provides reimbursement for
a portion of the salary and benefits of a fire-
arms instructor to train officers in Monroe
County police agencies. The instructor, an RPD
officer, is assigned full time to provide shoot-
ing range training. The agreement was autho-
rized by the Monroe County Legislature on
February 14, 2006. No budget amendment is
needed, as the position was included in the
2005-06 and 2006-07 Budgets of the Police De-

partment.

- 2. \$300,000 for 2006 Downtown Public Safety.
The County provides funding to support public safety services provided by the City to benefit all the residents of the County including, but not limited to, those residents commuting into the City on a regular basis to their places of employment. The funding provided by the County does not fully reimburse these services, but is made in recognition of the public safety burden for which the City has the major responsibility. The agreement was authorized by the Monroe County Legislature on February 14, 2006.
- 3. Stop DWI. These are New York State STOP DWI funds administered by Monroe County. The award to the City for January 1 through December 31, 2007 is \$135,575.32 and will be used for enhanced detection and enforcement of DWI offenses. No matching funds are required. The agreement was authorized by the Monroe County Legislature on March 13, 2007. These funds primarily reimburse expenses for overtime traffic enforcement patrols and a portion is designated specifically for enforcement against underage alcohol sales. The agreement for the last round of funding of \$156,739, for calendar year 2006, was authorized in September 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-127
(Int. No. 144)

Authorizing Agreements With The County Of Monroe For Funding For Police Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the County of Monroe for funding under the 2007 STOP DWI Program, and for the 2006 Downtown Public Safety and Firearms Instruction Programs.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-128
Re: Agreement - Presentation Concepts Corp. - Emergency Communications Center Display System Maintenance

Transmitted herewith for your approval is legislation establishing \$31,500 as maximum compensation for an agreement with Presentation Concepts Corporation, Syracuse, for repair and maintenance of the display system at the Emergency Communications Center. The cost of this agreement will be financed from the 2006-07 Budget of the Emergency Communica-

tions Department. The cost will be reimbursed by Monroe County under the 9-1-1 operating agreement authorized by Council in 1994.

Presentation Concepts Corporation installed the display system in April 2005 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the Emergency Communications Center. A one-year maintenance agreement with Presentation Concepts Corporation was previously authorized by City Council in May 2006. In order to avoid the additional costs required for another firm to familiarize itself with the system, Presentation Concepts Corporation is recommended as a sole-source maintenance provider.

Services to be provided by Presentation Concepts Corporation include inspection, any necessary repairs, parts replacements, and loaner equipment. The term of this agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-128
(Int. No. 145)

Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Communications Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$31,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Presentation Concepts Corporation for repair and maintenance services for the display system at the Emergency Communications Center. Said amount shall be funded from the 2006-07 Budget of the Emergency Communications Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-129
Re: Amendatory Agreement - SimplexGrinnell LP, 9-1-1 Center Security System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with SimplexGrinnell LP of Rochester, for security system services at the Emergency Communications Center. This amendment will increase the cost of the agreement by \$9,219, for a total of \$18,437, and increase the term by six months to June 30, 2007. This amendment shall also include the option for a one-year extension of contract for a maximum of \$21,000. The costs of these agreements will be financed from the 2006-07 and 2007-08 Budgets of the Emergency Communications Department.

SimplexGrinnell LP will provide inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 9-1-1 Center. Inspection services will

include functional testing of all components of the systems and will be conducted in accordance with NFPA standards. Maintenance services will include all parts and labor necessary to diagnose and repair the systems, excluding problems in power and signal wiring. Maintenance service will also include after-hours emergency repairs for the intrusion alarm, access control and the fire alarm systems.

The ECD has been working with other City departments to coordinate security maintenance agreements for similar services with the same vendor. It was anticipated that a multiple-department agreement would be ready for execution January 1, 2007, and therefore only a six-month contract was negotiated with Simplex for ECD maintenance. The multiple-department agreement is not yet complete; hence this request for a six-month extension. The option of a one-year extension is included as a contingency; the multiple-department agreement is expected to be finalized for July 1, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-129
(Int. No. 146)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Emergency Communications Center Security Systems

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$9,219, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with SimplexGrinnell LP for inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 9-1-1 Center. Said amount shall be funded from the 2006-07 Budget of the Emergency Communications Department. The agreement may contain an option for an additional term of one year in an amount not to exceed \$21,000. Said amount shall be funded from the 2007-08 Budget of the Emergency Communications Department, contingent upon adoption of said Budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 143
Re: Agreement - Homeland Security Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Homeland Security for the receipt and use of a \$120,000 grant for the purchase of backup generators for three fire stations. The City will provide \$30,000 in matching funds.

These generators will ensure that there will be no gap in service should a natural or man-made disaster disrupt power to the community. These funds will be included in the proposed 2007-08 Cash Capital Budget.

Three other fire stations were provided with backup generators in 2006-07.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 143

AUTHORIZING A GRANT AGREEMENT FOR BACKUP GENERATORS FOR FIRE STATIONS

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Homeland Security for funding for the purchase of backup generators for fire stations.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Item held.

By Councilmember Pritchard
April 17, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 147 - Establishing Maximum Compensation For A Professional Services Agreement For The "Bands On The Bricks" Concerts

Int. No. 148 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2006-07 Budget

The following entitled legislation is being held in committee:

Int. No. 150 - Establishing Maximum Compensation For An Agreement For The 2007 MusicFest Concert And Amending The 2006-07 Budget

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-130
Re: Agreement - Bands on the Bricks

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Eskay Concerts, Inc., d.b.a. Up All Night, 111 East Avenue (principals Michael O'Leary, Gerard Fisher) for the "Bands on the Bricks"

summer concert series at the Rochester Public Market. The cost of this agreement will be financed from the 2006-07 Budget of the Department of Recreation and Youth Services.

The concert series is part of the Public Market's overall strategy to increase off-market day usage of the site and to attract new visitors to the venue. Last year over 15,000 people attended the concerts.

Eskay Concerts has provided the production talent and sound services for this series for the past seven years and was instrumental in starting the series. They will again provide these services for three concerts. The City will receive from Eskay Concerts 25% of the first \$10,000 net revenue, and 50% of additional revenue from food and beverage sales.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-130
(Int. No. 147)

Establishing Maximum Compensation For A Professional Services Agreement For The "Bands On The Bricks" Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Eskay Concerts, Inc., d/b/a Up All Night, for talent booking and sound services for the "Bands on the Bricks" concert series at the Rochester Public Market. Said amount shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services. The agreement shall also provide Eskay Concerts, Inc. exclusive rights to vend food and beverages to the public at the "Bands on the Bricks" concert series, in exchange for 25% of the first \$10,000 in net revenue from the food and beverage sales, and 50% of the net revenue above \$10,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-131
Re: Clarissa Street Reunion

Transmitted herewith for your approval is legislation relating to the Clarissa Street Reunion. This legislation will:

1. Authorize agreements with the New York State Department of State, for the receipt of a \$5,000 grant, and the Clarissa Street Reunion Committee for use of these funds; and
2. Amending the 2006-07 operating budget of the Department of Recreation and Youth Services to reflect the receipt and use of the grant.

The Clarissa Street Reunion is an annual event, now in its twelfth year. The event brings together families, friends, food, and festivities in a one-day extravaganza that attracts thousands of people to the old

neighborhood. Included along the area's six blocks are parades, food, and music on three stages.

The \$5,000 grant was included in the 2006-2007 NY State Budget through the efforts of Assemblyman David Gant.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-131
(Int. No. 148)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for funding for the Clarissa Street Reunion.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Clarissa Street Reunion Committee for the Clarissa Street Reunion.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 4. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$5,000, which amount is hereby appropriated from funds to be received from the State of New York for the Clarissa Street Reunion.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 150 from committee.

The motion was seconded by Councilmember McFadden

The motion was adopted by the following votes:

Ayes - President Giess, Councilmember Conklin, Lightfoot, McFadden, Miller, Santiago, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-132
Re: Agreement - 2007 Rochester
MusicFest

Transmitted herewith for your approval is legislation

establishing \$250,000 as maximum compensation for an agreement with Monroe County Broadcasting Co., LTD (WDKX-104 FM), to produce the 2007 Rochester MusicFest; and amending the 2006-07 Budget by transferring \$50,000 from Contingency to the Department of Recreation and Youth Services. The cost of the agreement will be financed from the 2006-07 (\$190,000) and 2007-08 (\$60,000) budgets of DRYS.

WDKX will be responsible for all aspects of production, including talent booking, operations, production services, logistical management, marketing and promotion. The 2007 one-day event is tentatively scheduled for July 21, at Frontier Field.

This event has been an anchor of the Rochester's summer festival season since 1995. MusicFest is one of the largest urban festivals in the northeast and attracts 25% of its audience from out-of-town tourists, boosting the local economy.

In 2006, after careful consideration, the festival returned downtown, where it originated. Festival attendees were pleased with the venue and its many conveniences, such as indoor restrooms, shelter from weather if necessary, and the option of stadium seats or bringing chairs. Frontier Field provided production savings through on-site dressing rooms, fencing, tents, and worked with the City to allow food vendors beyond their standard offerings.

Following is a summary of revenue and expenses:

	<u>2006</u>	<u>2007</u>
Revenue		
City	\$460,287	\$250,000
Corporate support	25,000	0
Ticket sales	217,771	0
Concessions	<u>18,692</u>	<u>0</u>
Total	\$721,750	\$250,000
Expenses		
Music production	\$247,759	\$ 75,000
Talent	370,630	130,000
Site	37,074	20,000
Marketing	<u>66,287</u>	<u>25,000</u>
Total	\$721,750	\$250,000

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-132
(Int. No. 150)

Establishing Maximum Compensation For An Agreement For The 2007 MusicFest Concert And Amending The 2006-07 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Monroe County Broadcasting Co., LTD to provide talent booking, operations, production services, logistical management, marketing and promotion for the 2007 Rochester MusicFest Concert. Of said amount, \$190,000 shall be funded from the 2006-07 and \$60,000 from the 2007-08 Budgets of the Department of Recreation and Youth Services, contingent upon adoption of said latter budget.

Section 2. Ordinance No. 2006-191, the 2006-07

Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Account to the Department of Recreation and Youth Services to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:59 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL MEETING
MAY 10, 2007
3:45 P.M.

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-12
Re: Appointment to City Council -
Lovely A. Warren

Transmitted herewith for your approval is legislation appointing Lovely A. Warren to fill the term of former Northeast District Councilmember Benjamin L. Douglas through December 31. As you know, the seat became vacant when Mr. Douglas resigned effective April 14 to accept a position in the City Administration. The City Charter in §5-4 requires that the Council fill any vacancy on the Council within thirty days of that vacancy.

Subsequent to the resignation, Council began a process to identify and interview candidates. That process was completed last week, and Ms. Warren has emerged as the consensus candidate of the Council. Her experience as an attorney, as a staff member for the NY State Assembly, along with her activities in a variety of roles throughout the community will provide valuable perspectives to the Council. We look forward to her immediate and effective participation on Council.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-12
(Int. No. 204)

Resolution Appointing Lovely A. Warren To City Council

WHEREAS, Benjamin L. Douglas has resigned from City Council effective April 14, 2007, and

WHEREAS, the City Charter requires that City Council fill a vacancy on the Council within thirty days of the vacancy, and

WHEREAS, City Council has reviewed the qualifications of the various candidates who have expressed an interest in filling the vacant seat, and

WHEREAS, Lovely A. Warren has demonstrated to the Council the talents and abilities required to serve as a City Councilmember for the Northeast District,

BE IT THEREFORE RESOLVED by the Council of the City of Rochester as follows:

Section 1. Lovely A. Warren is hereby selected to fill the term of Northeast District Councilmember Benjamin L. Douglas until December 31, 2007.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Meeting was adjourned at 4:00 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
MAY 15, 2007

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

- Retirement:
 - Environmental Services
 - *Robert W. Sypnier
 - Finance
 - James Hafner
 - Library
 - *Lynn C. Borrie
 - NET
 - *Leola Charles
 - *Wilhelmina M. Dunkley
 - Fire Department
 - *William C. Follett
 - *Ralph M. Rossi
 - *Mary G. Sloan

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of April 17, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - 3 Public Disclosures - Home Rochester Program Participation 3880-7, 3881-7, 3882-7
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3883-7
 - Quarterly Reports - Schedule of Workers Compensation Claims and Schedule of General Liability Claims 3884-7

Ontario County Soil and Water Conservation District submits Resolution supporting the preservation of The Hemlock-Canadice Watersheds, May 2, 2007 3885-7

Town of Richmond submits Town of Richmond Planning Board Resolution supporting the preservation of the Hemlock-Canadice Watershed, May 3, 2007 3886-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Councilmember Giess presents petition from David Ahl with 390 signatures opposing Int. No. 103. Petition No. 1623

Received and filed.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 164 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To the South Avenue/Alexander Street Open Space District And Authorizing An Agreement Int. No. 165 No speakers.

Approving Changes In The Pavement Width Of Genesee Street Between Brooks Avenue And Cottage Street Int. No. 166 No speakers.

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Genesee Street And Seward Street Int. No. 169 No speakers

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District Int. No. 170 No speakers

Changing The Zoning Classification Of 59-69 Lyell Avenue And 662-674 North Plymouth Avenue From C-2 Community Center And 648, 654 And 658 North Plymouth Avenue And 131 Frankfort Street From M-1 Industrial To A Conditioned C-3 Regional Destination Center District Int. No. 171 1 speaker: Charles Poole from Monroe Ambulance.

Amending The Official Map By Renaming Hecla Alley As Veterans Place Int. No. 172 No speakers.

Approving Changes In The Pavement Width Of Monroe Avenue And Laburnum Crescent, As Amended Int. No. 181 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 182 1 speaker: Charles Richardson

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 183 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District Int. No. 198 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 199 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services (Previously Known As Downtown Guides) And Authorizing An Agreement Int. No. 200 1 speaker: Heidi Zimmer-Meyer. 1 letter of support from SUNY Brockport.

Authorizing An Amendatory 2001-02 Community Development Program Plan And Ordinance No. 2002-285 To Provide Funds For The Business Association Support Program Int. No. 201 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-13
Re: Appointment - Board of Ethics

Transmitted herewith for your approval is legislation to approve the following appointment to the Board of Ethics:

John G. Curran
260 San Gabriel Drive
Rochester, NY 14610

In May 2006, City Council approved the appointments of four members to the Board of Ethics: Frank T. Crego, John R. Weider, Andrea R. Stridiron, and Marla Pilaroscia. One seat remained unfilled at that time; Mr. Curran is recommended to fill that seat.

As you know, Mr. Curran is an attorney in private practice in Rochester. He formerly served on the Board of Ethics during the years 1988-93, when he was City Council President. He is known throughout the community for his extensive public service. Through the National League of Cities, he served on a panel that advised the governments of Lithuania, Estonia and Latvia on establishing codes of ethics in the wake of their independence from the former Soviet Union.

The purpose of the Board of Ethics is to interpret and

enforce the Code of Ethics of the City of Rochester. The Board has five citizen members, appointed by City Council for three-year terms, plus a department head or other officer or employee of at least equivalent rank designated by the Mayor, and one City Councilmember; I currently serve as the Council representative on the Board and Richard Vega is the Mayor's designee.

A copy of Mr. Curran's resume is on file in the City Clerk's office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-13
(Int. No. 207)

Resolution Approving An Appointment To The Board Of Ethics

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of

John G. Curran
260 San Gabriel Drive
Rochester, NY 14610

to the Board of Ethics for a term that will expire on May 31, 2009.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
May 15, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 158 - Authorizing The Sale Of Real Estate

Int. No. 160 - Authorizing The Sale Of Parcels On Galusha Street

Int. No. 161 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For NET Offices Improvements

Int. No. 162 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$233,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Lyell And Norton NET Office Buildings

Int. No. 163 - Amending The Municipal Code With Respect To Junkyard Operators, Junk Dealers And Scrap Processors

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 159 - Authorizing The Sale Of Real Estate Through The Investor Bulk Sale Program, As Amended

Int. No. 164 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 165 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The South Avenue/Alexander Street Open Space District And Authorizing An Agreement

Int. No. 166 - Approving Changes In The Pavement Width Of Genesee Street Between Brooks Avenue And Cottage Street

Int. No. 167 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$438,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The Brooks Village/Genesee Street Enhancement Project

Int. No. 168 - Authorizing The Acquisition By Negotiation Or Condemnation Of A *De Minimus* Parcel At 844 Genesee Street For Street Purposes

Int. No. 169 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Genesee Street And Seward Street

Int. No. 170 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

Int. No. 171 - Changing The Zoning Classification Of 59-69 Lyell Avenue And 662-674 North Plymouth Avenue From C-2 Community Center And 648, 654 And 658 North Plymouth Avenue And 131 Frankfort Street From M-1 Industrial To A Conditioned C-3 Regional Destination Center District

Int. No. 172 - Amending The Official Map By Renaming Hecla Alley As Veterans Place

Respectfully submitted,
 Carolee A. Conklin
 John F. Lightfoot (Voted against Int. No. 159 and Int. No. 171)
 Lovely A. Warren (Did not vote on Int. No. 158 and voted against Int. No. 159)
 Lois J. Giess
 Gladys Santiago (Voted only on Int. No. 159)
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-133
 Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of nine properties. With the exception of the purchasers of unbuildable vacant lots, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that

purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a structure that was sold at the May 11, 2006 Public Auction. The purchaser will be required to rehabilitate the property within nine months of closing.

The last eight properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AG-45

Ordinance No. 2007-133
 (Int. No. 158)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property by regular auction:

Address: 316-320 Weaver St
 S.B.L.#: 091.72-2-59&60
 Lot size: 60x100
 Legal use: 1 Family
 Price: \$4,000
 Purchaser: Joseph Potocki

Section 2. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size	Sq. Ft. Purchaser
3-5 Arklow St 120.35-4-2.1	97x92	4856± (irreg.) Samuel Buckner, Jr. & Eula Buckner
N1/2 of 84 Baldwin St Pt. of 107.61-3-56	22.5x40	900 KO Properties, LLC *
S1/2 of 84 Baldwin St Pt. of 107.61-3-56	22.5x40	900 Robert D. & Bonnie M. Gary
524 Jay St 105.83-1-45.2	22x105	2364± Odis Smith, Jr.
E1/2 of 24 Langham St Pt. of 106.23-4-51	18x153	2760± Zimmer RE Holding, LLC **

W1/2 of 24
Langham St 18x153 2760±
Pt. of 106.23-4-51 Estate of Sue M. McIntyre

311 Murray St 80x92 7360
105.65-1-47.1 Dion Cram

17 Bernard St 41x94.35 3868±
106.32-1-5 Housing Opportunities
Housing Development Fund
Corporation***

*Members: Andras Kovacs, James Olas
**Member: President - Kirk A. Zimmer
***Officers: Julie Everitt - President; Rome Celli
- Vice President; Joseph Bowes - Secretary;
Bryan Hetherington - Treasurer.

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-134
Re: Sale of Property - 60, 64 & 66
Galusha Street

Transmitted herewith for your approval is legislation authorizing the sale of three parcels of vacant land on Galusha Street to Landsman Development Corporation. Landsman Development Corporation is the owner of the former Bond Clothing Building at 30 Hart Street which currently leases space to the Rochester City School District's Family Learning Center and to Action For A Better Community's Head Start Program.

Currently, the adjacent City-owned properties at 64 and 66 Galusha Street are used by the Rochester City School District as a preschool play area. Although this play area is operated by RCSD, Landsman Development Corporation maintains it. Landsman also wants to establish an additional playground at 60 Galusha Street to support an early childhood program.

The three properties will be sold for \$6,000, which was established through an independent appraisal prepared by Midland Appraisal Associates. The City School District has reviewed this transaction and concurs with the sale to Landsman Development Corporation.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-46

Ordinance No. 2007-134
(Int. No. 160)

Authorizing The Sale Of Parcels On Galusha Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 60, 64 and 66 Galusha Street, SBL #106.46-1-3, 2 & 1, to Landsman Development Corporation for the sum of \$6,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-135 And
Ordinance No. 2007-136
Re: NET Offices Building
Improvements

Transmitted herewith for your approval is legislation which will provide for building improvements at the Lyell and Norton NET offices. This legislation will:

1. Establish \$17,300 as maximum compensation for an agreement with Richard Alfred Mauser Architects, 91 Pinnacle Road, Rochester, for architectural design services for the project. The cost of the agreement will be financed from the appropriation requested herein; and
2. Authorize the issuance of bonds in the amount of \$233,000 and the appropriation of the proceeds thereof to finance design services and construction of various improvements at the Lyell and Norton NET offices.

The Lyell NET Office, Area B, is situated in an early 20th century two-story brick building purchased by the City in 1998. The improvements planned at this building include a roof replacement, masonry, and other miscellaneous repairs. The Norton NET Office, Area F, is situated in the former Silver Stadium ticket office building on Norton Street. Improvements planned at this building include miscellaneous interior and exterior repairs including replacement of rusted doors, carpeting, and masonry work.

Qualifications and proposals for the architectural services were solicited from nine area firms. Five firms responded: The Art of Architecture; CMA Architecture; Miller-Anderson Architects; Richard Alfred Mauser Architects; and Smith & Accordo, PLLC. The qualifications and proposals were rated by staff, and based on these ratings, Richard Alfred Mauser Architects was selected.

It is anticipated that design of the project will begin this spring and be completed this summer and that construction will begin in the spring of 2008, and be completed by the summer of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 135
(Int. No. 161)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For NET Offices Improvements

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$17,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Richard Alfred Mauser Architects for architectural design services related to improvements at the Lyell and Norton NET Offices. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-136
(Int. No. 162)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$233,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Lyell And Norton NET Office Buildings

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the Lyell and Norton NET Office Buildings in the City, including roof replacement, masonry and other repairs to the Lyell NET Office at 492 Lyell Avenue, and interior and exterior repairs including replacement of doors and carpeting and masonry work at the Norton NET Office at 500 Norton Street (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$233,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$233,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$233,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$233,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-137
Re: Amending the Municipal Code -
Junk Dealers And Junkyards

Transmitted herewith for your approval is legislation amending the Municipal Code to combine the two Code Chapters regulating Junk Dealers and Junkyard Operators.

While the Code has traditionally had these two chapters regulating junk businesses, there is no longer a reason to have two chapters. The consolidation will provide consistent rules and a single licensing process for all types of junk dealers.

The amendments will also add several new provisions requiring junk dealers to operate in a similar manner as secondhand dealers when buying junk. They will be required to identify the sellers, keep a record of the objects sold, and maintain those records. Payment must be by check, and dealers will be prohibited from buying from minors, persons on drugs or intoxicated, or persons convicted of theft offenses.

All requirements relating to licensing, location, fencing, and storage of junk will be retained in the combined regulations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-137
(Int. No. 163)

Amending The Municipal Code With Respect To Junkyard Operators, Junk Dealers And Scrap Processors

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 66 of the Municipal Code, Junkyard Operators, as amended, is hereby further amended to read in its entirety as follows:

Chapter 66. JUNKYARD OPERATORS, JUNK DEALERS, AND SCRAP PROCESSORS.

§ 66-1. Terms Defined.

For the purpose of this chapter, the terms used herein are defined as follows:

COMMISSIONER - The Commissioner of Community Development of the City of Rochester or his or her designated representative.

DESIGNATED OFFENSES - Convictions of any of the following New York State Penal Law sections:

- A. Title J - Offenses Involving Theft:
 - 1. Article 155 Larceny
 - 2. Article 156 Offenses Involving Computers
 - 3. Article 158 Welfare Fraud
 - 4. Article 160 Robbery
 - 5. Article 166 Other Offenses Relating to Theft; and
- B. Title M - Offenses Against Public Health and Morals

- 1. Article 220 Controlled Substance Offenses
- 2. Article 221 Offenses Involving Marihuana (except the violation under 221.05).

INSTITUTIONAL CLIENT - Any person, corporation, partnership, or limited liability corporation who is duly organized and conducting business under the laws of any of the United States or who operates under a New York State License and whose business enterprise regularly produces junk.

JUNK DEALER - Any person, who does not operate from a fixed location, who buys or collects old rope, old iron, copper, tin and lead, wood trim, rubber, rags, bottles, paper, bagging, sacks, parts of machinery, parts of stoves, scrap metals of all kinds, such other worn out or discarded articles and materials and odds and ends as can be turned into a use; but shall not be deemed to include any furniture, house furnishings, goods, clothing, machinery or tools which can be used again for the purpose for which they were originally intended.

JUNKYARD - Any lot where waste, including nonputrescible rubbish, trash, garbage, refuse, scrap or discards, both man-made and natural, is temporarily or permanently present for the purposes of bailing, collection, sorting, recovery, recycling, exchange, storage, reduction, transfer, incineration or disposal, including auto wreckage yards, house-wrecking yards and scrap processing yards.

JUNKYARD OPERATOR - Any person, firm or corporation who operates a junkyard, including auto wreckers and scrap processors.

SCRAPPROCESSOR - Any person, association, partnership or corporation operating from a fixed location where machinery and equipment are used for processing old rope, old iron, copper, tin and lead, wood trim, rubber, rags, bottles, paper, bagging, sacks, parts of machinery, parts of stoves, scrap metals of all kinds, such other worn out or discarded articles and materials and odds and ends as can be turned into a use; but shall not be deemed to include any furniture, house furnishings, goods, clothing, machinery or tools which can be used again for the purpose for which they were originally intended.

§ 66-2. License required.

No person shall carry on the business of junkyard operator, junk dealer, or scrap processor in the City of Rochester without having first obtained a Junkyard Operator, Junk Dealer, and/or Scrap Processor license from the Chief of Police.

§ 66-3. Promulgation of rules and regulations.

The Police Chief shall, consistent with the express standards, purposes and intent of this chapter, promulgate, adopt and issue such interpretations, procedural rules, regulations and forms as are in the Police Chief's opinion necessary to effective administration and enforcement of the provisions of this chapter. These interpretations, rules, regulations and forms shall be available to the public at the License Clerk's Office, City Hall, Room 100A. Such rules, regulations and forms shall be effective upon filing with the City Clerk as a communication to the City Council.

§ 66-4. License fee.

The annual license fee shall be \$300. The payment of the fee shall be due upon application for the license. The fee for replacement of a Junkyard Operator, Junk Dealer, or Scrap Processor License which has been lost or destroyed shall be \$10.00.

§ 66-5. Application procedure; inspections; license requirements.

- A. An application for Junkyard Operator, Junk Dealer, and/or Scrap Processor license shall be made to the City of Rochester, City Clerk's office, on forms prescribed by the Chief of Police.
- B. Upon receipt of an application for a Junkyard Operator, Junk Dealer, and/or Scrap Processor license, and after approval for Zoning Code compliance by the Director of Zoning, the Commissioner of Community Development and the Fire Chief shall cause an inspection of the premises to be made to determine whether the applicant is complying with the laws and ordinances which they are charged with enforcing, and said Commissioner and Fire Chief and members of their staffs shall have the right to enter upon any premises for which a Junkyard Operator, Junk Dealer, and/or Scrap Processor license is sought for the purpose of making such an inspection during normal business hours.
- C. Upon receipt of the application for the Junkyard Operator, Junk Dealer, or Scrap Processor license, the Chief of Police shall cause an inspection to be made of the premises to determine whether public safety problems exist on the premises, and the Chief of Police shall cause an investigation to be made of the background of the owner and the operator. The Chief of Police and his or her representatives shall have the right to enter upon such premises for the purpose of making such inspections during normal business hours. Further inspections of the premises may be made after a license has been issued to ensure compliance with laws and ordinances relating to the Junkyard Operator, Junk Dealer, or Scrap Processor.
- D. Except as provided in New York State Correction Law, Article 23-A, no Junkyard Operator, Junk Dealer, or Scrap Processor license shall be issued to any person who has pled guilty to or has been convicted of any designated offense or any other crime related to the operation of the business.
- E. No Junkyard Operator, Junk Dealer, or Scrap Processor license shall be issued to any person against whom judgment has been rendered by the Municipal Code Violations Bureau in response to a complaint charging a violation of any section of this chapter, which judgment has not been satisfied or who has outstanding fines or avoidable alarm fees with the City of Rochester.
- F. No Junkyard Operator, Junk Dealer, or Scrap Processor license shall be issued for a period of one year to an applicant whose license had been revoked.

§ 66-6. Expiration of license.

Licenses shall expire December 31 after date of issuance.

§ 66-7. Restrictions on licensing and operation.

- A. Junkyard Operators, Junk Dealers, or Scrap Processors shall comply with all provisions of federal, state and local laws and ordinances relating to the conduct of business and the use and maintenance of the premises.
- B. Junkyard Operators, Junk Dealers, or Scrap Processors shall comply with all the notices, orders, decisions and rules and regulations made by the Chief of Police, Fire Chief, Commissioner of Community Development and the Director of Zoning governing the occupation and use of said premises.
- C. Junk Dealers, or Junkyard Operators, or Scrap Processors shall cause the Junk Dealer, Junkyard Operator, or Scrap Processor license to be posted in a conspicuous place on the premises.
- D. Junkyard Operators, Junk Dealers, or Scrap Processors shall not receive or purchase any junk from any person under the age of 18 years unless said infant be accompanied by his or her parent or legal guardian; anyone who is visibly intoxicated or under the influence of drugs; and/or has been convicted of any designated offense.
- E. No Junkyard Operator, Junk Dealer, or Scrap Processor shall purchase or otherwise receive junk from any person without first ascertaining that such junk is the property of the person offering to sell or give away. All purchases shall be by check and the Junkyard Operator, Junk Dealer, or Scrap Processor operator shall not cash the check.
- F. Every license granted hereunder shall designate the place in which said licensee shall be authorized to carry on business, and such business shall not be conducted at any other place than the one so designated.
- G. No person, firm or corporation shall operate a vehicle in connection therewith unless the vehicle shall bear in a conspicuous place, visible from either the rear or sides of such vehicle, a sign on which shall be set forth in conspicuous letters and figures the name, address and number of the license.
- H. No license shall be issued or renewed, nor shall the operation of a junkyard be permitted, until the following conditions are met:
 - (1) Junkyards shall be established and maintained pursuant to the standards set forth in Chapter 120 of the Municipal Code, Zoning Code.
 - (2) The Commissioner shall have the power, either personally or through a duly authorized member of his or her staff, to enter and inspect all junkyards in the City during normal business hours in order to ensure compliance with all laws, rules and regulations.
 - (3) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water or other natural causes. The loose storage of paper and the spilling of flammable or other liquids into streams or sewers is prohibited.
 - (4) All materials shall be stored in such a man-

ner as to prevent the breeding or harboring of rats, insects or other vermin. Where necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of materials, preventing the collection of stagnant water, extermination procedures or other means. Professional monthly exterminating services shall be required, and a log indicating the dates and findings of such professional services shall be maintained on the premises. Upon proper inspection and investigation, waiver of any portion of these requirements may be made by the Commissioner.

- (5) Stores of rubber shall not be permitted to accumulate so as to create a hazard.
- (6) If burning is to be conducted on the premises when permitted by applicable law, it shall be carried on in an incinerator acceptable to the Commissioner. The standards of the State of New York and other applicable standards relating to air pollution shall be adhered to.
- (7) Fire hazards shall be prevented by organization and segregation of stored materials, with particular attention to the separation of combustibles, where necessary, by the provision of adequate aisles for escape and fire fighting and by other necessary measures.
- (8) All paper, rags, cloth and other fibers and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings, except that securely baled paper may be stored unenclosed.
- (9) All junkyard materials and activities not within fully enclosed buildings shall be surrounded by a solid, stable fence or wall of acceptable design to be at least eight feet in height, surfaced so as to be resistant to damage from the elements and from stored materials and erected and maintained in a manner that will provide effective screening of the premises. Any gate in such fence shall be similarly constructed and maintained (except that a view hole may be left in each such gate for the purpose of preventing vandalism, theft and other crime) and shall be kept locked at all times when the facility is not in operation.
 - (a) Any junkyard existing on January 1, 1981, not having a fence or gate as required by this subsection shall be provided with such, unless, upon written application of a junkyard operator, the Commissioner waives the requirement of solid fencing due to the location of the junkyard, unusual topography or the nature of the operation. The Commissioner shall make or cause to be made a complete investigation and inspection of the junkyard before granting a waiver.
 - (b) Such a waiver shall clearly state the reasons therefor, a description of the boundaries of the junkyard and a description of the area where the modifi-

cation is to be permitted. Such a waiver shall also state any alternative fencing which has been found to be acceptable.

- (c) In no instance shall the solid-fencing requirement be waived for part of any junkyard which abuts or faces a dwelling or a residentially zoned district.
- (10) The boundaries of any facility or operation shall at all times be clearly delineated.
- (11) All structures, including fences on the premises, shall be kept in good repair and painted, junkyards policed, storage piles kept neat and operations carried on in a safe and orderly manner. Storage piles shall be so maintained as to not create a safety hazard and shall be of such size and stability as will prevent them from falling by reason of the elements or the activities of the junkyard operator. Storage piles shall not exceed the height of the fence surrounding the materials.

§ 66-8. Record keeping requirements.

- A. Every Junkyard Operator, Junk Dealer, and Scrap Processor shall keep a record in which shall be documented, at the time of the purchase or receipt of any item, a description thereof, the name, age and personal description of the person from whom the purchase was made and the date and time when the purchase was made. The identity of the seller shall be verified by use of a New York State Driver's License or New York State Non-Driver Identification Card and the license or identification card number shall also be recorded in the record with the other identifying information. All such records shall be open to inspection by any member of the Police Department of the City of Rochester. The records shall be legibly written in the English language and shall show the amount paid for each item along with the check number issued for payment of said item. No such record shall be erased, obliterated, altered or defaced.
- B. Every Junkyard Operator, Junk Dealer, and Scrap Processor shall make out every business day, on blank forms to be furnished by the Chief of Police, a record containing the details of all purchases and receipt of junk from individual sellers who are not institutional clients during the preceding business day. The dealer shall deliver such record to the Chief of Police or his or her representative, by mail or in person, on the same day in which the record is completed. The details to be reported on each purchase shall be prescribed by regulations promulgated by the Chief of Police.
- C. If several items are purchased from the same person in a single transaction, they may be reported as a group, provided that each item is accurately described. Items may be described in commonly accepted terms of the trade.
- D. It shall be a violation of this Article for any Junkyard Operator, Junk Dealer, or Scrap Processor or any seller to make a false statement or give untrue information required under this section.

§ 66-9. Denial of license.

- A. The Chief of Police may deny a license or deny the renewal of a license to any applicant who does not comply with the provisions of this chapter or any rule or regulation promulgated under this chapter or who makes a material misrepresentation on the license application. The Chief of Police shall give a written notification to an applicant of the reasons for the denial of a license.
- B. When the investigation conducted pursuant to § 66-5 reveals that the applicant has violated either federal, state or local laws or rules and regulations, the Police Chief may authorize the issuance of a conditional certificate. The conditional certificate shall state the grounds for the conditional certificate, the conditions under which the applicant shall operate his or her business, be signed by the applicant, and contain a provision which provides that any violation of the conditional certificate, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional certificate.
- C. The Chief of Police shall have the power to investigate and inquire into license applicants under this chapter and to require and enforce by subpoena the attendance of witnesses at such investigations.

§ 66-10. Additional regulations; penalties for offenses.

- A. Violations of this chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in § 13A-11 of the Municipal Code.
- B. Violations of this chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- C. Violations of the licensing provisions of this chapter may be enforced pursuant to Chapter 68 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter.
- D. The Chief of Police shall revoke, without a hearing, the license of any person found guilty of five or more violations of this chapter during any period of two years. Nothing herein shall prevent the Chief of Police from revoking a license of any person with fewer than five violations, on written charges and an opportunity for a hearing thereon, pursuant to § 68-10 of the Municipal Code.

§ 66-11. Severability.

Should any section, paragraph, sentence, clause or phrase in this chapter be declared unconstitutional or invalid for any reason, the remainder of the chapter shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this chapter are declared to be severable.

Section 2. Chapter 65 of the Municipal Code, Junk Dealers, as amended, is hereby repealed.

Section 3. This ordinance shall take effect on August 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-138
Re: Investor Bulk Sale

Transmitted herewith for your approval is legislation relating to the Investor Bulk Sale Program. This legislation will:

1. Authorize the participation of the following developers in the program:

<u>Name of Investor</u> <u>City, State</u>	<u>Maximum # of Units</u>
Aeon Missionary Baptist Church Rochester, NY	4
Bobby Anderson Rochester, NY	4
Galina & Yefim Basovsky Rochester, NY	16
Taylor & Molly Dayton Orem, Utah	18
Gemstone Real Estate Rochester, NY	20
David Mankowski Rochester, NY	4
The Property Association Highland, Utah	21
J. Paul Dhillon Rochester, NY	10
Napier Enterprises, LLC Rochester, NY	5

2. Authorize the sale of the following residential structures to any of the developers listed in Section 1. The properties will be sold, at auction, for their bid amount with a minimum bid of \$2,800 subject to the limitations regarding the maximum number of units for which each investor has been approved. Properties not sold at the Investor Bulk Sale will be sold at a future auction.

6 Algonquin Ter	147 Alphonse St
305 Ames St	310 Ames St
89 Angle St	26 Arnett Blvd
3 Athens St	439 Ave A
39-41 Ave C	295 Ave C
453 Ave D	644 Ave D
650 Ave D	87 Barons St
124 Bartlett St	129 Bartlett St
172-174 Bartlett St	173 Bartlett St
196 Bartlett St	455 Bay St
105 Bayclif Dr	7 Borchard St
505 Brown St	102 Cady St
59 Cameron St	215 Campbell St
10 Carl St	27 Carl St
320-324 Central Park	450 Central Park
238-240 Chamberlain St	367 Champlain St
16 Clairmount St	127 Clifford Ave
327 Clifford Ave	51 Clifton St
159 Clifton St	278 Columbia Ave
414-416 Columbia Ave	435-437 Columbia Ave
207 Colvin St	38 Concord St
23 Costar St	196 Cottage St
52 Crombie St	196 Curtis St
35 Cutler St	13 DeJonge St
32 DeJonge St	193 Delamaine Dr
219 Dr. Samuel McCree	268 Dr. Samuel McCree
270 Dr. Samuel McCree	178 Durnan St
224 Durnan St	241 Durnan St
56 Elgin St	117 Emerson St
278 Emerson St	336 Emerson St
552-556 Emerson St	20 Evergreen St
96 Evergreen St	150 Fifth St
183 First St	273 First St

401 First St	243 Fourth St
37 Friederich Pk	343 Frost Ave
423 Frost Ave	454 Frost Ave
590 Frost Ave	128 Fulton Ave
221-223 Fulton Ave	331 Garson Ave
337 Garson Ave	23 Geneva St
10 Gladys St	104-106 Glendale Pk
124 Glendale Pk	49 Grover St
419 Hague St	107-109 Harris St
291-293 Hawley St	29 Helena St
17 Herald St	58 High St
93 High St	48 Hollister St
86 Holworthy St	726-728 Jay St
813 Jay St	96 Jefferson Ave
277 Jeffersn Ave	68 Joseph Pl
35 Karnes St	14 Kenwood Ave
243 Kenwood Ave	73-75 & 77 Kirkland Rd
30 Kohlman St	50 Kohlman St
77 Kosciusko St	90 Lincoln St
88 Locust St	91 Locust St
103 Locust St	15 Ludwig Pk
226 Lyndhurst St	28-30 Magnolia St
61 Magnolia St	329 Magnolia St
669 Maple St	26 Mark St
83 Mason St	77-79 Mead St
103 Melville St	274 Merrimac St
168 Mohawk St	1 Mozart Pl
329 Murray St	122 Myrtle St
1001 N. Goodman St	972 North St
1135 North St	30 O K Ter
5 Oscar St	233 Parkway
359 Parsells Ave	398 Parsells Ave
31 Peck St	26 Petrossi Dr
77 Portland Ave	32 Quamina Dr
50 Remington St	107 Remington St
187 Remington St	207 Remington St
236 Remington St	219 Reynolds St
323 Reynolds St	48 Rogers Ave
65-67 Rosewood Ter	97 Roth St
150 Roycroft Dr	191 Roycroft Dr
215 Roycroft Dr	281 Saxton St
95 Seabrook St	185 Second St
589 Seward St	86 Shelter St
132 Shelter St	165 Shelter St
210 Shelter St	178 Sherman St
91 Silver St	129 Sixth St
30 Skuse St	591 Smith St
52 Somerset St	203 Spencer St
217 Spencer St	1532 St. Paul St
6 Superior Ter	34 Taylor St
145 Third St	99 Thomas St
353 Tremont St	410 Tremont St
14 Treyer St	27 Treyer St
39 Treyer St	614 Upper Falls Blvd
47 Violetta St	29 Wabash St
1 & 3 Walter Pk	169 Warner St
432-434 Webster Ave	32 Weld St
146-148 Weyl St	50 Widman St
341 Wilkins St	31 Winterroth St
12 Woodford St	49 Wright St

3. Cancel City taxes and other City charges, except water charges, against said properties up to the first day of the month following the date of closing for the reason that the City has agreed to convey said properties free of City tax liens or other charges.

The Investor Bulk Sale Program was authorized by City Council as a one-time trial program on February 13, 2007 pursuant to Council Ordinance 2007-38. The developers approved to participate were selected through a Request for Qualification process and have demonstrated the ability to rehabilitate, simultaneously, a large number of properties within a twelve-

month period.

Staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The applicant may not own other properties that are currently in the process of being rehabilitated without approval of the NET Director indicating that progress toward repairs and the quality of workmanship is satisfactory. Two applicants, J. Paul Dhillon and Robert Napier, required approval from the NET Director.

Individual notifications have been sent to neighborhood groups, and resulting comments will be forwarded to City Council prior to the May 15, 2007 meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-47

Ordinance No. 2007-138
(Int. No. 159, As Amended)

Authorizing The Sale Of Real Estate Through The Investor Bulk Sale Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the participation of the following developers in the Investor Bulk Sale Program:

Name of Investor City, State	Maximum # of Units
Aeon Missionary Baptist Church Rochester, NY	4
Bobby Anderson Rochester, NY	4
Galina & Yefim Basovsky Rochester, NY	16
Taylor & Molly Dayton Orem, Utah	18
Gemstone Real Estate Rochester, NY	20
David Mankowski Rochester, NY	4
The Property [Association] Associates Highland, Utah	21
J. Paul Dhillon Rochester, NY	10
Napier Enterprises, LLC Rochester, NY	5

Section 2. The Council hereby further approves the sale of the following residential structures to any of the developers listed in Section 1 for their bid

amount, with a minimum bid of \$2,800, under the Investor Bulk Sale Program, subject to the limitations regarding the maximum number of units for which each investor has been approved. Properties not sold at the Investor Bulk Sale shall be sold at a future auction:

Address	SBL #
6 Algonquin Ter	120.42-1-52
147 Alphonse St	106.33-1-79
305 Ames St	120.25-2-11
310 Ames St	120.25-3-73
89 Angle St	105.58-3-24
26 Arnett Blvd	120.67-1-62
3 Athens St	106.21-1-27
439 Ave A	106.22-3-14
39-41 Ave C	105.28-1-19
295 Ave C	106.22-1-8
453 Ave D	091.79-1-51
644 Ave D	091.80-1-78
650 Ave D	091.80-1-77
87 Barons St	106.32-2-14.2
124 Bartlett St	120.68-1-70
129 Bartlett St	120.68-3-23
172-174 Bartlett St	120.67-2-77.1
173 Bartlett St	120.67-3-10
196 Bartlett St	120.67-2-71
455 Bay St	106.25-2-6
105 Bayclif Dr	107.37-2-55
7 Borchard St	091.70-3-30
[505 Brown St	120.35-3-21
102 Cady St	120.60-1-50
59 Cameron St	105.66-1-1
215 Campbell St	120.27-1-58
10 Carl St	106.22-3-15
27 Carl St	106.31-1-8
320-324 Central Park	106.51-2-62
450 Central Park	106.52-1-24.1
238-240 Chamberlain St	107.53-3-47
367 Champlain St	120.59-2-80.1
16 Clairmount St	106.36-1-8
127 Clifford Ave	106.29-4-38
327 Clifford Ave	106.30-3-61
51 Clifton St	120.44-1-56
159 Clifton St	120.51-4-3
278 Columbia Ave	120.68-3-46
414-416 Columbia Ave	120.67-3-50
435-437 Columbia Ave	120.75-1-17
207 Colvin St	120.33-2-19
38 Concord St	106.49-2-35
23 Costar St	105.51-3-51
196 Cottage St	135.28-1-26
52 Crombie St	106.44-4-37
196 Curtis St	105.41-1-36
35 Cutler St	091.69-1-65
13 DeJonge St	106.31-2-40
32 DeJonge St	106.31-2-22
193 Delamaine Dr	091.74-3-8
219 Dr. Samuel McCree	120.59-1-8
268 Dr. Samuel McCree	120.50-2-25
270 Dr. Samuel McCree	120.50-2-26
178 Durnan St	091.74-4-40
224 Durnan St	091.74-4-30
241 Durnan St	091.82-1-23
56 Elgin St	135.27-2-87
117 Emerson St	105.43-2-14
278 Emerson St	105.42-1-50
336 Emerson St	105.42-1-61
552-556 Emerson St	105.41-1-6
20 Evergreen St	106.37-2-12
96 Evergreen St	106.30-3-69.1
150 Fifth St	106.52-1-33
183 First St	106.51-1-33
273 First St	106.43-2-20.1

401 First St	106.35-2-62
243 Fourth St	106.59-2-30
37 Friederich Pk	106.24-3-7
343 Frost Ave	120.68-1-57
423 Frost Ave	120.67-2-28.1
454 Frost Ave	120.67-2-8
590 Frost Ave	120.66-2-5
[128 Fulton Ave	105.43-2-39]
221-223 Fulton Ave	105.35-1-16
331 Garson Ave	106.68-3-23
337 Garson Ave	107.61-3-1
23 Geneva St	091.62-2-36
10 Gladys St	106.29-1-52
104-106 Glendale Pk	105.34-1-44
124 Glendale Pk	105.34-1-60
49 Grover St	120.47-2-12
419 Hague St	105.80-1-50
107-109 Harris St	091.77-4-11
291-293 Hawley St	120.76-1-52
29 Helena St	106.49-3-12.1
17 Herald St	106.25-2-5
58 High St	106.44-2-11
93 High St	106.44-2-33
48 Hollister St	106.42-1-38
86 Holworthy St	105.71-2-19
726-728 Jay St	105.82-1-12
813 Jay St	105.81-3-10
96 Jefferson Ave	120.36-1-72
277 Jefferson Ave	120.51-2-13
68 Joseph Pl	091.80-1-44
35 Karnes St	105.49-3-66
14 Kenwood Ave	120.50-1-31
243 Kenwood Ave	120.58-1-21
73-75 & 77 Kirkland Rd	120.58-2-6 & -7
30 Kohlman St	091.78-3-15
50 Kohlman St	091.78-3-11
77 Kosciusko St	091.73-1-27
90 Lincoln St	106.42-1-58
88 Locust St	105.34-3-52
91 Locust St	105.42-1-10
103 Locust St	105.42-1-4
15 Ludwig Pk	091.80-1-65
226 Lyndhurst St	106.73-2-32
28-30 Magnolia St	121.77-1-33
61 Magnolia St	120.84-3-9
329 Magnolia St	120.83-2-23
669 Maple St	120.33-2-6.1
26 Mark St	106.41-2-9
83 Mason St	090.82-3-91
77-79 Mead St	106.31-1-28
103 Melville St	107.53-3-23.1
274 Merrimac St	106.42-1-25
168 Mohawk St	091.75-1-6
1 Mozart Pl	106.37-3-26
329 Murray St	105.57-3-26.1
122 Myrtle St	105.57-4-28
1001 N. Goodman St	106.44-3-11
972 North St	106.34-1-78
1135 North St	091.81-3-36
30 O K Ter	091.78-1-13
5 Oscar St	091.70-3-52
233 Parkway	105.59-1-4
359 Parsells Ave	107.62-1-23
398 Parsells Ave	107.54-3-048
31 Peck St	106.68-1-30
26 Petrossi Dr	106.27-1-17
77 Portland Ave	106.57-1-24.1
32 Quamina Dr	106.39-3-32
50 Remington St	106.31-2-76
107 Remington St	106.23-1-73
187 Remington St	106.23-1-28
207 Remington St	106.23-1-11
236 Remington St	091.79-4-71
219 Reynolds St	120.68-1-38
323 Reynolds St	120.76-3-69

48 Rogers Ave	105.57-1-53
65-67 Rosewood Ter	107.53-2-13
97 Roth St	106.29-2-3
150 Roycroft Dr	091.82-1-76
191 Roycroft Dr	091.82-2-13
215 Roycroft Dr	091.82-2-18
281 Saxton St	105.83-1-017
95 Seabrook St	106.23-2-51
185 Second St	106.51-1-16
589 Seward St	120.84-1-61
86 Shelter St	120.75-3-61
132 Shelter St	120.75-3-71
165 Shelter St	120.83-1-9
210 Shelter St	120.75-3-86
178 Sherman St	105.58-2-18
91 Silver St	120.35-2-76
129 Sixth St	106.52-1-20
30 Skuse St	106.56-1-25
591 Smith St	105.83-2-19
52 Somerset St	120.49-1-44
203 Spencer St	105.68-1-43
217 Spencer St	105.68-1-41
1532 St. Paul St	090.76-1-61
6 Superior Ter	120.58-3-14
34 Taylor St	120.34-2-48
145 Third St	106.51-2-53
99 Thomas St	106.32-1-15
353 Tremont St	120.52-2-64
410 Tremont St	120.52-1-30
14 Treyer St	106.22-4-32
27 Treyer St	106.30-1-18
39 Treyer St	106.30-1-12
614 Upper Falls Blvd	106.48-1-6.1
47 Violetta St	121.69-4-6
29 Wabash St	106.52-2-28
1 & 3 Walter Pk	120.74-1-26 & -27
169 Warner St	105.57-1-12
432-434 Webster Ave	107.45-4-13
32 Weld St	106.65-3-56
146-148 Weyl St	091.72-4-22
50 Widman St	106.40-1-35
341 Wilkins St	106.25-1-19
31 Winterroth St	107.37-1-26
[12 Woodford St	106.29-1-77]
49 Wright St	120.34-1-52

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Pritchard, Santiago, Stevenson - 5.

Nays - Councilmembers Lightfoot, McFadden, Miller, Warren - 4.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1570
Re: Assessments and Appropriations -
Special Assessment District Parking Lots

Transmitted herewith for your approval is legislation approving the assessments for eight neighborhood commercial and/or residential parking areas, and appropriating a total of \$74,484.26 for the operation and maintenance of the parking areas during 2007-08. A list of these areas and their respective charges is attached.

Special Assessment Districts for these areas were established in 1979 through City Council resolutions, which stipulate that the annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the costs of snow plowing, cleaning, landscape maintenance, lighting, and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

The assessments required and the total appropriations available for 2007-08 and any balances remaining from the assessments of prior years are as follows:

Parking Lot Assessments -	
July 1, 2007	\$63,100.00
Unused Assessment - Prior Years	<u>11,384.26</u>
Total	\$74,484.26

There are two districts for which there are no assessments imposed for 2007-08. For the Wadsworth Square Assessment District, the parking area is leased to Ralph Parking, Inc. and under the term of the lease agreement, Ralph Parking provides necessary maintenance and operation and parking privileges at no charge to assessment district residents. The South Avenue Assessment District has sufficient unused assessments to cover the upcoming year. Any unused assessments from prior years for the Wadsworth Square Assessment District will be applied toward future capital improvement expenditures associated with this parking lot.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-48

Local Improvement Ordinance No. 1570
(Int. No. 164)

**Local Improvement Ordinance - Establishing
The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the local improvement ordinances, and said new assessments are hereby appropriated from the Care and Embellishment Fund for the operation and maintenance of parking areas and neighborhood commercial or residential parking lots during 2007-08:

<u>Parking Area</u>	<u>LIO</u>	<u>Total</u>
<u>New Assessments</u>	<u>Unused Assessments From Prior Years</u>	<u>Amount</u>
Culver/Merchants	1534	
\$29,700.00	\$ -0-	\$29,700.00
Monroe Avenue	1441	
12,300.00	4,300.00	16,600.00
Parker Place	1489	
2,500.00	-0-	2,500.00
South Avenue	1468	
-0-	1,650.00	1,650.00
Wadsworth Square	1416	
-0-	2,434.26	2,434.26
North Street	1258	
7,000.00	-0-	7,000.00
Luell Avenue	1548	
6,600.00	500.00	7,100.00
Woodside/Goodwill	1517	
5,000.00	2,500.00	7,500.00

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1571
Re: Alexander Street and South Avenue
Open Space Maintenance Special
Assessment District

Transmitted herewith for your approval is legislation relating to the South Avenue and Alexander Street Green Space Enhancement located at 62 Alexander Street. This legislation will approve the assessments to finance the cost of maintenance of this property as developed open space during 2007-08. The Assessment District was established in August 2004.

The Green Space Enhancement project originated as a Sector Targeted Funding Initiative development that reconstructed the landscaped open space at the corner of South Avenue and Alexander Street into fully accessible open space, meditation area and recreational space.

The assessments reflect annual maintenance costs of \$6,500, based on estimates obtained by the South Wedge Planning Committee (SWPC) for grass cutting, trimming shrubs, watering, weeding, trash pick-up and removal, fall leaf clean-up, security equipment operation and a reserve to pay for repairs to structures and pavement installed in the open space as follows:

Cleaning and landscaping	\$3,600
Utilities	600
Security	1,300
Reserve	<u>1,000</u>
Total	\$6,500

The South Wedge Planning Committee will be responsible for maintenance. The City will reimburse SWPC from the assessment fund upon submission of vouchers for expenses.

The assessments required and the total appropriations available for 2007-08 and any remaining balance is as follows:

Open Space assessments - July 1, 2007	\$ 6,500.00
Unused assessments - prior years	10,652.84
Estimated expenses through June, 2007	<u>(4,050.00)</u>
Total	\$13,102.84

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-49

Local Improvement Ordinance No. 1571
(Int. No. 165)

**Local Improvement Ordinance - Establishing
The Cost Of The Special Work And Services Related
To The South Avenue/Alexander Street Open
Space District And Authorizing An Agreement**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services to be assessed for the 2007-08 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$6,500, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1537.

Section 2. The Mayor is further authorized to enter into an agreement with the South Wedge Planning Committee for the maintenance of the South Avenue/Alexander Street Open Space District.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$6,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the assessments authorized herein.

Section 4. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No.'s 166, 167, 168 And 169
Re: Brooks Village/Genesee Street
Enhancement Project (Brooks
Avenue-Cottage Street)

Transmitted herewith for your approval is legislation related to streetscape enhancements along Genesee Street between Brooks Avenue and Cottage Street. This legislation will:

1. Authorize geometric changes on the eastside of Genesee Street as follows:
 - A. Barton Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 58 feet south of the center of Barton Street to Barton Street.
 - B. Seward Street/Genesee Street Intersection:

a decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at Seward Street to a point 54 feet north of the center of Seward Street.

- C. Monica Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 46 feet south of the center of Monica Street to a point 4 feet north of the center of Monica Street.
- D. Stratford Park/Genesee Street Intersection:
- a. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 54 feet south of the center of Stratford Park to Stratford Park.
 - b. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at Stratford Park to a point 54 feet north of the center of Stratford Park.
- E. Sawyer Street/Genesee Street Intersection:
- a. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 56 feet south of the center of Sawyer Street to Sawyer Street.
 - b. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at Sawyer Street to a point 54 feet north of the center of Sawyer Street.
- F. Cottage Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 60 feet south of the center of Cottage Street to Cottage Street.
2. Authorize the issuance of bonds in the amount of \$438,000 and appropriation of the proceeds thereof to finance the cost of the enhancements.
 3. Authorize acquisition, by negotiation or condemnation, of a *de minimus* parcel at 844 Genesee Street.
 4. Amend the Official Map by dedicating public right-of-way from a portion of 844 Genesee Street.

Beginning in 2001, the Sector 4 Community Development Corporation sought input from the community on right-of-way modifications for Brooks Village, the area along Genesee Street north of Brooks Avenue. In 2002, FJF Architects summarized and refined proposed street and streetscape design concepts in a report commissioned by the City for the Sector 4 Community Development Corporation. In 2004, Sector 4 Community Development Corporation successfully applied for \$407,000 in Multi-Modal Program funding from the New York State Department of Transportation, to be administered by the City. Appropriation of the funds was authorized by Council October 2005, along with design and resident project representation services for the project by Bergmann Associates. In March 2006, the project was put on hold while funds to fully support the project were sought. The proposed bond represents these funds.

The geometric changes provide for the installation of

bump-outs which will improve pedestrian safety by shortening the crosswalk, creating recessed parking areas and slowing traffic.

The project features also include installation of decorative concrete paver pedestrian crosswalks at Genesee Street intersections at Brooks Avenue and Sawyer Street; special pavement treatments for the curb park; and installation of a decorative street light system.

The property acquisition being proposed will provide for installation of an ADA-compliant accessible sidewalk ramp on the northeast corner of Genesee Street and Seward Street. The value will be established by an independent appraisal performed by Robert J. Pogel, SRPA. The cost of the acquisition will be financed from the bonds authorized herein.

Property owner: Quality Home Furnishing, LLC
SBL#: 135.26-02-030
Square feet: 16+/-

The associated Official Map Amendment will be presented to the City Planning Commission on May 14, 2007.

A public informational meeting was held on April 19, 2007. The minutes of the meeting are attached.

The geometric changes will be presented to the Traffic Control Board on May 1, 2007. A public hearing on the changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Conklin moved to return Introductory Nos. 166, 167, 168 and 169 to Committee.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None 0.

Introductory No. 166

APPROVING CHANGES IN THE PAVEMENT WIDTH OF GENESEE STREET BETWEEN BROOKS AVENUE AND COTTAGE STREET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following geometric changes in the pavement width on the eastside of Genesee Street, between Brooks Avenue and Cottage Street:

- a. Barton Street/Genesee Street Intersection: A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point 58 feet south of the center of Barton Street to Barton Street.
- b. Seward Street/Genesee Street Intersection: A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at Seward Street to a point

54 feet north of the center of Seward Street.

- c. Monica Street/Genesee Street Intersection: A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point 46 feet south of the center of Monica Street to a point 4 feet north of the center of Monica Street.
- d. Stratford Park/Genesee Street Intersection:
 - 1. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point 54 feet south of the center of Stratford Park to Stratford Park.
 - 2. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at Stratford Park to a point 54 feet north of the center of Stratford Park.
- e. Sawyer Street/Genesee Street Intersection:
 - 1. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point 56 feet south of the center of Sawyer Street to Sawyer Street.
 - 2. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at Sawyer Street to a point 54 feet north of the center of Sawyer Street.
- f. Cottage Street/Genesee Street Intersection: A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point 60 feet south of the center of Cottage Street to Cottage Street.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Item held.

Introductory No. 167

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK, AUTHORIZING THE ISSUANCE OF \$438,000 PRINCIPAL AMOUNT OF BONDS OF SAID CITY TO FINANCE THE COST OF THE CONSTRUCTION OF CERTAIN STREET RELATED IMPROVEMENTS FOR THE BROOKS VILLAGE/GENESEE STREET ENHANCEMENT PROJECT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of bump-outs, special crosswalk and pavement treatments, street lighting and other streetscape enhancements relating to the City's Brooks Village/Genesee Street (Brooks Avenue to Cottage Street) Enhancement Project (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$755,000. The plan of financing includes the issuance of \$438,000 principal amount of bonds of the City, and said amount is

hereby appropriated therefor, together with the application of \$317,000 in funds from the State of New York previously appropriated in Ordinance No. 2005-314, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$438,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 24 of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Item held.

Introductory No. 168

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF A DE MINIMIS PARCEL AT 844 GENESEE STREET FOR STREET PURPOSES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of a *de minimis* parcel of approximately 16 square feet at 844 Genesee Street, SBL #135.26-02-030, currently owned by Quality Home Furnishing, LLC, for its appraised value, to be dedicated to street purposes and added to the northeast corner of Genesee Street and Seward Street.

Section 2. The acquisition and necessary closing costs shall be funded from a bond ordinance adopted for the Brooks Village/Genesee Street Enhancement Project.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Item held.

Introductory No. 169

AMENDING THE OFFICIAL MAP BY DEDICATING A PARCEL TO STREET PURPOSES AND ADDING SAID PARCEL TO THE CORNER OF GENESEE STREET AND SEWARD STREET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to the corner of Genesee Street and Seward Street:

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, bounded and described as follows:

Beginning at a point on the northeast intersection between the easterly right of way line of Genesee Street (66' wide) and the northerly right of way line of Seward Street (50' wide);

Thence, northerly on said easterly right of way line of Genesee Street, a distance of 5.00 feet to a point;

Thence, southeasterly, through the lands now or formerly of Quality Home Furnishings LLC, a distance of 7.06 feet to a point on said northerly right of way line of Seward Street;

Thence, southwesterly on said northerly right of way line, a distance of 7.00 feet to the Point of Beginning.

Said parcel contains 16 square feet, more or less.

Section 2. This ordinance shall take effect upon acquisition by the City of the parcel to be dedicated.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1572
Re: Merchants/Winton Open Space District

Transmitted herewith for your approval is legislation approving the annual maintenance budget for the Merchants/Culver Road Open Space District and apportioning this cost among the properties included in the district.

The district was established in 1996 to preserve as open space approximately 1.5 acres of land on Merchants Road. The district includes 71 properties on Winton, Merchants, Royleston, Woodstock, Marsden and Elmcroft Roads.

The open space land consists of one parcel that was owned by the City prior to establishment of the district and one parcel that was acquired by the City in 1996 at a cost of \$21,000. The cost of acquisition plus the closing cost is being amortized over 10 years at a rate of 5%, or at about \$2,720 per year. This will be the final year for the capital costs.

The budget for maintenance of the land is established annually. As a wooded area, it requires a minimum of maintenance, and for 2007-08, the budget will remain the same at \$500.

The total charges will be apportioned among the properties within the district based upon their assessed values, without consideration of any exemptions. There are two groups of properties:

1. Inner properties: those within the triangular area identified on the attached map;
2. Outer Properties: those across the street from the triangular area.

The charges for inner properties will be based upon total assessed values, and charges for outer properties will be based upon two-thirds of their assessed values.

If the proposed maintenance budget is approved, the charges for the individual properties within the district will be prepared and submitted to the Council for consideration. The property owners will be provided with an opportunity to review these assessments and to comment upon them at a public meeting.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-50

Local Improvement Ordinance No. 1572
(Int. No. 170)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The maintenance cost of the special work and services for the 2007-08 fiscal year for the Merchants/Winton Road Open Space District is established as \$500, which, with the previously approved capital costs of \$2,719.60, establishes a total assessment of \$3,219.60, and said total amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1395.

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 171
Re: Zoning Map Amendment - Rezoning Parts of North Plymouth and Lyell Avenues from C-2 and M-1 to Conditioned C-3

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning two properties, 59-69 Lyell Avenue and 662-674 North Plymouth Avenue, from C-2 Community Center District, and four properties, 648, 654, 658 North Plymouth Avenue and 131 Frankfort Street, from M-1 Industrial to a Conditioned C-3 Regional Destination Center District.

The rezoning request is in conjunction with a proposal to develop a multi-tenant commercial complex at the intersections of North Plymouth Avenue, Lyell Avenue and Frankfort Street. The plan includes replacing three existing structures with an 1,800 sq. ft. diner; two 1,500 sq. ft. retail spaces; a laundromat; a 3,000 sq. ft. convenience store with gas sales and drive-through; a two-bay carwash; and 33 off-street parking spaces. The existing C-2 and M-1 districts do not easily allow for this variety of uses.

The Conditioned C-3 Regional Destination Center District is intended to provide certain protections for the adjacent land uses by prohibiting the more intense uses that are permitted as-of-right and specially permitted in the C-3 Regional Destination Center district. The Conditioned C-3 regulations place restrictions on building height, setback, maximum square

footage, and hours of operation. Development will be facilitated by incorporating all of the properties into this one new zone.

Also, the Conditioned C-3 zoning allows for development that is consistent in scale and activity level with existing and emerging uses along Lyell Avenue and North Plymouth Avenue. Special Permit approval will be required for a 24-hour operation that is planned for the convenience store.

The proposed buildings and uses are compatible with the adjacent neighborhood commercial uses and will provide a mix of neighborhood support services. The buildings will be placed along the street with parking and circulation areas behind the buildings. This project provides for a strong, active and pedestrian-scaled streetscape.

The Planning Commission held informational meetings on March 12 and April 16, 2007. Five people spoke in support of the rezoning and five spoke in opposition to the rezoning. The Commission, at the April 16, 2007 meeting, recommended approval (5-0-0). Materials related to these meetings are attached.

Pursuant to Section 120-191 of the Zoning Code, Site Plan Review is required for this project. An environmental determination will be made as a part of this process.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Conklin moved to return Introductory No. 171 to Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Introductory No. 171

CHANGING THE ZONING CLASSIFICATION OF 59-69 LYELL AVENUE AND 662-674 NORTH PLYMOUTH AVENUE FROM C-2 COMMUNITY CENTER AND 648, 654 AND 658 NORTH PLYMOUTH AVENUE AND 131 FRANKFORT STREET FROM M-1 INDUSTRIAL TO A CONDITIONED C-3 REGIONAL DESTINATION CENTER DISTRICT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 59-69 Lyell Avenue and 662-674 North Plymouth Avenue from C-2 Community Center, and 648, 654 and 658 North Plymouth Avenue and 131 Frankfort Street from M-1 Industrial, to a Conditioned C-3 Regional Destination Center District:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows: Beginning at the centerline intersection of North Plymouth Avenue (60' ROW) and Lyell Avenue (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said Lyell Avenue centerline, a distance of 338 feet, more or less, to the centerline intersection of Frankfort Street (20' ROW); thence
- 2) Southeasterly, along said Frankfort Street centerline, a distance of 191 feet, more or less, to the northeasterly extension of the southeasterly line of lands conveyed to Joseph Prestigiaco by a deed filed in Liber 9380, Page 433; thence
- 3) Southwesterly, along said lands of Prestigiaco, a distance of 90.0 feet to an angle point; thence
- 4) Northwesterly, parallel with said Frankfort Street, a distance of 1.0 feet to an angle point; thence
- 5) Southwesterly, continuing along said lands of Prestigiaco, a distance of 20.0 feet to an angle point; thence
- 6) Northwesterly, parallel with said Frankfort Street, a distance of 63.0 feet to an angle point; thence
- 7) Southwesterly, continuing along said lands of Prestigiaco, a distance of 130.0 feet, more or less, to the said centerline of North Plymouth Avenue; thence
- 8) Northwesterly, along said centerline of North Plymouth Avenue, a distance of 363 feet, more or less, to the Point or Place of Beginning.

Section 2. The rezoning approved in Section 1 shall be subject to the following additional conditions:

- A. The following uses shall not be permitted:
 1. Drive-through operations, except if located with egress to Frankfort Street.
 2. Warehouse and wholesale distribution facilities under 15,000 sq. ft.
 3. Light industrial.
 4. Research laboratories, including testing facilities.
 5. Vehicle sales, vehicle rental, vehicle repair.
 6. Parking lots as the principal use.
 7. Sexually oriented businesses.
 8. Kennels.
 9. Outdoor entertainment.
 10. Amusement centers.
- B. The following uses shall not be specially per-

mitted:

1. Homeless shelters.
 2. Recycling centers.
 3. Rooming houses.
 4. Self service storage.
 5. Warehouse and wholesale distribution facilities over 15,000 sq. ft.
- C. Height:
 1. The minimum average principal building height shall be 18 feet.
 2. The maximum accessory building height shall be 18 feet.
 - D. Setbacks along street frontages shall be a maximum of 0' to 5'.
 - E. Maximum square footage for nonresidential uses shall be 6,000 sq. ft.
 - F. The hours of operation for all uses shall be limited to 6:00 a.m. to 2:00 a.m. except, a special permit may be issued to modify the hours of operation.

Section 3. This ordinance shall take effect immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-139
Re: Official Map Amendment - Renaming
Hecla Alley to Veterans Place

Transmitted herewith for your approval is legislation amending the Official Map by renaming Hecla Alley, between Comfort Street and Alexander Street, to Veterans Place. Hecla Alley currently provides access to the parking areas which serve the Veteran's Outreach Center located at 447 South Avenue. The renaming is being requested in honor of the men and women of the United States Military whom the Veterans Outreach Center serves.

The City Code requires consent from 75% of the abutting property owners when renaming of streets is requested. Consent forms were obtained from 78% of the abutting property owners.

The City Planning Commission, in its April 17, 2007 meeting, recommended approval of this renaming by a vote of 5-0. Minutes of that meeting, along with the application for renaming, are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-51

Ordinance No. 2007-139
(Int. No. 172)

Amending The Official Map By Renaming Hecla Alley As Veterans Place

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by renaming Hecla Alley, between Comfort Street and Alexander Street, as Veterans Place.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
May 15, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 173 - Appropriating Funds For The Rochester Heritage Trail Project

Int. No. 174 - Authorizing An Agreement And Appropriating Funds For The Turning Point Park Rain Garden

Int. No. 175 - Authorizing An Agreement For The Play Apparatus At Maplewood Park

Int. No. 176 - Establishing Maximum Compensation For A Professional Services Agreement For A Grant Writer For The Rochester Cemeteries Heritage Foundation

Int. No. 177 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,076,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2007 Water Main Extension And Improvements Program In The City

Int. No. 178 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Mt. Hope Gatehouse In The Mt. Hope Cemetery In The City

Int. No. 179 - Appropriating Funds For The Mt. Hope Gatehouse Roof Replacement Project

Int. No. 180 - Agreeing To Maintain, Repair And Energize A Highway Lighting System On Or Along Mt. Read Boulevard

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 181 - Approving Changes In The Pavement Width Of Monroe Avenue And Laburnum Crescent, As Amended

Int. No. 182 - Local Improvement Ordinance - Es-

ablishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 183 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
Lois J. Giess (Did not vote on Int. No. 176)
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-140 And
Ordinance No. 2007-141
Re: Rochester Heritage Trail and Turning Point Park Rain Garden

Transmitted herewith for your approval is legislation related to the Rochester Heritage Trail and the installation of a rain garden at Turning Point Park. This legislation will:

1. Authorize the appropriation of grant funds of \$20,000 from the Lloyd E. Klos Historical Fund of the Rochester Area Community Foundation to partially fund the Rochester Heritage Trail Project; and,
2. Authorize an agreement with the Monroe County Soil and Water Conservation District for the receipt and use of a \$12,500 grant and appropriate the proceeds thereof for the design, installation and maintenance of a Rain Garden at Turning Point Park.

The Rochester Heritage Trail project will incorporate significant downtown sites within a corridor linking the Second Erie Canal Aqueduct and the Susan B. Anthony Historic District. It is planned as a self-guided walking tour of Rochester history. The project will include design of standards for interpretive signage, to be implemented as part of future capital projects, as well as site-specific research and design of sign content. No local match is required for this grant. The total project cost is estimated at \$40,000 and will be financed equally from the Klos Fund grant authorized by Council in August 2006 and \$20,000 of City funds which will be included in the proposed 2007-08 Cash Capital allocation of the Department of Environmental Services.

The Monroe County Soil and Water Conservation District will provide \$12,500 toward implementation of a rain garden project at Turning Point Park. A rain garden is a storm water management practice for treating small volumes of storm water runoff and uses soil absorption and plants to slow runoff and to filter pollutants. The proposed rain garden at Turning Point Park will treat storm water runoff from the parking lot at the end of Boxart Street before it flows into the Genesee River. The project involves design and installation of the rain garden. In keeping with the character of the park as a waterfront nature preserve, the project will include interpretive signage explaining the rain garden practice and its environmental benefits. Design of the project will be completed by City

staff; the grant will be applied to construction.

The balance of the construction cost, estimated at \$7500, will be funded from a NY Office of Parks, Recreation and Historic Preservation grant, previously appropriated in August 2005.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-140
(Int. No. 173)

Appropriating Funds For The Rochester Heritage Trail Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from funds received from the Lloyd E. Klos Historical Fund the sum of \$20,000, or so much thereof as may be necessary, to fund the design of the Rochester Heritage Trail Project

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-141
(Int. No. 174)

Authorizing An Agreement And Appropriating Funds For The Turning Point Park Rain Garden

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Monroe County Soil and Water Conservation District for funding for a Rain Garden at Turning Point Park.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$12,500, or so much thereof as may be necessary, to fund the Rain Garden.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-142
Re: Approving City As Guarantor For
Maplewood Neighborhood Association

Transmitted herewith for your approval is legislation related to approving the City as a guarantor for two grants received by the Maplewood Neighborhood Association from New York State Parks, Recreation and Historic Preservation. The two grants total Twenty-thousand Dollars (\$20,000).

The grants are for improvements and additions to the play apparatus in Maplewood Park. The Maplewood Neighborhood Association has had a license agree-

ment with the City since 1991 to construct and maintain play apparatus in Maplewood Park.

The State is requiring the City to be a guarantor that the grant will be used for its intended purpose and that the necessary work will be performed because the play apparatus is located on City property. The City will enter into an agreement with the State to act as guarantor and with the Maplewood Neighborhood Association for performance of the work.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-142
(Int. No. 175)

Authorizing An Agreement For The Play Apparatus At Maplewood Park

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation and the Maplewood Neighborhood Association whereby the City shall act as guarantor for two grants to the Maplewood Neighborhood Association in a total amount of \$20,000 to fund the play apparatus at Maplewood Park.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-143
Re: Agreement - Maranne McDade Clay
Grant Writing - Mt. Hope Cemetery

Transmitted herewith for your approval is legislation authorizing \$15,000 as maximum compensation for an agreement with Maranne McDade Clay, 190 Highland Parkway, Rochester, for grant writing services for the Department of Recreation and Youth Services. The cost of this agreement will be funded from the 2006-07 Budget of DRYs. The term of the contract will be July 1, 2007 and expire May 31, 2008 with provision for three one-year renewals.

The services to be provided include the research, development and preparation of applications for grants and other public funds for submission by the Rochester Cemeteries Heritage Foundation, Inc. Ms. Clay will also provide support as necessary to the Friends of Mt. Hope.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-52

Ordinance No. 2007-143
(Int. No. 176)

Establishing Maximum Compensation For A Professional Services Agreement For A Grant Writer For The Rochester Cemeteries Heritage Foundation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Maranne McDade Clay for services as a Grant Writer for the Rochester Cemeteries Heritage Foundation for a term of one year, with three one-year renewal options. Said amounts shall be funded from the 2006-07 and subsequent Budgets of the Department of Recreation and Youth Services, contingent on approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-144
Re: Bond Authorization for Water Main Extensions and Improvements Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$2,076,000 and appropriating the proceeds to fund the 2007 Water Main Extensions and Improvements Program. This funding includes bond authorizations from 2003-04, 2004-05 and 2005-06 (Water Fund).

The Water Main Extensions and Improvements Program provides for the scheduled replacement of deteriorated and inadequate water mains. There are approximately 599 miles of pipe in the City's water distribution system: approximately 390 miles of this pipe are over 75 years of age, the expected useful life of water mains.

The proposed bond issue will finance water main improvements in the following locations:

<u>Location</u>	<u>From:</u>	<u>To:</u>
Prince St.	East Ave.	University Ave.
Lattimore Rd.	Castleman Rd.	Mt. Hope Ave.
Lawrence St.	East Ave.	Charlotte St.
Caffery Pl.	Clifton St.	south end
Mill St.	Platt St.	Factory St.
Strathallan Pk.	East Ave.	University Ave.
Rocket St.	Edgeland St.	Culver Rd.
Clay Ave.	Lily St.	Dewey Ave.

Approximately 1.8 miles of new water main will be installed with this program and are designed to increase water pressure and flow for regular consumption and fire protection.

Bids for the improvements were received April 23, 2007. The work will be performed by Western New York Contractors Inc. at a maximum cost of \$1,972,102.50, which is \$ 290,295.50 more than the engineering estimate. An additional \$ 197,897.50 representing 10% of the bid amount will be provided for contingencies. An amount of \$ 94,000.00 will be applied from Bond Ordinance No. 2005-118.

The improvements are scheduled to begin in summer 2007 and be completed by winter 2007. Project inspection will be performed by Water Bureau personnel.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-53

Ordinance No. 2007-144
(Int. No. 177)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,076,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2007 Water Main Extension And Improvements Program In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2007 Water Main Extension and Improvements Program, including but not limited to water mains along Prince Street, Lattimore Road, Lawrence Street, Caffery Place, Mill Street, Strathallen Park, Rocket Street and Clay Avenue in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,170,000. The plan of financing includes the issuance of \$2,076,000 bonds of the City, and said amount is hereby appropriated therefor, in addition to \$94,000 bonds previously authorized in Ordinance No. 2005-118, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,076,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,076,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations

of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-145 And
Ordinance No. 2007-146
Re: Mt. Hope Gatehouse Roof
Replacement Project

Transmitted herewith for your approval is legislation related to the Mt. Hope Gatehouse Roof Replacement Project. The legislation will:

1. Authorize the issuance of bonds in the amount

of \$205,000 and the appropriation of the proceeds thereof to partially finance construction of the project; and

2. Authorize the receipt and use of a \$150,000 grant from the New York State Office of Parks, Recreation and Historic Preservation. Of this amount, \$130,000 will partially finance construction of the roof replacement; \$20,000 will reimburse the costs of design by City staff.

The project includes replacement of the original slate roof tiles at the Mt. Hope Cemetery Gatehouse, and replacement of all other components of the roof system to ensure a watertight system. Some minor structural repairs, vegetation removal and cleaning of the stone facades will also be addressed. The roof is original to the 1874 building, and has outlived its life expectancy.

The New York State Office of Parks, Recreation and Historic Preservation grant requires a local match equal to the amount of the grant, which the City will finance from the proceeds of the proposed bond issue.

The preliminary estimate for the construction of the project is \$427,200, including contingency, and will be financed as follows:

New York State Historic Preservation Grant	\$130,000
Proceeds from the issuance of bonds 2004-05 and 2005-06 Cemetery Cash	205,000
Capital	65,000
2004-2005 Cash Capital	27,200

Construction is scheduled for Spring 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-145
(Int. No. 178)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Repairs To The Mt. Hope Gatehouse In The Mt. Hope Cemetery In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the Mt. Hope Gatehouse in the Mt. Hope Cemetery in the City, including roof replacement (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$427,200. The plan of financing includes the issuance of \$205,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$130,000 in funds from the State of New York appropriated at this meeting and \$92,200 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$205,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$205,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting

such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-146
(Int. No. 179)

Appropriating Funds For The Mt. Hope Gatehouse Roof Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from funds received from the New York State Office of Parks, Recreation and Historic Preservation the sum of \$150,000, or so much thereof as may be necessary, to fund the Mt. Hope Gatehouse Roof Replacement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-147
Re: I-490 Western Gateway Project/Mt. Read
Boulevard Bridge - Street Lighting

Transmitted herewith for your approval is legislation related to public street lighting improvements as part of the I-490 Western Gateway Project, Erie Canal to the Genesee River. This legislation will:

1. Approve the project; and
2. Authorize any necessary agreements with the New York State Department of Transportation for the City to energize, repair and maintain highway lighting and related appurtenances adjacent to and under I-490 over Mt. Read Boulevard Bridge.

The Western Gateway project extends from the Erie Canal to the Genesee River and includes full rehabilitation of I-490; various intersection improvements; and rehabilitation and/or replacement of some bridges. Other project features include drainage, lighting, pedestrian and bicycle accommodation, noise barriers, landscape and aesthetic improvements, including public art.

The State has agreed to provide as part of the project, the following items in connection with the highway lighting system:

- Underground duct system, including conduits, pull boxes, hand holes and drainage pockets;

- Ducts, pull boxes and anchor bolts on structures;
- Foundations for light standards
- Light standards and bracket arms, specifically including eight decorative post-mount poles and four cobra-head poles
- Luminaries, wiring, switches and ballasts and all other components necessary to complete the lighting system, including eight post-mount luminaries and four cobra-head style luminaries.

Upon completion of construction of the project by the State, the City will maintain the lighting system, which shall be the property of the State of New York, for 20 years or until the Commissioner of the Department of Transportation determines that such lighting and/or the maintenance of such lighting system is no longer necessary. Maintenance shall include, but is not limited to, repair of equipment and providing electricity for the system. Pole attachment fees are the responsibility of the City, and will be paid in accordance with the current Pole Attachment Agreement between the NYSDOT and the utility company(s) involved.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-147
(Int. No. 180)

Agreeing To Maintain, Repair And Energize A Highway Lighting System On Or Along Mt. Read Boulevard

WHEREAS, the State of New York Department of Transportation proposes to construct a highway lighting system on or along Mt. Read Boulevard, a State Highway/Arterial/Interstate within the geographical jurisdiction of the City of Rochester identified as New York State Touring Route 940K, State Highway 50-5, Route I-490, P.I.N. 4490.09.311 in the County of Monroe, as a part of the State Highway/Arterial/Interstate identified as State Highway 61-19, 68-7, and 71-7, Route I-490, P.I.N. 4490.09.311, County of Monroe, and

WHEREAS, the City of Rochester approves of such project and desires to have a highway lighting system on such highway within its geographical jurisdiction, and

WHEREAS, the State of New York has agreed to provide as part of the project the following items in connection with a highway lighting system:

1. Underground duct system, including conduits, pull boxes, hand holes and drainage pockets.
2. Ducts, pull boxes and anchor bolts on structures.
3. Foundations for light standards.
4. Light standards and bracket arms, specifically including eight (8) decorative post-mount poles and four (4) cobra-head poles.
5. Luminaires, wiring, switches and ballasts and all other components necessary to complete the lighting system, specifically including eight (8) post-mount luminaires and four (4) cobra head style luminaires.

WHEREAS, the City of Rochester agrees to maintain, repair and energize such highway lighting system for a period of 20 years or until such time as the Commissioner, in his discretion, determines that such lighting and/or the maintenance of such lighting system is no longer necessary for such Highway/Arterial/Interstate,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Rochester as follows:

Section 1. The City of Rochester approves of the above-subject project.

Section 2. The City of Rochester shall maintain, repair and energize such highway lighting system.

Section 3. The City Council of the City of Rochester hereby authorizes the Mayor of the City of Rochester to enter into and execute an agreement with the State of New York through the Commissioner of Transportation to commit the City of Rochester to maintain, at its own expense, the lighting system on the above-identified project, such agreement to provide that the maintenance shall include the repair and replacement of equipment and the furnishing of electric current for the lighting system.

Section 4. The City Clerk is hereby directed to transmit four (4) certified copies of this ordinance to the State Department of Transportation.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-148
Re: Monroe Avenue Pedestrian
Improvement Project and
Laburnam Crescent Improvements

Transmitted herewith for your approval is legislation which will authorize changes in the pavement widths on Monroe Avenue and Laburnum Crescent as follows:

1. On Monroe Avenue:
 - a. A decrease of 3 feet along the northern side, beginning 70 feet east of Wilmer Street, easterly for a distance of 90 feet; and
 - b. A gradual tapering of the pavement along the northern side beginning at the later point easterly for a distance of 25' to match the existing pavement width; and
 - c. Installation of a bump-out on the south east corner of Monroe Avenue and Boardman Street.
2. On Laburnam Crescent
 - a. A taper from the existing 24' to 34', beginning at a point 33 feet south of Monroe Avenue, southerly for a distance of 13'; and
 - b. An increase in pavement width of 10 feet, from the existing 24' to 34', beginning at the latter point, southerly for a distance of 187'; and

- c. A taper from the proposed 34' to the existing 24', beginning at the latter point southerly for a distance of 13'.

The proposed pavement width improvements were designed by the Department of Environmental Services, Bureau of Architecture and Engineering, and will be accomplished within the existing right-of-way. It is anticipated that construction will begin this fall, and be completed by year end.

Monroe Avenue Pedestrian Improvement Project
(Wilmer Street to Boardman Street)

The proposed changes were requested by the Monroe Avenue Merchants Association, Monroe Village Task Force, and property owners within the project area, in correlation with the pavement width change that was approved by Council on January 14, 2003, Ordinance No. 2003-16, as part of the Monroe Avenue Pedestrian Improvement Project. Construction of the project, however, was deferred at the request of property owners along Monroe Avenue, who had issue with the planned change.

The project was re-initiated in the fall of 2006. The additional changes proposed herein are based on a compromise among the Monroe Avenue Merchants Association, Monroe Village Task Force, and the businesses and property owners. The proposed improvements are intended to improve pedestrian safety, calm traffic, and to encourage economic growth for the area businesses. Construction will involve installation of new granite curbs with under-drain pipe; replacement or adjustment of the existing catch basins; reconstruction of the existing sidewalks with new decorative concrete sidewalks; planting of new trees; pavement striping; and restoration of all areas disturbed by construction activities.

The project was presented at a public informational meeting on April 23, 2007, the minutes of which are attached. The changes were endorsed by the Traffic Control Board on May 1, 2007.

Laburnam Crescent

The proposed changes were requested by NET Office, Area D, and by the Center for Youth Services. The Center, located at 905 Monroe Avenue (corner of Laburnam Crescent), will be improving their existing parking lot to provide for adequate on-site parking. These improvements will eliminate illegal front yard parking along Laburnam Crescent. The proposed pavement width changes will restore and increase legal on-street parking for the neighborhood residents and businesses.

Construction of the changes involves installation of new granite curbs with under-drain pipe; replacement or adjustment of the existing catch basins; reconstruction of the existing sidewalks, pavement striping and restoration of all areas disturbed by construction activities.

The project was presented at a public informational meeting on April 26, 2007, the minutes of which are attached. The pavement width changes were endorsed by the Traffic Control Board on May 1, 2007.

A public hearing on the proposed changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-54

Ordinance No. 2007-148
(Int. No. 181, As Amended)

Approving Changes In The Pavement Width Of Monroe Avenue And Laburnam Crescent

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of Monroe Avenue:

- a. A decrease of [5] 4 feet along the northern side, beginning 70 feet east of Wilmer Street, easterly for a distance of 90 feet; and
- b. A gradual tapering of the pavement along the northern side beginning at the latter point easterly for a distance of 25' to match the existing pavement width; and
- c. Installation of a bump out on the southeast corner of Monroe Avenue and Boardman Street.

Section 2. The Council hereby approves the following changes in the pavement width of Laburnam Crescent:

- [a. A taper from the existing 24 feet to 34 feet, beginning at a point 33 feet south of Monroe Avenue, southerly for a distance of 13 feet;
- b. An increase in pavement width of 10 feet, from the existing 24 feet to 34 feet, beginning at the latter point, southerly for a distance of 187 feet; and
- c. A taper from the proposed 34 feet to the existing 24 feet, beginning at the latter point southerly for a distance of 13 feet.]
- a. Along the west curb line a taper from the existing 12 foot lane width to 17 feet, beginning at a point 65 feet south of Monroe Avenue, southerly for a distance of 13 feet; and
- b. An increase in lane width of 5 feet, from the existing 12 feet to 17 feet, beginning at the latter point, southerly for a distance of 127 feet; and
- c. A taper from the proposed 17 foot lane width to the existing 12 feet, beginning at the latter point southerly for a distance of 13 feet.
- d. Along the east curb line a taper from the existing 12 foot lane width to 17 feet, beginning at a point 57 feet south of Monroe Avenue, southerly for a distance of 13 feet; and
- e. An increase in lane width of 5 feet, from the existing 12 feet to 17 feet, beginning at the latter point, southerly for a distance of 170 feet; and
- f. A taper from the proposed 17 foot lane width to the existing 12 feet, beginning at the latter point southerly for a distance of 13 feet.

Section 3. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make

reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1573

And

Local Improvement Ordinance No. 1574

Re: Local Improvement Ordinance -
Special Assessment Districts

Transmitted herewith for your approval is legislation establishing the 2007-08 budgets for eleven special assessment districts, nine of which provide for street lighting enhancements, and two for streetscape enhancements:

<u>LIO</u>	<u>District</u>	<u>Type</u>	<u>Variance</u>
	<u>2007-08</u>	<u>2006-07</u>	
1547	Wilson Boulevard	Street lighting	
	\$ 521.67	\$ 522.76	\$ (1.09)
1502	Lyell Avenue I	Street lighting	(93.40)
	2,280.02	2,373.42	
1503	Lyell Avenue II	Street lighting	231.37
	2,598.84	2,367.47	
1413	Monroe I	Street lighting	96.52
	1,403.62	1,307.10	
1412	Monroe II	Street lighting	46.80
	605.48	558.68	
1429	Cascade Historic	Street lighting	32.13
	1,546.91	1,514.78	
1430	Cascade Historic	Streetscape	(500.00)
	2,500.00	3,000.00	
1421	Norton Street URD	Streetscape	0.00
	2,815.00	2,815.00	
1422	Norton Street URD	Street lighting	120.92
	1,367.91	1,246.99	
1472	Lake Avenue	Street lighting	314.04
	3,960.96	3,646.92	
1560	St. Paul Street	Street lighting	(14,497.47)
	621.77	15,119.24	

The special assessment lighting districts were established to provide for either enhanced lighting levels to improve security and safety, or for aesthetics. The assessments represent the costs of energy and maintenance and/or the amortization of capital costs. The operating and maintenance costs for 2006-07 were established by LIO No. 1560. The streetscape districts were established to provide for maintenance of special amenities installed within the right-of-way. The capital costs are apportioned among the properties on the basis of front footage. The operating and maintenance costs for 2006-07 were established by LIO No. 1556.

The Wilson Boulevard district (1995, LIO No. 1374; 2005, LIO No. 1547) included the installation of six lighting fixtures. The capital costs of the enhancements were financed by the University of Rochester.

The original Lyell Avenue district (1992, LIO No. 1340; 2002, LIO No. 1502) includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenues, Verona Street and Amber Place.

The enhancements included the replacement of 250-watt fixtures with 400-watt fixtures on 25 poles along the street; and the replacement of 100/150-watt with 250-watt fixtures on four poles at the aforementioned intersections.

The second Lyell Avenue district (1998, LIO No. 1377; 2002, LIO No. 1503) includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets. The enhancements included the replacement of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections. The capital cost of the enhancements for both Lyell Avenue districts was financed with Community Development Block Grant funds.

There are two Monroe Avenue districts (1998, LIO Nos. 1412 and 1413). The first includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490; the second includes 68 properties from the Inner Loop to Culver Road. The districts provide for the fluting of the bronze-colored metal davit light poles, and pedestrian-level lights attached to the back of the davit poles. The capital cost of the enhancements for both districts was financed with City funds.

The Cascade Historic districts were established in 1999 and include 29 properties along Cascade Drive and North Washington Street from Main Street West to the north end. LIO No. 1429, which provides for the lighting enhancements, is based on the differential between maintenance and operation of a standard davit system and the post top ornamental system. LIO No. 1430, which provides for the streetscape enhancements included a berm on the north side of Cascade Drive and decorative tree grates and planters. In 2001, special benches and a clock were also installed within the district. The capital cost of the enhancements was financed with federal funds.

Norton Street Urban Renewal special assessment districts were established in 1998 and include nine properties along Excel Drive, from Norton and Bastian. The street lighting assessment district, LIO No. 1422, provides for pedestrian level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, and the annual energy and maintenance costs for the light fixtures. The streetscape assessment district, LIO No 1421, provides for the maintenance of special sidewalk pavements, signage and landscaping. The capital cost of the enhancements was financed with federal funds.

The Lake Avenue district (2000, LIO No. 1472) includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post-top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles. The capital cost of the enhancements was financed with State funding.

The St. Paul Street District (2005, LIO No. 1552) includes 26 properties along St. Paul Street between Bittner and Mortimer Streets. The enhancements consist of 11 pedestrian level arms and 100-watt lights mounted on the roadway poles. The first year of the assessment included the entire capital for the installation of the enhanced facilities in addition to the energy and maintenance of the lights. The pedestrian level lights were not installed until April 2006.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1573
(Int. No. 182)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for street lighting enhancements during 2007-08:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 521.67	1547
Lyell Avenue I	2,280.02	1502
Lyell Avenue II	2,598.84	1503
Monroe Avenue I	1,403.62	1413
Monroe Avenue II	605.48	1412
Cascade Historic	1,546.91	1429
Norton Street Urban Renewal	1,367.91	1422
Lake Avenue	3,960.96	1472
St. Paul Street	621.77	1552

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

Local Improvement Ordinance No. 1574
(Int. No. 183)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2007-08:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$2,500	1430
Norton Street Urban Renewal	2,815	1421

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

By Councilmember Conklin
May 15, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 184 - Cancellation Of Taxes And Charges, As Amended

Int. No. 185 - Approving Apportionment Of Taxes And Charges

Int. No. 186 - Authorizing An Agreement For Funding For Image Updates For The 2008 Reassessment

Int. No. 188 - Establishing Maximum Compensation For A Professional Services Agreement For Appraisal And Legal Services

Int. No. 189 - Establishing Maximum Compensation For A Professional Services Agreement For The Administration Of The City's Workers' Compensation Program

Int. No. 190 - Establishing Maximum Compensation For A Professional Services Agreement For Administration Of The General Liability Insurance Program

Int. No. 191 - Local Law Amending The City Charter with Respect To The Creation Of The Information Technology Department

Int. No. 192 - Establishing Maximum Compensation For A Professional Services Agreement For A Customer Satisfaction Survey

Int. No. 202 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Training

Int. No. 205 - Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2007 Assessment Roll

Int. No. 206 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2007 Assessment Roll

The following entitled legislation is being held in committee:

Int. No. 187 - Authorizing An Agreement For Vehicle Registration Data For The Parking And Municipal Code Violations Bureau

Respectfully submitted,
Lois J. Giess
Carolee A. Conklin (Voted against Int. No. 188)
Dana K. Miller
Lovely A. Warren
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-149
Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$8,550.00.

Two properties had code violations in the amount of \$ 8,550.00 or 100.00% of the total. The violations

were issued in error.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$449,485.60.

	<u>Accounts</u>	<u>Amounts</u>
City Council	86	\$372,968.69
Administrative	219	<u>76,516.91</u>
Total	305	\$449,485.60

These cancellations represent .195% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachments No. AG-55

Ordinance No. 2007-149
(Int. No. 184, As Amended)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) Ownership of these properties have transferred. The code violations associated with the properties were issued against the former owner. The charges remain unpaid and have been forwarded to the Municipal Code Violation Bureau for collection.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax</u>	<u>Amount</u>
			<u>Year</u>	<u>Cancelled</u>
106.250-0002-062	H	481 Wilkins St.	2007	\$4,500.00
106.310-0004-012	H	487 Clifford Ave.	2007	<u>4,050.00</u>
Grand Total				\$8,550.00

- (B) The 105 properties identified on a list submitted herewith and on file with the City Clerk were taken in tax foreclosure by the County of Monroe on October 26, 2006. The properties have since been transferred to the City. Delinquent City/School taxes in the total amount of \$1,152,677.83 are being canceled for multiple tax years.

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2007-150
Re: Apportionment of Taxes and Charges

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 36 properties. This apportionment has been certified by the Assessor and is authorized by Section 6-78 of the City Charter.

The apportionment consists of City and School taxes and special district charges on properties subdivided or combined in 2006-07. These taxes and charges, which total \$44,008.20, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2007 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2007. A list of subject properties is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-56

Ordinance No. 2007-150
(Int. No. 185)

Approving Apportionment Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester pursuant to Section 6-78 of the Charter of the City of Rochester on April 17, 2007, in accordance with the list which is on file in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-151
Re: New York State Grant -
2008 Image Update Project

Transmitted herewith for your approval is legislation authorizing an agreement with the State of New York, Office of Real Property Services (ORPS) for the receipt and use of a grant in the amount of \$110,000. The grant will reimburse the cost of updating property images for the City's 2008 reassessment as previously approved by City Council in Ordinance No. 2007-48.

These funds have been awarded through the Real Property Tax Administration Technology Improvement grant program, which is an initiative of the NYS ORPS to support local governments in their efforts to establish real property tax equity.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2007-151
(Int. No. 186)

Authorizing An Agreement For Funding For Image Updates For The 2008 Reassessment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Real Property Services for funding to update property images for the 2008 Reassessment.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$110,000, or so much thereof as may be necessary, to fund the update.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-152
Re: Agreements for Appraisal and
Legal Services

Transmitted herewith for your approval is legislation authorizing the following professional services agreements:

1. An agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services needed to complete valuations of City-owned land used for surface parking and for commercial rental space in City parking garages. The agreement will not exceed \$2,500, which will be funded from the 2006-07 Budget of the Department of Economic Development (Parking Fund).
2. An agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services for assessment proceedings relating to the J.P. Morgan Chase parcels at 195-221 East Main Street. The agreement will not exceed \$10,000, which will be funded from the 2006-07 Budget of the Law Department.
3. Agreements with Midland Appraisal Associates, Inc. for appraisal services for assessment proceedings relating to the parcels at 405-417 West Main Street, owned by 415 Main Street W., Inc.; the HSBC parcel at 100 Chestnut Street; and the Hyatt Hotel at 125 East Main Street. The agreements will not exceed \$29,000, which will be funded from the 2006-07 Budget of the Law Department.
4. An amendatory agreement with Bond, Schoeneck & King PLLC, Albany, New York, for legal services for a challenge brought by Frontier Telephone of Rochester to assessments for intra-building cable. The agreement will not

exceed \$16,700, which will be funded from the 2006-07 Budget of the Law Department. The City entered into an initial agreement with Bond, Schoeneck & King for \$10,000 in order to obtain expert legal advice in a complex area of the law. The City has prevailed in a ruling by Supreme Court, Monroe County, that the cable is not exempt from taxation.

5. The Council is also requested to confirm three other agreements with Bruckner, Tillett, Rossi, Cahill & Associates totaling \$28,500 for appraisals needed for Department of Community Development and Economic Development Department projects, and for valuation proceedings relating to the parcel at 1126 Atlantic Avenue, formerly owned by Louis A. and Ann Artuso, which was taken by the City through eminent domain for the Newcroft Park Project. These agreements were entered into separately by each Department in an amount not to exceed \$9,500 without knowledge that the other Departments were contracting for similar services. The City is reviewing contracting procedures to determine revisions needed to assure that multiple agreements with the same provider cannot be authorized without Council authorization.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-152
(Int. No. 188)

Establishing Maximum Compensation For A Professional Services Agreement For Appraisal And Legal Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$2,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services needed to complete valuations of city-owned land used for surface parking and for commercial rental space in city parking garages. Said amount shall be funded from the 2006-07 Budget of the Department of Economic Development (Parking Fund).

Section 2. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services for assessment proceedings relating to the J.P. Morgan Chase parcels at 195-221 East Main Street. Said amount shall be funded from the 2006-07 Budget of the Law Department.

Section 3. The sum of \$29,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Midland Appraisal Associates, Inc. for appraisal services for assessment proceedings relating to the parcels at 405-417 West Main Street, owned by 415 Main Street W., Inc.; the HSBC parcel at 100 Chestnut Street; and the Hyatt Hotel at 125 East Main Street. Said amount shall be funded from the 2006-07 Budget of the Law Department.

Section 4. The sum of \$16,700, or so much thereof as may be necessary, is hereby established as the com-

pensation to be paid for an amendatory professional services agreement with Bond, Schoeneck & King PLLC for legal services for a challenge brought by Frontier Telephone of Rochester to assessments for intra-building cable. Said amount shall be funded from the 2006-07 Budget of the Law Department.

Section 5. The sum of \$28,500, or so much thereof as may be necessary, is hereby confirmed as the compensation to be paid for professional services agreements with Bruckner, Tillett, Rossi, Cahill & Associates in the amount of \$9,500 each for appraisal services for the Department of Economic Development and the Department of Community Development, and for assessment proceedings relating to the J.P. Morgan Chase parcels at 195-221 East Main Street. Of said amount, \$9,500 shall be funded from each of the 2006-07 Budgets of the Department of Economic Development, Department of Community Development, and the Law Department.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-153
Re: Professional Services Agreement
for Third-Party Administration of
Workers' Compensation Claims

Transmitted herewith for your approval is legislation that will establish \$228,000 as the maximum compensation for a three-year Professional Services Agreement with EM Risk Management (a POMCO Company) for continued third-party administration of Workers' Compensation claims for the City of Rochester.

A Request for Proposals was distributed and published in the Democrat and Chronicle. The RFP resulted in seven (7) proposals being submitted from the following vendors: Gallagher Bassett, ESIS, PMA, Eagle, EM, First Niagara and USA TPA. With the assistance of our consultants at Marsh Risk Management, four (4) consultants, including the current contract holder, were invited in to make presentations.

EM Risk Management has been selected for several reasons. EM offered the lowest cost alternatives for claims management and medical bill review services. They have a high level of understanding of City-specific work environments, light-duty alternatives and historic utilization. They have embraced results of the Workers Compensation claims audit conducted by Marsh & McLennan in a positive manner, and have implemented suggested modifications immediately. The Claims Adjuster currently assigned to the City has established a positive rapport with central administration, supervisors of injured workers, employees, attorneys and nurse case managers. Their online reporting capabilities provide essential information that the City needs to view on a daily basis. EM has offices located within the City of Rochester

The agreement shall take effect July 1, 2007 and shall be funded from the 2007-08, 2008-09, and 2009-10 Budgets for Undistributed Expense.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-153
(Int. No. 189)

Establishing Maximum Compensation For A Professional Services Agreement For The Administration Of The City's Workers' Compensation Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$228,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and EM Risk Management for the administration of the City's Workers' Compensation Program for a term of three years. Said amount shall be funded from the 2007-08, 2008-09 and 2009-10 Budgets for Undistributed Expense, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-154
Re: Agreement - Gallagher Bassett
Services, General Liability Insurance
Program Administration

Transmitted herewith for your approval is legislation establishing \$96,623 as maximum compensation for an agreement with Gallagher Bassett Services, Inc., 100 Allens Creek Road, for continued administration of the general liability insurance program. The cost of this agreement will be funded from the Undistributed allocation of the 2007-08 Budget.

The general liability insurance program involves the review of all liability claims, the establishment of adequate reserves for possible settlement of claims, the processing of payments, and the maintenance of records and preparation of periodic management reports. It also involves the conduct of periodic safety surveys and the procurement of required insurance.

Historically, the City has contracted with private organizations for administration of this program. The current agreement for such administration, with Gallagher Bassett, was authorized by the Council in 2002; it expires June 30, 2007.

Proposals for the provision of claims administration services beyond this date were solicited through public advertisement. Proposals were also received from CCMSI, First Niagara, Sedgwick CMS, and PMA Management Corporation. The Finance and Law Departments reviewed the proposals; Gallagher Bassett is recommended based on both pricing and several years of effective and responsive service.

The requested service period was for a three-year period and an option to renew for two additional one-year periods. Costs for future years will be \$101,454, \$106,527, \$111,853, and \$117,446 and will be funded through the Undistributed allocation for the appropriate fiscal year.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-57

Ordinance No. 2007-154
(Int. No. 190)

Establishing Maximum Compensation For A Professional Services Agreement For Administration Of The General Liability Insurance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$96,623, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and Gallagher Bassett Services, Inc. for continued administration of the General Liability Insurance Program. The agreement shall extend for a term not to exceed three years, with options to renew for two additional one-year periods. The funding of the agreement for the first year shall be from the 2007-08 Budget for Undistributed Expense; for the second year, an amount not to exceed \$101,454 shall be funded from the 2008-09 Budget for Undistributed Expense; for the third year, an amount not to exceed \$106,527 shall be funded from the 2009-10 Budget for Undistributed Expense; and for option years, amounts not to exceed \$111,853 and \$117,446 shall be funded from the 2010-11 and 2011-12 Budgets for Undistributed Expense; subject to approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 10
Re: Amending the City Charter -
Information Technology

Transmitted herewith for your approval is legislation amending the City Charter to accommodate the creation of a new department. The Bureau of Information Services, currently in the Department of Finance, will become the Information Technology Department, with the Chief Information Officer as department head.

This change reflects the growing technology needs of the City and will enable the coordination and consolidation of all information technology services throughout the City. In addition to the Bureau of Information Services, the information technology segments of the Police Department and the Department of Environmental Services will transfer to the new department.

The Charter amendments approved by Council in February 2007 included the position of Chief Information Officer. The CIO is charged with designing, directing, and implementing a strategy to integrate and enhance the ease of access, connectivity, transmission, security, confidentiality, and retention of information and communication tools. The CIO will manage the areas of information systems, telecommunications, GIS applications, City website, and records management, and will establish standards for the quality, utility, and integrity of information, as well as direct the acquisition, maintenance, use, and disposition of equipment and technology.

This change will be effective July 1, 2007 and will be reflected in the proposed 2007-08 Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 10
(Int. No. 191)

Local Law Amending The City Charter With Respect To The Creation Of The Information Technology Department

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by renumbering Section 3-12, Director of Information Systems, as Section 8E-1, and by adding said renumbered section to a new Article VIII to be entitled "Information Technology Department", and by further amending said section to read in its entirety as follows:

§ 8E-1. Information Technology Department.

The head of the Information Technology Department shall be the Chief Information Officer. The Chief Information Officer shall identify and prioritize the delivery of the City's online services and information, document management systems, enterprise architecture and wireless strategies. He or she shall maintain effective communication between the City's information technology groups so as to maximize operating efficiencies and provide highly effective information technology services. The Chief Information Officer shall supervise all information technology operations and develop and oversee City information technology policies and procedures, the City's website, Geographic Information Systems, records management, telephony and related functions; and provide for the security of City information. The Chief Information Officer shall be the appointing authority for employees of the Information Technology Department.

Section 2. Section 2-3 of the City Charter, Administrative departments, as amended, is hereby further amended by adding the words "an Information Technology Department," after the words "an Emergency Communications Department," where they appear therein.

Section 3. Section 3-1 of the City Charter, Mayor, as amended, is hereby further amended by deleting the words "a Chief Information Officer;" where they appear in the third paragraph thereof.

Section 4. Section 6-2 of the City Charter, Director of Finance, as amended, is hereby further amended by deleting the words "and the Bureau of Information Systems" where they are contained in the third sentence of the first paragraph thereof.

Section 5. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-155
Re: Customer Satisfaction Survey

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Rochester Research Group, Jocelyn Goldberg Schaible, President, for conducting a Customer Satisfaction Survey on behalf of the City. The cost of the agreement will be financed from the 2006-07 Undistributed Budget. The term of the agreement will be for one year.

RRG will meet with City staff to design a questionnaire that will establish baseline information on residents' attitudes and satisfaction levels related to various City services. A representative cross-section of 600 area residents will be interviewed. Following the initial survey, RRG will conduct two focus groups to probe the survey's findings and explore potential solutions. Finally, nine to twelve months after the baseline, a follow-up, tracking survey will be conducted to test the perceived impact of any solutions that have been implemented.

RRG will provide a full analysis of the surveys and a detailed strategic summary of the findings from the surveys and focus groups.

Proposals were solicited from six firms. In addition to RRG, responses were received from Harris Interactive and the Zogby Group. Following review by an interdepartmental team, Harris and RRG were invited for interviews. RRG was unanimously selected based on their qualifications, thoroughness, follow-through and extensive examples of successful surveys conducted for Rochester-based clients.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-155
(Int. No. 192)

Establishing Maximum Compensation For A Professional Services Agreement For A Customer Satisfaction Survey

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Research Group for a Customer Satisfaction Survey. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-156
Re: Agreement - MS Office 2007
Training Services

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with the Rochester City School District to provide training to City employees on Windows,

MS Office and GroupWise email. The cost of this agreement will be funded from the Undistributed allocation of the 2006-07 Budget.

The City will be replacing the current Core/WordPerfect Office software package with MS Office 2007 for all City personal computers. Employees will have their current skills assessed for placement in appropriate training in the use of the new software. These training sessions will also provide an opportunity to update employees on the use of existing Windows and GroupWise software systems.

A Request for Proposals was sent to six vendors. Bryant & Stratton College, Computer Confidence Inc., and Knowledge Fundamentals, Inc. responded along with the Rochester City School District. The Rochester City School District was selected based on cost, quality of training services, and ability to deliver per a defined training schedule.

The transition to the new software is expected to be complete by December 31, 2007, with training completed prior to that.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-156
(Int. No. 202)

Establishing Maximum Compensation For A Professional Services Agreement For Computer Training

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with the Rochester City School District for computer training for City employees. Said amount shall be funded from the 2006-07 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2007-157 And
Ordinance No. 2007-158
Re: Tax Apportionment Assessment Classes

Transmitted herewith for your approval is legislation certifying certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves determination of the "base proportion." In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2006 data. The second is the calculation of the adjusted base proportions using 2006 and 2007 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead	.4358793
Non-Homestead	<u>.5641207</u>
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4346066
Non-Homestead	<u>.5653934</u>
Total	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead:	+2.6099%
Non-Homestead:	-1.9177%

Assuming no change in the tax levy from the 2006-07 level, and given the 2007-08 taxable assessment figures, the average homeowner would see a total increase of \$31.46 (2.5%) on the property tax portion of the 2007-08 tax bill. The City portion would increase by \$9.68 and the City School District portion would increase \$21.78. The growth in taxable valuation benefitted the homeowner and slightly mitigated the impact of the shift.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-58

Ordinance No. 2007-157
(Int. No. 205)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2007 Assessment Roll

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City's 2007 assessment roll as follows:

<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions	
43.58793%	56.41207%
Current percentage	
61.97480%	38.02520%
Base percentage	
52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Equalization and Assessment.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-158
(Int. No. 206)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2007 Assessment Roll

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2007 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion	.4346066	.5653934
Taxable assessed value	3,099,479,035	2,034,899,448
Net change in assessed value from 2006 resulting from physical and quantity changes	+11,747,200	+29,040,140
Net change in assessed value from 2006 resulting from other than physical and quantity changes	-3,193,900	-8,301,709

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 187 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-159
Re: Data Collection - Out-of-State
Vehicle Registration

Transmitted herewith for your approval is legislation establishing maximum compensation for a professional services agreement with Data Ticket, Inc., d/b/a MSB Parking, 4600 Campus Drive, Suite 200, Newport Beach, California 92660, for collection of out-of-state vehicle registration data for the Parking and Municipal Code Violations Bureau.

All parking violations summonses that remain unpaid 90 days after issuance become, by default, civil judgments. Since 1998, the collection of out-of-state registration data for the collection of such judgments has been contracted to private companies. The current agreement with Data Ticket expires on May 10, 2007.

In April, the Department of Finance solicited proposals for the data collection services after that date. One proposal, Data Ticket, was submitted in response to this solicitation. This proposal was evaluated by the Department of Finance and recommended. This ser-

vice is a niche market and Data Ticket has provided this service to the City's satisfaction since 1998.

The term of the agreement is for a three-year period. Data Ticket will be paid \$1.12 per plate match with a maximum compensation of nine-thousand-three hundred dollars (\$9,300), three-thousand-one hundred dollars (\$3,100) per year. Funding for this agreement will be provided in the operating budget for the department.

There were 2,931 plate matches from May 11, 2006 through April 11, 2007 at a cost of \$3,224.10. The plate match total includes a one-time carryover from previous months, therefore our projection is approximately 2,600 plate matches per year. The average recovery for out-of-state collections is \$74.10 per plate match with estimated gross revenue of \$192,660.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-59

Ordinance No. 2007-159
(Int. No. 187)

Authorizing An Agreement For Vehicle Registration Data For The Parking And Municipal Code Violations Bureau

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Data Ticket, Inc., d/b/a MSB Parking, for the collection of out of state vehicle registration data for the Parking and Municipal Code Violations Bureau for a term of three years.

Section 2. The agreement shall obligate the City to pay the sum of \$1.12 per plate match, in an amount not to exceed \$3,100 per year. Said amounts shall be funded from the annual budgets of the Finance Department, contingent upon approval of subsequent budgets.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
May 15, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 193 - Amending Ordinance No. 2007-56, Relating To The Emergency Training Information Network

Int. No. 194 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For Backup Generators For Fire Stations And Appropriating Funds

Int. No. 195 - Establishing Maximum Compensation

tion For A Professional Services Agreement For A Plumbing Study At The Chestnut Street Firehouse

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-160
Re: Emergency Training and Information Network

Transmitted herewith for your approval is legislation amending Ordinance No. 2007-56 by increasing the compensation and decreasing the term of the agreement with Fire and Emergency Training Network, Carrollton, Texas.

The maximum annual compensation for services related to the Emergency Training and Information Network will be increased by \$1,110 to \$12,330, and the term will be decreased from five to four years. The cost of this agreement will be funded from the annual budgets of the Fire Department, beginning with 2006-07.

Given recent changes in the potential number of trainees, it was necessary to renegotiate the terms of the agreement. Reducing the term of the agreement reduces the overall cost of \$56,100 to \$49,320.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-160
(Int. No. 193)

Amending Ordinance No. 2007-56, Relating To The Emergency Training Information Network

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-56, relating to an agreement with the Fire and Emergency Training Network for the Emergency Training Information Network, is hereby amended by increasing the annual compensation to an amount not to exceed \$12,330 and reducing the maximum term to four years.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-161
Re: Firehouses Emergency Standby Generator Project

Transmitted herewith for your approval is legislation related to the installation of emergency standby generators for three firehouses. This legislation will:

1. Establish \$42,000 as maximum compensation for an agreement with Erdman, Anthony and Associates, 2165 Brighton-Henrietta Town Line Road, Rochester, to complete preliminary engineering and design services required for the project. The cost of the services will be financed from the 2005-06 Cash Capital allocation; and
2. Authorize appropriation of anticipated reimbursements from the U.S. Department of Homeland Security, in the amount of \$120,000, to partially finance construction of the project.

The engineering services will provide for installation of full redundancy gas-fueled standby back-up generators at three firehouses - Goodman Street, Gardiner Avenue, and Lake Avenue.

In February 2006, an engineering analysis performed by Erdman, Anthony and Associates, as authorized by Council in May 2005, outlined options for standby emergency power. The firehouses were grouped by similarity of size and age to optimize economies of scale. The three firehouses selected for this phase of firehouse generator installations were built in the early 1960's, and are each approximately 6,700 square feet in size.

Proposals for the engineering services were solicited from eight area firms. Three firms responded: Q-Tech Engineering, P.C.; Erdman Anthony and Associates, Inc.; and Stantec Consulting Services, Inc. The proposals were rated by City staff and based on the ratings, Erdman, Anthony and Associates was selected.

The preliminary estimate for construction of the project is \$335,000, to be financed as follows:

Homeland Security Grant	\$120,000
2005-06 Cash Capital	13,000
2006-07 Cash Capital	202,000

It is anticipated that design of the project will be completed this summer and that construction will begin immediately thereafter, and be completed by fall, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-161
(Int. No. 194)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For Backup Generators For Fire Stations And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$42,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman, Anthony and Associates for preliminary engineering and design services related to the Firehouses Emergency Standby Generator Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. There is hereby appropriated from funds

to be received from the United States Department of Homeland Security the sum of \$120,000, or so much thereof as may be necessary, to fund the construction of backup generators for fire stations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-162
Re: Agreement - Plumbing Study at
Chestnut Street Firehouse

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with IBC Engineering P.C., 3445 Winton Place, Rochester, to perform a plumbing study at the Chestnut Street Firehouse. The cost of the agreement will be financed from the 2004-05 Cash Capital allocation.

The study will provide an engineering analysis, research on energy incentive programs and "Green Building" opportunities and the schematic design of the recommended improvements. This firehouse was built around 1936, and is one of the oldest firehouses in the City. The plumbing system is original to the building and has reached the end of its useful life.

Qualifications and proposals were solicited from eleven area firms. Eight firms responded: Erdman Anthony & Associates; IBC Engineering P.C.; LaBella Associates, P.C.; M/E Engineering, P.C.; MRB Group Engineering teamed with Pathfinder Engineers; Stantec; and Turner Engineering. The qualifications and proposals were rated by City staff and, based on these ratings, IBC Engineering P.C. was selected.

The study is scheduled to be complete in the fall of 2007. It is anticipated that information gained in the study will be used for a request in future Capital Improvement Programs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-162
(Int. No. 195)

Establishing Maximum Compensation For A Professional Services Agreement For A Plumbing Study At The Chestnut Street Firehouse

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and IBC Engineering P.C. for a plumbing study at the Chestnut Street Firehouse. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
May 15, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 196 - Authorizing The Sale Of Parcel To Phoenix Graphics, Inc.

Int. No. 197 - Approving The 2007-08 Operating And Capital Budgets Of The Cultural Center Commission

The Jobs, Economic Development & Center City Committee recommends for consideration the following entitled legislation:

Int. No. 198 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

Int. No. 199 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 200 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services (Previously Known As Downtown Guides) And Authorizing An Agreement

Int. No. 201 - Authorizing An Amendatory 2001-02 Community Development Program Plan And Ordinance No. 2002-285 To Provide Funds For The Business Association Support Program

The following entitled legislation is being held in committee as a result of a tie vote:

Int. No. 203 - Resolution In Support Of A COMIDA Downtown Tax Abatement Program For Owner-Occupied Housing

Respectfully submitted,
William F. Pritchard
Adam C. McFadden (Voted against Int. No. 198, Int. No. 200 and Int. No. 203)
Dana K. Miller (Voted against Int. No. 203)
Lois J. Giess (Did not vote on Int. No. 196 and Int. No. 197)
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-163
Re: Land Sale - Phoenix Graphics

Transmitted for your approval is legislation authorizing a sale of a portion of a City-owned parcel of former railroad land east of 476 State Street to Phoenix Graphics, Inc. The area to be conveyed is approximately .678 acres. The sale price of \$59,000 was determined by an independent appraisal prepared by Robert Pogel.

The parcel to be purchased is located directly behind the company's State Street facilities, and has been maintained by Phoenix for some time. The property is used for Phoenix employee and customer parking.

Phoenix Graphics is purchasing new production equipment; as a result, additional parking is required to support increased business volume. Securing the parking is required by the company for remaining in their current location.

Phoenix Graphics, Inc., a commercial printer in business since 1985, specializes in pre-press production and graphics including complete design, layout and typesetting services. The company employs 26 workers currently, and expects to create four to six new jobs over the next three years.

Phoenix currently owns three buildings at 464, 470 and 476 State Street. They have made significant investment to their facilities, including an addition to one building and the purchase of 476 State Street.

The .678 acre property to be conveyed is part of the former CSX rail corridor acquired by the City in 2006. The parcel to be conveyed is vacant land; the remainder of the parcel totals more than 3.8 acres. Phoenix will acquire the property in "as is" condition.

Phoenix is interested in acquiring additional land for possible future expansion. The City will retain the balance of the parcel until planning for the El Camino-Butterhole Trail is completed next year. Once long-term plans for the trail are finalized, additional land may be available for sale.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-60

Ordinance No. 2007-163
(Int. No. 196)

Authorizing The Sale Of Parcel To Phoenix Graphics, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of a portion of the former railroad parcel at 196 Smith Street, SBL #106.61-1-19, containing approximately .678 acres east of, and extending northerly and southerly from, the Phoenix Graphics, Inc. parcels at 464, 470 and 476 State Street, to Phoenix Graphics, Inc. for the sum of \$59,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-164
Re: Cultural Center Commission -
2007-08 Budget

Transmitted herewith for your approval is legislation relating to the 2007-08 operating and capital budgets of the Cultural Center Commission. This legislation

will:

1. Approve and appropriate the budgets proposed by the Commission for the period July 1, 2007 through June 30, 2008 in the amount of \$541,873; and
2. Authorize the Commission to approve during this period the transfer of capital budget appropriations not exceeding \$10,000.

The proposed budgets were approved by the Commission on April 10, 2007. They have been reviewed by the City's Bureau of Budget and Efficiency and the County's Office of Management and Budget. Approval of the budgets by the City Council and County Legislature is required by Chapter 613 of the law of 1979 of the State of New York. Delegation to the Commission of the authority to subsequently expend funds from the budgets was approved by the Council on September 9, 1980 and Legislature on September 30, 1980.

The total amount of funds available to the Commission for use during 2007-08 is \$541,873.

<u>Budget Summary</u>	<u>2007-08</u>	<u>2006-07</u>
Operating:		
Salaries	\$ 45,515	\$ 54,575
Fringe benefits	21,973	21,580
Office supplies/ equipment	100	100
Telephone and postage	600	600
Printing and advertising	500	0
Dues and subscriptions	0	0
Training and meeting	500	500
Professional service	10,000	5,000
Marketing	2,000	2,000
Contingency	500	500
Total	\$ 81,688	\$ 84,855
Capital:		
Development	\$227,731	\$232,034
Streets/open space	218,954	216,765
Executive design	0	25,035
Administration (operating)	81,688	84,855
Annual audit	13,500	13,100
Total	\$541,873	\$571,789

The proposed capital budget assumes \$72,000 in parking revenue from the Commission-owned property at 420 East Main Street. Any funds not utilized during 2007-08 will be re-appropriated for the 2008-09 budget.

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council on June 20, 2006 for the 2006-07 budget. The Commission has a comparable ability to approve the transfer of operation appropriations pursuant to a Council authorization of September 9, 1981.

The City's portion of the funding for this program, including the above-proposed budget, is limited to the balance available in the City's 1989 cash capital fund of \$191,909.76.

The budgets will be considered by the Monroe County Legislature on June 12, 2007.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2007-164
(Int. No. 197)

Approving The 2007-08 Operating And Capital Budgets Of The Cultural Center Commission

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the 2007-08 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 3 of 2007. The Council specifically authorizes the Cultural Center Commission to transfer funds within the Cultural Center Commission Capital Account in an amount not to exceed \$10,000 during the fiscal year. The Commissioner of Economic Development of the City of Rochester is further authorized to transfer unencumbered funds in the Operating Budget from one account to another in accordance with the financial and budgetary practices of the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1575
Re: High Falls Business
Improvement District

Transmitted herewith for your approval is legislation approving the 2007-08 levy of \$25,000 for the High Falls Business Improvement District and continuing to apportion the costs among the properties within the District.

In New York State, legislation allows municipalities to create Business Improvement Districts to impose an assessment on property owners for additional services.

The High Falls District Plan, adopted by Council in January 2004, outlines a description of the BID boundaries, the assessment formula used to determine each building owner share, and the \$25,000 budget to be used for additional clean-up, beautification, landscaping, marketing, advertising and promotional materials.

The District Plan is on file in the City Clerk's office.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-61

Local Improvement Ordinance No. 1575
(Int. No. 198)

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The budget for the 2007-08 fiscal year for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No. 1 of 2004.

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1576
Re: 2007-08 Downtown Enhancement
District

Transmitted herewith for your approval is legislation approving the 2007-08 budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District.

The District, originally authorized by the City Council in 1989, was re-authorized in 1994, 1999 and 2004. It is designed to provide an enhanced level of care and maintenance in the Downtown area.

In general, the District includes:

1. All properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and
2. All other properties within 1600 feet of Main Street that are included in the enclosed walkway system.

The District is administered by the Department of Environmental Services. An advisory committee, consisting of eleven representatives of property owners or tenants, oversees DES' administration.

The annual costs of the special services provided within the District are restricted by formula - an amount equal to the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index - unless otherwise approved by the advisory committee. The costs are apportioned among the properties within the District using the following criteria:

Fifty percent is allocated based upon the assessed valuation of a property and fifty percent is allocated based upon gross area. In addition, costs to properties directly on Main Street or with direct access to Main Street via the enclosed walkway system are weighted at twice the factors of all other properties. All parking lots and garages, regardless of location, are included in the latter category.

The maximum permissible budget for 2007-08 based upon the eighteen-year cumulative increase in the CPI (68%) is \$671,700. The recommended budget is \$523,300 which is \$55,700 (9.64%) less than the 2006-07 amount. This is due in most part to the use of \$60,000 from the Fund balance.

A budget summary is as follows:

Category of Expense	Current Year 2006-07	Proposed 2007-08	Variance
Salaries and wages	\$352,200	\$361,100	\$ 8,900
Employee benefits	<u>129,900</u>	<u>135,600</u>	<u>5,700</u>
Personal services	482,100	496,700	14,600
Materials and supplies	65,100	65,100	0
Contractual services	<u>45,100</u>	<u>54,600</u>	<u>9,500</u>
Operational expense	592,300	616,400	24,100
Less operating revenues	<u>-33,000</u>	<u>-33,000</u>	<u>0</u>
Required assessments	559,300	583,400	24,100
Use of fund balance	0	-60,000	-60,000
Contingency for wage settlement	<u>19,800</u>	<u>0</u>	<u>-19,800</u>
Total	\$579,100	\$523,400	\$ -55,700

The Enhancement District Committee approved the proposed budget by a vote of 7 to 0 on January 18, 2007.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1576
(Int. No. 199)

**Local Improvement Ordinance - Establishing
The Cost Of The Special Work And Services Re-
lated To Main Street Improvements**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services for the 2007-08 fiscal year for the Downtown Enhancement District is established at \$523,300. Said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444 and 1531.

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1577
Re: Downtown Special Services Program
(formerly Downtown Guides Program)

Transmitted herewith for your approval is legislation related to the Downtown Special Services Program (formerly Downtown Guides Program). This legislation will:

1. Approve the 2007-08 budget of the program;
2. Approve the assessments to be apportioned to the properties within the Downtown Guides

Special Services District (see attached map); and

- 3. Establish \$460,000 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2007 to June 30, 2008. This agreement will be funded from new assessments and fund balances to participating properties; and
- 4. Appropriate \$100,000 from fund balances for the purchase of surveillance cameras for the District.

The Downtown Guides Program, established in 1994 and re-authorized in 1999 and 2004, is administered by a non-profit corporation, Downtown Special Services, Inc.. The corporation is directed by an eleven-member board which includes representatives from Downtown businesses, the tourist industry, and City and County government.

At a joint meeting of the board and membership, held April 4, 2007, it was decided to change the name of the program to Downtown Special Services to reflect a change in the program's emphasis from information to safety. The services will now include retired and off-duty law enforcement personnel on foot, bicycles and in vehicles to provide on-street safety services. These services will be provided five afternoons and seven evenings per week.

In addition, the program will continue to operate the Downtown Information Center, 120 East Main Street, in the core of Rochester's convention and hotel district, and the Downtown Website, which provides information on current events, restaurants and shopping in the Downtown area.

The 2007-08 budget of the program will be \$560,000 which includes \$100,000 for the purchase of surveillance cameras for the District. The current fund balance of \$207,250 will be applied, resulting in a total assessment for this year of \$368,813, which includes a delinquency reserve.

The assessment to cover the expenses of the program will be apportioned among all non-homestead properties within the District boundaries, except those owned by the federal or state governments. The apportionment is based on relative assessed valuation.

If the proposed legislation is approved, the tax levy for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review these tax levies and to comment upon them at a public hearing.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-62

Local Improvement Ordinance No. 1577
(Int. No. 200)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services (Previously Known As Downtown Guides) And Authorizing An Agreement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The cost of the special work and services to be assessed for the 2007-08 fiscal year for the Downtown Special Services District, which name is changed from the Downtown Guides District, is established at \$368,813, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446 and 1529.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Special Services Program. The agreement shall obligate the City to pay an amount not to exceed \$460,000, and of said amount, or so much thereof as may be necessary, \$352,750 is hereby appropriated from the assessments authorized herein and \$107,250 is hereby appropriated from Downtown Special Services District fund balances. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated from Downtown Special Services District fund balances to fund the purchase of surveillance cameras for the District.

Section 4. This ordinance shall take effect on July 1, 2007, except that Section 3 shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-165
Re: Business Association Support - New York State Main Street Program

Transmitted herewith for your approval is legislation amending the 2001-02 Consolidated Community Development Plan and Ordinance No. 2002-285 by transferring \$20,000 in CDBG funds from the Neighbors Building Neighborhood Programs allocation to the Business Association Support allocation.

These funds will be granted to business associations for assistance in applying for and administering funds from the New York State Main Street Program. Maximum grant amounts are \$5,000. These grants will provide associations without staff support the ability to participate in the program.

The New York Main Street Program, established in 2004, provides grants up to \$200,000 to non-profit organizations for use in one of four areas: facade renovation, building renovation, streetscape enhancement, and downtown anchor grants.

A public hearing is required for the amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-165
(Int. No. 201)

Authorizing An Amendatory 2001-02 Community Development Program Plan And Ordinance

No. 2002-285 To Provide Funds For The Business Association Support Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2001-02 Community Development Program Plan whereby the sum of \$20,000 shall be transferred from the Neighbors Building Neighborhoods Allocation to the Business Association Support Account of the Promoting Economic Stability Allocation.

Section 2. The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated from the Promoting Economic Stability Allocation of the 2001-02 Community Development Program to fund the Business Association Support Program.

Section 3. Ordinance No. 2002-285, relating to the Neighbors Building Neighborhoods Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$20,000, which amount is transferred and reappropriated herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Pritchard moved to discharge Int. No. 203 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2007-14
Re: Downtown Tax Abatement Program
for Owner-Occupied Housing

Transmitted herewith for your approval is legislation adopting a policy that will provide tax abatements for new owner-occupied residential units in the Center City District. New owner-occupied units, created through new construction or renovation of an existing building, would be eligible for a partial, nine-year, real property tax exemption. The actual exemption would be realized through a payment-in-lieu-of-tax (PILOT) agreement, approved by the County of Monroe Industrial Development Agency (COMIDA).

The intent of the program is to facilitate more owner-occupied housing in the Center City District. Currently, data provided by the Rochester Downtown Development Corporation show that there are 2,470 residential units located in the downtown area. Only 62 of these units are owner-occupied - and all are considered "high-end" housing. Increasing owner-occupancy in downtown will further stabilize this growing neighborhood community. It is also intended to encourage a wider economic range of owner-occupied housing opportunities.

This policy will have a sunset provision of five years, expiring May 31, 2012. This will provide time to assess its effectiveness in order to determine its continuation.

New York State law has no provision allowing the City to provide such a tax abatement program directly. Therefore, COMIDA has agreed to consider PILOT agreements for qualified projects. New owner-occupied residential units will have partial abatements of taxation and special ad valorem levies. The abatement is applied to the increase in assessed value attributable to the newly created owner-occupied residential unit. The structure of the partial tax abatement will be as follows:

Year	And % of Abatement
1	90% of abatement base
2	80%
3	70 %
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

The tax abatement will be restricted to the residential portion of projects located in the area defined by the Zoning Ordinance as the Center City District (CCD) as displayed on the attached map. The property owner will be required to file an application for the abatement with the City Assessor and, upon approval, an application to COMIDA for final approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-63

Resolution No. 2007-14
(Int. No. 203)

Resolution In Support Of A COMIDA Downtown Tax Abatement Program For Owner-Occupied Housing

WHEREAS, the City wishes to facilitate the construction of new residential, owner-occupied units in the Center City Zoning District; and

WHEREAS, the County of Monroe Industrial Development Agency (COMIDA) has agreed to consider a policy providing for tax abatements through the use of payment in lieu of tax agreements for qualified projects, upon the City's approval of such a policy;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the adoption by COMIDA of a tax abatement policy, using payment in lieu of tax agreements for qualified projects, whereby newly constructed or renovated owner-occupied residential units in the Center City Zoning District will be eligible for a partial, nine year, real property tax abatement applicable to the increase in assessed value which is attributed to the newly created owner-occupied residential units as follows:

Year	Abatement in Assessment Increase
1	90%
2	80%
3	70%
4	60%
5	50%
6	40%
7	30%
8	20%
9	10%
10	0%

Section 2. This resolution shall take effect immediately and shall remain in full force and effect until May 31, 2012.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, Pritchard, Santiago, Stevenson, Warren - 7.

Nays - Councilmembers McFadden, Miller - 2.

Councilmember McFadden moved to reconsider Introductory No. 152.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Councilmember Stevenson moved to amend Introductory No. 152.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmember Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

The transmittal letter appears on page 113 of the current Proceedings.

Ordinance No. 2007-166
(Int. No. 152, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$28,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Midland Appraisal Associates, Inc. for appraisal services for the City watershed properties surrounding Hemlock and Canadice Lakes. Said amount shall be funded from the 2006-07 Budget of the Department of Environmental Services (Water Fund).

Section 2. The Council hereby reaffirms its commitment to the principles articulated in Resolution No.

93-39 establishing a commitment to protect both the water supply and the natural environment.

Section 3. The appraisers shall be made fully aware of the various regulations, restrictions, and agreements that would impact potential alternative uses of the properties.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:00 P.M.

DANIEL B. KARIN
City Clerk

PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGETS
JUNE 13, 2007
7:00 P.M.

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for A Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARINGS

Pursuant to law public hearings will now be had on the following matter.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008, And Appropriation Of Sums Set Forth Therein Int. No. 261 One speaker: Resident of 468 Hayward Avenue.

Adoption Of The Budget Estimates For Municipal Purposes For The 2007-08 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 260 Fourteen speakers: David Anderson, Jennifer Brown, Holly Wheeler, Jeff Goldbatt, Aaron Schaffer, Bethany Gizzy, Peter Eisenstat, Johnathan Garlock, Tim O'Connell, David Ahl, Bill Johnson, Anita Cameron, Richard Astifan, Ruth Rosenberg-Naparsteck.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008 Int. No. 265 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2007 And Expiring June 30, 2008 Int. No. 264 No speakers.

The meeting was adjourned at 8:30 p.m.

DANIEL B. KARIN
City Clerk

SPECIAL COUNCIL MEETING
JUNE 14, 2007
7:00 P.M.

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Absent - Councilmember Warren - 1.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Approving The Consolidated Community Development Plan/2007-08 Annual Action Plan, As Amended Int. No. 221 Two speakers: Ruhi Maker, Joni Monroe

Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Business Loan Program And Execution Of Grant Agreements With the United States Department Of Housing And Urban Development Int. No. 223 No speakers.

Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Neighborhood Stabilization And Improvement Program And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development Int. No. 224 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 14, 2007

To the Council:

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 221 - Approving The Consolidated Community Development Plan/2007-08 Annual Action Plan, As Amended

Int. No. 222 - Authorizing Submission Of The Consolidated Community Development Plan/2007-08 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development, As Amended

Int. No. 223 - Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Business Loan Program And Execution Of Grant Agreements With the United States Department Of Housing And Urban Development

Int. No. 224 - Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Neighborhood Stabilization And Improvement Program And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 225 - Appropriation Of Funds For The City Development Fund

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
Lovely A. Warren
Lois J. Giess
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

- Ordinance No. 2007-167,
- Ordinance No. 2007-168
- Ordinance No. 2007-169,
- Ordinance No. 2007-170 And
- Ordinance No. 2007-171

Re: Consolidated Community Development Plan/2007-08 Draft Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan/2007-08 Draft Annual Action Plan. The legislation will:

1. Approve the 2007-08 Draft Annual Action Plan;
2. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements;
3. Authorize the submission of an application to the U.S. Department of Housing and Urban Development for additional Section 108 loan authority totaling \$4,000,000 and the authorization of any necessary agreements; and,
4. Approve the appropriation and the use of Urban Development Action Grant principal and interest repayments estimated to be available during the 2007-08 program year.

The Action Plan is the third annual implementation plan of the five-year 2005-2010 Consolidated Community Development Plan for the City of Rochester (Consolidated Plan).

The Consolidated Community Development Plan identifies the overall housing and community development needs and outlines a strategy to address those needs. It describes housing and homeless needs and market conditions, sets forth a strategy that establishes priorities, identifies federal and other resources anticipated being available and outlines the proposed use of those resources. The Plan brings together, in one consolidated submission, the planning and application requirements for the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), American Dream Down Payment Initiative (ADDI), Emergency Shelter Grant, Housing Opportunities for Persons with AIDS, and the Section 108 loan program.

The City of Rochester is submitting a Section 108 generic loan application simultaneously with the Action Plan to create two loan funds to facilitate business development and neighborhood stabilization and improvement activities.

For Program Year 2007-08 (July 1, 2007 - June 30, 2008), the Action Plan describes resources to be utilized, activities to be implemented, as well as other actions to be carried out.

The current Community Development Block Grant and HOME spending patterns reflect a dispersal of funds over a large geographical area. In order to achieve a greater impact, the Department will be defining smaller areas for public investment and focusing expenditures over a multi-year period. This focused investment strategy will produce greater neighborhood impacts.

Several economic development programs were consolidated into four funding allocations. The consolidation of funding will improve budgeting and performance monitoring.

The public services program was reviewed and aligned more closely with City priorities. Funding is transferred to activities that maintain or increase the tax base.

To prepare the plan, the Department used the Consolidated Plan Management Process (CPMP) tool format created by the U.S. Department of Housing and Urban Development (HUD). This optional tool assists grantees in meeting the requirements of a Consolidated Plan - a Strategic Plan, up to five Annual Action Plans, and up to five Consolidated Annual Performance and Evaluation Reports (CAPER).

Citizen input is a crucial piece of the planning process. Public meetings are held at a variety of times and locations within the program's target areas. In addition, the City provides opportunities for citizens to submit written comments, proposals, and recommendations. It also publishes and distributes material in both English and Spanish.

The Citizen Participation Plan has been updated and revised for clarity and consistency with regulations. Specifically, the section on the list of circumstances that constitute a substantial amendment is revised and the planning and implementation schedule are updated for the 2007-08 Annual Action Plan.

The City has undertaken a Housing Market Analysis to evaluate the City's current, future and potential housing market, which will result in recommendations to guide the development of a new Housing Policy and Plan for the City of Rochester. The new Housing Policy and Plan will guide the allocation of CDBG and HOME resources available to the City of Rochester to address priority housing needs and specific objectives.

The amount of revenue expected to be available to fund plan activities is estimated to be \$22,766,996. Of this amount, \$14,216,996 represents new grants from the federal government, \$2,050,000 represents the anticipated receipt of loan and interest repayments on prior year Urban Development Action Grant and other program income. Also reflected in the total is \$4 million of Section 108 funds, \$2.5 million of which is to be allocated in local capital funds for the Focus Investment Strategy.

The following table provides an indication of funding by program goal.

Goal	Amount	Percent Of Total
Support Neighbors Building Neighborhoods	\$ 699,800	3%
Promote Economic Stability	4,500,500	20%

Improve the Housing Stock	15,353,971	67%
Respond to General Community Needs	1,437,025	6%
Other	<u>775,700</u>	4%
Total	\$22,766,996	100%

Significant funding highlights include:

- An allocation of \$970,000 for the EDD Financial Assistance Loan and Grant Program which will create 22 jobs and assist 2 businesses.
- Funding in the amount of \$10,000 for the High Technology Program which provides technical assistance to new/start-up businesses.
- A Section 108 Business Loan Program which will create 60 jobs.
- An allocation of \$430,000 for a Neighborhood Commercial Assistance Program that will assist 75 businesses.
- Funding in the amount of \$150,000 for facade improvements to 5 businesses.
- The Department of Community Development will finalize a Housing Market Analysis and develop a new Housing Policy and Plan.
- It should be noted that funding is available from prior years to continue the Employer Assisted Housing Initiative and Buyer Assistance Program, and Buyer Assistance at their current utilization levels.
- An allocation of \$120,000 for a variety of fair housing activities contained in the Community Choice Action Plan.
- The rehabilitation of salvageable vacant homes is an important policy priority. Funding in the amount of \$587,000 for the Home Rochester Program which will provide for the acquisition and rehabilitation of 39 vacant structures for resale to low-income owner-occupants.
- Funding in the amount of \$765,400 for lead hazard reduction activities in 100 housing units.
- Funding in the amount of \$300,000 for a Mortgage Default / Relief Project that will assist 200 homeowners.
- An allocation of \$2,100,000 to be used to finance various physical improvements in low- and moderate-income neighborhoods.
- CDBG funding in the amount of \$1,718,189 for neighborhood stabilization and improvement programs in selected neighborhoods. A Section 108 Loan in the amount of \$2,000,000 and \$2,500,000 in local capital funds will support these efforts.
- Funding in the amount of \$976,782 to help facilitate the development of rental projects. It is anticipated that 118 units will be assisted.
- An allocation of \$193,400 to fund programs targeted to youth and their families, to increase the

emphasis of youth development principles within youth programs, families, and the community.

- An allocation of \$586,850 to fund programs that provide rental assistance and other services to persons with HIV/AIDs and their families.
- An allocation of \$405,104 in emergency shelter grant funding for programs to prevent homelessness for individuals and families.

The Department and HUD annually assess the program's performance to determine whether the City is in compliance with statutes and whether it has the continuing capacity to implement and administer federally assisted programs. In summary, the program accomplished the following during the 2005-06 program year:

- Assisted 155 businesses and created 183 jobs through economic development activities.
- Assisted 1,086 housing units.
- Assisted 69 homebuyers.
- Provided public services and youth programs to more than 30,330 people.
- Assisted 34 projects that provided homeless assistance to 16,713 people.
- HOPWA funds were used to provide assistance to 260 housing units.

The HUD Annual Community Assessment for the 2005-06 program year disclosed:

- The Consolidated Annual Performance and Evaluation Report revealed that activities were implemented during the program year consistent with the goals and objectives set forth in the 2005-2009 Consolidated Plan.
- Program activities were adequately described and no eligibility issues were detected.
- Financial information provided by the City appears to be complete, generally accurate, and with a sufficient level of detail to document the overall financial condition of the funded programs.
- The most recently completed Single Audit Report did not identify any deficiencies impacting on the management of the program.
- The City has carried out its program substantially as described in its five-year Consolidated Plan and one-year Action Plan submissions.
- The Consolidated Plan submission as implemented complies with the requirements of the Housing and Community Development Act of 1974, as amended, and other applicable laws and regulations.
- The City has the continuing capacity to carry out the approved program in a timely manner.

The City of Rochester's Community Development Program has been nationally recognized. The program received a HUD Secretary's Award for National Excellence in 1986. In 1998, the City of Rochester

was awarded eight John J. Gunther Blue Ribbon Practices in Community Development from HUD. One of the Best Practices was in the area of administrative excellence. Rochester also received the prestigious HUD-Buffalo Meritorious Award in 2006.

The City of Rochester is proposing minor amendments to the existing Consolidated Community Development Plan/2005-2010 to address new requirements contained in applicable federal regulations dealing with citizen participation and consultation, housing and homeless needs, market analysis and strategic plan, as well as the action plan.

A copy of the minor amendment is on file in the Office of the City Clerk. A public hearing has been scheduled. A copy of the minor amendment will be filed with the U.S. Department of Housing and Urban Development - Buffalo Office. No Council action is required for this amendment.

Approval by the City Council of the Annual Action Plan and the Section 108 Loan application is required by HUD. Approval of the City Development Fund is required by Resolution 83-26.

A public hearing on the plan and Section 108 Loan Application is required.

Respectfully submitted,
Robert J. Duffy
Mayor

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2007-167,
Ordinance No. 2007-168
Ordinance No. 2007-169,
Ordinance No. 2007-170 And
Ordinance No. 2007-171

Re: Consolidated Plan Amendments

Transmitted herewith for your approval is an amendment to the Draft Consolidated Community Development Plan that will reduce the Neighborhood Stabilization and Improvement allocation by \$718,189 and transfer \$500,000 of said amount to a reserve account for the Residential Assistance Program (RAP) allocation and \$218,189 to a new Neighborhood Direct Support line within the Support Neighbors Building Neighborhoods goal.

As you know, the Draft Plan envisions a new effort at focused investment with substantial additional resources to be expended in approximately four concentrated areas of the City. The determinations on where and how those funds will be expended are subject to the development of a new Housing Policy that will utilize the results of the nearly-completed Housing Market Study. The Draft Plan includes \$1,718,189 in CDBG funds, \$2.0 million in Section 108 funds, and \$2.5 million in CIP allocations for this important effort.

Council will be meeting with the Administration on the next phase of the Housing Market Study shortly after completion of the City's Budget process, and will work closely with the City staff to refine the recommendations and then to use them as a basis for our new Housing Policy. It is anticipated that the development of the Policy and an action Plan for implementation will take six to nine months.

That schedule will bring us to next spring prior to the

creation of the focused investment plan and the development of strategies for implementation. In the meantime, we believe that it is preferable to use a portion of the available funds for two more immediately pressing needs: the demand for rehab assistance from low-income owner-occupants through the RAP program; and the provision of certain assistance to neighborhood organizations that was identified at the series of NBN hearings that the HCD Committee held in February.

The RAP program funding is currently proposed at \$976,400 in 2007-08 CDBG funds, plus \$208,000 in prior years' reappropriations. We are acutely aware that this sum is inadequate to address the many needs that exist among lower-income City residents.

There have been questions about both the adequacy of the RAP grant amount and the effectiveness of the delivery system. To address these questions, the Administration will conduct an evaluation of the RAP program this year; an RFP will be issued in July, and legislation submitted to Council in August to engage a consultant for the evaluation. The evaluation should be completed around the end of the year, with a report and recommendations to Council shortly thereafter. The reserved \$500,000 will be used to address any needed program changes and to provide a resource for increased accountability and effectiveness.

Regarding the Neighborhood Direct Support allocation, our NBN hearings brought to light a number of areas in which community groups have been stymied in their efforts to improve their neighborhoods. We heard about the need for assistance with internal communication within neighborhoods, with specific neighborhood promotion and community-building activities, with design charettes and community visioning workshops, and with several other structural issues. The HCD Committee has been developing a policy resolution in this area that will be presented to the Council in the next month or two. However, it is clear that additional resources will be required to respond to the stated community needs. The proposed allocation of \$218,189 will be used to address the strategies that are developed in the Council's policy resolution regarding NBN activities. The Administration will be requested to develop appropriate program guidelines to implement the policies articulated in the policy resolution.

It is our belief that the remaining \$5.5 million allocated for the focused investment strategy will be sufficient to fund the portion of the program that will be developed in the upcoming program year.

Respectfully submitted,
Lois J. Giess Carolee A. Conklin
President Chair, HCD Committee

Ordinance No. 2007-167
(Int. No. 221, As Amended)

Approving The Consolidated Community Development Plan/2007-08 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2007-08 Annual Action Plan to be financed with \$22,766,996 available to the City of Rochester from the Community Development Block Grant, HOME Program, American Dream Down Payment Initiative, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program, Section 108 Loan Program, Capital Improvement Program and

Urban Development Action Grant loan and interest repayments; and

WHEREAS, the City's Community Development Program has been recognized for best practices, receiving the U.S. Department of Housing and Urban Development - Buffalo Office Meritorious Award in 2006, eight John J. Gunther Blue Ribbon Best Practices in Community Development from the U.S. Department of Housing and Urban Development in 1998 and a U.S. Department of Housing and Urban Development Secretary's Award for National Excellence in 1986; and

WHEREAS, the proposed plan was prepared according to an approved Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, the City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2007-08 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

WHEREAS, the City Council has reviewed the public comments and recommendations.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2007-08 Annual Action Plan, except that the Neighborhood Stabilization and Improvement Allocation shall be reduced by \$718,189, and of said amount \$500,000 shall be transferred to a reserve account for the Residential Assistance Program in the Improving the Housing Stock and General Property Conditions Allocation, and \$218,189 shall be transferred to a new Neighborhood Direct Support Account in the Support Neighbors Building Neighborhoods Allocation.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2007-168
(Int. No. 222, As Amended)

Authorizing Submission Of The Consolidated Community Development Plan/2007-08 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit the Consolidated Community Development Plan/2007-08 Annual Action Plan, as amended, to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized

to provide any such information that may be required and execute all necessary grant agreements with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2007.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2007-169
(Int. No. 223)

Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Business Loan Program And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application, amendments thereto, all understandings and assurances contained therein, provide such additional information as may be required, and to enter into an agreement with the United States Department of Housing and Urban Development for Section 108 loan authority in the amount of \$2,000,000 for a Section 108 Business Loan Program.

Section 2. The Council hereby approves a Section 108 Loan in the amount of \$2,000,000 for a Section 108 Business Loan Program and said amount, or so much thereof as may be approved, is hereby appropriated for this purpose.

Section 3. The Mayor is hereby authorized to enter into a Section 108 Loan agreement with the U.S. Department of Housing and Urban Development and with the participating businesses and to execute such other agreements or instruments as may be necessary to effectuate the Section 108 Business Loan Program.

Section 4. The application, agreements, and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-170
(Int. No. 224)

Authorizing Submission Of A Section 108 Loan Application And Approving A Section 108 Neighborhood Stabilization And Improvement Program And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application, amendments thereto, all understandings and assurances contained therein, provide such additional information as may be required, and to enter into an agreement with the United States Department of Housing and Urban Development for

Section 108 loan authority in the amount of \$2,000,000 for a Section 108 Neighborhood Stabilization and Improvement Program.

Section 2. The Council hereby approves a Section 108 Loan in the amount of \$2,000,000 for a Section 108 Neighborhood Stabilization and Improvement Program and said amount, or so much thereof as may be approved, is hereby appropriated for this purpose.

Section 3. The Mayor is hereby authorized to enter into a Section 108 Loan agreement with the U.S. Department of Housing and Urban Development and with the participating contractors, subrecipients, public agencies, community based development organizations and other approved participants, and to execute such other agreements or instruments as may be necessary to effectuate the Section 108 Neighborhood Stabilization and Improvement Program.

Section 4. The application, agreements, and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-171
(Int. No. 225)

Appropriation Of Funds For The City Development Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Consolidated Community Development Program/2007-08 Annual Action Plan, the Council hereby appropriates the sum of \$500,000 in anticipated UDAG Loan Repayment Funds and interest, to be utilized as capital for the City Development Fund.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of programs funded by the appropriations made herein.

Section 3. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Meeting was adjourned at 7:25 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
JUNE 19, 2007

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise

for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremonies:

- Retirement:
 - DES
 - Daniel F. Labbate
 - Finance Department
 - *Vincent J. Carfagna
 - ECD
 - Ronald R. Butler
 - Fire Department
 - *Shaun M. O'Hara
 - *Dana R. Peregoy
 - *William R. Valentine
 - Police Department
 - Wanda O. Markert
- *Not attending meeting.*

Urban Fellows Recognized by President Giess.

APPROVAL OF THE MINUTES
By Councilmember Lightfoot

RESOLVED, that the minutes of the Special Meeting of May 10, 2007 and the Regular Meeting of May 15, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3887-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

237 signatures opposing the abolishment of the City Historian position. Petition No. 1624

RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing Amendatory 2003-04, 2004-05 And 2005-06 Community Development Program Plans And Ordinances And Authorizing Agreements For The Residential Assistance Program Int. No. 220
No speakers.

Approving Changes In The Pavement Width Of Kelly Street And Joseph Avenue As Part Of The Joseph Avenue (Ward Street To Upper Falls Boulevard And Clifford Avenue To Avenue D) Improvement Project Int. No. 253
No speakers.

Local Improvement Ordinance - Areaway And Window Well Abandonments As A Part Of The Joseph Avenue Improvement Project Int. No. 258
No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-172
Re: City School District Bonds -
\$22,972,600

Transmitted herewith is legislation authorizing the issuance of \$22,972,600 in bonds for a portion of the City School District's share of the funding of the Thomas P. Ryan, Jr. Community Center at Audubon School No. 33. This borrowing on behalf of the District is requested by Rochester City School District Resolution No. 2006-2007: 604 (March 15, 2007) and in a letter from the district's Chief Financial Officer to the Mayor (April 11, 2007); copies of both documents are attached.

As part of the City's fiduciary responsibility for school district debt, this borrowing requires City Council approval. The amount to be borrowed is permissible under the one-time exception to the District's Debt limit that Council approved on November 14, 2006.

This borrowing will allow the School District, as the lead agency for the Ryan Center project, to develop final design plans for bidding.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-81

Ordinance No. 2007-172
(Int. No. 271)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$22,972,600 Bonds Of Said City To Finance The Cost Of Planning And Implementing The Design Of And The Construction Of Renovations To Audubon School No. 33 As Part Of The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition And Renovations Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing the design of and the construction of and construction management services for renovations to James J. Audubon School No. 33 at 500 Webster Avenue as a part of the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$25,587,600. The plan of financing includes the issuance of \$22,972,600 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$2,027,400 bonds previously appropriated in Ordinance No. 2006-61 and \$587,600 in current City funds, and the levy and collection of an ad valorem tax on all taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$22,972,600 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$22,972,600. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00a.11(a) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting

such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 19, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 208 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 209 - Approving A Lease For Parking For No. 22 School

Int. No. 210 - Establishing Maximum Compensation For A Professional Services Agreement For The Redevelopment Of The Valley Court Apartments

Int. No. 211 - Authorizing The Settlement Of Claims And Reacquisition Of 45-65 Hudson Avenue

Int. No. 212 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Continuation Of A Housing Market Study

Int. No. 213 - Amending Ordinance No. 2006-39 To Extend The Date For Acquisition Of The Urban Park Apartments To Qualify For Tax Exemption

Int. No. 214 - Amending Ordinance No. 2007-9 With Respect To A Tax Exemption For The Mildred Johnson Estates Affordable Housing Project, As Amended

Int. No. 215 - Amending The 2006-07 Budget For The Rochester Public Library

Int. No. 216 - Establishing Maximum Compensation For A Professional Services Agreement For Thurston Road Revitalization

Int. No. 217 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$362,000 Bonds Of Said City To Finance The Cost

Of Improvements To Genesee Valley Park And Along Public Easements As Part Of The Brooks Landing Revitalization Project

Int. No. 218 - Authorizing Agreements For Funding For The Brooks Landing Revitalization Project

Int. No. 219 - Authorizing Agreements For The Emergency Shelter Grant Program

Int. No. 166 - Approving Changes In The Pavement Width Of Genesee Street Between Brooks Avenue And Cottage Street, As Amended

Int. No. 167 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$438,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The Brooks Village/ Genesee Street Enhancement Project

Int. No. 168 - Authorizing The Acquisition By Negotiation Or Condemnation Of A *De Minimus* Parcel At 844 Genesee Street For Street Purposes

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 220 - Authorizing Amendatory 2003-04, 2004-05 And 2005-06 Community Development Program Plans And Ordinances And Authorizing Agreements For The Residential Assistance Program

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
Lovely A. Warren (Did not vote on Int. No. 208 through Int. No. 216)
Lois J. Giess
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-173
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of seven properties. With the exception of the purchasers of unbuildable vacant lots, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a vacant lot that was sold through the Sealed Bid program. The parcel will be combined with the purchaser's adjoining property.

The last six properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

All City taxes and other charges, except water charges, against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and

other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-65

Ordinance No. 2007-173
(Int. No. 208, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of vacant land with proposals by sealed bid:

Address S.B.L.#	Lot Size	Price Purchaser
27 Third St 106.59-2-66	40x120	\$ 50 *Hoover Properties, LLC
<u>47 Grand Ave</u> 106.68-2-29	<u>40x128</u>	<u>450</u> Tammy L. Dade Westbrook

*Members: Sharon Hoover; Karen Hoover

Section 2. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size	Sq. Feet Purchaser
207 Frost Ave 120.68-2-10	33x141	4683± Christopher J. Smith
3-5 Glendale Pk 105.35-2-11	33x62	2046 Peter Skandera
97 Hollister St 106.34-3-6	41x89	1653± Mary Piccinino
E 1/2 of 66 Mead St Pt. of 106.31-1-15	19x78	1487± Merico Millwood
W 1/2 of 66 Mead St Pt. of 106.31-1-15	19x78	1487± Jerome Barksdale & Jessie Barksdale
3 Mt. Pleasant Pk 120.84-2-31	50x50	2500 David C. Knoll

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-174
Re: Lease - 20 Leo Street

Transmitted herewith for your approval is legislation authorizing a Lease Agreement for property at 20 Leo Street, owned by Heavenly Temple. The lease will allow the Rochester City School District to continue to use the space for parking.

The property has a paved parking area adjacent to No. 22 School on Zimbrich Street. The property was acquired in tax foreclosure by the City in 2005 and is currently in the process of being transferred back into the ownership of the former owner, Heavenly Temple. The District has used this parking area at 20 Leo Street for staff parking for many years without a formal agreement with Heavenly Temple.

The lease will be for a term of five years at an annual rental of \$1.00, with payment waived. All parties involved with the negotiation of this lease have agreed to its terms and conditions.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-66

Ordinance No. 2007-174
(Int. No. 209)

Approving A Lease For Parking For No. 22 School

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Heavenly Temple for the use of a parking lot at 20 Leo Street by the Rochester City School District for staff parking for No. 22 School. The agreement shall extend for a term of five years. Annual rent shall be \$1.00.

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-175
Re: Agreement - Bero Architecture -
Valley Court Apartments

Transmitted herewith for your approval is legislation establishing \$25,600 as maximum compensation for an agreement with Bero Architecture, PC, Rochester, for design services related to the redevelopment of 1170 Genesee Street, currently the site of the Valley Court Apartment complex. The cost of the agreement will be funded from the Property Management Account.

Valley Court Apartments is a 4.1-acre apartment complex owned by the City of Rochester. The site contains five structures with a total of 89 rental units. Given the size and location on the Genesee River, the City wishes to further explore the feasibility of redeveloping the site as market-rate housing through the CityScape Program. This redevelopment would include a combination of both new construction and

possible demolition of selected structures on the site.

Bero Architecture's design services will include: investigation of the structural, mechanical, and electrical systems; programming (including Building Code and Zoning Code parameters, optimal use of the site); preliminary sketches and costs of the alternative designs; and schematic designs and detailed cost estimates. The design work is expected to be completed by October 2007.

Previous legislation related to the redevelopment of 1170 Genesee Street include Ordinance No. 2005-315, which funded an engineering and design study with Barkstrom & LaCroix Architects for \$9,000, and Ordinance No. 2003-81 which authorized the acquisition of two adjacent properties at 63 and 69 Oak Hill View.

The agreement with Bero Architecture will refine the earlier study.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-175
(Int. No. 210)

Establishing Maximum Compensation For A Professional Services Agreement For The Redevelopment Of The Valley Court Apartments

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bero Architecture, P.C. for design services for the redevelopment of the Valley Court Apartments at 1170 Genesee Street. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount is hereby appropriated from the Property Management Account.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-176
Re: Reacquisition: 45 and 65 Hudson Avenue

Transmitted herewith for your approval is legislation authorizing the reacquisition of two properties that were previously owned by the City and sold to V.J. Stanley, Inc., a wholesale distributor of water pumps, which currently owns and operates a facility at 11 White Street. The properties are two vacant land parcels located at 45 and 65 Hudson Avenue.

In 1990, V.J. Stanley, Inc. paid the City \$83,200 for 65 Hudson Avenue and \$9,475 for 45 Hudson Avenue for a total purchase price of \$92,675.

The deeds transferring the properties to V.J. Stanley, Inc. contain some ambiguity. One clause has the properties reverting to the City while another gives the City the right to reacquire the properties if the grantee, V.J. Stanley, Inc., fails to meet the condition subse-

quent of commencing construction of a 34,000 square foot building by April 30, 1993 and completing the building by April 30, 1994. One clause requires payment to V.J. Stanley, Inc. for the reacquisition by the City, while the other does not. Based on subsoil conditions, V.J. Stanley, Inc. was advised there would be future serious load problems if it constructed the planned building on the properties. It determined that any solution to satisfy the geotechnical issues was cost prohibitive, and asked the City to take the properties back. The City has not done so.

The Corporation Counsel and Commissioner of Economic Development have recommended that the City reacquire the properties for their purchase price in settlement of all claims relating to the properties. Economic Development Department staff have proposed developing a plan to find a purchaser for the properties who will develop the site in a manner which will not be affected by the geotechnical conditions.

The reacquisition cost will equal the original purchase price of \$92,675. The source of funds is the Insurance Reserve Fund.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-176
(Int. No. 211)

Authorizing The Settlement Of Claims And Re-acquisition Of 45-65 Hudson Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the settlement of claims and the reacquisition of 45-65 Hudson Avenue from the current owner, V.J. Stanley, Inc. for the price paid to the City for the parcels, \$92,675, as a result of unforeseen geotechnical conditions on the property which made it unsuitable for the planned building project. Said amount shall be funded from the Insurance Reserve Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-177
Re: Amendatory Agreement - Housing
Market Study

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Interface Studio LLC of Philadelphia, PA for the continuation of services related to the Housing Market Study and the facilitation of a new housing policy. This agreement will increase the original maximum compensation of \$196,900 (as per Ordinance No. 2006-222) by \$30,000 to a total of \$226,900. The amendatory agreement will be funded from the 2006-07 Budget of the Department of Community Development.

Interface Studio LLC completed Phase I of the housing market analysis, an evaluation of the City's current and future housing market potential. Recommendations were also provided to guide the development of a new housing policy for the City of Rochester.

Phase II will ensure that the community and stakeholders understand the analysis and participate in the creation of the housing policy. Several meetings will be held with community stakeholders, including neighborhood leaders, residents, housing and other service providers, funders, and lenders. Interface will be responsible for facilitating these meetings to explain the analysis process and the resulting recommendations. They will also be responsible for assisting the City to craft the new housing policy that will guide our housing program and development decisions.

The information meetings and the draft housing policy are anticipated to be completed by the end of December 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-177
(Int. No. 212)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Continuation Of A Housing Market Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Interface Studio LLC for the continuation of a city-wide Housing Market Study and the facilitation of a new housing policy. Said amount shall be funded from the 2006-07 Budget of the Department of Community Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-178 And
Ordinance No. 2007-179
Re: Technical Amendments - Tax Exemption

Transmitted herewith for your approval is legislation for technical amendments to previous ordinances approving tax exemptions related to Urban Park Apartments and Mildred Johnson Estates. This legislation will:

1. Extend the date by which the housing development fund company to be formed by the Wishcamper Group can acquire the Urban Park Apartments (James A. Dobson Apartments), located at 150 Van Auker Street. The tax exemption and PILOT agreement were originally approved by Ordinance No. 2006-39, with an acquisition deadline of July 1, 2006. Ordinance No. 2006-350 extended the date to July 1, 2007. This legislation will further extend the acquisition deadline to December 31, 2007. If the property is acquired by that date, the tax exemption and payment-in-lieu-of tax (PILOT) agreement shall be effective for the 2007 tax year.

The Wishcamper Group has experienced delays in

closing this deal, but fully expects to complete acquisition this Fall. An extension of the acquisition date through December 31, 2007 will provide sufficient time for the acquisition to occur and the PILOT agreement to be completed. The acquisition of the apartments by the Wishcamper Group will continue the current tax exemption while significantly increasing annual revenue to the City, as well as provide for necessary improvements to be made to the apartments.

2. Amend Ordinance No. 2007-9, authorizing a PILOT Agreement for the Mildred Johnson Estates Affordable Housing Project, to change the SBL No. for the parcel at 74 Maria Street, from SBL #106.32-1-4.1 to SBL #106.32-1-4.2.

On January 16, 2007, by Ordinance No. 2007-8, Council approved the sale of 23 scattered sites for the Mildred Johnson Estates Affordable Housing Project, and by Ordinance No. 2007-9, authorized a PILOT Agreement for those parcels. Among the parcels was 74 Maria Street, SBL No. 106.32-1-4.1. Before the closing could occur, 74 Maria Street was combined with an adjoining unbuildable lot, 17 Bernard Street, SBL No. 106.32-1-5, to create a new parcel with the same name, 74 Maria Street, SBL No. 106.32-1-4.2. By Ordinance No. 2007-133, adopted May 15, 2007, Council approved the sale of 17 Bernard Street to the Housing Opportunities Housing Development Fund Corporation. Council approval is now necessary to amend the PILOT agreement to include the new parcel known as 74 Maria Street.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-178
(Int. No. 213)

Amending Ordinance No. 2006-39 To Extend The Date For Acquisition Of The Urban Park Apartments To Qualify For Tax Exemption

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-39, as amended by Ordinance No. 2006-350, relating to a property tax exemption for the Urban Park Apartments at 150 Van Auker Street, is hereby amended by providing that the exemption shall commence with the 2007 assessment roll, provided that the property is acquired by December 31, 2007 by the housing development fund company to be established by the Wishcamper Group.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-179
(Int. No. 214, As Amended)

Amending Ordinance No. 2007-9 With Respect To A Tax Exemption For The Mildred Johnson Estates Affordable Housing Project And Ordinance No. 2003-28 With Respect To The Providence Housing Development Corporation Rental Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-9, relating to a property tax exemption for the Mildred Johnson Estates Affordable Housing Project, is hereby amended by changing the SBL No. for the parcel at 74 Maria Street from SBL #106.32-1-4.1 to SBL #106.32-1-4.2.

Section 2. Ordinance No. 2003-28, as amended by Ordinance No. 2004-43, relating to a property tax exemption for the Providence Housing Development Corporation Rental Projects, is hereby further amended by adding to the parcels eligible for the tax exemption and PILOT Agreement the southern half of the parcel at 734 Brown Street, part of SBL #120.43-1-56.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-180
Re: Budget Amendments - Library 2006-07

Transmitted herewith for your approval is legislation amending the 2006-07 Budget of the Library. This legislation will:

1. Amend the 2006-07 Operating Budget of the Library by transferring the \$8,000 amount from the Contingency Account to fund Saturday operations of the branch libraries during the month of June 2007.

The proposed 2007-08 Budget provides funding to keep all branches open on Saturdays year-round. Previously, most branch libraries were closed during the summer. These funds will enable branches to be open following the Memorial Day Holiday Weekend.

2. Amend the 2006-07 Capital Budget of the Library by appropriating the sum of \$233,000 from the Library Fund balance to fund repairs to the Rundel Memorial Building.

Bond Ordinance No. 2007-103, approved by Council on April 17, 2007, appropriated \$964,000 bonds for repairs to the Rundel Memorial Building. An additional \$511,481 has been provided from the State of New York pursuant to Ordinance No. 2007-104. The appropriation of funds from the Library Fund balance will provide the remaining funds specified in the bond ordinance to fund the Project.

Respectfully submitted,
Robert Duffy
Mayor

Ordinance No. 2007-180
(Int. No. 215)

Amending The 2006-07 Budget For The Rochester Public Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$8,000

from the Contingency Account to the Rochester Public Library to fund the opening of libraries on Saturdays during June, 2007.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$233,000, which amount is hereby appropriated from the Library Fund balance to fund repairs to the Rundel Memorial Building.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-181
Re: Thurston Road Revitalization

Transmitted herewith for your approval is legislation establishing \$9,950 as maximum compensation for an agreement with Ingalls Planning and Design for services related to the revitalization of Thurston Road. Funding for this agreement will come from the 2006-07 Budget of the Department of Economic Development.

Council authorization is required because this same vendor has an existing \$6,000 contract for similar services related to the River Street Urban Renewal Plan. This new contract will exceed the \$10,000 threshold for Council approval.

Ingalls Planning and Design will provide the following services:

- A community design workshop
- Tabulation and summary of an image preference survey
- Concept plan for Thurston Village
- Design guidelines
- Coordination with EDD and Sector 4 CDC on an action plan.

In June 2006, a workshop sponsored by Sector 4 CDC and the City was conducted for Thurston Road. Sixty stakeholders attended the meeting, which resulted in several key focus topics. The four-part process used by EDD involves: neighborhood visioning, economic analysis, design concept plan or charette, and a commercial strip action plan.

Ingalls Planning and Design's contribution will complete the analysis and charette, and work toward the development of a comprehensive action plan for the Thurston Village Business District.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-181
(Int. No. 216)

Establishing Maximum Compensation For A Professional Services Agreement For Thurston Road Revitalization

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$9,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ingalls Planning and Design for planning and facilitation services relating to the revitalization of Thurston Road. Said amount shall be funded from the 2006-07 Budget of the Economic Development Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-182 And
Ordinance No. 2007-183
Re: Brooks Landing Revitalization Project

Transmitted herewith for your approval is legislation related to funding design and construction of additional public improvements at Brooks Landing as part of the Brooks Landing Revitalization Project. The legislation will:

1. Authorize the issuance of bonds in the amount of \$362,000 and the appropriation of the proceeds thereof to partially finance the proposed improvements; and
2. Authorize an agreement with the New York State Department of State for a Local Waterfront Revitalization Grant in the amount of \$500,000, and the appropriation of the proceeds thereof to partially finance the proposed improvements; and
3. Authorize an agreement with the New York State Department of Transportation for a federal SAFETEA-LU High Priority Project grant of \$400,000 and the appropriation of the proceeds thereof to partially finance the proposed improvements.

The first phase of the Brooks Landing Revitalization project, which included construction of a riverfront promenade and plaza, and the installation of sidewalk improvements along South Plymouth Avenue, is currently underway. The funding and a professional services agreement for design of the first phase were authorized by Council in August 2002 and in December 2005. The funding for construction, and the professional services agreement for resident project representation services, was authorized by Council in August 2006.

The second phase includes: improvements to South Plymouth Avenue, from and including the intersection of Elmwood Avenue, north to the private hotel development at Brooks Landing; new park trails; improvements to Genesee Riverway Trail within the park; trail connections from the park and riverfront to the public right-of-way; landscape features; waterfront improvements; and public art. The project will also include improvements along the public access easements through the private hotel and restaurant property that were retained by the City as authorized by Council in October 2003.

The preliminary estimate for design and construction

of the project is \$1,362,000, and will be funded as follows:

The design and construction of improvements to South Plymouth Avenue and the Genesee Riverway Trail system is estimated at \$500,000. Of this amount, \$400,000 (80%) will be financed from anticipated reimbursements from the Federal Highway Administration and \$100,000 (20%) will be financed locally from 2004-05 Cash Capital (\$68,000) and from 2007-08 Cash Capital (\$32,000). The City is eligible to receive reimbursement from New York State under the Marchiselli Aid Program up to 75%, \$68,000 toward the local share.

The design and construction of park, landscape and public art improvements in Genesee Valley Park and the improvements along the public access easements are estimated at \$862,000, and will be financed from anticipated reimbursements of \$500,000 from the State Local Waterfront Revitalization Grant and from the proceeds of the bonds requested herein.

The schedule for the project is pending based on the date the grant agreements are executed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-182
(Int. No. 217)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$362,000 Bonds Of Said City To Finance The Cost Of Improvements To Genesee Valley Park And Along Public Easements As Part Of The Brooks Landing Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of improvements to Genesee Valley Park and along public easements at Brooks Landing, including but not limited to park, landscape and public art improvements, as part of the Brooks Landing Revitalization Project in the City (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$862,000. The plan of financing includes the issuance of \$362,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$500,000 in funds from a State Waterfront Revitalization Grant appropriated at this meeting, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$362,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$362,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance.

nance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-183
(Int. No. 218)

Authorizing Agreements For Funding For The Brooks Landing Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for a Local Waterfront Revitalization Grant for the Brooks Landing Revitalization Project.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized in Section 1 the sum of \$500,000, or so much thereof as may be necessary, to fund improvements in Genesee Valley Park and along the public access easements at Brooks Landing as a part of the Brooks Landing Revitalization Project.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the New York State Department of Transportation for a Federal Highway Administration Grant for the Brooks Landing Revitalization Project.

Section 4. There is hereby appropriated from funds to be received under the grant agreement authorized in Section 3 the sum of \$400,000, or so much thereof as may be necessary, to fund improvements to South Plymouth Avenue and the Genesee Riverway Trail System as a part of the Brooks Landing Revitalization Project.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-184
Re: Agreements and Appropriations -
Emergency Shelter Grant Program

Transmitted herewith for your approval is legislation relating to the 2007-08 Emergency Shelter Grant (ESG) Program. This legislation will:

1. Appropriate the \$426,425 of 2007-08 ESG Funds (U.S. Department of Housing and Urban Development) for use in the ESG Program;
2. Appropriate \$28,055 of unexpended funds in the 2006-07 Emergency Shelter Grant Program, as set forth in Ordinance No. 2007-72;
3. Appropriate the sum of \$21,321 or so much

thereof as may be necessary from ESG funds, to pay for administrative expenses;

4. Establish maximum compensation for agreements with the following thirty community organizations for ESG Programs totaling \$433,159:

<u>Organization</u>	<u>Proposed Allocation</u>
Alternatives for Battered Women	\$ 22,500
Asbury Dining and Caring	2,100
Baden Street Settlement	10,000
Blessed Sacrament Church	12,340
Cameron Community Ministries	8,000
Catholic Charities	12,150
Catholic Family Center/Emergency Services	12,500
Catholic Family Center/Francis Center	17,500
Catholic Family Center/Sanctuary House	8,000
Catholic Family Center/Women's Place	20,000
The Center for Youth	30,000
Cephas Attica	12,000
The Community Place	11,800
Dimitri House	17,500
Enriche House	15,000
Grace Urban Ministries	14,534
Hillside Children's Center	10,000
Mercy Residential/Families First	14,000
Mercy Residential/Melita House	13,000
Recovery House	21,100
Rochester Area Interfaith Hospitality Network	12,000
St. Martin's Place	9,000
Salvation Army	30,000
Sojourner House	25,000
Spiritus Christi	14,000
Veteran's Outreach Center	16,525
Volunteers of America/ Emergency Housing	8,000
Volunteers of America/ Homelessness Prevention Center	10,000
Wilson Commencement Park	17,110
YWCA	<u>7,500</u>
Total	\$433,159

In February 2006, the Bureau of Youth Services issued an Emergency Shelter Grant Request for Proposals, and selected twenty-eight projects for funding using the following criteria:

1. Compliance with applicable federal guidelines.
2. Provision by the program of facilities or services to under-served populations.
3. Provision of services that meet priority needs identified in the RFP and Consolidated Community Development Plan.
4. The ability to expend or encumber all project funds within 12 months.

The Bureau of Youth Services, through its program monitoring and assessment of ESG programs, has found that all 28 projects are operating according to the contract requirements and achieving their goals and objectives and are recommended for continued funding at the 2006-07 amounts.

Two additional projects are recommended for funding: The Recovery House and the Mary Magdalene House projects. Recovery House had submitted an unsuccessful application in 2006, but has subsequently

modified their request to meet program guidelines, and are eligible to receive funding. The Mary Magdalene House operated by the Grace Urban Ministries (GUM) had been a previous ESG provider, but missed last year's application deadline due to having an Interim Executive Director. They have been supported in 2006-07 by Emergency/Transitional Funding under the CDBG program.

Project summaries are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-67

Ordinance No. 2007-184
(Int. No. 219)

Authorizing Agreements For The Emergency Shelter Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$22,500
Asbury Dining and Caring	2,100
Baden Street Settlement	10,000
Blessed Sacrament Church	12,340
Cameron Community Ministries	8,000
Catholic Charities	12,150
Catholic Family Center/Emergency Services	12,500
Catholic Family Center/Francis Center	17,500
Catholic Family Center/Sanctuary House	8,000
Catholic Family Center/Women's Place	20,000
The Center for Youth	30,000
Cephas Attica	12,000
The Community Place	11,800
Dimitri House	17,500
Enriche House	15,000
Grace Urban Ministries	14,534
Hillside Children's Center	10,000
Mercy Residential/Families First	14,000
Mercy Residential/Melita House	13,000
Recovery House	21,100
RAIHN (Rochester Area Interfaith Hospitality Network)	12,000
St. Martins Place	9,000
Salvation Army	30,000
Sojourner House	25,000
Spiritus Christi	14,000
Veteran's Outreach Center	16,525
Volunteers of America/Emergency Housing	8,000
Volunteers of America/Homelessness Prevention Center	10,000
Wilson Commencement Park	17,110
YWCA	7,500

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$433,159, and of said amount, and \$21,321 for administrative expenses, or so much thereof as may be necessary, \$426,425 is hereby appropriated from 2007-08 Emergency Shelter Grant Program Funds and \$28,055 is hereby reap-

propriated from 2006-07 Emergency Shelter Grant Program Funds reduced by Ordinance No. 2007-72.

Section 3. The application and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-185,
Ordinance No. 2007-186 And
Ordinance No. 2007-187
Re: Brooks Village/Genesee Street
Enhancement Project (Brooks
Avenue-Cottage Street)

Transmitted herewith for your approval is legislation related to streetscape enhancements along Genesee Street between Brooks Avenue and Cottage Street. This legislation will:

1. Authorize geometric changes on the eastside of Genesee Street as follows:
 - A. Barton Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 58 feet south of the center of Barton Street to Barton Street.
 - B. Seward Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at Seward Street to a point 54 feet north of the center of Seward Street.
 - C. Monica Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 46 feet south of the center of Monica Street to a point 4 feet north of the center of Monica Street.
 - D. Stratford Park/Genesee Street Intersection:
 - a. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 54 feet south of the center of Stratford Park to Stratford Park.
 - b. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at Stratford Park to a point 54 feet north of the center of Stratford Park.
 - E. Sawyer Street/Genesee Street Intersection:
 - a. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 56 feet south of the center of Sawyer Street to Sawyer Street.
 - b. A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at Sawyer Street to a point 54 feet north of the center of Sawyer Street.
 - F. Cottage Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44

foot width to a 36 foot width, beginning at a point 60 feet south of the center of Cottage Street to Cottage Street.

2. Authorize the issuance of bonds in the amount of \$438,000 and appropriation of the proceeds thereof to finance the cost of the enhancements.
3. Authorize acquisition, by negotiation or condemnation, of a de minimus parcel at 844 Genesee Street.
4. Amend the Official Map by dedicating public right-of-way from a portion of 844 Genesee Street.

Beginning in 2001, the Sector 4 Community Development Corporation sought input from the community on right-of-way modifications for Brooks Village, the area along Genesee Street north of Brooks Avenue. In 2002, FJF Architects summarized and refined proposed street and streetscape design concepts in a report commissioned by the City for the Sector 4 Community Development Corporation. In 2004, Sector 4 Community Development Corporation successfully applied for \$407,000 in Multi-Modal Program funding from the New York State Department of Transportation, to be administered by the City. Appropriation of the funds was authorized by Council October 2005, along with design and resident project representation services for the project by Bergmann Associates. In March 2006, the project was put on hold while funds to fully support the project were sought. The proposed bond represents these funds.

The geometric changes provide for the installation of bump-outs which will improve pedestrian safety by shortening the crosswalk, creating recessed parking areas and slowing traffic.

The project features also include installation of decorative concrete paver pedestrian crosswalks at Genesee Street intersections at Brooks Avenue and Sawyer Street; special pavement treatments for the curb park; and installation of a decorative street light system.

The property acquisition being proposed will provide for installation of an ADA-compliant accessible sidewalk ramp on the northeast corner of Genesee Street and Seward Street. The value will be established by an independent appraisal performed by Robert J. Pogel, SRPA. The cost of the acquisition will be financed from the bonds authorized herein.

Property Owner: Quality Home Furnishing, LLC
SBL#: 135.26-02-030
Sq. Ft.: 16+/-

The associated Official Map Amendment will be presented to the City Planning Commission on May 14, 2007.

A public informational meeting was held on April 19, 2007. The minutes of the meeting are attached.

The geometric changes will be presented to the Traffic Control Board on May 1, 2007. A public hearing on the changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-68

Ordinance No. 2007-185
(Int. No. 166, As Amended)

Approving Changes In The Pavement Width Of Genesee Street Between Brooks Avenue And Cottage Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following geometric changes in the pavement width on the eastside of Genesee Street, between Brooks Avenue and Cottage Street:

- a. Barton Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point [58] 96 feet south of the center of Barton Street to Barton Street.
- b. Seward Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at Seward Street to a point 54 feet north of the center of Seward Street.
- c. Monica Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point 46 feet south of the center of Monica Street to a point 4 feet north of the center of Monica Street.
- d. Stratford Park/Genesee Street Intersection:
 1. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point 54 feet south of the center of Stratford Park to Stratford Park.
 2. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at Stratford Park to a point 54 feet north of the center of Stratford Park.
- e. Sawyer Street/Genesee Street Intersection:
 1. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point [56] 70 feet south of the center of Sawyer Street to Sawyer Street.
 2. A decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at Sawyer Street to a point 54 feet north of the center of Sawyer Street.
- f. Cottage Street/Genesee Street Intersection: a decrease of 8 feet, from the existing 44 feet to 36 feet, beginning at a point [60] 68 feet south of the center of Cottage Street to Cottage Street.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-186
(Int. No. 167)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$438,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The Brooks Village/Genesee Street Enhancement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of bump-outs, special crosswalk and pavement treatments, street lighting and other streetscape enhancements relating to the City's Brooks Village/Genesee Street (Brooks Avenue to Cottage Street) Enhancement Project (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$755,000. The plan of financing includes the issuance of \$438,000 principal amount of bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$317,000 in funds from the State of New York previously appropriated in Ordinance No. 2005-314, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$438,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 24 of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and re-

demption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-187
(Int. No. 168)

Authorizing The Acquisition By Negotiation Or Condemnation Of A De Minimis Parcel At 844 Genesee Street For Street Purposes

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of a *de minimis* parcel of approximately 16 square feet at 844 Genesee Street, SBL #135.26-02-030, currently owned by Quality Home Furnishing, LLC, for its appraised value, to be dedicated to street purposes and added to the northeast corner of Genesee Street and Seward Street.

Section 2. The acquisition and necessary closing costs shall be funded from a bond ordinance adopted for the Brooks Village/Genesee Street Enhancement Project.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-188
Re: Residential Assistance Program

Transmitted herewith for your approval is legislation relating to the continuation of the Residential Assistance Program. This legislation will:

1. Appropriate or reappropriate a total of \$1,184,402 from the following program funds for use in the Residential Assistance Program (RAP):
 - a. \$976,400 from the "Improving Housing Stock and Property Conditions" allocation (RAP account) of the 2007-08 Consolidated Community Development Plan;
 - b. \$17,882 from the "Improving Housing Stock and Property Conditions" allocation (Neighborhood Improvements program account) of the 2003-04 Consolidated Plan (Ordinance No. 2005-349);
 - c. \$5,245 from the "Improving Housing Stock and Property Conditions" allocation (Neighborhood Improvements program account) of the 2004-05 Consolidated Plan (\$4,645 of which is authorized by Ordinance No. 2005-219 and \$600 which is unappropriated);
 - d. \$184,875 from the "Improving Housing Stock and Property Conditions" allocation (the Neighborhood Improvements program account) of the 2005-06 Consolidated Plan (Ordinance No. 2005-349); and
2. Amend the 2003-04, 2004-05 and 2005-06 Consolidated Plans to decrease the Neighborhood Improvements accounts as shown in 1 b, c and d above, totaling \$208,002 and increasing the RAP accounts by the same amounts; and
3. Authorize agreements with ten neighborhood organizations to administer the program.

RAP has two complementary program components - Energy Conservation and Minor Home Repairs. The Energy Conservation component is administered by a single organization on a citywide basis to provide improvements that will result in energy efficiency and savings. The Minor Home Repair component is administered throughout the city by neighborhood agencies to provide low-income homeowner-occupants with grants of up to \$3,500 (or \$4,500, if lead issues are present) to make emergency repairs, or to purchase materials for exterior repairs and/or home security. This maximum grant amount may be increased up to an additional \$3,500 in circumstances where damaging roof leaks require a complete tear-off. Residents may not receive more than one grant in any four-year period.

The most recent RAP agreements were authorized by City Council in July 2006. The total RAP appropriation and encumbrance during 2006-07 was \$1,330,000. A summary of total program activity, with 2006-07 allocations and expenditures to date, is attached.

The proposed legislation will provide the necessary funding to continue RAP in the period of July 1, 2007 through June 30, 2008. The 2007-08 allocation will be supplemented by unspent funds from the Neighborhood Improvements allocation as outlined above. Listed below are recommended allocations for the 2007-08 Residential Assistance Program.

<u>Administering Agency</u> <u>Neighborhoods Served</u>	<u>Amount</u>
Action for a Better Community Citywide (Energy Conservation)	\$ 80,000
Charles Settlement House Charlotte, Maplewood	111,000
Coalition of North East Assn. Upper Falls	89,000
Group 14621 Community Assn. 14621 Neighborhood	80,000
Marketview Heights Assn. South Marketview Heights	97,000
Montgomery Neighborhood Ctr. Bullshead, Cornhill, Genesee-Jefferson, Mayor's Heights, 19th Ward, Plymouth- Exchange, Southeast Dutchtown	195,000
North East Area Development Beechwood, Browncroft, Culver-Winton, Homestead Heights, Northland Lyceum	155,000
NCS Community Dev. Corp. Brown Square, Edgerton, Lyell-Otis, North Dutchtown, Southwest Dutchtown, Susan B. Anthony	182,000
South East Area Coalition Atlantic-University, Cobbs Hill, East Avenue, Ellwanger-Barry, Highland, Park Avenue, Pearl-Meigs-Monroe, Strong, Swillburg, Upper Monroe	115,000
South Wedge Planning Comm. South Wedge	<u>80,402</u>
	\$1,184,402

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-69

Ordinance No. 2007-188
(Int. No. 220)

**Authorizing Amendatory 2003-04, 2004-05 And
2005-06 Community Development Program Plans
And Ordinances And Authorizing Agreements For
The Residential Assistance Program**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2003-04 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$17,882 shall be transferred from the Neighborhood Improvements Account to the Residential Assistance Program Account.

Section 2. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$5,245 shall be transferred from the Neighborhood Improvements Account to the Residential Assistance Program Account.

Section 3. The Council hereby approves an amendment to the 2005-06 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$184,875 shall be transferred from the Neighborhood Improvements Account to the Residential Assistance Program Account.

Section 4. The Mayor is hereby authorized to enter into agreements with the following organizations or the following amounts are allocated for the administration of the Residential Assistance Program for periods not to exceed eighteen months:

<u>Administering Agency</u> <u>Neighborhoods</u>	<u>Amount</u>
Action for a Better Community Citywide	\$ 80,000
Charles Settlement House Charlotte Maplewood	111,000
Coalition of North East Associations Upper Falls	89,000
Group 14621 Community Association 14621 Neighborhood	80,000
Marketview Heights Association South Marketview Heights	97,000
Montgomery Neighborhood Center Bullshead Cornhill Genesee-Jefferson Mayor's Heights 19th Ward Plymouth-Exchange Southeast Dutchtown	195,000
North East Area Development Beechwood Browncroft Culver-Winton Homestead Heights Northland Lyceum	155,000
Northwest Community Services Development Corporation Brown Square Edgerton Lyll-Otis North Dutchtown Southwest Dutchtown Susan B. Anthony	182,000

South East Area Coalition	115,000
Atlantic-University Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe	
South Wedge Planning Committee	80,402
South Wedge	
Total	\$1,184,402

Section 5. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$1,184,402, and of said amount, or so much thereof as may be necessary, \$976,400 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program, \$184,875 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program, \$5,245 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program and \$17,882 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Program.

Section 6. Ordinance No. 2005-349, relating to an agreement for the Olean & Kennedy Revitalization Project, is hereby amended by reducing the amount appropriated therein from the Improving the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Program by the sum of \$17,882, which amount is reappropriated in Section 5.

Section 7. Ordinance No. 2005-219, relating to the Olean & Kennedy Revitalization Project, is hereby amended by reducing the amount appropriated in Section 2 therein from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program by the sum of \$4,645, which amount is reappropriated in Section 5.

Section 8. Ordinance No. 2005-349, relating to an agreement for the Olean & Kennedy Revitalization Project, is hereby amended by reducing the amount appropriated therein from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program by the sum of \$184,875, which amount is reappropriated in Section 5.

Section 9. The Mayor is hereby authorized to enter into such amendatory agreements as may be necessary to implement the reductions authorized herein.

Section 10. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 11. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-189
(Int. No. 171)

Ordinance No. 2007-189
Re: Zoning Map Amendment - Rezoning
Parts of North Plymouth and Lyell
Avenues from C-2 and M-1 to
Conditioned C-3

**Changing The Zoning Classification Of 59-69
Lyell Avenue And 662-674 North Plymouth Avenue
From C-2 Community Center And 648, 654 And
658 North Plymouth Avenue And 131 Frankfort
Street From M-1 Industrial To A Conditioned C-3
Regional Destination Center District**

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning two properties, 59-69 Lyell Avenue and 662-674 North Plymouth Avenue, from C-2 Community Center District, and four properties, 648, 654, 658 N. Plymouth Avenue and 131 Frankfort Street, from M-1 Industrial to a Conditioned C-3 Regional Destination Center District.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

The rezoning request is in conjunction with a proposal to develop a multi-tenant commercial complex at the intersections of N. Plymouth Avenue, Lyell Avenue and Frankfort Street. The plan includes replacing three existing structures with an 1,800 sq. ft. diner; two 1,500 sq. ft. retail spaces; a laundromat; a 3,000 sq. ft. convenience store with gas sales and drive-through; a two-bay carwash; and 33 off-street parking spaces. The existing C-2 and M-1 districts do not easily allow for this variety of uses.

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 59-69 Lyell Avenue and 662-674 North Plymouth Avenue from C-2 Community Center, and 648, 654 and 658 North Plymouth Avenue and 131 Frankfort Street from M-1 Industrial, to a Conditioned C-3 Regional Destination Center District:

The Conditioned C-3 Regional Destination Center District is intended to provide certain protections for the adjacent land uses by prohibiting the more intense uses that are permitted as-of-right and specially permitted in the C-3 Regional Destination Center district. The Conditioned C-3 regulations place restrictions on building height, setback, maximum square footage, and hours of operation. Development will be facilitated by incorporating all of the properties into this one new zone.

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly bounded and described as follows: Beginning at the centerline intersection of North Plymouth Avenue (60' ROW) and Lyell Avenue (66' ROW), said intersection being the Point or Place of Beginning; thence

Also, the Conditioned C-3 zoning allows for development that is consistent in scale and activity level with existing and emerging uses along Lyell Avenue and North Plymouth Avenue. Special Permit approval will be required for a 24-hour operation that is planned for the convenience store.

- 1) Easterly, along said Lyell Avenue centerline, a distance of 338 feet, more or less, to the centerline intersection of Frankfort Street (20' ROW); thence
- 2) Southeasterly, along said Frankfort Street centerline, a distance of 191 feet, more or less, to the northeasterly extension of the southeasterly line of lands conveyed to Joseph Prestigiacombo by a deed filed in Liber 9380, Page 433; thence
- 3) Southwesterly, along said lands of Prestigiacombo, a distance of 90.0 feet to an angle point; thence
- 4) Northwesterly, parallel with said Frankfort Street, a distance of 1.0 feet to an angle point; thence
- 5) Southwesterly, continuing along said lands of Prestigiacombo, a distance of 20.0 feet to an angle point; thence
- 6) Northwesterly, parallel with said Frankfort Street, a distance of 63.0 feet to an angle point; thence
- 7) Southwesterly, continuing along said lands of Prestigiacombo, a distance of 130.0 feet, more or less, to the said centerline of North Plymouth Avenue; thence
- 8) Northwesterly, along said centerline of North Plymouth Avenue, a distance of 363 feet, more or less, to the Point or Place of Beginning.

The proposed buildings and uses are compatible with the adjacent neighborhood commercial uses and will provide a mix of neighborhood support services. The buildings will be placed along the street with parking and circulation areas behind the buildings. This project provides for a strong, active and pedestrian-scaled streetscape.

Section 2. The rezoning approved in Section 1 shall be subject to the following additional conditions:

The Planning Commission held informational meetings on March 12 and April 16, 2007. Five people spoke in support of the rezoning and five spoke in opposition to the rezoning. The Commission, at the April 16, 2007 meeting, recommended approval (5-0-0). Materials related to these meetings are attached.

Pursuant to Section 120-191 of the Zoning Code, Site Plan Review is required for this project. An environmental determination will be made as a part of this process.

A public hearing is required.

A. The following uses shall not be permitted:

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-70

1. Drive-through operations, except if lo-

cated with egress to Frankfort Street.

2. Warehouse & wholesale distribution facilities under 15,000 sq. ft.
 3. Light industrial.
 4. Research laboratories, including testing facilities.
 5. Vehicle sales, vehicle rental, vehicle repair.
 6. Parking lots as the principal use.
 7. Sexually oriented businesses.
 8. Kennels.
 9. Outdoor entertainment.
 10. Amusement centers.
- B. The following uses shall not be specially permitted:
1. Homeless shelters.
 2. Recycling centers.
 3. Rooming houses.
 4. Self service storage.
 5. Warehouse & wholesale distribution facilities over 15,000 sq. ft.
- C. Height:
1. The minimum average principal building height shall be 18 feet.
 2. The maximum accessory building height shall be 18 feet.
- D. Setbacks along street frontages shall be a maximum of 0' to 5'.
- E. Maximum square footage for nonresidential uses shall be 6,000 sq. ft.
- F. The hours of operation for all uses shall be limited to 6:00 a.m. to 2:00 a.m. except, a special permit may be issued to modify the hours of operation.

Section 3. This ordinance shall take effect immediately.

Passed by the following votes:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

By Councilmember Stevenson
June 19, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 226 - Authorizing A Grant Application And Agreement For City Hall Stonework Restoration

Int. No. 227 - Establishing Maximum Compensation For A Professional Services Agreement For City Hall HVAC Piping Replacement

Int. No. 228 - Accepting The Donation Of An Easement For The West Main Street Streetscape Project

Int. No. 229 - Authorizing An Agreement With The County Of Monroe For The Operation Of Durand Eastman Beach

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 253 - Approving Changes In The Pavement Width Of Kelly Street And Joseph Avenue As Part Of The Joseph Avenue (Ward Street To Upper Falls Boulevard And Clifford Avenue To Avenue D) Improvement Project

Int. No. 254 - Establishing Maximum Compensation For A Professional Services Agreement For The Joseph Avenue Improvement Project

Int. No. 255 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,693,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Joseph Avenue Improvement Project

Int. No. 256 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,007,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Joseph Avenue Improvement Project

Int. No. 257 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$185,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Joseph Avenue Improvement Project

Int. No. 258 - Local Improvement Ordinance - Areaway And Window Well Abandonments As A Part Of The Joseph Avenue Improvement Project

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
Lois J. Giess

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-190
Re: Grant Application - City Hall
Stonework Restoration

Transmitted herewith for your approval is legislation authorizing an application to New York State for an Historic Preservation grant in the amount of \$500,000 and execution of agreements as required with New York State, if awarded the grant.

The grant would be used to partially finance the cost

of the City Hall Stonework Restoration Project. Acceptance of the grant would obligate the City to provide a local share equal to the amount of the grant. The preliminary cost estimate for construction of the project is \$8.3 million, which will be financed as follows:

\$4,000,000	2006-07 Capital Improvement Program General Debt
\$4,300,000	Anticipated Future Capital Improvement Program

City Council authorized an agreement with Handler Grosso Durfee and Associates in 1998 to assess the condition of the building envelope. Constructed in 1887 with Portland Brownstone, it is suffering from deterioration caused by exposure to harsh environmental conditions. Subsequently, in 1999, Council authorized a demonstration project on the west facade to ascertain corrective methods and materials for prolonging the building's overall life. The demonstration project included slate roofing replacement, sandstone facade restoration, wood window repair, loose stone removal, and a stone-by-stone sounding of a portion of the west facade.

In 2006, City Council authorized an agreement with Mesick, Cohen, Wilson, Baker Architects, LLP, for investigation, design and construction administration services related to the Project. The investigation is currently underway.

It is anticipated that the restoration will begin in the summer of 2008 and be completed in the fall of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-190
(Int. No. 226)

Authorizing A Grant Application And Agreement For City Hall Stonework Restoration

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the State of New York for a Historic Preservation Grant to fund the City Hall Stonework Restoration Project.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-191
Re: Agreement - City Hall HVAC Piping

Transmitted herewith for your approval is legislation establishing \$110,000 as maximum compensation for an agreement with LaBella Associates, P.C., Rochester, for engineering and construction administration services related to the City Hall HVAC system. The

cost of the agreement will be financed from Bond Ordinance No. 2007-102, authorized by Council in April 2007.

The HVAC heat pump loop piping system and backup chiller at City Hall have reached the end of their useful life and need replacing. In the late 1990's when the system at City Hall overheated, the PVC plastic piping was damaged, but not replaced, and as a precautionary measure, isolation valves were installed throughout the system to avert potential for a system failure. The proposed project will provide for the installation of new piping and other improvements to the system. The preliminary estimate for the cost of construction of the project is \$640,000. The cost of construction will be financed from Bond Ordinance No. 2007-102.

Qualifications and proposals were solicited from nine area firms. Four firms responded: IBC Engineering, P.C., Erdman Anthony and Associates, Inc., LaBella Associates, P.C., and M/E Engineering, P.C. The qualifications and proposals were rated by City staff and, based on these ratings, LaBella Associates, P.C. was selected.

The design is scheduled to begin this summer and to be completed in the spring of 2008. Construction is anticipated to begin in the summer of 2008 and to be completed in the winter of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-191
(Int. No. 227)

Establishing Maximum Compensation For A Professional Services Agreement For City Hall HVAC Piping Replacement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$110,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for engineering and construction administration services for the City Hall HVAC piping replacement. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2007-102.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-192
Re: West Main Streetscape Project -
Easement for Bus Shelter

Transmitted herewith for your approval is legislation authorizing the acceptance of an easement at 70 Cunningham Street (part of 501 West Main Street) to provide for installation of a bus shelter at this location as part of the West Main Streetscape Project. The property owner, Housing Opportunities, Inc., has agreed to grant the easement, a *de minimus* parcel of

approximately 152 square feet, at no cost to the City.

The West Main Streetscape project, which is intended to support and enhance economic development between Jefferson Avenue and Broad Street, was advertised for bid in late 2006 and the contract was awarded to Gordon J. Phillips, Inc. earlier this year at a cost of \$795,612. Funding for the contract was authorized in February 2007. Construction began in early April 2007 and is focused on the Susan B. Anthony Historic District (Madison Street to Canal Street) with select improvements extending west to Jefferson Avenue and east to Broad Street.

Details of the project were presented to Council in transmittal letters accompanying Ordinance Nos. 2007-39 and 2007-40.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-192
(Int. No. 228)

Accepting The Donation Of An Easement For The West Main Street Streetscape Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of a permanent easement over approximately 152 square feet of the parcel at 70 Cunningham Street, SBL #120.44-2-1-31, owned by Housing Opportunities, Inc., for the construction and maintenance of a bus shelter as a part of the West Main Street Streetscape Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-193
Re: Agreement - Monroe County -
Durand Eastman Beach

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the provision of water testing services and to develop an operational model for Durand Eastman Beach, and establishing \$10,000 as maximum compensation for the agreement. The cost of the agreement will be financed through the 2007-08 Recreation and Youth Services Budget.

The City will operate a portion of the beach at Durand Eastman Park for swimming, beginning with weekend service from May 26 through June 30, 2007. Full operations, seven days per week, will commence July 2 and continue through September 3, 2007.

In their continuing cooperation with the City in operating the beach, the County Health Department will be responsible for the following:

- Beginning on or about April 30, 2007, County Health Department staff shall collect water samples twice weekly or as necessary to capture storm events at locations determined by the Health Department along the Beach.

- The sampling results from the 2006 and 2007 seasons will be used by the County Health Department for an operational model, similar to the one employed at Ontario Beach. This will be used for making decisions whether to open or close the Beach for water quality reasons.
- City aquatics staff will provide notification informing the public of the status of the Beach. The County Health Department will continue to make available to the public a Monroe County telephone hot-line, that includes both Ontario and Durand beach information.

The term of this agreement will expire December 31, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-193
(Int. No. 229)

Authorizing An Agreement With The County Of Monroe For The Operation Of Durand Eastman Beach

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the Monroe County Department of Public Health will provide water testing services and develop an operational model for the 2007 Durand Eastman Beach operating season.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-194,
Ordinance No. 2007-195,
Ordinance No. 2007-196,
Ordinance No. 2007-197,
Ordinance No. 2007-198 And
Local Improvement Ordinance No. 1578
Re: Joseph Avenue Improvement Project -
Ward Street to Upper Falls Boulevard
and Clifford Avenue to Avenue D

Transmitted herewith for your approval is legislation related to the Joseph Avenue Improvement Project. The legislation will:

1. Authorize geometric changes on Kelly Street as follows:
 - A. On the south side of Kelly Street west of Joseph Avenue, a decrease of 6 feet, from

the existing 40 foot width to a 34 foot width, beginning at a point 62 feet west of the center of Joseph Avenue to Joseph Avenue, and;

- B. On the north side of Kelly Street east of Joseph Avenue, a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at a point 62 feet east of the center of Joseph Avenue to Joseph Avenue.
2. Authorize additional narrowing of the pavement on Joseph Avenue as follows:
 - A. An additional narrowing from the previously approved width of 40 feet to a variable width of 37 feet to 36 feet, beginning 73 feet south of the center of Upper Falls Boulevard and ending 55 feet south of the center of Upper Falls Boulevard;
 - B. An additional narrowing from the previously approved width of 40 feet to 36 feet, beginning from the previous point and ending 37 feet south of the center of Upper Falls Boulevard;
 - C. An additional narrowing from the previously approved width of 40 feet to a variable width of 37 feet to 36 feet, beginning 62 feet north of the center of Clifford Avenue and ending 44 feet north of the center of Clifford Avenue, and;
 - D. An additional narrowing from the previously approved width 40 feet to a 36 feet, beginning from the previous point and ending 26 feet north of the center of Clifford Avenue.
 3. Establishing \$370,000 as maximum compensation for an agreement with Corneles Engineering, P.C. for Resident Project Representation services related to the Project. The cost will be financed from the proceeds of the bonds requested herein and from anticipated reimbursements from Monroe County;
 4. Authorize the issuance of bonds in the amount of \$2,693,000 and the appropriation of the proceeds thereof to finance the cost of the street improvements;
 5. Authorize the issuance of bonds in the amount of \$1,007,000 and the appropriation of the proceeds thereof to finance the cost of the water improvements;
 6. Authorize the issuance of bonds in the amount of \$185,000 and the appropriation of the proceeds thereof to finance the cost of the sewer improvements; and
 7. Authorize appropriation of \$12,670 from the Local Improvement Fund to finance the cost of repair of underground areaways and window wells at various properties, and the subsequent assessment of this amount against the properties to replenish the Local Improvement Fund.

Pavement width changes were authorized by Council in October 2006. The changes on Kelly Street at the intersection of Joseph Avenue are intended as a traffic calming feature. The changes on Joseph Avenue will be within the existing right-of-way and will allow installation of islands, which will channel vehicles

making left turns and will improve the alignment and safety of the opposing left turn lanes. The islands will also serve as a refuge for pedestrians crossing the street.

Design of the project by Corneles Engineering, P.C. was authorized by Council in October 2005. The Project features include: rehabilitation of the pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting and water mains, as required; and tree plantings.

Bids for construction were received on May 30, 2007. The work will be performed by Sealand Contractors Corporation, at a cost of \$3,701,607.05, which is 3.0% less than the engineer's estimate. An additional \$503,062.95 (13.6%) will be allocated for contingencies which include street lighting costs and other items not included in the contract. The contract includes Apprenticeship Training Program requirements and Public Works Incentive Program provisions as authorized by City Council in 2003.

The cost of the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Construction</u>	<u>Total</u>
<u>RPR</u>	<u>Contingency</u>	
Street bond	\$2,122,856.76	
\$227,217.00	\$342,926.24	\$2,693,000
Water bond	839,561.43	
82,917.00	84,521.57	1,007,000
Sewer bond	167,672.00	
0.00	17,328.00	185,000
County traffic	560,956.86	
59,866.00	56,177.14	677,000
LIO	10,560.00	
0.00	2,110.00	12,670
Total	\$3,701,607.05	
\$370,000.00	\$503,062.95	\$4,574,670

The cost of the street, sewer and water improvements will be financed from the proceeds of the proposed bonds. The traffic improvements will be financed from anticipated reimbursements from Monroe County.

The Project includes improvements to six privately owned areaways and two window wells located within the right-of-way (encroachments). The owners have agreed to abandon them. In accordance with the City's Areaway Policy, the City will share the cost of the abandonments and will help finance the property owner share of the abandonments through the proposed Local Improvement Ordinance. The LIO will be paid back at 1% over the City's borrowing rate based on the terms noted below. The City's share of the abandonment costs is \$5,830, which will be financed from the Street Bond.

<u>Owner Name</u>	<u>Property Address</u>	<u>Encroachment(s)</u>
	<u>LIO Amount</u>	<u>Term</u>
Ronald Wilcox	678 Joseph Ave	1 areaway
	\$1,680	2 years
Antonia Rivera	744 Joseph Ave	1 areaway/1 window well
	\$2,290	5 years

Laurie S. McGrath
747 Joseph Ave 2 areaways/1 window well
\$6,060 10 years

Upper Room Family Worship Center
821 Joseph Ave 1 areaway
\$ 600 1 year

826 Joseph Ave. Inc.
826 Joseph Ave 1 areaway
\$2,040 2 years

Construction is expected to begin this summer and be completed by the summer of 2008. A public informational meeting was held on August 8, 2006; a copy of the minutes is on file in the City Clerk's Office. The changes in pavement width were endorsed by the Traffic Control Board on May 15, 2007.

A public hearing on the pavement width changes and the Local Improvement Ordinance are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-71

Ordinance No. 2007-194
(Int. No. 253)

Approving Changes In The Pavement Width Of Kelly Street And Joseph Avenue As Part Of The Joseph Avenue (Ward Street To Upper Falls Boulevard And Clifford Avenue To Avenue D) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of Kelly Street as part of the Joseph Avenue (Ward Street to Upper Falls Boulevard and Clifford Avenue to Avenue D) Improvement Project:

- a. On the south side of Kelly Street west of Joseph Avenue, a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at a point 62 feet west of the center of Joseph Avenue to Joseph Avenue; and
- b. On the north side of Kelly Street east of Joseph Avenue, a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at a point 62 feet east of the center of Joseph Avenue to Joseph Avenue.

Section 2. The Council hereby approves the following changes in the pavement width of Joseph Avenue, which include the installation of islands on Joseph Avenue south of Upper Falls Boulevard and north of Clifford Avenue, as part of the Joseph Avenue (Ward Street to Upper Falls Boulevard and Clifford Avenue to Avenue D) Improvement Project:

- a. An additional narrowing from the previously approved width of 40 feet to a variable width of 37 feet to 36 feet, beginning 73 feet south of the center of Upper Falls Boulevard and ending 55 feet south of the center of Upper Falls Boulevard;
- b. An additional narrowing from the previously approved width of 40 feet to 36 feet, beginning

from the previous point and ending 37 feet south of the center of Upper Falls Boulevard;

- c. An additional narrowing from the previously approved width of 40 feet to a variable width of 37 feet to 36 feet, beginning 62 feet north of the center of Clifford Avenue and ending 44 feet north of the center of Clifford Avenue; and
- d. An additional narrowing from the previously approved width of 40 feet to 36 feet, beginning from the previous point and ending 26 feet north of the center of Clifford Avenue.

Section 3. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-195
(Int. No. 254)

Establishing Maximum Compensation For A Professional Services Agreement For The Joseph Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$370,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Comeles Engineering, P.C. for resident project representation services for the Joseph Avenue (Ward Street to Upper Falls Boulevard and Clifford Avenue to Avenue D) Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$227,217 shall be funded from a bond ordinance adopted for street purposes, \$82,917 shall be funded from a bond ordinance adopted for water purposes, and \$59,866 shall be funded from anticipated reimbursements from Monroe County.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-196
(Int. No. 255)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,693,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Joseph Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Joseph Avenue (Ward Street to Upper Falls Boulevard and Clifford Avenue to Avenue D) Improvement Project in the City (the "Project"). The total estimated

maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,693,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,693,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,693,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by

this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-197
(Int. No. 256)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,007,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Joseph Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Joseph Avenue (Ward Street to Upper Falls Boulevard and Clifford Avenue to Avenue D) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,007,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,007,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,007,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,007,000. This Ordinance is a declaration of offi-

cial intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-198
(Int. No. 257)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$185,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Joseph Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Joseph Avenue (Ward Street to Upper Falls Boulevard and Clifford Avenue to Avenue D) Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$185,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$185,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$185,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$185,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Local Improvement Ordinance No. 1578
(Int. No. 258)

Local Improvement Ordinance - Areaway And Window Well Abandonments As A Part Of The Joseph Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. As part of the Joseph Avenue (Ward Street to Upper Falls Boulevard and Clifford Avenue to Avenue D) Improvement Project, the Council hereby authorizes the special treatment of the areaways and window wells in the form of the abandonment of said areaways and window wells, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

Section 2. The improvements and work described in Section 1 shall be constructed in accordance with the provisions of Chapter 10 of the Municipal Code and shall be done by contract.

Section 3. The limits of the District of Assess-

ment for the improvements and work shall be the following properties, in amounts not to exceed the following, payable over the following terms:

<u>Owner Name</u>	<u>Property Address & SBL Number</u>	<u>Encroachment(s)</u>	<u>LIO Amount</u>	<u>Term</u>
Ronald Wilcox	678 Joseph Avenue	106.31-03-001	1 areaway \$1,680	2 years
Antonia Rivera	744 Joseph Avenue	106.23-03-028	1 areaway & 1 window well \$ 2,290	5 years
Laurie S. McGrath	747 Joseph Avenue	106.23-04-015	2 areaways & 1 window well \$ 6,060	10 years
Upper Room Family Worship Center	821 Joseph Avenue	091.79-03-053.1	1 areaway \$ 600	1 year
826 Joseph Avenue, Inc.	826 Joseph Avenue	091.79-03-078	1 areaway \$ 2,040	2 years

Section 4. The cost of improvements and work described in Section 1, including the cost of any necessary professional design and engineering work, not to exceed \$12,670, plus interest at a rate 1% above the City's "latest borrowing rate" on the unpaid balance, shall be assessed on the properties within the limits of the district of assessment described above, in the amounts set forth above. The Council hereby deems such properties to be benefitted by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed after the completion of the improvements and work described, and shall be due in full or in equal annual installments as set forth in Section 3. Any assessment not paid by May 15 after its due date may be added to the upcoming annual tax bill for the property.

Section 6. The total cost of said improvements and work, up to \$12,670, shall be charged as described in this ordinance and paid from the local improvement fund, and said amount, or so much thereof as may be necessary, is hereby appropriated for this purpose.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Giess
June 19, 2007

To the Council:

The Finance & Public Services Committee recom-

mends for adoption the following entitled legislation:

Int. No. 230 - Authorizing Agreements Relating To The 2007 Summer Of Opportunity Program

Int. No. 231 - Authorizing Agreements Relating To The Rochester After School Academy II Program

Int. No. 232 - Establishing Maximum Annual Compensation For A Professional Services Agreement For Administration Of Unemployment Insurance Claims

Int. No. 248 - Establishing Maximum Compensation For A Professional Services Agreement For The 311 "One Call To City Hall" Initiative

Int. No. 249 - Establishing Maximum Compensation For A Professional Services Agreement For 311 Implementation Services

Int. No. 250 - Establishing Maximum Compensation For A Professional Services Agreement For Telecommunications Services

Int. No. 251 - Authorizing An Agreement For The Adolescent Parenthood Project

Int. No. 259 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Youth Services

Int. No. 260A - Amending The 2007-08 Budget Of The City Of Rochester In Regard To Graffiti Removal - \$35,000

Int. No. 260B - Amending The 2007-08 Budget Of The City Of Rochester In Regard To FACIT - \$20,000

Int. No. 260C - Amending The 2007-08 Budget Of The City Of Rochester In Regard To Exercise Equipment - \$5,000

Int. No. 260D - Amending The Proposed 2007-08 Budget Of The City Of Rochester In Regard To Rochester Against Illegal Narcotics - \$10,000

Int. No. 260E - Amending The Proposed 2007-08 Budget Of The City Of Rochester In Regard To The NEAD CDF Freedom School Summer Program And Authorizing An Agreement - \$30,000

Int. No. 260F - Amending The 2007-08 Budget Of The City Of Rochester In Regard To The Downtown City Living Program - \$5,000

Int. No. 260G - Amending The 2007-08 Budget Of The City Of Rochester In Regard To The Recycling Education Program - \$30,000

Int. No. 260H - Amending The Proposed 2007-08 Budget Of The City Of Rochester In Regard To Summer Arts Program - \$5,000

Int. No. 260I - Amending The 2007-08 Proposed Budget Of The City Of Rochester In Regard To Local History Options - \$5,000

Int. No. 260J - Amending The Proposed 2007-08 Budget Of The City Of Rochester In Regard To PAC-TAC - \$5,000

Int. No. 260K - Amending The 2007-08 Budget Of The City Of Rochester In Regard To The ROC City Coalition - \$5,000

Int. No. 260L - Amending The 2007-08 Budget Of The City Of Rochester In Regard To The Youth Life-line Foundation - \$5,000

Int. No. 260M - Amending The 2007-08 Budget Of The City Of Rochester In Regard To Sully Branch Library - \$2,000

Int. No. 260N - Amending The 2007-08 Budget Of The City Of Rochester In Regard To The Rochester Fatherhood Resource Initiative - \$2,000

Int. No. 260O - Amending The 2007-08 Budget Of The City Of Rochester In Regard To A Health Fair In Sector 4 - \$10,000

Int. No. 260 - Adoption Of The Budget Estimates For Municipal Purposes For The 2007-08 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees, As Amended

Int. No. 261 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008, And Appropriation Of Sums Set Forth Therein

Int. No. 262 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008

Int. No. 263 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008

Int. No. 264 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2007 And Expiring June 30, 2008

Int. No. 265 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008, As Amended

Int. No. 266 - Amending The Municipal Code With Respect To Refuse Fees

Int. No. 267 - Amending The Municipal Code With Respect To Water Rates

Int. No. 268 - Local Law Amending The City Charter With Respect To The Maintenance Of Parks

Int. No. 269 - Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To The Redemption Of Stolen Motor Vehicles

Int. No. 270 - Resolution Approving The 2007-08 Debt Limit For General Municipal Purposes

Respectfully submitted,
Lois J. Giess
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren (Did not vote on Int. Nos. 251 and 259)
Gladys Santiago (Did not vote on Int. Nos. 230 through 259)
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-199
 Re: Summer of Opportunity Program

Transmitted herewith for your approval is legislation relating to the Summer of Opportunity Program (SOOP). This legislation will:

1. Appropriate a total of \$712,707 from the following sources to finance the program:
 - a. \$614,555 from the 2007-08 proposed Budget of the Department of Recreation and Youth Services. This amount includes \$300,000 from New York State, made possible through the efforts of Senator Joseph Robach;
 - b. \$46,506 from the 2006-07 Budget of the Department of Recreation and Youth Services;
 - c. \$51,646 in Community Development Block Grant funding, of which \$30,056 and \$21,590 are from the 2004-05 and the 2005-06 Job Creation/Youth Development allocations, respectively; and
2. Authorize any necessary agreements to implement the program.

The total number of youth to be served through Summer of Opportunity Program 2007 is 444 for a total cost of \$712,707.

The Summer of Opportunity Program (SOOP) provides City high school students between the ages of 14-21 with summer work experience or a vocational exploration opportunity. SOOP requires at least a 90% minimum school attendance rate, and no long-term school suspensions for the current school year. Job readiness training and parent orientations are also required for participation.

There are two age-based categories of SOOP opportunities: programs for 14 and 15 year olds, and programs for youth 16 and older.

Programs for 14 and 15 year olds

In February 2007, the Summer of Opportunity Program Request for Proposal to serve 14 and 15 year old youth was issued; 16 responses were received. The RFP for 14 year olds specified the provision of opportunities for community service and academic enrichment activities. For 15 year olds, the RFP requested provision of work experience, civic engagement, and academic enhancement activities. The following ten programs are recommended for funding based on the description of proposed services, past performance, and the amount of available funding; these programs will serve a total of 254 students.

SOOP Programs for 14 And 15 Year Old
 City High School Students

Agency

<u>Project Description</u>	<u># Youth/Age</u>	<u>Ind. Cost</u>	<u>Total</u>
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Academy for Career Development Youth learn about computer technology, and build their own PCs	10 / 15	\$1,166	\$11,663
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Academy for Career Development Computer technology for youth with disabilities	5 / 14	\$1,970	\$ 9,850
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Action for a Better Community Career exploration in areas of business and helping professions	25 / 15	\$1,162	\$29,057
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American Red Cross Social "enterpreneurism" as a business in work experience, community services	25 / 15	\$1,202	\$30,056
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Catholic Family Center - CYO Rent-A-Kid model teaching employment skills through entrepreneurship and community service	40 / 14	\$1,200	\$48,000
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Community Place Community Mapping Project	50 / 14	\$1,250	\$62,523
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IBERO Career exploration and employment readiness using visual arts as the theme	20 / 15	\$1,300	\$25,999
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Metro Council for Teen Potential Entrepreneurial program, small business emphasis with career and college exploration	12 / 15	\$1,350	\$16,200
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Puerto Rican Youth Development Literacy, vocational exploration and community service	20 / 15	\$1,210	\$24,213
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Rochester City School District Student newspaper on youth issues / John Marshall students	10 / 14	\$1,204	\$12,042
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Rochester City School District John Marshall Law Prep Program - work experience in law offices	15 / 14	\$1,091	\$16,377
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Rochester Community TV Media Literacy and Public Service Announcements (PSAs) in TV production training	12 / 15	\$1,350	\$16,200
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Volunteers of America Human services and retail career exploration	10 / 15	\$1,052	\$10,523
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Students in the above programs will also participate in the Summer Leadership Training program, which will be located at the Damon Center of Monroe Community College. MCC will provide space and logistics for the program at a cost of \$7,480.

Programs for Youth 16 and Older

Community Conservation Corps (CCC) will enroll 95 youth, and Teens on Patrol (TOPS) will enroll 20 youth at minimum wage (\$7.15/hr.) to work in City recreation centers and/or with police-sponsored programs and sites. The youth will be ages 16 and older, and will work between 7 - 9 weeks, depending on the work site. Funds for this component is included in the proposed 2007-08 budget.

Jr. Recreation Leader program will hire 15 youth as

recreation interns, working 20 hours a week for 8 weeks.

Summer of Opportunity Plus (SOOP+) will provide work experience job slots for 30 high school youth ages 16 years and older in various positions in the private and non-profit sectors. Positions include: Office Clerk, Customer Service Representative, Maintenance and Groundskeeping.

As with last year, the Rochester City School District will provide payroll processing services and check distribution for the CCC, TOP, Jr. Recreation Leadership and the SOOP+ programs. The agreement for \$320,934 is for youth wages and fringe benefits for a total of 160 youth, and includes \$16,750 in administrative costs.

Monroe Community College's National Youth Sports Program (MCC-NYSP) \$21,590 will be appropriated from the 2005-06 CDBG to employ 10 Camp Counselor Assistant positions. MCC-NYSP enables 360 city youth between the ages of 10 and 16 to participate in organized athletic instruction and supervised activities. Of the \$21,590, \$11,590 will be used to hire the 10 SOOP youth, and \$10,000 will be used to provide transportation for all youth participating in the program.

Teen Empowerment will provide youth advocacy and job readiness skills training to 20 youth for \$30,000. The youth will receive a comprehensive overview of City government, and will also provide youth consultation with the Mayor on youth issues.

Puerto Rican Youth Development will provide job readiness and language immersion training for youth identified as having a significant language barrier that will impede employment opportunities. The cost of the agreement will be \$20,000.

A summary of Summer of Opportunity funding is attached.

Respectfully submitted,
Robert J. Duffy,
Mayor

Attachment No. AG-72

Ordinance No. 2007-199
(Int. No. 230)

Authorizing Agreements Relating To The 2007 Summer Of Opportunity Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2007 Summer of Opportunity Program:

<u>Organization</u>	<u>Total</u>
Academy For Career Development - Computers/Youth	\$ 11,663
Academy For Career Dev. - Computers/Youth w/disabilities	9,850
Action for a Better Community	29,057
American Red Cross	30,056
Catholic Family Center	48,000

Community Place	62,523
IBERO	25,999
Metro Council for Teen Potential	16,200
Puerto Rican Youth Development	24,213
Rochester City School District - Student Newspaper	12,042
Rochester City School District - Law Prep	16,377
Rochester Community TV	16,200
Volunteers of America	10,523
Rochester City School District - Administrative Services	320,934
MCC - National Youth Sports	21,590
MCC - Summer Leadership Training	7,480
Teen Empowerment	30,000
Puerto Rican Youth Development	20,000

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$712,707, and of said amount, or so much thereof as may be necessary, \$614,555 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services, \$46,506 shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services, \$21,590 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2005-06 Community Development Program, and \$30,056 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2004-05 Community Development Program.

Section 3. The Mayor is hereby further authorized to enter into any necessary agreements with the State of New York for the receipt of funding for the 2007 Summer of Opportunity Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-200
Re: Rochester After School Academy II

Transmitted herewith for your approval is legislation related to a total of \$920,038 available for the New York State 21st Century Community Learning Centers Program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of an \$896,038 grant for the operation of the Rochester After School Academy (RASA II). \$266,563 of this amount has been included in the proposed 2007-08 Budget of the Department of Recreation and Youth Services. Additionally, \$21,855 is included for indirect costs;
2. Authorize an agreement with the Rochester City School District for the receipt of \$24,000 for the RASA Trust Fund, to partially support for the Rochester Young Scholars Program at SUNY Geneseo; and
3. Establish maximum compensation, as follows, for agreements with:

<u>Organization</u> <u>School Partner</u>	<u>Amount</u>
Community Place of Greater Rochester F. Thomas Learning Center	\$131,506
SWAN Wilson Foundation Academy	93,628
CFC/CYO John Marshall	127,287
Rochester School for the Deaf Rochester School for the Deaf	153,187
SUNY Geneseo (Young Scholars) Various school sites	24,540
Coordinator Care Services Inc. Program coordination	<u>101,472</u> \$631,620

The following programs will be administered by DRYS and funded directly from its Budget:

Jefferson High School	\$ 70,771
Administration & Management	<u>195,792</u>
	\$266,563

In 2004, Rochester received a NY State 21st Century Community Learning Centers Program grant for the RASA II program, a comprehensive and strategic approach, designed to enhance and extend learning opportunities beyond the traditional school day. RASA II will operate five Academies, and will serve 320 students and 320 family members. This is the final year of the five-year grant. The most recent agreement for these services was approved in May 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-200
(Int. No. 231)

Authorizing Agreements Relating To The Rochester After School Academy II Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy II (RASA II) Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding in the amount of \$24,000 for the Rochester Young Scholars Program at SUNY Geneseo as part of the RASA II Program.

Section 3. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the RASA II Program:

<u>Agency</u> <u>School/Agency Partner</u>	<u>Amount</u>
Catholic Family Center/CYO John Marshall	\$127,287
Southwest Area Neighborhood Wilson Foundation Academy	93,628

Community Place of Greater Rochester Freddie Thomas	131,506
Rochester School for the Deaf School for the Deaf	153,187
SUNY Geneseo Various school sites	24,540
Coordinator Care Services, Inc Various school sites	101,472
City DRYS Jefferson High School	70,771
Administration & Management	195,792

Section 4. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds and the grant funds authorized in Section 2, the sum of \$631,620, or so much thereof as may be necessary, to fund the agreements authorized herein with outside agencies. The City Bureau of Recreation Programs in the amount not to exceed \$266,563 and indirect City costs of \$21,855 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-201
Re: Unemployment Claims
Administration

Transmitted herewith for your approval is legislation establishing \$25,897 as maximum compensation for a three-year agreement with TALX UCeXpress, St. Louis, MO, to provide third-party administration of Unemployment claims for the City of Rochester.

A Request for Proposals was published in the Democrat and Chronicle newspaper and resulted in the submission of two proposals, from Auberger & Associates and TALX UCeXpress.

TALX UCeXpress has provided services for the City of Rochester since 2003 when they acquired Gates-McDonald, the City's previous contract holder. TALX provides a comprehensive package of services that includes: receiving and responding to claim information from the Department of Labor; preparing supervisors for hearings; and arranging for City representation at all hearings.

Liabilities of nearly \$250,000 were removed in 2006 by TALX successfully protesting ineligible claims and providing hearing representation that resulted in favorable decisions for the City. In addition, funds from erroneous charges of nearly \$20,000 have been recovered for each of the previous three years. Finally, TALX provides access to specific case information and reports through continuously enhanced website capabilities.

This ordinance shall take effect July 1, 2007 and shall be funded from the Undistributed Expense allocation of the Budget as follows:

2007-08	\$ 8,399
2008-09	8,599
2009-10	8,899
Total	\$25,897

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-201
(Int. No. 232)

Establishing Maximum Annual Compensation For A Professional Services Agreement For Administration Of Unemployment Insurance Claims

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$8,399, or so much thereof as may be necessary, is hereby established as the first year's compensation to be paid for a professional services agreement between the City and TALX UCeXpress for administration of unemployment insurance claims for a term of three years. Compensation for the second year shall not exceed \$8,599, and for the third year \$8,899. Said amounts shall be funded from the 2007-08 and subsequent Budgets for Undistributed Expense, subject to approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-202,
Ordinance No. 2007-203 And
Ordinance No. 2007-204

Re: Agreements - 311 "One Call To City Hall"

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements to design, install, and implement the 311 One Call to City Hall initiative. As an ongoing commitment to excellence in customer service, the City will expand 311 service to accommodate the majority of citizen requests for City services and information. This will result in combining the non-police emergency 311 system with the services of the City's Office of Customer Satisfaction (OCS) into a service resolution center called "One Call to City Hall". The new center will operate 24 hours per day, seven days a week, beginning early in 2008.

Call Center Software - \$540,000

Lagan Technologies, Inc., Bethesda, Maryland will install and implement the use of their 311 call center software. The agreement includes rights for the City's use of the software. The software will be designed to capture and track requests for service across all City departments. Lagan will also be responsible for: coordinating the new software with existing City systems; training City employees in the use of the software; and providing ongoing technical support to ensure successful implementation.

Proposals for these services were solicited from two firms - Lagan Technologies, Inc. and Motorola, Inc. Lagan was selected based on its qualifications and the recommendation of an interdepartmental commit-

tee. Proposals were evaluated on four key components - cost, quality, delivery and service.

The term of this agreement will be for one year, with an option for annual software maintenance and support renewals by the City thereafter.

Transferring Current City Processes to the 311 Center - \$64,000

David Mayor Associates, Fairport NY, will assist the 311 Project team with re-engineering and optimization of existing business processes which will be transferred to the 311 Call Center. This will include an inventory of existing departmental processes and engineering them to operate within a 311 call center environment.

David Mayor Associates is a project management and business re-engineering consulting firm that has worked with companies such as Xerox, Auriga Pharmaceuticals and Gaylord Brothers. Due to the critical project time frame, the City's Chief Information Officer and Chief of Performance, Accountability and Customer Satisfaction reviewed local providers. Selection was based on the firm's appropriate experience, cost and ability to meet the timeline of the project.

Telecommunications Support - \$90,000

RC Hawaii Ltd., Pittsford, NY, will provide telecommunications research, and advisory and project management services associated with the 311 project telecom implementation. They will also assist in the development and associated review/selection process of a competitive bid for City-wide telecommunication and voice maintenance services.

RC Hawaii, Ltd., a telecommunications consulting firm, has previously worked with the City in developing bids for similar services. RC Hawaii, Ltd.'s knowledge of the existing City telecommunications environment, as well as its wide range of telecommunications consulting services, will help the Information Technology Department assume telecommunication responsibilities beginning July 1, 2007. They will also provide recommendations on integrating current phone systems (Intertel and Cell/Internet interoperability) with the new 311 Call Center environment.

The cost of these three agreements will be funded from 2006-07 Cash Capital.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-202
(Int. No. 248)

Establishing Maximum Compensation For A Professional Services Agreement For The 311 "One Call To City Hall" Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$540,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lagan Technologies, Inc. for the use, installation and implementation of call center software for the 311 "One Call To City Hall"

Initiative. Said amount shall be funded from the 2006-07 Cash Capital allocation. The agreement may also contain annual options for the continued use, maintenance and support of the 311 software, subject to funding for said purpose in the annual City budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-203
(Int. No. 249)

Establishing Maximum Compensation For A Professional Services Agreement For 311 Implementation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$64,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and David Mayor Associates for business process modeling, project management and associated training services for the 311 project implementation. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-204
(Int. No. 250)

Establishing Maximum Compensation For A Professional Services Agreement For Telecommunications Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and RC Hawaii Ltd. for telecommunications research, advisory and project management services for the 311 project telephony implementation, and assistance with bid development and vendor selection for the City's telecommunications environment and telephone system maintenance. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-205
Re: Agreement - YWCA of Rochester

Transmitted herewith for your approval is legislation establishing \$39,772 as maximum compensation for an agreement with the YWCA of Rochester & Monroe County to support the Adolescent Parenthood Project at John Marshall High School. The cost of the agreement will be financed from the General Community Needs allocation of the 2007-08 Community

Development Block Grant.

The Adolescent Parenthood Project at John Marshall High School provides support services and case management for pregnant and parenting teen students enrolled in John Marshall High School. These efforts have been effective in preventing school drop outs and repeat pregnancies.

Last year, the project was funded for ten months using Emergency CDBG funding, while the City submitted a reapplication to New York State for the APPS/CONNECTS project, which included an expansion of services at this school site. While the City's application was successful and received a slight increase, it was not enough to support the expansion. The YWCA has not been successful in raising other funding to sustain this project, and any reallocation of resources to this site would draw funds away from the other school sites, which also serve teen parents. Without this support, our experience shows that these teen moms would more than likely drop out of school.

A Project Information sheet is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-73

Ordinance No. 2007-205
(Int. No. 251)

Authorizing An Agreement For The Adolescent Parenthood Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the YWCA of Rochester and Monroe County for the Adolescent Parenthood Project at John Marshall High School.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$39,772, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-206
Re: Amendatory Agreement - Paul
McFadden, Pathways to Peace

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Paul McFadden, 52 Gorsline Street, Rochester, to continue to provide services to at-risk youth in the City as part of the Pathways to Peace program. This amendment will increase the compensation by \$28,500, bringing the maximum compensation to a total of \$34,400.

This agreement will be funded from the 2006-07 Budget of the Mayor's Office. This agreement will extend through May 31, 2008.

Mr. McFadden will develop relationships with and counsel youth at risk of being incarcerated or who are subject to violence. His work will include attempts to reduce violence through counseling and referrals to other services as appropriate. Mr. McFadden will establish relationships with these service providers and act as a liaison between them and the police department. His overall assignments will be directed by the Pathways to Peace Office.

Mr. McFadden's activities include: visiting locations frequented by youth (recreation centers, parks, school grounds, street corners, etc.); counseling youth, individually and in groups, on alternatives to violence; initiate referrals to service agencies; monitoring behaviors of identified youth through school, police and agencies; and making home visits as necessary.

A copy of Mr. McFadden's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-206
(Int. No. 259)

Establishing Maximum Compensation For An Ammendatory Professional Services Agreement For Youth Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$28,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an ammendatory professional services agreement between the City and Paul McFadden for services to at-risk youth in conjunction with the Pathways to Peace Program. Said amount shall be funded from the 2006-07 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmember Conklin, Lightfoot, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - None - 0.

Councilmember McFadden abstained because the contractor is a relative.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-207
Re: Budget Amendment - Graffiti
Removal - \$35,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$35,000 from the Contingency Account to the Department of Environmental Services to provide for an additional graffiti removal crew.

Ours is a beautiful City with numerous historic landmarks, well maintained roads, and manicured parks. Graffiti mars the surface of this beauty and draws attention away from the many positive and exciting things happening in our neighborhoods.

Over approximately the last eight months, our NET Offices, Department of Environmental Services, Police, and residents have experienced an increase of graffiti. Currently, we have one crew of "Defacer Erasers" that responds to all graffiti reports. As we know from prior experience, the more quickly graffiti is removed, the less graffiti is created. In addition, graffiti is a tool used by youth emulating the gang culture to mark territories and make declarations. For this reason, the additional crew is that much more important.

The proposed amendment will allow for an additional crew 40 hours per week for 34 weeks.

Respectfully submitted,
Lovely A. Warren Dana K. Miller
Councilmember Councilmember-at-Large
Northeast District

Ordinance No. 2007-207
(Int. No. 260A)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To Graffiti Removal - \$35,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City of Rochester is hereby amended by transferring \$35,000 from the Contingency Account to the Department of Environmental Services for an additional graffiti removal crew.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-208
Re: Budget Amendment - FACIT
Counselor - \$20,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$20,000 from the Contingency Account to the Police Department for FACIT. This funding will provide for restoration of a part-time FACIT Counselor.

The Family and Victims Services Unit provides programs and services to juveniles who have been involved with the criminal justice system, to families which have experienced disputes or disturbances and to victims of child abuse or other crimes.

The elimination of one full-time and two part-time counselor positions were proposed in the 2007-08 Budget. At the budget hearing for the Police Department, we learned that the Police Department has received a grant that will restore the full-time counseling position. This proposed amendment will restore one part-time counseling position and thus minimize the impact on services provided.

Respectfully submitted,

Gladys Santiago Vice President
Carolee A. Conklin Councilmember-at-Large

Ordinance No. 2007-208
(Int. No. 260B)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To FACIT - \$20,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$20,000 from the Contingency Account to the Police Department to restore the services of a part-time FACIT counselor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-209
Re: Budget Amendment - Troup
Street Playground - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$5,000 from the Contingency Account to Cash Capital for the addition of adult exercise equipment at the Troup Street playground. The provision of adult size exercise equipment, similar to that found on fitness trails, will encourage adults to exercise alongside their children during trips to the playground.

A family appreciation for exercise and the opportunity to establish a regular exercise routine is beneficial to our City's residents. A healthy lifestyle is of particular importance to our urban population, which has a substantial portion of low-income families who lack preventative health care.

It is widely reported, and common sense tells us, that regular exercise and proper nutrition are key components to good health. This amendment is one small step towards increasing health awareness and providing opportunity for individuals to create an exercise routine.

Respectfully submitted,
John F. Lightfoot Councilmember At-Large
Carolee A. Conklin Councilmember At-Large

Ordinance No. 2007-209
(Int. No. 260C)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To Exercise Equipment - \$5,000

BE IT ORDAINED, by the Council of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to Cash Capital for adult exercise equipment at the Troup Street playground.

Section 2. This ordinance shall take effect immediately.

diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-210
Re: Budget Amendment - Rochester Against
Illegal Narcotics - \$10,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$10,000 from the Contingency Account to the Police Department for support of and training and outreach activities of Rochester Against Illegal Narcotics (RAIN).

As you know, RAIN is a well-established citizen group that organizes and supports neighborhood-based activities to combat the scourge of illegal drugs and the attendant criminal activities that they foster. RAIN works closely with the Police and NET staff to carry out direct actions against drug houses, outdoor drug markets, and other such illegal activities that undermine the quality of life in our neighborhoods.

The proposed amendment will provide resources to RAIN to reach out to attract additional participants and to train them in effective methods to deter such criminal activities in cooperation with law enforcement personnel.

Respectfully submitted,
Dana K. Miller Councilmember At-Large
John F. Lightfoot Councilmember At-Large

Ordinance No. 2007-210
(Int. No. 260D)

Amending The Proposed 2007-08 Budget Of The City Of Rochester In Regard To Rochester Against Illegal Narcotics - \$10,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$10,000 from the Contingency Account to the Police Department to fund training and outreach activities for Rochester Against Illegal Narcotics.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-211
Re: Budget Amendment - NEAD
CDF Freedom School Summer
Program - \$30,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$30,000 from the Contingency Account to the Department of Recreation and Youth Services to support summer opportunities for City youth at the NEAD CDF Freedom School Summer Program.

The Freedom School is operated by NEAD in part-

nership with the Children's Defense Fund, school districts, community organizations and colleges and universities, to provide literacy-rich summer programs. The purpose of the program is to ensure that no child is left behind, that every child has a healthy start, a head start, a fair start, a safe start and a moral start in life with the support of caring parents and nurturing communities.

The goal of the program is leadership development, identifying, training, linking and nurturing next generation leaders. The curriculum promotes social, cultural, historical awareness and parental involvement. The program lasts for six weeks; this funding will permit fifty additional children ages 5 to 18 to attend.

Respectfully submitted,
Adam C. McFadden
Councilmember
South District

Lovely A. Warren
Councilmember
Northeast District

Ordinance No. 2007-211
(Int. No. 260E)

Amending The Proposed 2007-08 Budget Of The City Of Rochester In Regard To The NEAD CDF Freedom School Summer Program And Authorizing An Agreement - \$30,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$30,000 from the Contingency Account to the Department of Recreation and Youth Services to fund the NEAD CDF Freedom School Summer Program.

Section 2. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as maximum compensation to be paid for a professional services agreement between the City and NEAD for the Freedom School Summer Program. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-212
Re: Budget Amendment - Downtown
City Living Promotion - \$5,000

Transmitted herewith for your approval is an amendment to the proposed 2007-08 Budget transferring \$5,000 from the Contingency Account to the Department of Community Development for the promotion of "Inside Downtown", a Downtown City Living tour.

The City continues to promote the advantages of City Living and the unique housing available downtown provides the perfect opportunity for the Inside Downtown Tour, which offers an inside look at the growing stock of downtown housing. From new construction to innovative rehabilitation of century-old buildings, this Landmark Society tour effectively highlights and celebrates City Living. Last year, the tour had 1,692 attendees and sponsorship from Buckingham Properties, WBEE Radio 92.5, City Newspaper, along with the City of Rochester.

The upcoming September 28 and 29, 2007 tour will mark the fourth year of this successful project. The continuation of the City's sponsorship of the Downtown City Living program will enable the furtherance of Council's agenda for a truly mixed-use, vibrant downtown.

Respectfully submitted,
William F. Pritchard
Councilmember-at-Large

Lois J. Giess
President

Ordinance No. 2007-212
(Int. No. 260F)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To The Downtown City Living Program - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Community Development for the promotion of the Downtown City Living program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-213
Re: Budget Amendment - Recycling
Education Program - \$30,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$30,000 from Contingency to the Department of Environmental Services to restore the recycling education (Greta) program for one final year and request an evaluation of its effectiveness.

This education program is a one-woman show that teaches children about the importance of recycling through humor and fun. Greta is a clown who has presented the environmental importance of recycling to children in the Rochester City School District and at various other venues since 1989.

Over the years, there have been recurring conversations about whether or not the City should continue supporting this program. In the Proposed Budget, the Administration eliminated funding for this program, in part as a result of the fact that the program has been in place for 18 years without any evaluations or Requests for Proposals (RFPs) to consider potential alternate service providers.

Anecdotally, it seems that Greta performances are well received and that the recycling message is clear and strong. However, Council concurs with the Administration that no program should be continued indefinitely without both evaluations and periodic opportunities for other vendors to submit proposals.

This amendment, therefore, provides for the continuation of this recycling program for one final year and requests an evaluation of its effectiveness within the City's overall efforts to increase recycling. Subsequent to that evaluation, and the completion of the planned recycling survey, it is recommended that the

be viewed as the exclusive responsibility of the City Historian, but must include the role of the Library in the maintenance and expansion of the Local History collection as well as the many other archival materials both within and outside of City government.

The proposed agreement and the appointment of the advisory committee is intended to provide some useful guideposts on the role of the Historian and the relationships between that position and the various town, village, and county historians, as well as the institutions involved in the care and custody of historical records. The recommendations of this committee will be used to develop a comprehensive strategy for local history services.

Respectfully submitted,
Carolee A. Conklin Lois J. Giess
Councilmember-at-Large President

Ordinance No. 2007-215
(Int. No. 260I)

Amending The 2007-08 Proposed Budget Of The City Of Rochester In Regard To Local History Options - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Administration (Budget Bureau) to fund an agreement with Robert W. Arnold III regarding local history options.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-216
Re: Budget Amendment - PAC-TAC
Equipment - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$5,000 from the Contingency Account to the Police Department for additional equipment for the PAC-TAC program.

PAC-TAC has been an effective anti-crime and community-building program for many years. The Mayor and Chief Moore have indicated their intention to revitalize this important program during the coming year, reemphasizing the connection between patrol officers and the volunteer citizens.

The proposed amendment will provide additional resources for equipment, including radios, clothing and other necessary supplies as identified by the Police Department, to ensure the effectiveness of PAC-TAC.

Respectfully submitted,
Dana K. Miler Robert J. Stevenson
Councilmember-at-Large Councilmember
 Northwest District

Ordinance No. 2007-216
(Int. No. 260J)

Amending The Proposed 2007-08 Budget Of

The City Of Rochester In Regard To PAC-TAC - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Police Department to fund equipment for the PAC-TAC program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-217
Re: Budget Amendment - ROC
City Coalition - \$5,000

Transmitted herewith for your approval is an amendment to the proposed 2007-08 Budget transferring \$5,000 from the Contingency Account to the Department of Economic Development to support the City's interactions with the ROC City Coalition.

The ROC City Coalition is a group that seeks to promote public policies to encourage young people to stay in Rochester. Recent ROC City activities include a successful survey in which the interests of this population were effectively captured. The data from this survey will be used to influence local and state government policy decisions. The group is also collaborating with the City of Rochester for the June "City Hall on the Road," geared towards the area's young professionals.

The retention of our young people is a critical factor in the future prosperity of our community. The dedicated volunteers in the ROC City Coalition are valuable allies in our efforts to ensure that Rochester is an increasingly attractive option for this demographic. We anticipate that EDD will continue its collaboration with the Coalition and that this allocation will provide new resources to assist them in their joint efforts.

Respectfully submitted,
William F. Pritchard Lovely A. Warren
Councilmember-at-Large Councilmember
 Northeast District

Ordinance No. 2007-217
(Int. No. 260K)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To The ROC City Coalition - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Economic Development to support the efforts of the ROC City Coalition to attract and retain young professionals in Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-218
Re: Budget Amendment - Youth
Lifeline Foundation - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$5,000 from the Contingency Account to the Department of Recreation and Youth Services to fund the Youth Lifeline Foundation's Football & Life Skills Camp.

The Football & Life Skills Camp provides comprehensive life skill training facilitated by celebrities, educational and business professionals. It was begun by Roland Williams, an East High School graduate who has played in the NFL.

The program is administered with a focused, disciplined approach and includes career development, computer/internet competency, conflict resolution, diversity training, financial literacy, goal achievement strategies, health, fitness, nutrition and team building. The camp will serve more than 200 youth this year.

Respectfully submitted,
Adam C. McFadden Councilmember South District
Gladys Santiago Vice President

Ordinance No. 2007-218
(Int. No. 260L)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To The Youth Lifeline Foundation - \$5,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Recreation and Youth Services for the Youth Lifeline Foundation's Football & Life Skills Camp.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-219
Re: Budget Amendment - Sully
Branch Library - \$2,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$2,000 from the Contingency Account to Cash Capital (Library Fund) for the acquisition of Spanish-language books for the Sully Branch Library. Located at 939 Bay St., the Sully Branch lies in the heart of Rochester's predominantly Latino neighborhoods. The provision of Spanish-language reading materials encourages literacy for Spanish and English/Spanish bilingual speakers.

Increased literacy is an important goal of this Admin-

istration, and increasing Spanish-language materials helps bring Spanish speakers and their families to the library. As repeated studies have shown, when reading is promoted and the activity is prevalent in households, children become more literate and more likely to establish regular reading habits throughout their lives.

The Sully Branch Library has the largest collection of books written in Spanish in the Monroe County Library System. This special collection will benefit greatly from this modest allocation. Moreover, offering materials in Spanish increases the linguistic diversity in the Monroe County Library System, helping native Spanish speakers and students of Spanish-language alike.

Supporting our libraries is important as they are the traditional keepers of free and accessible information and literature. In addition, whenever reading is promoted and knowledge is imparted, improved citizenry results.

Respectfully submitted,
Gladys Santiago Vice President
Lovely A. Warren Councilmember Northeast District

Ordinance No. 2007-219
(Int. No. 260M)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To Sully Branch Library - \$2,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City of Rochester is hereby amended by transferring \$2,000 from the Contingency Account to Cash Capital (Library Fund) for the acquisition of Spanish-language books at the Sully Branch.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-220
Re: Budget Amendment - Rochester
Fatherhood Resource Initiative - \$2,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$2,000 from the Contingency Account to the Department of Recreation and Youth Services to fund the Rochester Fatherhood Resource Initiative's screening of the movie "Fathers Missing in Action".

The Rochester Fatherhood Resource Initiative provides services to fathers from all socio-economic, racial, ethnic, and cultural backgrounds characterized as a hard to reach, hard to serve, male population, while promoting healthy behaviors and removing barriers to parenting.

The film uncovers the real-life multi-cultural actions of fathers who abandon their minor and adult children. It is designed to inspire all that attend and reiterate the importance of the role of a father and his presence in the lives of their children. The movie is

free and open to the public.

The requested funds will help to defray the cost associated with screening the film, such as rental of the movie theatre, insurance, shipping of master reels, set up, booking fees, storage and travel, hotel and honoraria for the movie director and producer.

Respectfully submitted,
Robert J. Stevenson Adam C. McFadden
Councilmember Councilmember
Northwest District South District

Ordinance No. 2007-220
(Int. No. 260N)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To The Rochester Fatherhood Resource Initiative - \$2,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City Of Rochester is hereby amended by transferring \$2,000 from the Contingency Account to the Department of Recreation and Youth Services for an agreement with the Rochester Fatherhood Resource Initiative for screening of the "Fathers Missing In Action" film.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-221
Re: Budget Amendment - Sector 4
Health Fair - \$10,000

Transmitted herewith for your approval is an amendment to the Proposed 2007-08 Budget transferring \$10,000 from the Contingency Account to the Department of Recreation and Youth Services for a Health Fair in Sector 4. Health fairs are free family oriented events that provide important health information to the public. Medical institutions, clinics, community organizations and other health-oriented groups staff information tables covering a variety of health issues. Incentives are provided for fairgoers to attend each table and learn something new.

Many of the topics covered are those of particular concern to minority populations, whose health problems are less frequently highlighted. For example, heart disease and diabetes are significant health threats to the African-American and Latino populations.

The Sector 4 Health Fair follows the same format as the one held in the Northeast area of the City at the Franklin Educational Campus in 2006. Although this outdoor event was held during a deluge of rain, approximately 300 people attended and 54 vendors participated. Another health fair is already scheduled for August 2, 2007 at the Edgerton Recreation Center in the Northwest area of the City.

Respectfully submitted,
John F. Lightfoot William F. Pritchard
Councilmember Councilmember
At-Large At-Large

Ordinance No. 2007-221
(Int. No. 260O)

Amending The 2007-08 Budget Of The City Of Rochester In Regard To A Health Fair In Sector 4 - \$10,000

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Proposed 2007-08 Budget of the City of Rochester is hereby amended by transferring \$10,000 from the Contingency Account to the Department of Recreation and Youth Services for support of a Health Fair in Sector 4.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-222,
Ordinance No. 2007-223,
Ordinance No. 2007-224,
Ordinance No. 2007-225,
Local Improvement Ordinance No. 1579,
Ordinance No. 2007-226,
Ordinance No. 2007-227,
Ordinance No. 2007-228,
Local Law No. 11 And
Ordinance No. 2007-229

Re: 2007-08 Budget

Transmitted herewith for your approval is legislation relating to the 2007-08 Budget, which will:

1. Approve appropriations and establish revenue estimates for the City and the City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Merchants/Winton open space district
 - f. Downtown Special Services District (previously Downtown Guides)
 - g. Downtown Enhancement District
 - h. High Falls Improvement District
 - i. Atlantic Avenue Improvement District

The 2007-08 proposed budget of the City, submitted City Council on May 18, 2007, provides for:

1. Total appropriations of \$1,080,789,753 allocated for the City and the School District:

	Proposed 2007-08	Amended 2006-07	Dollar Difference	Percent Difference
City	\$ 441,890,000	\$ 430,985,900	\$ 10,904,100	2.5
School	638,899,753	614,181,570	24,718,183	4.0
Total	\$1,080,789,753	\$1,045,167,470	\$35,622,283	3.4

Total non-tax revenue distributed between the City and the District:

	Proposed 2007-08	Amended 2006-07	Dollar Difference	Percent Difference
City	\$395,870,259	\$384,966,159	\$10,904,100	2.8
School	536,781,956	512,013,273	24,768,683	4.8
Total	\$932,652,215	\$896,979,432	\$35,672,783	4.0

2. Total tax levies of \$156,759,300 for the City and City School District as follows:

	Proposed 2007-08	Amended 2006-07	Dollar Difference	Percent Difference
Tax Revenue	\$148,137,538	\$148,188,038	\$ -50,500	-0.03
Tax Reserve	8,621,762	8,571,262	50,500	0.6
Tax Levy	\$156,759,300	\$156,759,300	\$ 0	0.0

3. Total appropriations for the Local Works fund of \$15,272,600 and total assessments of \$15,272,600.

	Proposed 2007-08	Amended 2006-07	Dollar Difference	Percent Difference
Street Maintenance	\$ 3,565,988	\$ 3,534,822	\$ 31,166	0.9
Sidewalk Repair	1,519,818	1,297,012	222,806	17.2
Roadway Plowing	7,938,640	7,894,376	44,264	0.6
Sidewalk Plowing	2,248,154	1,671,090	577,064	34.5
Total	\$15,272,600	\$14,397,300	\$875,300	6.1

4. The budget for the Atlantic Avenue Improvement District was approved on February 13, 2007. The budgets for the Public Market and street malls were approved on March 20, 2007.

The budgets for the Cascade and Norton Streetscapes, lighting, open space, High Falls Business District, Downtown Enhancement District, Downtown Special Services District (previously known as Downtown Guides), and parking lots were approved on May 15, 2007. The assessments required for the various programs consist of the following:

	Proposed 2007-08	Amended 2006-07	Dollar Difference	Percent Difference
Street Malls	\$ 76,788	\$ 80,684	\$ -3,896	-4.8
Parking Lots	63,100	59,900	3,200	5.3
Public Market	35,444	35,372	72	0.2
Lighting and Sidewalks	24,001	52,997	-28,996	-54.7
Open Space Districts	9,720	9,720	0	0.0
Downtown Special Services	368,813	240,606	128,207	53.3
Downtown Enhancement	523,300	579,100	-55,800	-9.6
High Falls Improvement District	25,000	25,000	0	0.0
Atlantic Avenue Improvement	22,000	0	22,000	100.0
St. Paul Street Streetscape	20,649	20,649	0	0.0

5. The proposed additions to the tax roll consist of the following charges:

	Proposed 2007-08	Amended 2006-07	Dollar Difference	Percent Difference
Delinquent Refuse	\$ 512,207	\$ 483,287	\$ 28,920	6.0
Delinquent Water	6,728,308	6,463,648	264,660	4.1
Code Enforcement	31,005	45,605	-14,600	-32.0
Supplemental and Omitted Taxes	312,206	210,918	101,288	48.0
Local Improvements	23,278	20,067	3,211	16.0
Encroachments	4,525	4,600	-75	-1.6
Rehabilitation/Demolition	120,345	228,018	-107,673	-47.2

Code Violations				
	1,978,075	-755,325		
	2,733,400		-27.6	
Arnold Park Monuments				
	7,055	0		
	7,055		0.0	

6. A local works increase is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$808,800 in local works revenue.
7. A refuse rate increase for one, two, and three family residences is proposed to balance the Refuse Fund. The proposed increase is expected to result in a net increase of \$261,800 in residential collection revenue. An increase in commercial refuse rates is also proposed to fund commercial expenses. The proposed increase is expected to result in a net increase of \$253,700 in commercial collection revenue.
8. A water rate increase is proposed to balance the Water Fund. The proposed increase is expected to result in a net increase of \$661,700 in revenue.
9. Amending the City Code to collect towing and storage fees for stolen vehicles. This fine change will result in incremental revenues of approximately \$686,000.
10. Amend the City Charter to transfer the Parks Maintenance function from the Department of Recreation and Youth Services to the Department of Environmental Services.
11. An increase in administrative fees is proposed by the Department of Recreation and Youth Services resulting in incremental revenues of approximately \$22,600.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-74

Ordinance No. 2007-222
(Int. No. 260, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2007-08 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for municipal purposes for the fiscal year July 1, 2007 to June 30, 2008, providing for the expenditure of \$441,890,000, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for municipal purposes for the fiscal year 2007-08 are hereby authorized to be expended and the sum of \$441,890,000 is hereby appropriated for the current expenses of the departments and agencies; cash capital; debt service; and for the other purposes therein, in the manner provided by law, as listed below:

City Council and Clerk Administration	\$ 1,737,000	
	[12,680,000]	<u>12,685,000</u>
Community Development	[6,305,300]	<u>6,310,300</u>
Economic Development	[2,622,200]	<u>2,627,200</u>
Environmental Services	[77,807,600]	<u>77,872,600</u>
Finance	5,608,400	
Information Technology	4,276,600	
Law	1,919,100	
Library	10,960,400	
Recreation and Youth Services	[16,309,600]	<u>16,361,600</u>
Emergency Communications	9,954,100	
Police	[71,004,600]	<u>71,039,600</u>
Fire	41,936,300	
Undistributed Expenses	96,349,000	
Contingency	[10,788,800]	<u>10,614,800</u>
Cash Capital	[36,021,000]	<u>36,028,000</u>
Debt Service	35,610,000	
Sub-total	\$441,890,000	
Tax Reserve	2,678,398	
Total	\$444,568,398	

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes and the School Tax Relief (STAR) funds, for municipal purposes for the fiscal year 2007-08 is hereby fixed and determined at \$395,870,259 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2007-08 providing for the raising of taxation on real estate for municipal purposes of the sum of \$48,698,139 is hereby adopted.

Section 5. Pursuant to subsection 20-24B(1) of the Municipal Code, the Council hereby approves the fees for collection of commercial refuse and recyclables as proposed by the Mayor for fiscal year 2007-08.

Section 6. This ordinance shall take effect on July 1, 2007.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-223
(Int. No. 261)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008, And Appropriation Of Sums Set Forth Therein

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The budget estimate for school purposes for the fiscal year July 1, 2006 to June 30, 2008, providing for the expenditure of \$638,899,753, is in all respects adopted, confirmed, fixed, and determined.

Section 2. The sums of money designated in the budget estimate for school purposes for the fiscal year 2007-08 are hereby authorized to be expended and the sum of \$638,899,753 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$597,486,033
Cash Capital	13,353,916
Debt Service	<u>28,059,804</u>
Subtotal	638,899,753
Tax Reserve	<u>5,943,364</u>
Total	\$644,843,117

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2007-08 is hereby fixed and determined at \$536,781,956 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2007-08 providing for the raising of taxation on real estate for school purposes of the sum of \$108,061,161 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2007.

Passed by the following vote:

Ayes - President Giess, Councilmembers Lightfoot, McFadden, Santiago, Warren - 5.

Nays - Councilmembers Conklin, Miller, Pritchard, Stevenson - 4.

Ordinance No. 2007-224
(Int. No. 262)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$48,698,139, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2007 and expiring June 30, 2008 the amount required to meet the budget estimates for municipal purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2007 and expiring June 30, 2008.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2007 and expiring June 30, 2008.

Section 3. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

Ordinance No. 2007-225
(Int. No. 263)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The sum of \$108,061,161, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2007 and expiring June 30, 2008 the amount required to meet the budget estimates for

school purposes, is hereby levied on all taxable real property in the City of Rochester, as set forth in the assessment rolls, for the fiscal year commencing July 1, 2007 and expiring June 30, 2008.

Section 2. The Director of Finance shall cause the taxes levied above to be inserted in the assessment rolls for the fiscal year commencing July 1, 2007 and expiring June 30, 2008.

Section 3. This ordinance shall take effect on July 1, 2007.

Passed by the following vote:

Ayes - President Giess, Councilmembers Lightfoot, McFadden, Miller, Pritchard, Santiago, Warren - 7.

Nays - Councilmembers Conklin, Stevenson - 2.

Local Improvement Ordinance No. 1579
(Int. No. 264)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2007 And Expiring June 30, 2008

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The Council finds and declares (1) that it is in the public interest to provide street cleaning, snow removal services on the streets and sidewalks, and the repair of hazardous sidewalks in the City of Rochester during the fiscal year from July 1, 2007 to June 30, 2008; (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2007 to June 30, 2008:

- A. The removal of snow from such sidewalks and the repair of such hazardous sidewalks as the Commissioner may direct.
- B. The removal of snow and ice from the roadway of such streets as the Commissioner may direct, including the use of sodium chloride, calcium chloride, and other chemicals or abrasives for the treatment of slippery or icy pavement as deemed necessary by the Commissioner.
- C. The cleaning and/or flushing of such streets as the Commissioner may direct, including hand-cleaning, tank flushing, mechanical sweeping, and the collection and removal of brush, leaves, and debris.

Section 3. Such work shall be done by competitive contract, or by the Department of Environmental Services, as the Commissioner of Environmental Services deems appropriate.

Section 4. The cost of providing such street cleaning and street snow removal services for the 2007-08 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be de-

rived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2007-08 fiscal year shall be assessed against all parcels of property that abut a sidewalk, reflecting the benefit to be derived by such parcels from such services.

Section 5. The amount assessed shall be allocated among all benefited parcels in direct proportion to each parcel's street or sidewalk footage, defined for purposes of this ordinance as the full footage of the parcel along the street or sidewalk upon which it fronts, plus one-third of the footage along any other abutting streets or sidewalks. The Council hereby determines that such street or sidewalk footage represents the relative amount of benefit received by each such parcel.

Section 6. The total cost of such services to be assessed on July 1, 2007 shall be \$15,272,600, consisting of \$3,565,988 for street and lot maintenance, \$1,519,818 for sidewalk repair, \$7,938,640 for roadway snow removal and \$2,248,154 for sidewalk snow removal services. Such total amount constitutes an estimate of the amount necessary to pay contractors to provide services and to cover the costs of providing services with City crews between July 1, 2007 and June 30, 2008, less any miscellaneous revenues estimated to be collected during the same period, plus a reasonable reserve for uncollected assessments. All assessments collected shall be paid into the Local Works Fund, and all costs incurred shall be paid from such fund. The amounts assessed herein are appropriated for that purpose.

Section 7. The amount assessed on July 1, 2007 shall be billed on the tax bill and shall be due in one installment. Delinquent assessments collected more than 60 days into a fiscal year subsequent to the fiscal year billed shall be credited as revenue in the year collected and applied against costs in that fiscal year.

Section 8. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

Ordinance No. 2007-226
(Int. No. 265, As Amended)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2007 And Expiring June 30, 2008

BE IT ORDAINED, by the Council of The City of Rochester as follows:

Section 1. The following assessments, amounts and charges, and the allocation of said amounts against properties in the City, as set forth in roll or rolls on file in the City Clerk's Office, to be inserted into the annual tax rolls for the fiscal year commencing July 1, 2007 and expiring June 30, 2008 are hereby in all respects confirmed:

Street and Lot Maintenance	\$3,565,988.00
Roadway Snow Removal	7,938,640.00
Sidewalk Snow Removal	2,248,154.00
Hazardous Sidewalk Repair	1,519,818.00
Delinquent Refuse	512,206.81
Delinquent Water Charges	6,728,307.59
Supplemental Taxes	308,755.85

Omitted Taxes	3,449.63	
Street Malls	76,788.00	
Arnold Park Monuments	7,055.29	
Parking Lots	63,100.00	
Code Enforcements	31,005.00	
Code Violations	1,978,075.00	
Local Improvements	23,277.99	
Downtown Enhancement	523,300.00	
Public Market Plowing	4,576.02	
Public Market Security	30,868.42	
Encroachment Fees	4,525.00	
Rehabilitation Charges	120,345.30	
Downtown Special Services	368,813.00	
Lyell Avenue Street Lights - District I	2,280.02	
Lyell Avenue Street Lights - District II	2,598.84	
Wilson Blvd. Street Lights	521.67	
Blossom Road Lights	609.42	
Merchants/Winton Open Space	3,219.60	
Monroe Avenue Lights I and Sidewalk II	[1,403.62] <u>7,191.32</u>	
Norton Street District	[605.48] <u>9,564.67</u>	
Cascade District	4,182.91	
Lake Avenue Lights	4,046.91	
High Falls Business Improvement District	3,960.96	
South Avenue-Alexander Open Space	25,000.00	
St. Paul Street Streetscape	6,500.00	
St. Paul Street Lighting	20,649.38	
Rundel Park Lighting	621.77	
Atlantic Avenue Landscape	3,168.68	
	22,000.00	

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2007-227
(Int. No. 266)

Amending The Municipal Code With Respect To Refuse Fees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 20-24 of the Municipal Code, Residential and commercial user refuse fees, as amended, is hereby further amended by amending subsection A(1) thereof to read in its entirety as follows:

(1) Fees:

Number of Dwelling Units	Annual Fee
1	\$343.00
2	687.00
3	763.00

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

Ordinance No. 2007-228
(Int. No. 267)

Amending The Municipal Code With Respect To Water Rates

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection A thereof to read in its entirety as follows:

A. Consumption rates.

(1) Consumption charge; schedule of rates.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$2.77
20,000 to 620,000	2.54
620,000 to 10,000,000	1.99
10,000,000 to 15,000,000	1.30
Over 15,000,000	1.11

(2) Base charge.

Size of Meter (inches)	Charge per Month
Up to 3/4	\$ 5.82
1	31.15
1-1/2	46.15
2	61.75
3	154.35
4	308.44
6	462.36
8	616.31
10	770.40

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection C thereof to read in its entirety as follows:

C. Fire-service charges.

(1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2	\$ 32.45
4	64.91
6	127.71
8	255.38
10	377.02
12	542.64

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 4	\$114.86
6	153.08
8	306.22
10	451.65

(3) Holly high-pressure consumption charge.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$5.54
20,000 to 620,000	5.08
Over 620,000	3.98

Section 3. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

Local Law No. 11
(Int. No. 268)

Local Law Amending The City Charter With Respect To The Maintenance Of Parks

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 7-1, Department of Environmental Services, by adding the word "parks," before the word "forestry" where it is contained in the first unnumbered paragraph thereof.

Section 3. Section 11A-1 of the Charter of the City of Rochester, Department of Recreation and Youth Services, is hereby further amended by deleting the words "and maintenance" after the words "parks programming" where they are contained in the first sentence thereof.

Section 3. This local law shall take effect on July 1, 2007.

Passed unanimously.

Ordinance No. 2007-229
(Int. No. 269)

Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, With Respect To The Redemption Of Stolen Motor Vehicles

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 111 of the Municipal Code, Traffic Ordinance, as amended, is hereby further amended by amending the fifth to last sentence of Subsection B of Section 111-72, Illegal parking and towing of vehicles, to read in its entirety as follows:

Notwithstanding the redemption fees established in this subsection, the owner or person entitled to possession of a vehicle towed for evidence shall not be charged a fee.

Section 2. This ordinance shall take effect on July 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-15
Re: 2007-08 Debt Limit

Transmitted herewith for your approval is legislation relating to the 2007-08 Budget. This legislation will

establish the Debt Limit, Debt Rollover and Debt Extension.

FY 2007-08 Debt Limit

The Debt Limit for tax supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption of principal on any borrowing approved as an exception to the Debt Limit (e.g. the Public Safety Building) and is further reduced by specific revenues attributable to bonded debt (e.g. Library Foundation Reimbursement).

The Debt Limit for FY 2007-08 is \$16,144,000. The attached Debt Authorization Plan calls for borrowing of \$16,144,000 in tax supported funds and an additional \$3,634,000 from Enterprise Funds.

Debt Rollover FY 2006-07 and FY 2005-06

The current fiscal year and the two immediately prior fiscal years Debt Authorization Plans are considered open so long as the rollover amounts are approved. This permits flexibility in the timing of authorizations which may vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of items in the debt plan, unauthorized, that are deemed as no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

2006-07: The Debt Limit for this year is \$16,078,000. Of that amount \$5,021,000 has been authorized, leaving a balance of \$11,057,000. Approval of a rollover in that amount is requested. The plan was modified to include advance funding for Street Maintenance, City Hall Exterior Improvements and Manhattan Square Park as Council had been advised. The attached Debt Authorization Plan for 2006-07 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

2005-06: The Rollover Limit for this year is \$13,126,000. Of that amount \$6,205,000 has been authorized, leaving a balance of \$6,921,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2005-06 itemizes projects remaining for that year.

Time Limit Extensions for 2004-05, 2003-04, 2002-03, 2001-02, and 2000-01

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available.

2004-05: One-year extensions, related to programming and timing, are requested for:

R-1 DPRHS General Rehabilitation \$ 100,000
This amount is programmed for improvements at City recreation facilities.

G-7 Transient Marina Facilities \$ 112,000
This amount is recommended for neighborhood targeted development.

G-7 Transient Marina River Wall \$1,000,000
This amount is recommended for neighborhood targeted development.

G-8 Thomas P. Ryan Center \$ 482,000
This amount is programmed for new recreation center at Webster Avenue

F-1 City Hall Generator \$ 300,000
This amount is recommended to allocate to neighborhood targeted development

Total 2004-05 Extensions \$1,994,000

2003-04: A one-year extension, related to programming and timing, is requested for:

G-8 Security Improvements \$ 100,000
This amount is programmed for improvements at City Facilities

2002-03: A one-year extension, related to programming and timing, is requested for:

G-8 Center City Signage \$ 126,000
Expenditures for this project are not yet complete.

2001-02: One-year extensions, related to programming and timing, are requested for:

T-9 Historic Aqueduct Redevelopment \$ 152,000
This amount is recommended as the project has expanded to include Interpretive Center.

G-8 Gateway Improvements \$ 200,000
Retaining this amount will support Exchange Boulevard Median Improvements and Crosswalks & West Main Street Lighting Improvements.

R-1 Thomas P. Ryan Center \$ 387,000

Total 2001-02 Extensions \$ 739,000

2000-01: City Council has annually approved one-year extensions for this Economic Development Initiative. An additional extension, until June 30, 2008, is requested.

G-8 La Marketa \$ 533,000
This project depends on the partnership of developers and the cooperation of other governments. As with any business venture, financial or regulatory obstacles can delay implementation. At the same time the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-75

Resolution No. 2007-15
(Int. No. 270)

Resolution Approving The 2007-08 Debt Limit For General Municipal Purposes

WHEREAS, an important component of the City's expense budget and tax levy is debt; and

WHEREAS, the amount of debt outstanding is one of the major factors evaluated by credit agencies in the determination of bond rating; and

WHEREAS, control of the debt service expense and the amount of outstanding debt must necessarily be exercised through restrictions on bond and note authorizations; and

WHEREAS, bond ratings influence the rate of interest which must be paid on indebtedness and therefore the amount of debt service;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized in fiscal year 2007-08 to \$16,144,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2005-06 and 2006-07 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2004-05 relating to General Rehabilitation of Recreation & Youth Services facilities, Thomas P. Ryan Center, and the amounts remaining from the Transient Marina Facilities, Transient Marina River Wall, and City Hall Generator to be re-programmed for neighborhood targeted development, from the debt limit for fiscal year 2002-03 relating to Center City Signage, from the debt limit for fiscal year 2001-02 relating to the Historic Aqueduct Redevelopment, Gateway Improvements, and Thomas P. Ryan Center, and from the debt limit for fiscal year 2000-01 relating to La Marketa.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of an adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt actually authorized is compared to the amount of debt herein established as a limit.

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden
June 19, 2007

To the Council:

The Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 233 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$142,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The Dewey Avenue Firehouse

Int. No. 234 - Authorizing An Agreement With The County Of Monroe For The Continuation Of The Emergency Communications Center

Int. No. 235 - Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Emergency Communications Department

Int. No. 236 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 237 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

Int. No. 238 - Authorizing Agreements With The County Of Monroe For Funding For Police Programs

Int. No. 252 - Authorizing Agreements For Funding For The 2007 Justice Assistance Grant Program

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-230
Re: Dewey Avenue Firehouse Masonry
Repairs Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$142,000 and appropriation of the proceeds thereof to finance construction of the Dewey Avenue Firehouse Masonry Repairs Project identified in the 2006-07 Capital Improvement Program.

The Project, designed in-house by the Bureau of Architecture and Engineering, is intended to resolve water infiltration issues, to improve conditions in the Apparatus Bay, and address structural repair. Construction will include, but is not limited to, repointing existing concrete masonry units, installation of new flashing, and reinforcement improvements.

Bids for construction were received on May 16, 2007. The apparent low bid, \$113,253, was received from Heaster Building Restoration which is 37% less than the architect's estimate. An additional \$28,747 (25%) will be allocated for testing and contingencies.

Construction is expected to begin this fall, and be completed by year end.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-230
(Int. No. 233)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$142,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The Dewey Avenue Firehouse

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of repairs to the Dewey Avenue Firehouse at 1477 Dewey Avenue in the City, including masonry and other repairs (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$142,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$142,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$142,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$142,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the

issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-231
Re: Agreement - Monroe County -
9-1-1 Emergency Communications
Operations

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe County for the continued operation of the Emergency Communications Department, 9-1-1 Center. Authorization of this agreement is required by section 119-o of the General Municipal Law.

This County and City agreement dates to 1980; the ECD, formerly known as the Office of Emergency Communications, became fully operational in 1986, and includes oversight from the inter-agency Operating Practices Board.

The following responsibilities are provided in the agreement and will be continued through this amendatory agreement:

1. The City will be responsible for all costs associated with occupancy of the center, except for telephone charges. In 2005-06, these costs totaled \$179,950. A total of \$195,800 was appro-

riated for these costs for 2006-07; costs to date equal \$144,623. With certain exceptions, all personnel required for operation of the Center will continue to be City employees. The appointment of the center manager will continue to be subject to approval by the OPB.

2. The County will finance all annual operating and equipment costs. The annual operating cost, exclusive of building charges, for calendar year 2006 was \$11,727,039.

The term of the agreement will be extended for five years, through 2012-13, with an option for extending the term yet an additional five years. Throughout this term, the County will be authorized to conduct periodic evaluations of the quality and cost efficiency of the 9-1-1 system and the performance of the City as operator.

A copy of the current agreement is available for review in the Office of the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-231
(Int. No. 234)

Authorizing An Agreement With The County Of Monroe For The Continuation Of The Emergency Communications Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the City will continue to provide and operate the primary Emergency Communications Center for a term of five years, with an option to renew for an additional five years, upon the current terms and conditions. The agreement may continue after the renewal term until cancelled by the parties.

Section 2. The agreement shall obligate the County to continue to pay all costs relating to operations of the Center, except costs relating directly to the building, and of all other components of the 9-1-1 system.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-232
Re: Agreement - Law Enforcement
Psychological Associates

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum annual compensation for an agreement with Law Enforcement Psychological Associates, 448 White Spruce Boulevard, for pre-employment psychological testing for Telecommunicator and Dispatcher I candidates in the Emergency Communications Department. The cost of this agreement will be financed from the annual

budgets of the Emergency Communications Department (ECD).

These psychological screenings will provide information regarding the suitability of individual candidates for Telecommunicator and Dispatcher I positions within ECD. This type of pre-hire testing is required for accreditation from the Commission on Accreditation for Law Enforcement Agencies and from the New York State Sheriff's Association.

This is the first such agreement for psychological testing services for the ECD, and is modeled after the Rochester Police Department's psychological testing practices. Proposals for the provision of services were solicited from four organizations. Law Enforcement Psychological Associates was the only firm to respond. Following review by ECD managers, it is recommended that the contract be awarded to Law Enforcement Psychological Associates, who will provide the following services:

- A. Selection, administration and interpretation of one or more tests which identify and assess several psychological characteristics including psychosis, character disorders and prejudices.
- B. Selection, administration and interpretation of one or more tests which identify the following psychological characteristics: maturity, responsibility, integrity, socialization, flexibility, academic potential, empathy, social ability, initiative, truthfulness, and self-restraint.
- C. Conduct structured 30 to 60 minute clinical interviews for verification of written test results. Additional interviews will be conducted as necessary for complicated cases.
- D. Other services will include scoring of tests; test interpretation and individual candidate evaluation reports; re-testing as needed; and providing testimony to the Civil Service Commission or in a court of law, as needed.

The cost of this agreement will be reimbursed by Monroe County under the 9-1-1 Operating Agreement originally authorized by the City Council in 1994.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-232
(Int. No. 235)

Establishing Maximum Compensation For A Professional Services Agreement For Psychological Evaluation Services For The Emergency Communications Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Law Enforcement Psychological Associates for psychological and psychiatric evaluations of telecommunicator and dispatcher I candidates. Said amount shall be funded from the 2007-08 and subsequent Budgets of the Emergency Communications Department, contingent upon approval of subsequent budgets. The agreement shall extend for two years, with three additional one-

year renewal options.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-233
Re: Police Complaint Management
Services

Transmitted herewith for your approval is legislation establishing \$91,950 as maximum compensation for an agreement with the Center for Dispute Settlement, Inc. (CDS), for the continuation of services relating to complaints involving members of the Rochester Police Department. The most recent agreement for this purpose was authorized by City Council Ordinance No. 2006-203 in June 2006. Funds for this agreement are included in the proposed 2007-08 Budget of the Police Department. The renewal agreement for 2007-08 provides an increase of 2.85% over the 2006-07 contract.

CDS will administer the citizen complaint review process established by City Council Resolution No. 92-40, including selection and training of panelists, conduct of hearings, and maintenance of related records. CDS will continue to provide complaint intake services at its offices for potential complainants who do not wish to come to Police Department offices, conciliation services for less serious complaints against RPD personnel, and will supply civilian panelists for Sec.75 hearings.

During calendar 2006, CDS administered 36 Citizen Review Board hearings, as compared to thirty hearings in 2005. There were two conciliation sessions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-233
(Int. No. 236)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$91,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center For Dispute Settlement, Inc. for the continuation of services relating to citizen complaints involving members of the Rochester Police Department. Said amount shall be funded from the 2007-08 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-234
Re: Veterinary Services for the Animal
Services Unit for 2007-08

Transmitted for your approval is legislation establishing \$76,000 as maximum compensation for agreements for veterinary services for the City's Animal Services Unit during 2007-08. The cost of these agreements will be funded from the proposed 2007-08 Budget of the Police Department.

Routine veterinary services to animals in custody at the City of Rochester's Verona Street animal shelter, including spay/neuter surgeries, are provided on-site through professional services agreements with several licensed veterinarians. Each of the consultant veterinarians provides services on a part-time or on-call basis. Weekend and evening emergency veterinary services are provided through an agreement with Animal Hospital of Pittsford/Animal Emergency Services clinic located at 825 White Spruce Boulevard.

The estimated veterinary services expenses for 2007-08 are as follows:

On-site veterinary services	\$70,000
Animal Emergency Services	6,000
Total	\$76,000

The shelter also expects to spend approximately \$38,000 for veterinary and surgical supplies; this amount has been included in the proposed 2007-08 Budget. Offsetting revenues for spay/neuter surgeries are realized from sterilization fees charged to clients adopting animals from Animal Services, from the Low Income Spay-Neuter (LISN) Program, and from pets sterilized at redemption. Estimated revenues from these sources for 2007-08 are approximately \$80,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-234
(Int. No. 237)

Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$76,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for professional services agreements for the provision of veterinary services for the Animal Services Shelter for 2007-08. Said amount shall be funded from the 2007-08 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-235
Re: Agreements - Monroe County -
Police Programs

Transmitted herewith for your approval is legislation

authorizing agreements with Monroe County for the receipt and use of funds related to two Police Department programs during calendar year 2007, as described below.

1. \$55,675 for the 2007 Firearms Instruction program. The County provides reimbursement for a portion of the salary and benefits of a firearms instructor to train officers in Monroe County police agencies. The instructor, an RPD officer, is assigned full time to provide shooting range training. The agreement was authorized by the Monroe County Legislature on February 13, 2007. Funding for this position was included in the 2006-07 and the proposed 2007-08 Budgets of the Police Department.
2. \$300,000 for 2007 Downtown Public Safety. The County provides funding to support public safety services provided by the City to benefit all the residents of the County including, but not limited to, those residents commuting into the City on a regular basis to their places of employment. The funding provided by the County does not fully reimburse these services, but is made in recognition of the public safety burden for which the City has the major responsibility. The agreement was authorized by the Monroe County Legislature on February 13, 2007. The funding is included in the proposed 2007-08 Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-235
(Int. No. 238)

Authorizing Agreements With The County Of Monroe For Funding For Police Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the County of Monroe for funding for the 2007 Downtown Public Safety and Firearms Instruction Programs.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-236
Re: 2007 Justice Assistance Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Justice, Bureau of Justice Assistance for the application, receipt and use of a grant of up to \$248,800 through the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) program. This legislation will also authorize an agreement with the County of Monroe to transfer a portion of the grant funds, not to exceed \$111,960, to the County.

As in the past, the City and County must submit a joint grant application and agree upon an equitable sharing of funds. The City will retain a 10% portion of the total award, \$24,880, for administration of the grant. The remainder is to be split evenly between the City and Monroe County, for \$111,960 each.

The Police Department intends to use JAG funds for civilian positions to support collaborative anti-crime initiatives and for equipment for the Automated Field Reporting Project. The County intends to use its share to expand Probation Department staffing for Operation Night Watch. The term of the new grant will be October 1, 2006 through September 30, 2010. There is no match requirement. The previous JAG award was authorized under City Council Ordinance No. 2006-31.

Opportunity for public review and comment, the agreement with the County of Monroe for the sharing of funds, and completion of the on-line application process all must occur by July 2, 2007. The actual drawdown of funds will be held in a Trust Fund established by the City for this purpose.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-236
(Int. No. 252)

Authorizing Agreements For Funding For The 2007 Justice Assistance Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Bureau of Justice Assistance, for funding under the 2007 Edward Byrne Memorial Justice Assistance Grant Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby half of the grant funds received shall be provided to the County to fund County Grant Programs.

Section 3. The agreement shall obligate the City to pay to the County an amount not to exceed \$111,960, and said amount, or so much thereof as may be received under the Grant Agreement authorized in Section 1 and designated for use by the County, is hereby appropriated from 2007 Edward Byrne Memorial Justice Assistance Grant Program Funds.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
June 19, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 239 - Local Law Adding The Gold Pride Press, Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 240 - Local Law Adding The GE MDS, LLC Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

Int. No. 241 - Approving Business Programs

Int. No. 242 - Resolution Approving Appointments To The Cultural Center Commission

Int. No. 243 - Authorizing An Agreement For The Operation Of The Midtown Parking Garage

Int. No. 244 - Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows

Int. No. 245 - Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

Int. No. 246 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 12
Re: NYS Empire Zone - Gold Pride Press, Inc.

Transmitted herewith for your approval is legislation approving the inclusion of Gold Pride Press, Inc. to the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

The New York State Empire Zone Program, with the approval of Empire State Development, allows local zones to include regionally significant projects, i.e., manufacturing companies projecting 50 or more new jobs within an Empire Zone. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage.

Gold Pride Press has been an EZ certified business since 1995 at their current 410 Atlantic Avenue location, where they lease approximately 30,000 square feet. The company is proposing to expand and relocate to 1525-1685 Lyell Avenue, the former Valeo facility, where they will lease approximately 62,000 square feet. The Valeo facility, owned by Maguire Properties is not located within the boundaries of the EZ.

Gold Pride Press, Inc. designs and manufactures a variety of custom print related sales, marketing and packaging products. They currently employ 30 people and are projecting 50 new jobs over five years and will be investing approximately \$2,250,000 in building renovations and new equipment.

Attached is the legal description of the project area to be included within the City of Rochester Empire Zone.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-76

Local Law No. 12
(Int. No. 239)

Local Law Adding The Gold Pride Press, Inc. Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Gold Pride Press, Inc. is proposing an expansion at the former Valeo facility in the City of Rochester; and

WHEREAS, this expansion will add 50 jobs that support Gold Pride Press, Inc.'s on-site manufacturing; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of Gold Pride Press, Inc.'s manufacturing project for a regionally significant project under Section 957(d)(i) of the General Municipal Law as determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property described as follows: 1525-1685 Lyell Avenue, SBL #104.760-0001-003.004.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve this addition to the city of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 13
Re: NYS Empire Zone

Transmitted herewith for your approval is legislation approving the inclusion of GE MDS, LLC, Science Parkway, in the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

The New York State Empire Zone Program allows local zones, with the approval of Empire State Development, to include regionally significant projects, i.e., manufacturing companies projecting 50 or more new jobs within an Empire Zone. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage.

Microwave Data Systems Inc. first became an EZ certified business in 2002 at their 175 Science Parkway location. While Rochester Science Park was removed from the EZ boundaries as part of the EZ reconfiguration in 2005, MDS was grandfathered as an EZ business and was eligible to continue participating in the Empire Zone program. The company was recently acquired by General Electric Corporation and a new legal entity was established. The company has been renamed GE MDS, LLC and a new Federal ID number has been issued. Consequently, Microwave Data Systems lost their Empire Zone status. This legislation will reinstate it.

GE MDS, LLC is a wireless networking company that designs and manufactures all of their product in Rochester. The company is expanding and has outgrown their 56,000 square foot facility at 175 Science Parkway. They will be constructing a new 25,000 square foot facility at 170 Science Parkway to support their manufacturing operations. GE MDS, LLC currently employs 290 employees and is projecting 50 new jobs over five years and will be investing \$4,000,000 in the new facility and in equipment.

Attached is the legal description of the project area to be included within the City of Rochester Empire Zone.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-77

Local Law No. 13
(Int. No. 240)

Local Law Adding The GE MDS, LLC Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, GE MDS, LLC is proposing an expansion at the Rochester Science Park in the City of Rochester; and

WHEREAS, this expansion will add 50 jobs that support GE MDS, LLC's on-site manufacturing; and

WHEREAS, the project is not within the City of Rochester Empire Zone boundaries; and

WHEREAS, the New York State Department of Economic Development has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law; and

WHEREAS, the Zone Administrative Board of the City of Rochester Empire Zone has determined that the proposed expansion is eligible for Empire Zone benefits as a regionally significant project under Section 957(d)(i) of the General Municipal Law;

NOW, THEREFORE, BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of GE MDS, LLC's manufacturing project for a regionally significant project under Section 957(d)(i) of the General Municipal Law as determined by the Zone Administrative Board and the New York State Department of Economic Development, said zone lands to constitute the property described as follows: 170 Science Parkway SBL #136.710-0001-005.002 and 175 Science Parkway SBL #136.710-0001-003.001.

Section 2. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development approve this addition to the City of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-237
Re: Community Development Block
Grant - Business Programs

Transmitted herewith for your approval is legislation appropriating \$1,210,000 from the Economic Stability allocation of the 2007-08 Community Development Block Grant to fund the Business Programs, and authorizing agreements necessary to implement the following programs:

EDD Financial Assistance Loan & Grant Programs (\$780,000)

The program provides various forms of financial assistance to city businesses, including low interest loans, interest rate subsidy grants, and matching grants for building improvements and pre-development studies. This represents funding for the following Economic Development Department programs: EDD Financial Assistance Program, Building Renovation Matching Grant Program, Targeted Business Assistance Program, Main Street Assistance Program and Pre-Development Grant Program. In addition, a City Development Fund appropriation of \$190,000 is included in the 2007-08 Consolidated Community Development Plan that is scheduled for consideration by City Council on June 14, 2007.

Neighborhood Commercial Assistance Program (\$430,000)

This program provides matching \$2000 grants for security cameras, signs, exterior lighting, computers, advertising, etc. Funds may be used for architectural services as well. This program also provides support to business associations including area advertising, permanent improvements, street managers, and grant writing assistance. Seventy-five businesses and 18 business associations will be assisted.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-78

Ordinance No. 2007-237
(Int. No. 241)

Approving Business Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Economic Stability Allocation of the 2007-08 Community Development Program the sum of \$1,210,000, or so much thereof as may be necessary, to fund the following programs in the following amounts:

EDD Financial Assistance Loan & Grant Programs	\$780,000
EDD Financial Assistance Program	
Building Renovation Matching Grant Program	
Targeted Business Assistance Program	
Main Street Assistance Program	
Pre-Development Grant Program	

Neighborhood Commercial Assistance Program	430,000
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Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-16
Re: Appointments - Cultural Center Commission

Transmitted herewith for your approval is a resolution appointing the following persons to the Cultural Center Commission:

Jamal J. Rossi	Donald E. Jeffries
100 Van Voorhis Avenue	75 Danbury Circle N.
Rochester, N.Y. 14617	Rochester, N.Y. 14618

The members of the Cultural Center Commission are jointly appointed by the City Council and Monroe County Legislature. The proposed new members offer a blend of backgrounds and talents that should serve the Commission well. Mr. Rossi is the Interim Dean of the Eastman School of Music; he will replace James Undercofler, who left Eastman last year. Mr. Jeffries is the President and CEO of Rochester Broadway Theater League, an active partner in the cultural life of Rochester; he will replace Fred C. Gregory, who relocated.

These appointments will expire on September 30, 2010. This legislation has been submitted to the County Legislature by President Wayne Zyra for consideration at the June 12 Legislature meeting. Copies of both resumes are on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-16
(Int. No. 242)

Resolution Approving Appointments To The Cultural Center Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of the following persons to the Cultural Center Commission for terms that shall expire on September 30, 2010:

Jamal J. Rossi	Donald E. Jeffries
100 Van Voorhis Avenue	75 Danbury Circle N.
Rochester, N.Y. 14617	Rochester, N.Y. 14618

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-238
Re: Midtown Garage Operating Agreement

Transmitted herewith for your approval is legislation authorizing an agreement with Midtown Rochester Parking, LLC for continued operation of the Midtown Garage. The Midtown Garage, with 1,843 parking spaces, provides parking for downtown office workers and visitors.

Midtown Rochester Parking, LLC (MRP) is a subsidiary of Broadstone Real Estate, LLC, the operator of the Midtown Plaza complex. Midtown Rochester Parking has been operating the garage since July 1, 2002. The current agreement expires on June 30, 2007. The following terms, substantially identical to the current agreement are proposed for the new agreement:

Term: 1 year (July 1, 2007 to June 30, 2008) with one one-year renewal option upon mutual consent.

Rent: \$13,334 monthly base rent plus 87.50% of gross revenues above \$1,000,000 annually after payment of New York State taxes and fees for credit card transactions.

Utilities: The City pays 100% of utility costs including gas, electric, steam, and water.

Pure Waters Capital Charges: Midtown Rochester Parking pays 100% of this charge.

Downtown Special Services and Enhancement District: The City pays 100% of this charge.

Given the excellent performance of Midtown Rochester Parking of the garage since 2002, its association with the operator of the Plaza, and the uncertainty associated with the future development of the Midtown Plaza, it is recommended that they continue with a new agreement.

It is projected that the total annual revenue to the City under the agreement will be in the \$450,000 range or above. In the past few years, the City's share of the garage revenue has steadily increased from \$275,831 in 2002-03 to an estimated \$450,000 on 2006-07.

The agreement will contain other terms and conditions deemed necessary to ensure the continued quality operation of the Midtown Garage.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-79

Ordinance No. 2007-238
(Int. No. 243)

Authorizing An Agreement For The Operation Of The Midtown Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Midtown Rochester Parking, LLC for the continued operation of the Midtown Parking Garage for a term of one year, with a one year renewal option. The agreement shall obligate Midtown Rochester Parking, LLC to pay to the City \$13,334 monthly, plus 87.5% of gross revenues in excess of \$1,000,000 annually after deduction of New York State sales taxes and credit card transaction fees. Midtown Rochester Parking, LLC shall be responsible for paying Pure Waters capital charges/assessments and for providing all personnel required for operation of the garage, including cashiers, security guards and maintenance staff, and materials and supplies, contractual services and insurance. The City shall be responsible for all utility costs and Downtown Guides and Enhancement District charges.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-239
Re: Agreements - High Falls Laser Shows

Transmitted herewith for your approval is legislation establishing \$152,700 and \$50,600 as maximum compensation for agreements with Lightscape Media Corporation, Stone Mountain, GA, and Young Explosives Corporation, Rochester, respectively, for laser shows at High Falls for 2007-08. Of this total \$203,300, \$188,300 will be funded from the proposed 2007-08 Budget of the Department of Recreation and Youth Services, and \$15,000 from the Rochester Events Network Trust Fund.

Lightscape Media Corporation will provide laser shows at High Falls from July 1, 2007 to June 30, 2008 at a cost of \$91,500. They will also provide monthly maintenance on City-owned laser equipment in the Genesee River Gorge at a cost of \$61,200.

Young Explosives will provide aerial fireworks and pyrotechnic displays to accompany the 2007-08 laser shows at High Falls.

A total of 55 laser shows are scheduled and will occur on Thursdays, Fridays and Saturdays beginning July 1 through September 1, and special holiday shows for the Labor Day weekend, December holidays, New Year's Eve, and Memorial Day weekend. A projected schedule is attached.

Attendance for the current fiscal year is estimated at 150,000 people to date. There is a provision for special sponsor-requested laser shows, with costs offset by revenue from such sponsors through the Rochester Events Network Trust Fund.

Similar agreements for the laser shows were last authorized by City Council in June 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-80

Ordinance No. 2007-239
(Int. No. 244)

Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$91,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lightscape Media Corporation for laser shows at High Falls. Of said amount, \$82,500 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services, and \$9,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. The sum of \$61,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lightscape Media Corporation for maintenance of the laser equipment at High Falls. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 3. The sum of \$50,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for aerial fireworks and pyrotechnic displays to accompany laser shows at High Falls. Of said amount, \$44,600 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services, and \$6,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-240
Re: Agreement - Northeastern Production Systems, Inc., Special Events Sound, Lighting And Stage Services

Transmitted herewith for your approval is legislation establishing maximum compensation for a professional services agreement with Northeastern Production Systems, Inc., P.O. Box 23199, Rochester, NY 14692 for sound, lighting and staging services at special and cultural events. The maximum compensation for this agreement will be \$196,600, \$171,700 of

which will be financed from the 2007-08 budget and future budgets of the Department of Recreation and Youth Services, and \$24,900 of which will be financed from the Rochester Events Network trust fund.

Special events and cultural events in the performing arts series typically require the provision of various sound, lighting and staging services. The most recent agreement for these services was authorized by the Council on June 20, 2006. This agreement expires on June 30, 2007. In February 2007, the Special Events Office solicited requests for proposals for these services. One proposal was received, which was from Northeastern Production Systems, Inc.

Under its proposed agreement, Northeastern will provide the sound, lighting, stage, stage roof equipment and related services required for all special events and cultural arts performances provided by the DRYS Special Events Office, including the summer evening concerts at the High Falls Festival Site, RPO concerts, noon-time concerts, holiday events, and various other concerts throughout the year.

The agreement will have an initial term of one year with provisions for renewal for two one-year periods upon mutual consent. If the agreement is renewed, the specified prices will be adjusted by a percentage equivalent to the annual increase in the consumer price index for urban areas. The maximum cost of sound and lighting services is as follows:

<u>Year</u>	<u>Total</u>	<u>DRYS Budget</u>	<u>Rochester Events Network Trust Fund</u>
2007-08	\$63,000	\$55,000	\$8,000
2008-09	\$65,500	\$57,200	\$8,300
2009-10	\$68,100	\$59,500	\$8,600

The total cost of sound, lighting, and stage services during 2005-06 was \$56,915. Increases for the next three years are due to increased technical support for national talent for some concerts and the possible needs for increased events.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-240
(Int. No. 245)

Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$63,000, or so much thereof as may be necessary, is hereby established as the City compensation to be paid for the first year of a professional services agreement between the City and Northeastern Production Systems, Inc. for sound and lighting services for special and cultural events. Of said amount, \$55,000 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services and \$8,000 is hereby appropriated from the Rochester Events Network Trust Fund. The agreement may extend for three years. For the second year the agreement shall not exceed \$65,500, of which \$57,200 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services and \$8,300 is hereby appropriated from the Rochester

Events Network Trust Fund. For the third year the agreement shall not exceed \$68,100, of which \$59,500 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services and \$8,600 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-241
Re: Agreement - Young Explosives Corporation, Fireworks Displays

Transmitted herewith for your approval is legislation establishing \$52,000 as maximum compensation for an agreement with Young Explosives, Rochester, for provision of aerial fireworks displays on July 4, Independence Day, and December 31, 2007, New Year's Eve. This agreement will be funded from the 2007-08 budget of the Department of Recreation and Youth Services (\$27,000), and the Rochester Events Network Trust Fund (\$25,000).

The July 4 display will be the largest Independence Day show in the area and will extend for about 20 minutes. The total cost of this display is \$32,000.

The New Year's Eve aerial fireworks display will be part of an overall New Year's Eve Celebration in downtown Rochester. This midnight display will extend for about 18 minutes; its total cost is \$20,000.

Both displays will be launched over the Genesee River from the entrance ramp to route I-490 eastbound. Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring liability insurance.

Young Explosives does not employ any persons below the age of 18. Further, in order to be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed. Young Explosives has assured us that their domestic purchases come solely from licensed vendors.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-241
(Int. No. 246)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$52,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for Fourth of July and New Year's Eve aerial fireworks displays. Of said amount, \$27,000 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services, and \$25,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Giess
June 19, 2007

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 247 - Resolution Confirming The Appointment Of The Chief Information Officer

Respectfully submitted,
Lois J. Giess
Carolee A. Conklin
John F. Lightfoot
Adam C. McFadden
Dana K. Miller
William F. Pritchard
Robert J. Stevenson
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-17
Re: Appointment - Chief Information Officer

Transmitted herewith for your approval is legislation confirming the appointment of Lionel Bittner, 86 Crossman Terrace, 14620, to the position of Chief Information Officer. This position is the head of the newly-created Information Technology Department. The appointment will be effective July 1, 2007.

Mr. Bittner's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-17
(Int. No. 247)

Resolution Confirming The Appointment Of The Chief Information Officer

WHEREAS, the Mayor has appointed Lionel Bittner to the position of Chief Information Officer, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Lionel Bittner as Chief Information Officer.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 9:10 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
JULY 17, 2007**

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:
DCD
*Anthony J. Mittiga

DRYS
Edward M. Naylon
*Gwendolyn K. Ream

Finance Department
*Ruth Rosenberg Naparsteck

Library
*Jean M. McClure

NET
*Charles C. Stechna
Fire Department

*Gary J. Colombo
*Gary C. Hogan
*Howard P. Sullivan

Police Department
Peter M. Brunett
Darryl W. Council
Kieran D. Hetzler

**Did not attend meeting.*

**APPROVAL OF THE MINUTES
By Councilmember McFadden**

RESOLVED, that the minutes of the Public Hearing of June 13, 2007 and the Special Council Meeting of June 14, 2007 and the Regular Meeting of June 19, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3888-7
 - Quarterly Reports - Professional Services and Delinquent Receivables 3889-7
 - Quarterly Reports - Workers Compensation Claims and Liability Claims 3890-7
 - Public Disclosure - CDBG Participation 3891-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

43 signatures - Against unit-based subsidized hous-

ing in Marketview Heights Petition No. 1625

140 signatures - Against The City of Rochester changing EMS service providers Petition No. 1626

587 signatures - The Hemlock/Canadice Lakes: An appeal for conservation Petition No. 1627

RECEIVED AND FILED.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing An Amendatory 2002-03 Community Development Program Plan And Ordinance No. 2004-238 To Provide Funds For The Business Association Support Program Int. No. 290 No speakers.

Approving An Increase In The Pavement Width Of Cayuga Street East Of Gregory Street Int. No. 298 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin July 17, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 272 - Authorizing The Sale Of Real Estate

Int. No. 273 - Authorizing The Sale Of An Abandoned Portion Of Driving Park Avenue

Int. No. 274 - Approving The Acquisition Of Parcels From The Rochester Urban Renewal Agency

Int. No. 275 - Approving The Donation Of The Former Hilton Street To The Rochester Urban Renewal Agency

Int. No. 276 - Authorizing An Amendatory Agreement For Property Management Services

Int. No. 277 - Appropriating Funds And Authorizing Agreements For The Homebuyer Assistance Program

Int. No. 278 - Authorizing An Agreement For Homebuyer Training Services

Int. No. 279 - Authorizing An Agreement For The Mortgage Default Resolution Program

Int. No. 280 - Authorizing Agreements For Landlord And Tenant Services

Int. No. 281 - Authorizing An Agreement With NeighborWorks Rochester For The Revolving Loan Fund Program

Int. No. 282 - Authorizing An Agreement For The Get The Lead Out Program

Int. No. 283 - Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

Int. No. 284 - Authorizing An Agreement With Enterprise Community Partners For Housing Services

Int. No. 285 - Authorizing An Agreement For The Home Rochester Program

Int. No. 286 - Authorizing An Agreement For The Home Room Program

Int. No. 287 - Authorizing An Agreement For Housing Development Services

Int. No. 288 - Authorizing An Agreement For Housing Development Services

Int. No. 289 - Appropriating Funds And Authorizing Agreements For CHDO Housing Development And Operating Assistance

Int. No. 317 - Authorizing An Agreement For The Neighborhood Improvement Program

Int. No. 323 - Approving A Property Tax Exemption, Authorizing An In Lieu Of Tax Agreement And Extending Reversionary Rights For The Fernwood Park, Ramona Park And Norton Village Apartments

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 290 - Authorizing An Amendatory 2002-03 Community Development Program Plan And Ordinance No. 2004-238 To Provide Funds For The Business Association Support Program

Int. No. 291 - Repealing Ordinance No. 2007-165, Relating To An Amendatory 2001-02 Community Development Program Plan To Provide Funds For The Business Association Support Program

The following entitled legislation is being held in committee:

Int. No. 318 - Amending Article III, Lead-Based Paint Poisoning Prevention, Of Chapter 90 Of The Municipal Code

Respectfully submitted, Carolee A. Conklin John F. Lightfoot Lovely A. Warren Lois J. Giess Gladys Santiago (Did not vote on Int. Nos. 272 through 282) HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2007-242 And Ordinance No. 2007-243 Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of twenty properties. With the exception of the purchasers of unbuildable vacant lots, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined

as a result of an appearance ticket during the past five years.

Sales

The first two properties are vacant lots that were sold through the Sealed Bid program. The parcels will be combined with the purchasers' adjoining property.

The next ten properties are vacant lots that are being sold to Flower City Habitat for Humanity to construct ten, new, single-family homes for owner-occupants.

The next seven properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size.

The last property includes portions of City-owned property on Driving Park Avenue, abandoned by Ordinance No. 2006-281. Further review of title indicates that portions of the abandoned area are owned in fee by the City and now must be sold to the adjacent owner, 1195 Ridgeway Avenue, LLC, who originally requested the abandonment. The sale price of \$8,600 was established through an independent real estate appraisal prepared by Robert G. Pogel, SRPA.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-81

Ordinance No. 2007-242
(Int. No. 272)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of vacant land with proposal by sealed bid:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Price</u>
296 Durnan St 091.74-3-46	40x182 Martin D. Smith-Soucier	\$50
539 Joseph Ave 106.39-1-35.1	100x102 *Catholic Family Center	50

*Officer: Carolyn A. Portanova, President

Section 2. The Council hereby further approves the negotiated sale of the following parcels of vacant land with proposal:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq.</u> <u>Ft.</u>	<u>Price</u>
19 Grape St 120.27-1-33.1	45x102 *Flower City Habitat for Humanity	4356	\$425

35 Grape St 120.27-1-31	44x99.83 Flower City Habitat for Humanity	4400	425
39 Grape St 105.83-3-74	41x150 Flower City Habitat for Humanity	6150	475
43 Grape St 105.83-3-73.1	75.5x99.89 Flower City Habitat for Humanity	7542	500
44 Grape St 105.84-3-74	40x100 Flower City Habitat for Humanity	4000	400
56 Orange St 105.84-1-62	42.5x130 Flower City Habitat for Humanity	5525	450
68 Orange St 105.84-1-58	40x162.5 Flower City Habitat for Humanity	6520	475
76 Orange St 105.84-1-59	40x162.5 Flower City Habitat for Humanity	6520	475
132 Orange St 105.83-3-29	50x163 Flower City Habitat for Humanity	8150	525
140 Orange St 105.83-3-31.1	50x162.94 Flower City Habitat for Humanity	8276	525

* Principals: Edward Lipsky, President; Musette Castle, Vice President; Donna Murano, Secretary; Jeffrey Lewis, Treasurer; Arthur Woodward, Executive Director

Section 3. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq.</u> <u>Ft.</u>
479 Campbell St 120.25-1-49	40x85 *Haskell Homes, LLC	3445±
92 Grape St 105.84-1-75.1	89x85 Dywane D. & Brenda Watts	4100±
N 1/2 of 690 Meigs St Pt of 121.73-3-92	21x94 Peter & Margaret Patall	2035±
S 1/2 of 690 Meigs St Pt of 121.73-3-92	21x94 Rose Marie Clausen	2035±
48 Radio St 106.30-4-48	35x126 Willie & Polly Appleber	4438±
609 Seward St 120.83-3-41	35x113 Deborah Ann Harris Cobbinah	3280±
Pt of 127 Woodbury St 106.57-1-46	26x109 Rafael Marte	2844±

*Officer: Dara Haskell, President

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-243
(Int. No. 273)

Authorizing The Sale Of An Abandoned Portion Of Driving Park Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Upon abandonment of the portion of Driving Park Avenue as authorized in Ordinance No. 2006-281, the Council hereby approves the sale of the City-owned abandonment area to the adjoining owner, 1195 Ridgeway Avenue, LLC, for the sum of \$8,600.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-244 And
Ordinance No. 2007-245
Re: Transfer of Land with the Rochester
Urban Renewal Agency

Transmitted herewith for your approval is legislation authorizing the purchase, for \$1.00, of land owned by the Rochester Urban Renewal Agency (RURA). The properties were acquired by the Agency as part of development projects that have been completed; there is no need to keep ownership in the name of the RURA. Transfer to the City will simplify management of the properties, which will be dedicated as street rights-of way or combined with adjacent City parcels to remain in their current uses.

The properties to be dedicated as rights-of-way are:

600 St. Paul	383 St. Paul
407 E. Broad St.	91 Van Auken St.
47 Waverly Place	290 S. Plymouth Ave
195 Tremont St.	141 Atkinson St.

The properties to continue to be used for playground use are:

455 N. Clinton Ave	School # 9 Playground
403 Scio St.	City Playground
266 Troup Street	City Playground

The property to continue in use as a City property parking lot for the 911 facility is:

11 Ford Street	911 Building Parking Lot
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The properties to continue as part of the riverwalk along the west side of the Genesee River extending south from Corn Hill Landing to south of the extension of Riverview Place are:

392 Exchange Blvd	446 Exchange Blvd
452 Exchange Blvd	420 Exchange Blvd
424 Exchange Blvd	430 Exchange Blvd
436 Exchange Blvd	466 Exchange Blvd
476 Exchange Blvd	492 Exchange Blvd
494 Exchange Blvd	496 Exchange Blvd
504 Exchange Blvd	508 Exchange Blvd
102 Violetta St.	

Transmitted further is legislation authorizing the donation to the Rochester Urban Renewal Agency of 403 West Main Street, SBL No. 121.29-1-37, the former Hilton Street, abandoned by Ordinance No. 75-74. This parcel was conveyed by the Rochester

Urban Renewal Agency to the predecessor of 415 Main Street W., Inc. without the required donation from the City. This donation will cure the title defect. A distribution facility for Hahn Automotive is located on the parcel.

Since there will be no change in use of the properties, this is a Type II action under provisions of the State Environmental Quality Review Act and no further review is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-244
(Int. No. 274)

Approving The Acquisition Of Parcels From The Rochester Urban Renewal Agency

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of the following parcels from the Rochester Urban Renewal Agency for the sum of \$1.00:

(a) The following properties are to be dedicated as rights-of-way:

<u>Address</u>	<u>SBL No.</u>
600 St. Paul St.	106-540-1-24
383 St. Paul St.	106-620-1-33.2
407 E. Broad St.	121-330-1-1
91 Van Auken St.	121-370-1-66
47 Waverly Place	121-370-1-42.1
290 S. Plymouth Ave.	121.380-2-20.1
195 Tremont St.	121-450-1-49.1
141 Atkinson St.	121-370-1-12

(b) The following properties will continue to be used for playground use:

<u>Address</u> <u>Use</u>	<u>SBL No.</u>
455 N. Clinton Ave. School # 9 Playground	106-630-1-1.1
403 Scio St. City Playground	106-650-1-58
266 Troup St. City Playground	121-370-1-1.1

(c) The following property will continue in use as a parking lot for the 911 facility:

<u>Address</u> <u>Use</u>	<u>SBL No.</u>
11 Ford St. 911 Building Parking Lot	121-290-43.3

(d) The following properties proposed will continue to be used for the riverwalk along the west side of the Genesee River extending south from the Corn Hill Landing area to an area south of the extension of Riverview Place:

<u>Address</u>	<u>SBL No.</u>
392 Exchange Blvd.	121-540-3-9
446 Exchange Blvd.	121-540-3-58
452 Exchange Blvd.	121-540-3-59

420 Exchange Blvd. 121-540-3-62
 424 Exchange Blvd. 121-540-3-61
 430 Exchange Blvd. 121-540-3-66
 436 Exchange Blvd. 121-540-3-57
 466 Exchange Blvd. 121-620-1-44
 476 Exchange Blvd. 121-620-1-27
 492 Exchange Blvd. 121-620-1-28
 494 Exchange Blvd. 121-620-1-29
 496 Exchange Blvd. 121-620-1-30
 504 Exchange Blvd. 121-620-1-31
 508 Exchange Blvd. 121-620-1-32
 102 Violetta St. 121-700-1-39.1

Ordinance No. 2007-246
 (Int. No. 276)

Authorizing An Amendatory Agreement For Property Management Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with R.D.F. Management for management and maintenance services for City-owned properties. The amendatory agreement shall obligate the City to pay R.D.F. Management a management fee in the amount of \$1,400 a month for the apartment complex at 1170 Genesee Street known as Valley Court Apartments and 12% of the rents collected for all other City-owned occupied properties. Maintenance fees, where applicable, shall be paid at the prevailing wage rate as set by the New York State Department of Labor. Said management and maintenance amounts shall not exceed \$200,000 annually, which amounts are hereby appropriated from the Property Management Account.

Section 2. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-247
 Re: Homebuyer Assistance Program

Transmitted herewith for your approval is legislation appropriating \$300,000 from the 2006 HOME Program to finance the continuation of the Homebuyer Assistance Program, and authorizing any necessary agreements for program implementation.

The Homebuyer Assistance Program provides financial assistance of up to \$6,000 to families with low or moderate incomes who purchase houses through the City's Housing Initiative, as described in the Consolidated Community Development Program. The financial assistance may be used for closing costs and/or a down payment.

A recipient of assistance is required to provide a five-year promissory note. If the recipient continues to reside in the house and the property is not resold during this period, the note is satisfied.

Since the inception of the program in September 1993, \$3,915,654 has been disbursed to 761 homebuyers. The total unexpended balance of prior appropriations is \$270,067; of this amount, \$76,397 is limited to households whose income is between 80% and 100% of Median Family Income (MFI) for the Metropolitan Statistical Area and \$54,000 is already committed to households with incomes under 80% MFI.

The most recent HOME appropriation for the continuation of the program was in June 2006, in the amount of \$509,979 for buyers whose incomes do not exceed 80% of MFI.

Respectfully submitted,

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-245
 (Int. No. 275)

Approving The Donation Of The Former Hilton Street To The Rochester Urban Renewal Agency

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the donation to the Rochester Urban Renewal Agency of 403 West Main Street, SBL No. 121.29-1-37, constituting the former Hilton Street, as abandoned by Ordinance No. 75-74.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-246
 Re: Amendment to Agreement for Property Management Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with R.D.F. Management for property management services.

Changes in the contract are required to set a fixed management fee for the Valley Court Apartments and to change compensation for maintenance from a fixed fee schedule to prevailing wage rates.

R.D.F. Management will be paid a management fee in the amount of \$1,400 a month for the apartment complex at 1170 Genesee Street, known as Valley Court Apartments. They will also continue to receive 12% of the rents collected for all other City-owned occupied properties. Maintenance fees, where applicable, shall be paid at the prevailing wage rate as set by the New York State Department of Labor. Said management and maintenance amounts will not exceed \$200,000 annually and will be appropriated from the property management account.

These terms will apply to the current contract which is set to expire in September, 2007 and will apply to any subsequent renewals.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-247
(Int. No. 277)

Appropriating Funds And Authorizing Agreements For The Homebuyer Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby appropriated from 2006 HOME Program Funds to fund the Homebuyer Assistance Program.

Section 2. The Commissioner of Community Development is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

Section 3. The agreements shall contain such additional terms and conditions as the Commissioner deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-248
Re: Agreement - Homebuyer Training Services

Transmitted herewith for your approval is legislation establishing \$75,000 as maximum compensation for an agreement with NeighborWorks Rochester (NWR), 570 South Avenue, for the continued provision of homebuyer training services; and appropriating \$40,000 from the Housing Stock and General Property Conditions allocation (Homebuyer Assistance/ Training) of the 2006-07 Community Development Block Grant and \$35,000 from the Home Buyer Services allocation of the 2006-07 HOME Program to fund the agreement.

This agreement will be a continuation of the homebuyer training program which has been provided by NWR since 1994. As a condition of purchase, buyers using City assistance for the Home Expo, Home Rochester, Home Purchase Assistance and Employer Assisted Housing Initiative programs must attend homebuyer training sessions. This agreement will fund pre-purchase and post-purchase training sessions. NWR has the capacity to train approximately 1,000 participants each year. The most recent agreement was authorized in June 2006. Following is a summary of activity for July 2006 through May 2007:

<u>Pre-purchase Training</u>	
Number of Sessions	Total Graduates
Home Purchase Made Easy (8 hour class)	
12	183
Financial Literacy (12 hour class)	
3 Series	29 Households participating

<u>Post-purchase Training</u>	
Number of Sessions	Total Participants
Making Your House Your Home (3 hour class)	
5	79

<u>Post-purchase Training</u>	
Number of Sessions	Total Participants
Best on the Block - Spring (3 hour class)	
5	84
Best on the Block - Fall (3 hour class)	
4	69

Services

Services for the proposed agreement will include, for pre-purchase training: Home Purchase Made Easy which will be offered at least monthly and Financial Literacy which has sessions that start every two months. Post-purchase sessions will continue to be offered on the same schedule: six sessions of Making Your House Your Home provided annually and four sessions each of the seasonal sessions Best On the Block - Spring and Best On the Block - Fall. Descriptions of the pre-purchase training services follow.

The majority of pre-purchase training, for mortgage-ready participants, is offered in a two-session format, Home Purchase Made Easy, and utilizes the NeighborWorks America's Realizing the American Dream curriculum. The initial three-hour session covers the topics "Are You Ready to Buy a Home?" and "Managing Your Money. The following five-hour Saturday session covers: Understanding Credit, Getting a Mortgage Loan, Shopping for a Home, and "Keeping Your Home and Managing Your Finances".

The Financial Literacy program is designed to address financial and credit issues identified as barriers for participants who are not mortgage-ready, NWR incorporates financial literacy skills development into its longer term pre-purchase training program, using the Federal Deposit Insurance Corporation's (FDIC) MoneySmart Curriculum. Completion of a six-month series of workshops will provide a solid foundation for participants to then complete homebuyer training by enrolling in Home Purchase Made Easy.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-248
(Int. No. 278)

Authorizing An Agreement For Homebuyer Training Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester for the continued provision of homebuyer training services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000,

and of said amount, or so much thereof as may be necessary, \$35,000 is hereby appropriated from 2006 HOME Program Funds and \$40,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-249
Re: Agreement - The Housing Council
In The Monroe County Area, Inc. -
Mortgage Default Resolution

Transmitted herewith for your approval is legislation establishing \$300,000 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc., for the provision of Mortgage Default Resolution services; and appropriating \$300,000 from the Improving Housing Stock and General Property Conditions allocation (Mortgage Default Resolution account) of the 2007-08 Consolidated Community Development Plan to fund the agreement.

The Housing Council is a HUD-Approved Counseling Agency that is subject to annual review by HUD in order to receive this designation. Foreclosure prevention counseling (Mortgage Default Resolution) services have been provided by The Housing Council since 1975, and were most recently approved by Council in June 2006.

The analysis, advisory and resolution process includes household budget and income analysis, and negotiation with mortgage lenders and other parties such as HUD/FHA. Resolutions include: refinancing, negotiated repayments, sale, and use of clients' own funds toward reaching settlements with lenders.

For the past three years, the number of cases has averaged approximately 244 per year. During this period, 93% of the cases resulted in foreclosure prevention. The most recent annual review by The Housing Council found that 80% continued to avoid foreclosure for the next 24 months.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-249
(Int. No. 279)

Authorizing An Agreement For The Mortgage Default Resolution Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continued ad-

ministration of the Mortgage Default Resolution Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-250
Re: Agreements - Landlord and
Tenant Services

Transmitted herewith for your approval is legislation appropriating \$165,000 from the Improving Housing Stock and General Property Conditions allocation (Landlord Tenant Services account) of the 2007-08 Consolidated Community Development Plan; and establishing maximum compensation for agreements for the continued provision of various services to landlords and tenants, as follows:

<u>Organization</u>	<u>Amount</u>
The Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society of Rochester, Inc.	70,000
Legal Assistance of Western New York, Inc.	25,000

These programs focus on landlord and tenant awareness of their respective rights and responsibilities, and encourage improved rental property management in order to reduce vacancies and evictions.

The Housing Council provides seminars for landlords on the financial management of operating rental properties, adherence to codes, and fair housing practices. For tenants and landlords, the Housing Council, through its one-on-one advisory service and hotline, provides advice on immediate concerns.

The Legal Aid Society provides service to landlords and tenants who choose to work together to resolve disputes that could otherwise lead to eviction or vacancy. The City's allocation also ensures that legal representation is available at Housing Court for low income tenants.

Legal Assistance of Western New York (through its Monroe County Legal Assistance Center - MCLAC) provides legal assistance to low income tenants who may be facing eviction or need to vacate. The reasons include reduction of income, loss of benefits and utility shut offs. Legal Assistance works with tenants to stabilize their public benefits.

The most recent agreements were authorized by City Council in June 2006. A performance summary is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82 And
Attachment No. AG-83

Ordinance No. 2007-250
(Int. No. 280)

**Authorizing Agreements For Landlord And
Tenant Services**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for Landlord and Tenant Services:

<u>Organization</u>	<u>Amount</u>
Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society of Rochester, Inc.	70,000
Legal Assistance of Western New York, Inc.	25,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$165,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-251
Re: Agreement - NeighborWorks
Rochester - Revolving Loan Fund

Transmitted herewith for your approval is legislation establishing \$55,000 as maximum compensation for an agreement with NeighborWorks Rochester (NWR), 570 South Avenue, for the continued administration of the Revolving Loan Fund Program; and appropriating \$55,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Block Grant to fund the agreement.

The Revolving Loan Fund Program (RLF) provides rehabilitation loans to homeowners who have difficulty obtaining traditional loans due to excessive debt-to-income ratio, inadequate credit or insufficient employment history.

NWR has administered the program since its inception in 1980. The most recent agreement with NWR was authorized by City Council in June 2006. From July 1, 2006 through May 31, 2007, 58 loans totaling \$712,610 were made. These loans leveraged an additional \$241,186 in grant funds.

NWR will originate forty new loans in 2007-08, and provide the following services:

- Promotion of the program;
- For each loan: determine the eligibility of the property owner, inspect the property, estimate cost of rehabilitation, review insurance needs, provide financial counseling, package loans, prepare work specifications, solicit bids, provide construction management, and service loans;
- Sell approved loans on the secondary market, if appropriate;
- Resolve delinquencies through counseling, restructuring, or the collection of liens; and
- Capitalize the loan fund.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-251
(Int. No. 281)

**Authorizing An Agreement With
NeighborWorks Rochester For The Revolving
Loan Fund Program**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester for the continued operation of the Revolving Loan Fund Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$55,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-252
Re: Agreement - Action for a Better
Community, Inc. Get the Lead
Out Program

Transmitted herewith for your approval is legislation establishing \$12,150 as maximum compensation for an agreement with Action for a Better Community for the continued operation of the Get the Lead Out Program. The cost of this agreement will be funded from Community Development Block Grant funds previously appropriated through Ordinance No. 2003-35.

The Get the Lead Out Program (GLO) is a lead poisoning prevention program that offers home visits to families with children who reside in high-risk neighborhoods. Home visits include the following services: education, cleaning demonstrations, visual assessments, dust wipe testing, cleaning supplies, and a lead hazard control work-plan. Follow-up visits are also provided to assess whether families have adopted recommended household cleaning practices.

ABC was funded in 2006-07 through Ordinance No.2006-217, which stipulates that a total of 240 home visits are to be completed by June 30, 2007. As of June 6, 2007, a total of 194 home visits have been completed, with the balance of the visits to conclude by June 30.

An application was recently submitted to HUD for \$1.6 million in funding to correct lead hazards in 100 units of rental and owner-occupied housing. Funding for GLO is included in that request; however, a decision on receipt of HUD funding is not expected until October 2007. This agreement will provide interim funding for July, August and September.

The proposed program budget is as follows:

Salary (Program Manager)	\$ 8,456
Fringe benefits (25%)	2,114
Indirect cost (16%)	1,398
Supplies	182
Total	\$12,150

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-252
(Int. No. 282)

Authorizing An Agreement For The Get The Lead Out Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. for the Get The Lead Out Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$12,150, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 3 of Ordinance No. 2003-35.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-253
Re: Agreement - Greater Rochester
Housing Partnership, Inc. -
Housing Development Support

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with the Greater Rochester Housing Partnership, Inc. (GRHP) for continued financing of its operation; and appropriating \$80,000 from the Improving the Housing Stock and General Property Conditions allocation (Housing Development Support account) of the 2007-08 Community Development Plan to fund the agreement.

The GRHP was established in 1991 to promote affordable housing throughout Monroe and surrounding counties by encouraging private investment, soliciting contributions, and seeking federal and state funding. The City has provided funds to help finance the GRHP's administrative costs since its inception. These costs were most recently authorized by Council in July 2006, at a level of \$80,000. The appropriation proposed for 2007-08 funds approximately 12% of the GRHP's annual operating costs.

Attached is a summary of the GRHP's recent accomplishments.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82 And
Attachment No. AG-84

Ordinance No. 2007-253
(Int. No. 283)

Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Housing Partnership, Inc. for continued housing services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$80,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-254
Re: Agreement - Enterprise Community
Partners

Transmitted herewith for your approval is legislation establishing \$62,500 as maximum compensation for an agreement with Enterprise Community Partners for the continued provision of housing and community development activities through the Rochester

Community Development Collaborative (RCDC); and appropriating \$62,500 from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Block Grant to fund the agreement.

The City has provided funding for these services since 2001; funding for 2006-07 was \$75,000. Enterprise will provide: continued administration of the RCDC program; and technical assistance to the five participating agencies, the Rochester Housing Development Fund Corporation (RHDFC), non-profit housing developers involved with RHDFC projects, and the City of Rochester.

Enterprise, a national non-profit housing and community development organization, formed the RCDC in 2000 in conjunction with the City, Citibank, Daisy Marquis Jones Foundation, United Way of Greater Rochester, and JPMorgan Chase Bank. Additional funders include Rochester Gas & Electric (RG&E), HSBC, Bank of America, and the Bruner Foundation.

Since August 2000 (unless otherwise noted), Enterprise, through the RCDC, has provided a total of \$765,000 in grants to the following organizations:

- North East Neighborhood Alliance/North East Block Club Alliance (through October 2004)
- Ibero-American Development Corporation
- NCS Community Development Corporation
- North East Area Development, Inc.
- Sector 4 Community Development Corporation (since August 2003)
- South Wedge Planning Committee, Inc. (since January 2005)

The RCDC operating support has enabled these organizations to leverage over \$33,000,000 in neighborhood investment for housing and commercial real estate projects. Over 298 homes have been rehabilitated or are in the process of being rehabilitated, of which 269 have been sold to new homeowners since the RCDC began. Additionally, over 156,000 square feet of commercial space have been developed by these organizations.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-254
(Int. No. 284)

Authorizing An Agreement With Enterprise Community Partners For Housing Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Enterprise Community Partners for technical assistance relating to housing and community development activities.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$62,500, and said amount, or so much thereof as may be nec-

essary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-255
Re: Rochester Housing Development
Fund Corporation - Home
Rochester Program

Transmitted herewith for your approval is legislation establishing \$186,000 as maximum compensation for an agreement with the Rochester Housing Development Fund Corporation (RHDFC) for the continued implementation of the Home Rochester Program; and appropriating \$186,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Block Grant to fund the agreement.

The Home Rochester Program includes properties acquired through the Asset Control Area Program (ACAP), tax foreclosures, and bank foreclosures. The specific responsibilities of the RHDFC are as follows:

- Acquire properties from the City and hold title to them for the rehab and marketing period;
- Assign properties to participating construction managers;
- Produce a standardized construction scope and specification for each property;
- Provide financial packaging;
- Obtain and monitor subsidy to reduce the homebuyer's purchase price;
- Monitor construction and sales processes; and
- Provide services and technical assistance to enhance the capacity of participating non-profit construction managers.

The RHDFC facilitates the City's participation in HUD's ACAP, which obligates the City to purchase FHA-foreclosed, single-family properties in specified areas of the city. To date, 269 properties have been purchased by the City, of which 263 have been sold to the RHDFC. It is anticipated that approximately 80 properties will be fully rehabilitated and sold in the coming year. The homes sold to the RHDFC as part of Home Rochester must be renovated and sold to income-eligible homebuyers.

The RHDFC operates in partnership with the City, Enterprise Community Partners, Greater Rochester Housing Partnership (GRHP), JPMorgan Chase Bank, and other commercial lenders, Community Preservation Corporation (CPC), and the United Way/Martin Luther King Memorial Housing Fund. The RHDFC Board of Directors is comprised of representatives

from participating entities, each of which invests in a \$16,000,000 capital loan pool to fund the RHDFC's development activities. The RHDFC is administered by the GRHP.

The RHDFC Board approves construction loans for the rehabilitation of properties by participating non-profit construction managers. When possible, properties are grouped geographically for assignment to selected organizations, which will receive a development fee up to \$5,000 per property.

The RHDFC oversees the rehabilitation of the properties. The costs of administration are financed from the CDBG appropriation. Property management services are provided by the RHDFC.

Following rehabilitation, the properties that are not pre-sold are handled by a private realtor who will receive a commission of 6% for each property sold. NeighborWorks Rochester provides home ownership education and pre/post-purchase counseling. The City provides income certification and pre-qualifying for income-eligible, prospective homebuyers.

Households with incomes of up to 115% of median family income (MFI) for the Rochester Metropolitan Statistical Area will be eligible to purchase ACAP homes. The majority of Home Rochester buyers are below 80% MFI. The combination of available subsidies from the City and State of New York will enable low- and moderate-income households earning as low as 40% of the MFI to realize homeownership.

The City has provided funding for these services since 2001. The most recent allocation of \$186,000 for the continuation of these services by the RHDFC was authorized by City Council in June 2006 through Ordinance No. 2006-141.

Since January 2004 (the beginning of the current ACAP agreement), the RHDFC rehabilitated and sold the following to income-eligible households: 197 ACAP properties and 38 properties acquired through either tax foreclosure, the previous ACAP agreement, or the private market. The RHDFC currently holds title to 73 properties, 28 of which are under contract with eligible buyers.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-255
(Int. No. 285)

Authorizing An Agreement For The Home Rochester Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for the continued implementation of the Home Rochester Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$186,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-256
Re: Landmark Society of Western New York - Home Room Agreement

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with the Landmark Society of Western New York for administration of the Home Room program for 2007-08; and appropriating \$75,000 from the 2007-08 Community Development Block Grant Improving the Housing Stock and General Property Conditions objective; (Home Room program allocation) and \$25,000 from the 2007-08 City Development Fund (Home Room program allocation) to fund the agreement.

Begun in 1998, the Home Room program works to: encourage more people to purchase homes in the city; assist real estate agents to list and sell properties in the city; encourage neighborhood associations to develop relationships with the Real Estate sector; and promote the historic qualities and unique character of city neighborhoods and homes. The program is administered by the Landmark Society with assistance from the Greater Rochester Association of Realtors.

The most recent agreement for this program was authorized by the City Council in July 2006. Accomplishments for 2006-07 include:

1. RochesterCityLiving.com. The Home Room website logged 351,122 visits between April 2006 and April 2007, with a daily average of 889 and an average length of 12:25 minutes. Activity peaked in March with an average of 1,112 visitor sessions per day, an increase of over 47 percent from the previous March.
2. MovingtoRochester.com. This Home Room website logged 58,039 visitors, averaging 147 per day from July 2006 to June 2007. In the peak month of March 2007, there were 4,567 visitors to the website averaging 147 visits per day.
3. Home Work. This column featuring city homes, published courtesy of *City Newspaper*, appeared fifty-two times. The March 2007 issue highlighted homes in coordination with the "City Living Sundays" areas. The majority of these articles (75%) highlighted homes located in the City. The donated print space is valued at a total of \$702 per week. The Home Work column is also posted on the RochesterCityLiving.com website.
4. City Living Sundays. The Home Room negotiated and coordinated 453 radio advertising spots during March 2007 as part of the "City Living Sundays" marketing campaign; and coordinated bus tours for the three weeks of the promotion in March.

5. Marketing Historic Houses Successfully. 53 Realtors completed this fifteen-hour real estate training program which is approved by the NYS Department of State for continuing education credit for Real Estate professionals. Since the creation and approval of this course, 450 Realtors have completed the training.
6. The Home Room facility, located at the Landmark Society, served 144 people with a variety of information displays, educational materials, and access to a multiple listing service computer.

Similar services will be continued for 2007-08. In addition, the Home Room program will support the Landmark Society's popular annual downtown tour program, which draws participants from throughout the region.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-256
(Int. No. 286)

Authorizing An Agreement For The Home Room Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. to administer the Home Room Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and of said amount, or so much thereof as may be necessary, \$75,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program and \$25,000 shall be funded from the 2007-08 City Development Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-257
Re: Agreement - Housing Opportunities,
Inc. - Housing Development Services

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with Housing Opportunities, Inc. (HOP) for the continued provision of housing development services; and appropriating \$70,000 from the 2007-08 Improving the Housing Stock and General Properties Conditions objective (Housing Development Support allocation) of the Community Development Block Grant to fund the agreement. This amount is 9% of HOP's total budget.

HOP has been a significant producer of affordable housing and related services for the City since 1993. Accomplishments for 2006-07 include:

	<u>Goal</u>	<u>Actual</u>
Wilson Commencement Park - new rental housing	18	18
Mildred Johnson Estates - new single-family rent-to-own housing	23	23
*Rental Housing Project - new rental housing in Henrietta	32	14
Home Rochester Program - rehabilitation of single-family homes	10	6

* This project was planned for two sites. HOP was able to secure only one.

Marketview Heights Collective Action Plan

Focus groups met monthly to discuss: beautification, safety and housing development. Work was completed on a potential housing development. A design charette is planned for July, focusing on improvements along N. Union Street. An application with Marketview Heights Association was submitted to the NYS Affordable Housing Corporation for \$700,000 to help renters with the purchase and rehabilitation of homes in lower Marketview Heights.

Activities proposed for 2007-08 include:

Development Planning - Continue work on a development plan for Marketview Heights.

Home Rochester Program - Rehabilitate 6-10 single-family homes.

Rental Housing Project - Monica Place, at 837 Genesee St., is supportive housing with 21 apartments for very low-income single adults and single parent families who were formerly homeless or victims of substance abuse. HOP has applied for funding from New York State to restructure the financing on the building and to make needed repairs.

Rent-to-own Project - Construction of 15 single-family homes on a site to be determined.

Rehabilitation and Sale Program - Rehabilitation of 15-20 single-family homes for renters in lower Marketview Heights, pending funding from the New York State Affordable Housing Corporation.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-257
(Int. No. 287)

Authorizing An Agreement For Housing Development Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Housing Opportunities,

Inc., for the continued provision of housing development services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-258
Re: Housing Development Support -
ULREDC

Transmitted herewith for your approval is legislation establishing \$62,500 as maximum compensation for an agreement with the Urban League of Rochester Economic Development Corporation (ULREDC) for the continued provision of housing development services; and appropriating \$62,500 from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Block Grant to fund the agreement.

ULREDC activities for the period of July 2006 to May 2007 include:

	Goal	Actual
Home Rochester houses rehabilitated	26	15*
Rental projects developed	1	1
Technical assistance (as necessary)	2	2
Projects planned/researched	2	1

* The limited availability of HUD property contributed to the lower production.

Activities proposed for 2007-08 are:

- Home Rochester
Rehabilitate 20 structures.
- Rental development
Develop a minimum of one (1) rental project.
- Projects planned/researched
Continue project planning/research: two (2) minimum.

The City has provided funding for these services since 1994. The most recent appropriation was authorized in June 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82

Ordinance No. 2007-258
(Int. No. 288)

Authorizing An Agreement For Housing Development Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued provision of housing development services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$62,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-259
Re: Community Housing Development
Organizations (CHDO)

Transmitted herewith for your approval is legislation related to Community Housing Development Organizations. This legislation will:

1. Authorize agreements with organizations that have been designated and certified as Community Housing Development Organizations (CHDOs) as well as approved developers for the Home Rochester program, and
2. Appropriate a total of \$653,600 (\$490,200 for development subsidies, \$163,400 for operating assistance) from the Community Housing Development Organization Program allocation of the 2007 HOME Program.

The City is required to reserve at least 15% of its annual HOME award to fund the development of affordable housing by non-profit CHDOs. This year that amount is \$490,200. The City is also permitted to set aside an additional 5% (\$163,400) of its HOME award to assist CHDOs with their operating costs.

To access these funds, HUD requires annual certification, which requires that organizations demonstrate that they continue to meet the requirements pertaining to legal status, organizational structure and capacity, and experience. In addition, the City reviews production, the most recent annual audit, cost and direct labor allocation budget/plan and a roster of current board members.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. It is anticipated that approximately 32 buyers will be assisted through the proposed appropriation. The aver-

age subsidy will be approximately \$15,000.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post- purchase homebuyer training classes and reside in the properties for a minimum of ten (10) years.

The last appropriation for this purpose was approved in June 2006. A status report of CHDO production is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-82 And
Attachment No. AG-85

Ordinance No. 2007-259
(Int. No. 289)

Appropriating Funds And Authorizing Agreements For CHDO Housing Development And Operating Assistance

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from 2007 HOME Program funds the sum of \$490,200, or so much thereof as may be necessary, to fund housing development through the Home Rochester Program by designated Community Housing Development Organizations (CHDOs), and there is hereby appropriated from 2007 HOME Program funds the sum of \$163,400, or so much thereof as may be necessary, to fund the operating expenses of designated CHDOs.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDOs for use of these funds.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to return Introductory No. 317 to Committee.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 317
Re: Community Development Block
Grant/Neighborhood Improvement
Program

Transmitted herewith for your approval is legislation authorizing an agreement with Southwest Area Neighborhood Association (SWAN) in Sector 4 as part of the Neighborhood Improvement Program and appropriating \$5,000 from the 2005-06 Community Development Block Grant (Other Programs). The Neighborhood Improvement Program provides for grants of up to \$20,000 for sector planning committees to undertake housing and community development activities.

The sector project being recommended is:

Cultural Literacy Program \$5,000

Sector 4, through a collaboration of sector groups led by SWAN, will implement a Cultural Literacy Program which will be located at the home of the late James and Bessie Hamm, 301 Adams St. During their lifetime in Rochester, the Hamm's were instrumental in establishing programs and scholarships that aided countless city high school students in their quest for college.

The Literacy Program will launch itself with a two-strategy participatory program, directed at both youth and adults using historical recognition of the Hamm's legacy to the African-American community in Rochester and a "Sites Of Recollection On A Day of Remembrance" which will focus on education and formal recognition of Frederick Douglass and "United States Colored Troops" buried at Mt. Hope Cemetery.

The Project Budget is as follows:

Stipends - coordinator and re-enactor	\$1,700
Transportation	650
Supplies	1,950
Copy/printing	700
Total	\$5,000

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 317

AUTHORIZING AN AGREEMENT FOR THE NEIGHBORHOOD IMPROVEMENT PROGRAM

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Southwest Area Neighborhood Association for a Cultural Literacy Program as a part of the Neighborhood Improvement Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Other Programs allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-260
Re: Agreements - Rochester Civic
Housing, LLC

Transmitted herewith for your approval is legislation related to the refinancing of three affordable housing projects owned by Rochester Civic Housing, LLC. This legislation will:

1. Authorize an extension of the reversionary interest of the City in the parcels for forty years; and
2. Authorize property tax exemptions and payment in lieu of taxes agreements for the three projects.

The three projects, Fernwood Park, Norton Village and Ramona Park, were built as post-war affordable rental housing. Ownership of the properties on which the apartments are built was conveyed by the City to Rochester Civic Housing in 1946, 1947 and 1950, respectively. The original agreement stated that following completion of mortgage payments, ownership would revert to the City.

This reversion clause was extended in 1961 to 1991, and again in 1991 to 2011, as part of refinancing of the projects. At that time, the owners paid \$5 million to establish the Greater Rochester Housing Partnership, making additional affordable housing possible.

The buildings are now in need of major rehabilitation and systems replacement, with costs estimated at \$60 million. Refinancing is necessary to fund this expense. Extending the reversion agreement to cover the term of the new mortgage will allow Rochester Civic Housing to qualify for funding.

A payment in lieu of tax (PILOT) agreement will provide a 40 year tax exemption in consideration for an annual in lieu tax payment equal to 10% of the project shelter rents (gross rents less utility costs). The owner shall further agree to pay to the City one-third of the available cash flow after debt service of the Projects for 15 years, which shall not exceed one-third of the deferred developer fee. This will provide greater financial flexibility to the owners so that the necessary rehabilitation can be completed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-260
(Int. No. 323)

Approving A Property Tax Exemption, Authorizing An In Lieu Of Tax Agreement And Extending Reversionary Rights For The Fernwood Park, Ramona Park And Norton Village Apartments

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 40 years, the following properties, to be owned by the Rochester Civic Housing Development Fund Company, Inc., and to be used for housing as a part of the Fernwood Park, Ramona Park and Norton Village Apartment Projects:

<u>Address</u>	<u>SBL No.</u>
Ramona Park: 5 Ramona Pk. 10 Ramona Pk. 20-50 Ramona Pk. 78R Leopard St.	090.310-1-12 090.320-1-1.1 090.310-1-13 090.310-1-14
Fernwood Park: 65 Waring Rd.	092.790-1-20
Norton Village: 1975 Norton St. 1969 Norton St. 2145 Norton St. 2153 Norton St. 2157 Norton St. 265 Blakeslee St. 266 Blakeslee St. 267 Blakeslee St. 269 Blakeslee St. 270 Blakeslee St. 35 Norton Village Lane 50 Norton Village Lane 125 Norton Village Lane 130 Norton Village Lane 165 Norton Village Lane 251 Norton Village Lane	092.540-2-36 092.540-2-37 092.550-1-46 092.550-1-45 092.550-1-44 092.620-2-24 092.620-2-6 092.620-2-8 092.620-2-25 092.620-2-7 092.620-2-10 092.620-2-9 092.630-1-2 092.630-1-1 092.630-1-81 092.630-1-4.1

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of forty years, beginning with the 2007-08 tax year, with the Rochester Civic Housing Development Fund Company, Inc., whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs. The owner shall further agree to pay to the City one-third of the available cash flow after debt service of the Projects for 15 years, which shall not exceed one-third of the deferred developer fee. The agreement shall also provide for an extension of the date on which ownership of the parcels reverts to the City for forty years.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-261 And
Ordinance No. 2007-262
Re: Business Association Support - New York
State Main Street Program

Transmitted herewith for your approval is legislation amending the 2002-03 Consolidated Community Development Plan and Ordinance No. 2004-238 by transferring \$20,000 in CDBG funds from the Neighbors Building Neighborhood Programs allocation to the Business Association Support allocation. Ordinance No. 2007-165, which transferred funds for this purpose in the 2001-02 Consolidated Community Development Plan will be repealed because the wrong program year was amended.

These funds will be granted to business associations for assistance in applying for and administering funds

from the New York State Main Street Program. Maximum grant amounts are \$5,000. These grants will provide associations without staff support the ability to participate in the program.

The New York Main Street Program, established in 2004, provides grants up to \$200,000 to non-profit organizations for use in one of four areas: facade renovation, building renovation, streetscape enhancement, and downtown anchor grants.

A public hearing is required for the amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-261
(Int. No. 290)

Authorizing An Amendatory 2002-03 Community Development Program Plan And Ordinance No. 2004-238 To Provide Funds For The Business Association Support Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2002-03 Community Development Program Plan whereby the sum of \$20,000 shall be transferred from the Neighbors Building Neighborhoods allocation to the Business Association Support Account of the Promoting Economic Stability allocation.

Section 2. The sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated from the Promoting Economic Stability allocation of the 2002-03 Community Development Program to fund the Business Association Support Program.

Section 3. Ordinance No. 2004-238, relating to the Neighbors Building Neighborhoods Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$20,000, which amount is transferred and reappropriated herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-262
(Int. No. 291)

Repealing Ordinance No. 2007-165, Relating To An Amendatory 2001-02 Community Development Program Plan To Provide Funds For The Business Association Support Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-165, relating to an amendatory 2001-02 Community Development Program Plan to provide funds for the Business Association Support Program, is hereby repealed.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 318
Re: Amendment - Municipal Code -
Lead-Based Paint Poisoning
Prevention

Transmitted herewith for your approval is legislation amending Section 90 of the Municipal Code, Lead-Based Paint Poisoning Prevention. This will allow the City to cite, with a violation, property owners who fail to secure timely lead dust wipe tests.

The Code stipulates the conditions under which wipe tests are currently required. Unfortunately, compliance for scheduling these tests has been low, even after due notice from the City. Many owners are currently ignoring the testing requirement. A citation would not be issued until efforts to secure the cooperation of the owner and/or tenant have been exhausted.

While property owners are responsible for obtaining a required lead dust wipe test, the City will continue to conduct lead dust wipe tests in high risk neighborhoods (as defined in the ordinance) where no interior deteriorated paint is found, if such test is scheduled within thirty days of the initial notice of the requirement. It is hoped that this added incentive will result in more timely lead dust wipe tests being scheduled.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 318

AMENDING ARTICLE III, LEAD-BASED PAINT POISONING PREVENTION, OF CHAPTER 90 OF THE MUNICIPAL CODE

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 90-54 of the Municipal Code, Violations, as amended, is hereby further amended by adding thereto the following new subsection D:

D. Dust sample violation. A dust sample violation shall be cited upon a failure by an owner of a property to timely cause dust samples to be taken and certified test results to be submitted to the NET Lead Inspection Unit in accordance with the procedures set forth in § 90-55, Inspection for violations.

Section 2. Section 90-55 of the Municipal Code, Inspection for violations, is hereby amended to read in its entirety as follows:

§ 90-55. Inspection for violations.

All inspections, including, but not limited to, inspections performed as part of an application for a certificate of occupancy pursuant to § 90-16 of the City Code, a renewal of a certificate of occupancy, or based upon the filing of a complaint, shall include a visual assessment for deteriorated paint and bare soil violations. With respect to units located in the high-risk area identified by the Mayor or the Mayor's designee, when the visual assessment identifies no deteriorated paint violation, the owner shall cause dust samples to be taken and certified test results to be obtained in accordance with the protocols established in 40 CFR 745.227(e)(8)(v)(B) to determine whether a dust-lead hazard exists. The owner shall be given sixty

days to cause the dust samples to be taken and to submit all certified test results to the NET Lead Inspection Unit. If all certified test results are not submitted within the specified time, a dust sample violation shall be cited. When a dust-lead hazard is identified and not cleared, a dust-lead hazard violation shall be cited. A certification of clearance as described in § 90-57 shall be required in order to clear a dust-lead hazard violation. The high-risk area to be identified by the Mayor or the Mayor's designee shall, at a minimum, consist of those census block groups which cumulatively encompass an area in which no fewer than 90% of the units identified by the County Health Department for inspections in conjunction with its elevated blood-lead level inspections for the period of the preceding five years are located. Where the filing of a complaint leads to an inspection, the inspection shall include the unit which is the focus of the complaint and all common areas.

Section 3. This ordinance shall take effect on August 1, 2007.

Held in committee.

By Councilmember Stevenson
July 17, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 293 - Amending The 2006-07 Budget For The Riverside Cemetery

Int. No. 294 - Amending The User Fee For The BlueCross Arena At The War Memorial

Int. No. 295 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,298,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2007 Street Improvement Program

Int. No. 296 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$700,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The 2007 Street Improvement Program

Int. No. 297 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$386,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The 2007 Street Improvement Program

Int. No. 319 - Amending The 2006-07 Budget For Replacement Parkland For The Port Redevelopment

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 298 - Approving An Increase In The Pavement Width Of Cayuga Street East Of Gregory Street

The following entitled legislation is being held in committee:

Int. No. 292 - Authorizing Agreements And Appropriating Funds For The El Camino: Butterhole-

Seneca Park Trail

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
Lois J. Giess
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-263
Re: Columbarium Purchase -
Riverside Cemetery

Transmitted herewith for your approval is legislation amending the 2006-07 Budget, transferring \$30,000 from the Contingency account to Cash Capital to purchase a double niche columbarium for Riverside Cemetery.

Cremation has recently become more common than traditional in-ground burial. Cremations are less costly, require less maintenance, and provide a steady revenue source for the City. Currently, the City owns one double niche columbarium located at Mt. Hope Cemetery.

The current price for one double niche is \$1,800, including engraving. Based on an average of five double niches sold per year, the columbarium will pay for itself in approximately three years. There will be 96 double niches in the new columbarium. This acquisition will assist in decreasing the required property tax support for the cemeteries in the future years.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-86

Ordinance No. 2007-263
(Int. No. 293)

Amending The 2006-07 Budget For The Riverside Cemetery

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency Account to the Cash Capital allocation to fund the purchase of a double niche columbarium for Riverside Cemetery.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-264
Re: Blue Cross Arena at the War
Memorial - User Fee

Transmitted herewith for your approval is legislation

amending the user fee for events at the Blue Cross Arena at the War Memorial. The current user fee, as approved by Ordinance No. 2002-140, is set at \$1.25 for all tickets with a face value of \$5.00 or more, and 25 cents for all tickets with a face value under \$5.00. This legislation will change the fee structure so that tickets with a face value of \$6.00 or less will be assessed a 25 cent fee; tickets with a face value of more than \$6.00 will continue to have a \$1.25 fee charged.

This change will allow high school sporting events such the Section V Basketball and Greater Rochester Cheerleading Championships to continue to be held at the Blue Cross Arena. By increasing the ticket price from \$5.00 to \$6.00, the high schools will be able to obtain the revenue needed to continue to stage their events at this venue. Some Rochester Amerks season tickets and tickets to other events such as the Thunder Nationals are also currently priced at \$5.00 and could be increased without increasing the user fee.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-87

Ordinance No. 2007-264
(Int. No. 294)

Amending The User Fee For The BlueCross Arena At The War Memorial

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the establishment of an amendatory user fee of \$1.25 to be applied immediately to all tickets with a face value of more than \$6.00 and a user fee of \$0.25 to be applied immediately to all tickets with a face value of \$6.00 or less for events and activities taking place at the BlueCross Arena at the War Memorial on or after September 1, 2007.

Section 2. The Mayor is hereby authorized to enter into such amendatory agreements as may be necessary for the collection of the amended user fee.

Section 3. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-265,
Ordinance No. 2007-266 And
Ordinance No. 2007-267
Re: Street Improvement Program

Transmitted herewith for your approval is legislation related to the annual Street Improvement Program, authorizing the issuance of bonds as follows:

1. In the amount of \$7,298,000 and appropriation of the proceeds thereof to finance portions of the Street Improvement Program;

2. In the amount of \$700,000 and appropriation of the proceeds thereof to finance Water improvements; and
3. In the amount of \$386,000 and appropriation of the proceeds thereof to finance Sewer improvements.

This year's program provides for: the resurfacing of approximately 9.87 miles of streets; rehabilitation or reconstruction of approximately 1.39 miles of residential streets; replacement of curbs of approximately 3.0 miles on residential streets, and other related improvements as shown in Attachment A to this transmittal.

The scope and cost of sewer and water improvements associated with planned street improvements have been less than expected. Therefore, bonding for 2006-07 and 2007-08 water funds and a portion of the 2007-08 sewer funds are being deferred. The proposed request for bonding is consistent with the following Capital Improvement Programs:

	Street	Water	Sewer
2005-06	\$ 0	\$700,000	\$ 0
2006-07	1,651,000	0	336,000
2007-08	5,647,000	0	50,000
Totals	\$7,298,000	\$700,000	\$386,000

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-88

Ordinance No. 2007-265
(Int. No. 295)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,298,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2007 Street Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2007 Street Improvement Program in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$7,298,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$7,298,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$7,298,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an in-

terim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$7,298,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in

"The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-266
(Int. No. 296)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$700,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The 2007 Street Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2007 Street Improvement Program in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$700,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$700,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$700,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$700,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation

thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-267
(Int. No. 297)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$386,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The 2007 Street Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the 2007 Street Improvement Program in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$386,000, and said amount is hereby appropriated therefor. The plan of financing

includes the issuance of \$386,000 bonds of the City to finance said appropriation, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$386,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$386,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-268
Re: Amendment to 2006-07 Budget for the Acquisition of Replacement Parkland for Port Redevelopment

Transmitted herewith for your approval is legislation amending the 2006-07 Budget by transferring \$60,000 from Contingency to Cash Capital. These funds are to be used to facilitate Port redevelopment, through the acquisition and site clearance of suitable property for parkland replacement.

The creation of development sites at the port will necessitate the alienation of parkland. When parklands are abandoned, New York State Law stipulates municipalities are required to set aside an amount equal to the appraised fair market value of lands being discontinued as park. In the initial phase of development, approximately 3 acres of parkland will be alienated, and will therefore require acquisition of replacement land for dedicated park usage.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No.2007-268
(Int. No. 319)

Amending The 2006-07 Budget For Replacement Parkland For The Port Redevelopment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$60,000 from the Contingency Account to the Cash Capital allocation to fund the purchase and clearance of property for parkland replacement for the redevelopment of the Port of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-269
Re: Bond Street Group Curb Replacement Project

Transmitted herewith for your approval is legislation related to design of the Bond Street Group Curb Replacement Project. The legislation will authorize installation of an eight-foot wide recessed parking area on the southwesterly side of Cayuga Street starting at a point 45 feet east of Gregory Street and continuing easterly for 74 feet. The parking area was requested by the adjacent business owner and can be accomplished within the existing right-of-way.

The project is being designed by the Bureau of Architecture and Engineering Services of the Department of Environmental Services. Project features also include installation of granite curbs, new concrete sidewalks as needed, catch basins, driveway aprons, topsoil and seed.

Funding for construction of the project is planned for in the 2006-07 Capital Improvement Program; the preliminary estimate is \$1,187,000. It is anticipated that design will be completed this summer, and that construction will begin in fall of 2007.

A public informational meeting for the project was held on June 12, 2007. Copies of the minutes are attached. The pavement width changes were endorsed by the Traffic Control Board on June 19, 2007.

A public hearing on the changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-89

Ordinance No. 2007-269
(Int. No. 298)

Approving An Increase In The Pavement Width Of Cayuga Street East Of Gregory Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 8 feet on the southwesterly side, from the existing 24 feet to 32 feet, in the pavement width of Cayuga Street, beginning at a point 45 feet east of Gregory Street and continuing easterly for 76 feet, for the installation of a recessed parking area.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 292
Re: El Camino: Butterhole-Seneca
Park Trail Project

Transmitted herewith for your approval is legislation related to the Butterhole-Seneca Park Trail project, which will:

1. Establish \$270,000 as maximum compensation for an agreement with Bergmann Associates for design of the project;
2. Authorize a Federal Aid Project Agreement and the appropriation of anticipated reimbursements in the amount of \$2,000,000 from the Transportation Enhancement Program (TEP) of the Federal Highway Administration to partially finance the cost of design and construction of the project;
3. Authorize appropriation of anticipated reimbursements in the amount of \$70,000 from the New York State Department of State to partially finance design of the project; and
4. Authorize an agreement with the Genesee Land Trust for the receipt and use of a \$150,000 Kodak Environmental Grant to partially finance the cost of construction of the project.

In May 2005, Council authorized the acquisition of approximately 19.57 acres of CSX land for construction of a connection to the Genesee Riverway Trail and for economic development purposes. The land includes 16.99 acres of the abandoned railroad corridor known as the Rochester Running Track extending from Seneca Park south through the 14621 and CONEA neighborhoods and crossing the Genesee River and terminating near Brown Street and the former RG&E Beebee Station. This 2.25 mile long corridor is proposed to be developed as the El Camino: Butterhole-Seneca Park Trail.

The trail concept was initiated by neighborhood volunteers in 2000, through a process lead by the Genesee Land Trust (GLT) and formalized in the Butterhole-Seneca Park Trail Plan, commissioned by GLT in 2003. GLT is the recipient of the Kodak Grant, made available through the Nature Conservancy, and has agreed to provide those funds for the project.

The \$2 million in Federal TEP funds required local match is met through the City's purchase of the land, valued at \$395,000, and a portion of the Kodak grant.

The \$70,000 Local Waterfront Revitalization grant, as authorized by Council in June 2006, will be used for preliminary design of park and trail improvements along Vincent Street. This segment of the trail connects the trail on the west side, from the river crossing, along Vincent Street, to the south terminus near Brown Street. The required match of \$70,000 will be met through a part of the City's expenditure to purchase the Vincent Street portion of the land.

Qualifications were solicited from all fifteen area firms that are pre-qualified by NYS Department of Transportation and included on the Local Design Services Agreement list for locally administered federal aid projects. Fourteen firms responded. Their project-specific qualifications were rated by a team of Department staff and NYSDOT and Genesee Land Trust representatives. Based on these ratings, the firms of Fisher Associates, Stantec Consulting Inc and Bergmann Associates were interviewed. Based on

their qualifications and approach to the project, Bergmann Associates was selected.

Design of the project will begin this fall and be completed next fall, 2008, and it is anticipated that construction will begin in spring 2009 and be completed in spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 292

AUTHORIZING AGREEMENTS AND APPROPRIATING FUNDS FOR THE EL CAMINO: BUTTERHOLE-SENECA PARK TRAIL

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the Federal Highway Administration under the Transportation Enhancement Program, and the Genesee Land Trust for a Kodak Environmental Grant, for funding for the El Camino: Butterhole-Seneca Park Trail.

Section 2. The sum of \$270,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for design services for the El Camino: Butterhole-Seneca Park Trail. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$70,000 is hereby appropriated from anticipated reimbursements from the New York State Department of State and \$200,000 shall be funded from the appropriation made in Section 3.

Section 3. The sum of \$2,000,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the El Camino: Butterhole-Seneca Park Trail.

Section 4. The sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated from Kodak Environmental Grant Funds to fund the El Camino: Butterhole-Seneca Park Trail.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Miller
July 17, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 300 - Amending Ordinance No. 2007-158, Relating To The Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2007 Assessment Roll

Int. No. 301 - Authorizing Agreements For Human Services Programs

Int. No. 302 - Authorizing An Amendatory Agreement For The 2006 Summer Food Service Program For Children And Amending The 2006-07 Budget

Int. No. 324 - Authorizing Agreements Relating To The Rochester After School Academy I Program And Amending The 2007-08 Budget

The following entitled legislation is being held in committee:

Int. No. 299 - Cancellation Of Taxes And Charges

Int. No. 321 - Authorizing An Agreement For The Provision Of Emergency Ambulance Services

Respectfully submitted,

Dana K. Miller
Carolee A. Conklin
Lovely A. Warren
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-270
Re: Tax Apportionment Assessment Classes

Transmitted herewith for your approval is a technical amendment to Ordinance No. 2007-158, which certified certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. City Council passed this Ordinance on May 15, 2007. The original calculation contained an incorrect value for the total assessed value of physical and quantity increases for the non-homestead class.

The revised calculations are attached. The net change in assessed value from 2006 resulting from physical and quantity changes for the Non-Homestead Class is +10,049,440.

No other aspects of the calculations are affected.

Respectfully submitted,
Robert J. Duffy,
Mayor

Attachment No. AG-90

Ordinance No. 2007-270
(Int. No. 300)

Amending Ordinance No. 2007-158, Relating To The Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2007 Assessment Roll

Section 1. Ordinance No. 2007-158, determining and certifying the adjusted base proportions, assessed value, and net change in assessed value for the City's 2007 assessment roll, is hereby amended by changing the net change in assessed value from 2006 resulting from physical and quantity changes as established therein for the Non-Homestead Class from +29,040,140 to +10,049,440.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-271
Re: Agreements and Appropriations - Youth Services Projects

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with three organizations for Youth Services projects as follows:

Boy's & Girl's Club of Rochester Sisters Together Achieving Results (STAR)	\$10,000
Young Audiences Leader's Institute	\$20,000
The Academy for Career Development KidTech Program	\$49,000

The cost of these agreements will be financed from the General Community Needs allocation of the 2007-08 Community Development Block Grant.

The STAR and KidTech Projects, per the Youth Services funding guidelines approved by City Council in 1981, are considered projects with matching funds, and are eligible for up to five years of funding. This will be the second year of funding for STAR, and the fifth year and final year for KidTech. The Leader's Institute is considered a project without matching funds, and is in its second of three years of funding.

The STAR Program will provide females in grades 10-12 with mentoring, employment and self-development workshops, tutoring, and community service projects. The Leader's Institute is a youth development program providing leadership skills for students in grades 4-6, at School No. 44. The KidTech Program provides access to and knowledge of practical applications in personal computer use and internet technology to youth in low-income families.

Project descriptions and budgets are attached. These services were last approved by Council in July 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-91

Ordinance No. 2007-271
(Int. No. 301)

Authorizing Agreements For Human Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects or the following amounts are allocated for Human Services Projects:

<u>Organization Project</u>	<u>Amount</u>
Boy's & Girl's Club of Rochester Sisters Together Achieving Results (STAR)	\$10,000
Young Audiences Leader's Institute	20,000
The Academy for Career Development KidTech Program	49,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$79,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2007-08 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-272
Re: Amendatory Agreement - 2006
Summer Food Service Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester City School District (RCSD) and amending the 2006-07 Budget of the Department of Recreation and Youth Services by \$44,100 to finance this additional cost for the preparation and delivery of meals in Summer 2006. This amount will be reimbursed by New York State.

A review of the program showed that the demand for meals exceeded the planned amount. The 2006 plan was for 66,000 breakfasts and 106,000 lunches, at a cost of \$312,400; the actual number delivered was 79,447 breakfasts and 118,711 lunches at a cost of \$356,501. The increase was due to the program being extended from 9 weeks to 10 weeks at several large sites.

The original agreement with RCSD agreement for \$312,400 was authorized by Council in June 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-92

Ordinance No. 2007-272
(Int. No. 302)

**Authorizing An Amendatory Agreement For
The 2006 Summer Food Service Program For
Children And Amending The 2006-07 Budget**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the City School

District for the preparation and delivery of meals pursuant to the 2006 Summer Food Service Program for Children.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$44,101, and said amount, or so much thereof as may be necessary, shall be funded from the 2006-07 Budget of the Department of Recreation and Youth Services.

Section 3. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$44,100, which amount is hereby appropriated from funds received from the New York State Department of Education for the 2006 Summer Food Service Program for Children.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-273
Re: RASA I, 21st Century Community
Learning Centers Programs

Transmitted herewith for your approval is legislation related to the New York State 21st Century Community Learning Centers Programs, RASA (Rochester After School Academy) I. There are several reallocations of funds that require budget amendments, amendatory agreements, and authorization of agreements.

New Funds

An additional \$407,660 will be received from the New York State Department of Education as a result of an approved Summer Program. The legislation requested is as follows:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of a \$407,660 grant for the operation of the Rochester After School Academy (RASA I) summer program.
2. Amend the 2007-08 operating budget of the Department of Recreation and Youth Services in the amount of \$91,800 to pay for salaries, office supplies, postage, and other administrative expenses related to the summer programming. This amount includes reimbursement for Summer of Opportunity expenses in the amount of \$28,000 as authorized by City Council on June 19, 2007 under Ordinance No. 2007-199.
3. Establish maximum compensation for agreements for the following Programs to be paid from the RASA Trust Fund:

<u>Organization</u> <u>Site/Service</u>	<u>Amount</u>
Bureau of Youth Services S.U.N.Y. Geneseo	\$16,500
Center for Youth Services East High School	18,487
P.R. Y.D. Summer Asset Camp	10,432
S.P.C.C. Summer Dance Camp	1,200
Bureau of Recreation Arts Summer Camp	18,952
Baden St. Settlement Summer Literacy Camp	44,873
Bureau of Youth Services Hoops International	10,000
Bureau of Youth Services Chemistry Club	13,450
Art Peace Summer Employment	28,000
Center for Improvement in Child Caring Parenting Training & Supplies	20,000
YMCA Summer Literacy Camp	49,500
Center for Dispute Settlement Conflict Resolution Workshops	15,500
Bureau of Youth Services SPLASH Camp	20,000
Coordinated Care Services Staff Dvlpmnt & Parent Univ.	35,000

<u>Organization</u> <u>Site/Service</u>	<u>Amount</u>
Bureau of Youth Services S.U.N.Y. Geneseo	\$16,500
Center for Youth Services East High School	18,487
Puerto Rican Youth Dev. Summer Asset Camp	10,432
Society for the Protection and Care of Children Summer Dance Camp	1,200
Bureau of Recreation Arts Summer Camp	18,952
Baden St. Settlement Summer Literacy Camp	44,873
Bureau of Youth Services Hoops International	10,000
Bureau of Youth Services Chemistry Club	13,450
Art Peace Summer Employment	28,000
Center for Improvement in Child Caring Parenting Training & Supplies	20,000
YMCA Summer Literacy Camp	49,500
Center for Dispute Settlement Conflict Resolution Workshops	15,500
Bureau of Youth Services SPLASH Camp	20,000
Coordinated Care Services Staff Dvlpmnt & Parent Univ.	35,000

In addition, \$14,000 will be spent for equipment for the summer program.

No Cost Extension

The New York State Department of Education will allow the City four additional months to close out the five-year program of RASA I. Legislation is requested to authorize extension of time for all RASA I agreements encumbered under Ordinance No. 2006-121 and 2007-19. The contractors will receive no additional dollars, only additional time to close out their programs and process paperwork to receive reimbursement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-273
(Int. No. 324)

Authorizing Agreements Relating To The Rochester After School Academy I Program And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy I (RASA I) Program.

Section 2. The Mayor is hereby further authorized to enter into agreements for programs sponsored by the following organizations in amounts not to exceed the following, or the following amounts are allocated, for programs under the Rochester After School Academy I Program:

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program funds the sum of \$407,660, or so much thereof as may be necessary, to fund RASA I Programs, administrative expenses and equipment.

Section 4. The Council hereby approves amendatory agreements for the RASA I Programs approved in Ordinances No. 2006-121 and 2007-19 whereby the terms of the Programs shall be extended for four months.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$91,800, which amount shall be funded from the appropriation made in Section 3 to fund administrative expenses for RASA I Programs.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 299 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Councilmember Conklin moved to amend Int. No. 299.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-274

Re: Cancellation or Refund of Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$60,000.00.

Four properties had code violations in the amount of \$60,000.00, 100.00% of the total. The properties were recently transferred and the violations are attributed to the former owners. The former owner of 22 Superior Terrace apparently mistakenly failed to respond to code violations due to a divorce. He has since corrected the violations. Cancellation of the code violations will allow him to redeem the property for the amount of its outstanding taxes and return it to the tax rolls quickly.

If this cancellation is approved, total cancellations thus far for 2006-07 will be \$1,665,700.20.

	<u>Accounts</u>	<u>Amounts</u>
City Council	195	\$1,585,646.52
Administrative	238	<u>80,053.68</u>
Total	433	\$1,665,700.20

These cancellations represent .722% of the taxes receivable as of July 1, 2006.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-93

Ordinance No. 2007-274
(Int. No. 299, As Amended)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) Ownership of these properties has transferred. The code violations associated with the properties were issued against the former owner.

S.B.L.#	Class	Amount
Address	Tax Year	Cancelled
105.720-0001-027 519 Hague St.	H 2007	\$ 24,300.00
107.610-0001-005 57-61 Parsells Ave.	NH 2007	24,000.00
[120.580-0003-018 22 Superior Ter.	H 2007 2006 2005	3,200.00 4,200.00 2,500.00]
121.570-0002-018.007 451 Averill Ave.	H 2007	1,800.00
Grand Total		[\$60,000.00] <u>50,100.00</u>

Section 2. If full or partial payment of the afore-said taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 321
Re: Agreement - Monroe Medi-Trans
Inc. d/b/a Monroe Ambulance

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe Medi-Trans Inc., d/b/a/ Monroe Ambulance, 318 Smith Street, Rochester, New York, 14608, for the provision of emergency ambulance services. The agreement will have an initial term of three years, October 1, 2007 through September 30, 2010, with provision for renewal for two additional terms of one year each. At present, about 50,000 requests for emergency ambulance service are received by the City each year.

Rural/Metro Medical Services, formerly National Ambulance and Home Care Services, has most recently provided this service since 1988 pursuant to agreements authorized by City Council in 1988, 1992, 1996, and 2002. The current agreement expires on September 30, 2007.

A committee was formed to write and issue a request for proposals and to subsequently review the proposals. The members of the committee, representing several departments, included: Chief Floyd Madison, Fire; Deputy Chief George Markert, Police; Director John Merklinger, Emergency Communications; Jeff Eichner, Law; Director Vincent Carfagna, Finance.

Factors identified by the committee as critical for inclusion in the request for proposal were: cost to City residents, response time, communications system, ability to monitor and measure service delivery, and condition of ambulances. Based on their thorough review of the written proposals, site visits to both agencies, and several interviews with staff from both

agencies, the committee has presented the following conclusions:

1. Response time. 90% of responses were requested to be within eight minutes for advance life support service, and 15 minutes for basic life support emergency services. These times are consistent with industry standards.

Monroe Medi-Trans Inc. agreed to provide responses within these times. Rural/Metro offered response times of 8 minutes and 59 seconds, and 15 minutes and 59 seconds. The Committee felt that compliance with the recognized standards was appropriate and that the City deserved the highest possible level of service.

2. Communications system. Rural/Metro has not yet established a requested connection with the Emergency Communications Department. Monroe Medi-Trans Inc. has agreed to provide immediate connectivity.
3. Ability to monitor level of service. Currently, monitoring is dependent solely on reports from Rural/Metro. In recent months, they have reported non-compliance with response time requirements. Rural/Metro has not made a commitment to provide additional monitoring.

Monroe Medi-Trans Inc. will make available to the Fire Chief, Police Chief, and the Emergency Communications Center Director the same information which is viewed by the dispatchers of Monroe Medi-Trans Inc. to identify the status and locations of ambulances serving the City.

4. Cost. Both ambulance companies propose billing uninsured patients at the Medicare rate for basic and advance life support services, currently \$296.91 and \$352.58, respectively. Insured patients will be billed at the covered insurance rate. For uninsured patients, the following rates were proposed:

	Rural/ Metro	Monroe Medi-Trans
Mileage (point to point)	\$ 6.25	\$ 6.25
Advance life support	352.58	352.58
Advance life support - level 2	499.21	510.31
Basic life support	296.91	296.91
Treat and release	317.68	352.58

The fees are subject to adjustment based on the increase in Medicare Ambulance Inflation Factor.

5. Ambulance fleet condition. The request for proposal also required that ambulances be not more than six years old or have more than 300,000 miles.

Neither company has all ambulances meeting this requirement. Monroe has more ambulances currently in compliance and is in the process of purchasing additional new ambulances. Rural/Metro would meet this requirement by purchasing four ambulances in August 2007, and two additional ambulances per month over the next six to nine months.

Although not required by the RFP, Monroe has a fleet of wheel chair vehicles; Rural Metro does

not.

6. Other. Both companies employ qualified medical personnel, and feedback from area hospital emergency room directors indicates that both companies provide good service. Employee wage schedules are comparable.

Both ambulance companies are located in the City. Monroe, a local woman-owned business, will continue operations from Smith Street; space limitations require that staff functions will be relocated to other City locations. Rural/Metro, a division of a larger company based in Arizona also indicated that it will relocate to a new location in the City.

In my meeting with the review committee, members were adamant in their unanimous agreement to recommend Monroe Medi-Trans Inc., d/b/a/ Monroe Ambulance for this contract.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 321

AUTHORIZING AN AGREEMENT FOR THE PROVISION OF EMERGENCY AMBULANCE SERVICES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Monroe Medi-Trans Inc., d/b/a Monroe Ambulance for the provision of emergency ambulance services for sick, disabled or injured persons found in the streets or in public places within the City, when the City requests ambulance services or when the City receives a request for ambulance services from a third person, and for standby services at emergency scenes and special events. The agreement shall provide that the rates to be charged to individual payees shall not exceed the applicable Medicare rates for such services. The agreement shall extend for a term of three years, and may be renewed at the option of the City for two additional terms of one year each. The agreement shall provide for both basic life support and advanced life support services, with Monroe Ambulance required to respond in accordance with all laws, ordinances, rules and regulations, including protocols established by the Monroe-Livingston Regional Emergency Medical Advisory Committee or the Regional EMS Medical Advisor. Responses shall be within 8 minutes on 90% of the calls for advanced life support service, and within 15 minutes on 90% of the calls for basic life support emergency service. Responses shall not vary significantly by time period or between the ten neighborhood sectors of the City.

Section 2. No fees shall be charged to the City as a result of said agreement.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Held in committee.

By Councilmember McFadden
July 17, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 303 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Systems

Int. No. 304 - Establishing Maximum Compensation For A Professional Services Agreement For The Office Of Emergency Communications HVAC Improvements Project

Int. No. 305 - Establishing Maximum Compensation For A Professional Services Agreement For Broad & Allen Firehouse Renovations

Int. No. 306 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Data Analysis For Project IMPACT III

Int. No. 307 - Authorizing An Agreement And Amending The 2007-08 Budget For Fire Prevention And Safety

Int. No. 308 - Amending The 2007-08 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

Int. No. 322 - Establishing Maximum Compensation For A Professional Services Agreement For The Police Records Management System

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-275
Re: Agreement - Wilmac, 9-1-1 Call-Recording Systems Maintenance

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum annual compensation for an agreement with Wilmac, 73 State Street, Rochester, for repair and maintenance of the call-recording systems at the Emergency Communications Center and at the Cobbs Hill radio center. The cost of this agreement will be financed from the 2007-08 and subsequent budgets of the Emergency Communications Department. The cost will be reimbursed by Monroe County under the 9-1-1 operating agreement.

Wilmac installed the recording systems in 2004 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the Emergency Communications Center. Wilmac is the only certified dealer authorized by the recording system manufacturer to sell and support the recording systems in Central and Western New York State, and is therefore recommended as a sole-source maintenance provider.

Services to be provided by Wilmac include inspection,

any necessary repairs, software upgrades and parts replacements. The term of this agreement will be for one year with three one-year-extension options.

A one-year agreement with Wilmac for similar services for the period August 1, 2006 through July 31, 2007 was authorized by City Council in Ordinance No. 2006-235.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-275
(Int. No. 303)

Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Systems

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement with Wilmac for repair and maintenance services of the call-recording systems at the Emergency Communications Center and the Cobbs Hill Radio Center. The agreement shall extend for one year, with three one-year options. Said amount shall be funded from the 2007-08 and subsequent Budgets of the Emergency Communications Department, conditioned upon the approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-276
Re: Emergency Communications
Department HVAC Improvements

Transmitted herewith for your approval is legislation establishing \$25,700 as maximum compensation for an agreement with Erdman Anthony and Associates, Inc., Brighton-Henrietta Town Line Road, to perform engineering analysis and design, commissioning, and construction administration services related to the Emergency Communications Department heat pump systems. The cost of the agreement will be financed from Bond Ordinance No. 2007-105.

The facility was built in 1994, and the heat pumps are original to the building. The project will provide analysis and design, commissioning, and construction administration services related to the heat pumps and associated components, and other HVAC improvements to the system. The preliminary estimate for the cost of construction of the project is \$220,000. The cost of construction will be financed from Bond Ordinance No. 2007-105.

Commissioning services are now required for all agreements for architectural and engineering design for mechanical systems. This requirement supports the City's efforts to reduce resource consumption and environmental impacts. Commissioning services provide assurance that the mechanical systems have been installed according to the contract documents, and

have been field verified to operate within the performance guidelines set out in the design.

Qualifications and proposals were solicited from eight area firms; responses were received from: Erdman Anthony and Associates, Inc., Integrated Building Concepts, P.C., LaBella Associates, P.C., M/E Engineering, P.C., Stantec Consulting Services, Inc., and Turner Engineering, P.C. Based on staff ratings, Erdman Anthony and Associates, Inc. was selected.

The design is scheduled to begin this summer and to be completed in this fall. Construction is anticipated to begin in the summer of 2008 and to be completed in the summer of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-276
(Int. No. 304)

Establishing Maximum Compensation For A Professional Services Agreement For The Office Of Emergency Communications HVAC Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,700, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman Anthony and Associates, Inc. for engineering analysis and design, commissioning and construction administration services for the Office of Emergency Communications HVAC Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2007-105.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-277
Re: Agreement - Broad & Allen
Firehouse Renovations

Transmitted herewith for your approval is legislation establishing \$53,000 as maximum compensation for an agreement with FRA Engineering, 530 Summit Point Drive, Henrietta NY, for services related to building improvements at the Broad & Allen Firehouse. The cost of the agreement will be financed from the Cash Capital allocation of the 2006-07 Budget.

The Broad & Allen Firehouse is a single-story masonry structure built in 1956. The planned improvements include basement wall waterproofing, bathroom and HVAC system renovations, and miscellaneous repairs. The preliminary estimate for the cost of construction for the project is \$362,000 and has been planned for in the 2006-07 Capital Improvement Program.

FRA Engineering will provide architectural design,

mechanical engineering, and commissioning services for the project.

Commissioning services are now required for all agreements for architectural and engineering design for mechanical systems. This requirement supports the City's efforts to reduce resource consumption and environmental impacts. Commissioning services provide assurance that the mechanical systems have been installed according to the contract documents, and have been field verified to operate within the performance guidelines set out in the design.

Qualifications and proposals for these services were solicited from ten area firms. Five firms responded - CMA Architecture, P.C., FRA Engineering, LaBella Associates, P.C., MRA Architecture, P.C., and MRB Group, P.C. Based on staff ratings, FRA Engineering was selected.

It is anticipated that design of the project will begin this summer and be completed in the spring of 2008, and that construction will begin in the summer of 2008, and be completed by year end.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-277
(Int. No. 305)

Establishing Maximum Compensation For A Professional Services Agreement For Broad & Allen Firehouse Renovations

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$53,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering for architectural design, mechanical engineering and commissioning services for the Broad & Allen Firehouse Renovations. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-278
Re: Agreement with RIT for Crime Data
Analysis for Project IMPACT III

Transmitted for your approval is legislation authorizing an amendatory agreement with the Rochester Institute of Technology for additional Crime Data Analysis Services under Project IMPACT III. The original agreement, authorized by Council in February 2007, established \$40,000 as maximum compensation; this amendment will increase compensation by \$17,000 to a total of \$57,000. The increase will be funded from IMPACT III grant funds received from the NY State Division of Criminal Justice Services.

Through this agreement, RIT criminal justice specialists review and analyze crime data and make recom-

mendations on how, where and when to most effectively use the available resources to combat crime. In order to complete project activities, the term of the agreement will be extended three months to September 30, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-278
(Int. No. 306)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Data Analysis For Project IMPACT III

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$17,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the Rochester Institute of Technology for data analysis under Project IMPACT III. Said amount shall be funded from the 2006-07 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-279
Re: Department of Homeland Security
Fire Prevention and Safety Grant

Transmitted herewith for your approval is legislation amending the 2007-08 Budget of the Rochester Fire Department to reflect receipt and use of a Department of Homeland Security Grant for \$66,308.

This grant, coupled with \$16,577 in matching funds included in the 2007-08 Budget, will be used to promote fire and injury prevention and safety to children and adults, and to purchase smoke and carbon monoxide alarms.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-279
(Int. No. 307)

Authorizing An Agreement And Amending The 2007-08 Budget For Fire Prevention And Safety

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Department of Homeland Security for grant funding for fire prevention and fire safety materials.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2007-222, the 2007-08

Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Fire Department by the sum of \$66,300 to fund fire prevention and fire safety equipment, which amount is hereby appropriated from a Department of Homeland Security Grant for this purpose.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-280
Re: Appropriation of Forfeiture Funds
for Greater Rochester Area Narcotics
Enforcement Team (GRANET)

Transmitted herewith for your approval is legislation appropriating \$175,000 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2007-08 Budget of the Police Department by its inclusion.

These funds will be used to support GRANET operations for the period July 1, 2007 through June 30, 2008. GRANET participates in joint investigations with the Greater Rochester Area Special Operations Group (GRASOG), which includes participants from federal and State agencies. The mission of GRASOG is to achieve maximum coordination and cooperation, and bring to bear the combined resources of member agencies to investigate mid and upper level narcotics-related offenses and illegal weapons offenses and to aggressively investigate career criminals in the Greater Rochester/Monroe County area, utilizing both State and Federal laws.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice, the United States Department of the Treasury, and the Monroe County District Attorney's Office. During its term of operation, GRANET will utilize asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and Forfeited Property. Salaries and overtime for participants will continue to be paid by each officer's respective agency.

The City of Rochester administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. This will be the first appropriation of GRANET's forfeiture funds during 2007-08.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-94

Ordinance No. 2007-280
(Int. No. 308)

Amending The 2007-08 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$175,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-281
Re: Agreement - Voyager Systems, Inc. - Records Management

Transmitted herewith for your approval is legislation establishing \$38,000 as maximum compensation for an agreement with Voyager Systems, Inc., Bedford MA, to provide annual maintenance and support services for the Rochester Police Department records management system. The cost of this agreement will be funded from the 2007-08 Budget of the Information Technology Department (\$32,000) and the Cash Capital allocation of the 2006-07 Budget (\$6,000).

In 2001, Voyager Systems Inc. provided the Police Department with a system to manage all RPD reports and records. To insure proper operation and data integrity, RPD maintains an annual maintenance and support agreement with Voyager Systems, Inc. to obtain help desk and repair/break/fix services.

In addition to the routine maintenance and support services, Voyager Systems will provide a custom interface program for the RPD. This program will enable the collection and compilation of data to be reported to the NYS Division of Criminal Justice Services on a monthly basis, as required by law.

This agreement will be for a term of one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-281
(Int. No. 322)

Establishing Maximum Compensation For A Professional Services Agreement For The Police Records Management System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$38,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Voyager Systems, Inc. for annual maintenance and support services and a custom interface program for the Police Records Man-

agement System. The agreement shall extend for a term of one year. Of said amount, \$32,000 shall be funded from the 2007-08 Budget of the Information Technology Department and \$6,000 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
July 17, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 309 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Garage Rehabilitation Project And Appropriating Funds

Int. No. 310 - Establishing Maximum Compensation For A Professional Services Agreement For The Crossroads Garage HVAC System Optimization Project

Int. No. 311 - Resolution Approving An Appointment To The Rochester Economic Development Corporation And Amending Debt Limit Resolution No. 2007-15, As Amended

Int. No. 312 - Amending The 2006-07 Budget For Enhanced Street Lighting On Main Street

Int. No. 313 - Approval Of An Option For The Sale Of Land In The 14621 Industrial Park To Spex, LLC

Int. No. 314 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

Int. No. 315 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 316 - Establishing Maximum Compensation For A Professional Services Agreement For The Ribbin' On The River Rib Festival

Int. No. 320 - Establishing Maximum Compensation For Agreements For The Puerto Rican Festival

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Lois J. Giess (Did not vote on Int. Nos. 313 through 320)
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-282
Re: South Avenue Garage Rehabilitation Project

Transmitted herewith for your approval is legislation related to the South Avenue Garage Rehabilitation Project. This legislation will:

1. Authorize an amendatory agreement with Stantec Consulting Services Inc. for additional engineering, design and resident project representation services for the South Avenue Garage Rehabilitation Project, at a cost of \$780,000. This increase will be funded from 2005-06 Cash Capital, and brings total compensation for this agreement to \$1,470,000. The term of the agreement will be extended to November 2008; and
2. Appropriate \$8,000,000 from anticipated reimbursements from the New York State Empire State Development Corporation to partially finance the cost of the project.

Agreements with Stantec Consulting Services Inc. for design were authorized by Council in 2004 and 2005 for a total cost of \$359,300. Also in 2005, Stantec was authorized to receive \$690,000 for construction phase design and resident project representation services.

Construction of the project began in Fall 2005, but was halted on April 21, 2006, when the helix collapsed. Construction of the project resumed six months later, upon completion of a structural evaluation of the garage by WJE Architects.

Subsequently, the City was awarded a grant from the New York State Empire State Development Corporation in the amount of \$8,000,000, for the reconstruction of the garage and various site improvements. The proceeds of the grant are intended to implement improvements recommended by WJE to improve the garage, maximize use, enhance the downtown streetscape and to provide funding for the helix ramp replacement project.

The proposed amendatory agreement will provide for design of these additional improvements and will extend resident project representation services through November 2008. The cost of the agreement, is funded from New York State Dormitory Authority funds, which were appropriated through Ordinance No. 2006-209 and included in the Cash Capital allocation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-282
(Int. No. 309)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Garage Rehabilitation Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$780,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for engineering, design and resident project representation services for the South Avenue Garage Rehabilitation Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project

for which the services are provided. Said amount shall be funded from the 2005-06 Cash Capital allocation.

Section 2. The sum of \$8,000,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the New York State Empire Development Corporation to fund the South Avenue Garage Rehabilitation Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-283
Re: Crossroads Garage HVAC System
Optimization Project

Transmitted herewith for your approval is legislation establishing \$55,000 as maximum compensation for an agreement with FRA Engineering, 530 Summit Point Drive, Henrietta, NY, to perform engineering, commissioning, and construction administration services related to the Crossroads Garage HVAC system. The cost of the agreement will be financed from the Cash Capital allocations of the 2003-04 (\$28,000) and 2004-05 (\$27,000) Budgets.

The Crossroads Garage was built in 1966. A Comprehensive Rehabilitation and Maintenance Plan Report was prepared by Bergmann Associates in 2002, and an HVAC/Heating System Study was performed by Q-Tech Engineering, P.C. in October 2005. This project will include upgrades and repairs to the heating and ventilation system to optimize system efficiency. The preliminary estimate for the cost of construction of the project is \$287,000, which was planned for in the 2004-05 Capital Improvement Program.

Commissioning services are now required for all agreements for architectural and engineering design for mechanical systems. This requirement supports the City's efforts to reduce resource consumption and environmental impacts. Commissioning services provide assurance that the mechanical systems have been installed according to the contract documents, and have been field verified to operate within the performance guidelines set out in the design.

Qualifications and proposals were solicited from eleven area firms. Responses were received from Clark Patterson Associates, FRA Engineering, IBC Engineering, P.C., LaBella Associates, P.C., and Q-Tech Engineering, P.C. Based on staff ratings, FRA Engineering was selected.

The design is scheduled to begin this summer and to be completed this fall. Construction is anticipated to begin in late 2007 and to be completed in spring 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-283
(Int. No. 310)

Establishing Maximum Compensation For A Professional Services Agreement For The Crossroads Garage HVAC System Optimization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering for engineering, commissioning and construction administration services for the Crossroads Garage HVAC System Optimization Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$28,000 shall be funded from the 2003-04 Cash Capital allocation and \$27,000 shall be funded from the 2004-05 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-18
Re: Appointment - Rochester Economic Development Corporation

Transmitted herewith for your approval is legislation confirming the appointment of Sergio Esteban, P.E., as a member of the Rochester Economic Development Corporation (REDCO).

Mr. Esteban is a resident of Fairport, NY and is President and CEO of LaBella Associates, P.C. His appointment will fill a vacancy created by the resignation of Joseph O'Heaney, who resigned earlier this year after many years of service to REDCO. Mr. Esteban's term will extend to June 30, 2009.

A copy of Mr. Esteban's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-95

Ordinance No. 2007-18
(Int. No. 311, As Amended)

Resolution Approving An Appointment To The Rochester Economic Development Corporation And Amending Debt Limit Resolution No. 2007-15

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Sergio Esteban, President and CEO of LaBella Associates, P.C., to the Rochester Economic Development Corporation (REDCO) for a term which shall expire on June 30, 2009.

Section 2. Resolution No. 2007-15, the 2007-08 Debt Limit for General Municipal Purposes, is hereby amended by including in the unused authorizations from the debt limits of prior years which shall continue to be available, the 2003-04 authorization for security improvements at City facilities.

Section 3. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-284
Re: Downtown Enhancement District - Lighting on Main Street

Transmitted herewith for your approval is legislation amending the 2006-07 Budget by transferring \$150,000 from the Contingency Account to the Cash Capital Account. The increase to the Cash Capital Account will be used to partially fund enhanced lighting for Main Street.

Total cost of the project will be \$300,000 and will be shared equally by the City and the Downtown Enhancement District. The Street Lighting Project will increase the level of lighting on Main Street between Plymouth Avenue and Chestnut Street through the replacement of fixtures and lamps on the existing Main Street light poles.

The Enhancement District funding will come from the Downtown Enhancement District fund balance; this cost has been approved by the Downtown Enhancement District Advisory Board.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-284
(Int. No. 312)

Amending The 2006-07 Budget For Enhanced Street Lighting On Main Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$150,000 from the Contingency Account to the Cash Capital Allocation to fund enhanced street lighting on Main Street.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-285
Re: Real Estate Transaction - Spex, LLC

Transmitted herewith for your approval is legislation authorizing a three-year option to Spex, LLC, Excel Drive, to purchase property at the 14621 Industrial Park. The sale price of \$20,000 was established through an independent appraisal of the property performed by Bruckner, Tillett, Rossi, Cahill & Associates dated August 3, 2006.

The parcel, 45 Excel Drive, is .947 acres. Sale of this parcel will leave a total of 3.48 acres of the Industrial Park for future development.

Spex, LLC is a real estate holding company estab-

lished by Precision Machine Technologies, LLC, a manufacturer and supplier of precision machine components serving customers in the U.S. and abroad. In 2003, Spex, LLC constructed a 15,000 square foot building at 85 Excel Drive. In 2006, they purchased the adjoining parcel at 65 Excel Drive to build a 13,000 square-foot addition onto their existing facility. Providing the company a three-year option to purchase 45 Excel Drive offers this growing company the option for a third expansion to add an additional 10,000 square feet of space to their existing facility. The City will also indemnify Spex for the costs of any necessary environmental remediation.

Pursuant to the requirements of Article 18 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed real estate transaction will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted
Robert J. Duffy
Mayor

Ordinance No. 2007-285
(Int. No. 313)

Approval Of An Option For The Sale Of Land In The 14621 Industrial Park To Spex, LLC

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby further approves a purchase option agreement with Spex LLC for 45 Excel Drive (Lot R-1C) in the 14621 Industrial Park of the Norton Street Urban Renewal Project, whereby Spex, LLC, may purchase said parcel for the sum of \$20,000 within three years. The cost of the option shall be \$1.00.

Section 2. The Council further authorizes environmental indemnification whereby the City will indemnify Spex, LLC, for the costs of any required environmental remediation of said parcel.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-286
Re: Agreement - Operation of the
Centers at High Falls

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Sally Wood Winslow, Crosman Terrace, Rochester, for continued operation of the High Falls Centers, including: museum, interpretive center, gallery and gift shop. She has provided these services independently, through a professional services agreement, since March 14, 2007 when the City's contract with Cordish for management at High Falls ended. Prior to that, since February 2004, she operated the centers as a sub-contractor for the Cordish Corporation.

This amendment will increase the maximum compensation for Ms. Wood Winslow by \$41,600, for a total of \$51,600 for the period ending June 30, 2008. The amendment will be funded from the 2007-08 Budget of the Department of Recreation and Youth Services. The \$800 weekly fee is commensurate with the rate she was previously paid by Cordish.

Also, as was the case with the Cordish contract, Ms. Wood Winslow will pay the City 15% of gross sales monthly for lease of the space. Based on recent performance, this is anticipated to be approximately \$200 per month.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-286
(Int. No. 314)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$41,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Sally Wood Winslow for the operation of the museum, interpretive center, gallery and gift shop at High Falls for a term of one year. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services. Ms. Winslow shall pay to the City a monthly fee of 15% of the gross sales from the previous month for the gift shop.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-287
Re: Amendatory Agreement - Up
All Night, Party in the Park
Concert Series

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Up All Night (principal: Gerard Fisher), 111 East Avenue, for additional services related to the 2007 "Party in the Park" concert series. The original agreement, authorized by Council in December 2006, was for \$65,000; this amendment will increase the total maximum compensation by \$35,000 to \$100,000. The additional funds are available from the Rochester Events Network Trust Fund, through a donation from AT&T, a corporate sponsor of the series.

The concert series is scheduled for ten consecutive Thursday evenings at the High Falls Festival Site beginning June 7 and ending August 9. For each of these concerts, Up All Night provides artists for all opening and national headline acts, a production manager, and hospitality for the artists.

The additional funds will be used to secure more well-known national talent for the concert series.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-287
(Int. No. 315)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
The "Party In The Park" Concerts**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The sum of \$35,000, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an amendatory professional
services agreement between the City and UpAll Night
for talent booking services for the "Party in the Park"
concert series. Said amount is hereby appropriated
from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect imme-
diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-288
Re: Agreement - Ribbin' on the River
Rib Competition and Festival

Transmitted herewith for your approval is legislation
establishing \$50,000 as maximum compensation for
an agreement with SMG/Blue Cross Arena, One War
Memorial Square, Rochester, NY 14614 for coordi-
nation and management of the Ribbin' on the River
Rib Competition and Festival. Funds for this agree-
ment are available in the 2007-08 Budget of the De-
partment of Recreation and Youth Services.

The festival will take place on Court Street and the
parking lot on the corner of Court Street and Exchange
Boulevard July 26 through July 29, 2007. Ribbers
from across the country have been invited to partici-
pate and demonstrate their various styles of barbeque.
There will also be two stages of live blues music. The
event is expected to draw as many as 10,000 attend-
ees.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-288
(Int. No. 316)

**Establishing Maximum Compensation For A
Professional Services Agreement For The Ribbin'
On The River Rib Festival**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for a professional services agree-
ment between the City and SMG for the Ribbin' On
The River Rib Festival. Said amount shall be funded
from the 2007-08 Budget of the Department of Rec-
reation and Youth Services.

Section 2. This ordinance shall take effect imme-

diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-289
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation
establishing maximum compensation for agreements
related to the Puerto Rican Festival. These agree-
ments will be with The Puerto Rican Festival, Inc.,
Rochester, for an amount not to exceed \$18,992, and
with Frontier Field, in an amount not to exceed \$6,008.
The cost of these agreements, a total of \$25,000, will
be financed from the Undistributed allocation of the
2007-08 Budget.

This year's festival will be held on August 3, 4, and
5, 2007 at Frontier Field's VIP Parking Lot.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-289
(Int. No. 320)

**Establishing Maximum Compensation For
Agreements For The Puerto Rican Festival**

BE IT ORDAINED, by the Council of the City of
Rochester as follows:

Section 1. The sum of \$18,992, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for a professional services agree-
ment between the City and the Puerto Rican Festival,
Inc. for the Puerto Rican Festival. Said amount shall
be funded from the 2007-08 Budget for Undistrib-
uted Expense.

Section 2. The sum of \$6,008, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an agreement between the
City and Frontier Field for the Puerto Rican Festival.
Said amount shall be funded from the 2007-08 Bud-
get for Undistributed Expense.

Section 3. This ordinance shall take effect imme-
diately.

Passed unanimously.

The meeting was adjourned at 8:50 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
AUGUST 21, 2007

Present - President Giess, Councilmembers
Conklin, Lightfoot, McFadden, Miller, Pritchard,
Santiago, Stevenson - 8.

Absent - Councilmember Warren - 1.

The Council President requested the Council to rise
for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

- *Karl Brandon
- *Gary Catrichini
- *Judith Farrell
- *Paul Kreutzer
- *Raymond B. Littlefield
- *Judith Tarrant-Milliman
- *Sandra S. Pinkney

Finance

- *Cecelia Cheryl Morrison
- Fire Department
- *Firefighter Khalid M. Adus-Salaam
 - *Firefighter Joseph J. Montesano

Police Department

- Commander Robert M. Wale
- James Connor

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of July 17, 2007 be approved as published in the official sheets of the proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

- Administrative Cancellation or Refund of Erroneous Taxes and Charges 3892-7
- Public Auction - August 27 and 28, 2007 3893-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing Amendatory 2003-04 HOME Program And 2004-05 Community Development Program Plans, Amending Ordinance No. 2005-254 And Authorizing An Agreement For The Residential Assistance Program Int. No. 331 No speakers.

Approving Changes In The Pavement Width Of Webster Avenue For The Thomas P. Ryan, Jr. Community Center Int. No. 332 No speakers

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Mid-Town Athletic Club As Planned Development District #8 - Mid-Town Athletic Club Int. No. 368 No speakers

Changing The Zoning Classification Of 200 East Highland Drive From C-2 Community Center, 44-178 Gould Street From R-1 Low Density Residential, And Portions Of 2085 East Avenue From R-3 High Den-

sity Residential, To PD#8 - Mid-Town Athletic Club Int. No. 369 No speakers

Amending The Official Map By Abandonment Of A Portion Of Gould Street And Authorizing Sale Of The Abandonment Area And Release Of Easement Int. No. 370 No speakers

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2007-290

Re: High Visibility Crime Suppression Camera System

Transmitted herewith for your approval is legislation establishing \$1,552,000 as maximum compensation for an agreement with an appropriate vendor for purchase, installation, and maintenance of a portable wireless camera system. This agreement will be funded from the following sources:

2005-06 Cash Capital	\$ 700,000
2006-07 Cash Capital	500,000*
2006-07 Cash Capital	252,000**
2007-08 Cash Capital	100,000
Total	\$1,552,000

* Includes New York State grants made possible through the efforts of Senator Joseph Robach (\$150,000) and Assemblywoman Susan John (\$250,000) as previously appropriated in Ordinance No. 2007-23.

** Includes funds from Buffer Zone Protection Plan (\$149,000) and State Urban Area Supplemental Program (\$103,000) grants previously appropriated in Ordinances No. 2007-59 and 2007-61, respectively.

The camera system will allow the Police Department and other designated public safety agencies to monitor visual information from a number of locations in the city in the event of a criminal or other public safety incident. Strategically placed surveillance cameras may also serve to deter criminal activity and will provide a valuable tool in gathering information.

An effective system should provide high quality images, allow selective viewing from multiple locations and allow cameras to be moved as crime patterns change. A request for proposals with these criteria was issued to twenty firms nationwide. Eight responses were received and reviewed. Two proposals have been selected for final consideration. Negotiations with these two vendors are in process; Council will be notified as soon as a firm is selected.

The agreement will include: purchase of system equipment, with the number of cameras (up to 75) to be negotiated; installation and maintenance of all hardware and software; and training of network administrators and end-users.

Final selection of sites for camera placement will incorporate input from City Councilmembers, city residents and business owners. Installation will be initiated as soon as a contract is finalized.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-290
(Int. No. 373)

Establishing Maximum Compensation For A Professional Services Agreement For The Installation Of Surveillance Cameras

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$1,552,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement for the installation of a high visibility portable wireless crime suppression camera system in the City. The Mayor shall inform the Council of the vendor chosen to provide the system. Of said amount, \$100,000 shall be funded from the 2007-08 Cash Capital allocation, \$752,000 shall be funded from the 2006-07 Cash Capital allocation and \$700,000 shall be funded from the 2005-06 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
August 21, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 325 - Authorizing The Sale Of Real Estate

Int. No. 326 - Accepting Donation Of Real Estate

Int. No. 327 - Amending Ordinance No. 2005-215 Relating To The Culture Builds Communities Project

Int. No. 328 - Authorizing An Amendatory Agreement For Predatory Lending Prevention Services

Int. No. 329 - Approving A Mini Grant Program

Int. No. 330 - Amending The Municipal Code With Respect To Permit Fees

Int. No. 367 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The South Wedge Housing Development Fund Company, Inc., As Amended

Int. No. 317 - Authorizing An Agreement For The Neighborhood Improvement Program

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 331 - Authorizing Amendatory 2003-04 HOME Program And 2004-05 Community Development Program Plans, Amending Ordinance No. 2005-254 And Authorizing An Agreement For The Residential Assistance Program

Int. No. 332 - Approving Changes In The Pavement Width Of Webster Avenue For The Thomas P.

Ryan, Jr. Community Center

Int. No. 368 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Mid-Town Athletic Club As Planned Development District #8 - Mid-Town Athletic Club

Int. No. 369 - Changing The Zoning Classification Of 200 East Highland Drive From C-2 Community Center, 44-178 Gould Street From R-1 Low Density Residential, And Portions Of 2085 East Avenue From R-3 High Density Residential, To PD#8 - Mid-Town Athletic Club

Int. No. 370 - Amending The Official Map By Abandonment Of A Portion Of Gould Street And Authorizing Sale Of The Abandonment Area And Release Of Easement

Int. No. 371 - Approving The Modification Of A Deed Restriction At 160 Gould Street

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
Lovely A. Warren
Lois J. Giess
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-291
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of four properties. Staff have audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a single family structure that was sold at the May 11, 2006 Public Auction. The purchaser will be required to complete the rehabilitation of the structure within nine months of closing.

The next property is a vacant lot that contains a garage. The property is being sold to the adjoining owner for its appraised value, and will be combined with the adjoining owner's existing property.

The last two properties are being sold to the RHDFC for their appraised values. The properties will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester, New York Statistical Area.

All City taxes and other charges, except water charges, against properties being sold by the City, will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AG-96

Ordinance No. 2007-291
(Int. No. 325)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel of improved property by regular auction:

Address: 308 Weaver St
S.B.L.#: 091.72-2-57
Lot size: 34x100
Legal use: 1 Family
Price: \$9,000
Purchaser: Ruben Pimentel

Section 2. The Council hereby further approves the negotiated sale of the following parcel of vacant land with garage:

Address: 114 Penrose St
S.B.L.#: 060.44-3-42
Lot size: 40x100
Price: \$5,000
Purchaser: Roger S. Williams, Jr.

Section 3. The Council hereby further approves the negotiated sale of the following parcels of improved property:

Address S.B.L.#	Lot Size Purchaser	Legal Use	Price
86 Holworthy St 105.71-1-19	80x120 Rochester Housing Development Fund Corporation*	1 Family	\$15,000
35 Penhurst St 120.89-2-37	40x120 Rochester Housing Development Fund Corporation*	1 Family	9,000

*Officers: Jean A. Lowe, President; R. Scott Schmid, Vice President

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-292
Re: Real Estate Donation -
555 Clifford Avenue

Transmitted herewith for your approval is legislation accepting the donation of title to property at 555 Clifford Avenue. It is being donated by the owner,

Baden Street Settlement of Rochester. The property consists of a vacant two-family dwelling in deteriorated condition. Following acquisition, the City will demolish the structure at an estimated cost of \$14,000. The remaining vacant lot will be combined with the adjoining City owned lot at 545 Clifford Avenue to create a .42 acre site for future development.

Baden Street Settlement is currently constructing an expansion of their facility at 581 Joseph Avenue. Their construction project includes development of a parking lot, which necessitated acquisition of additional land. Baden Street Settlement will develop a parking lot on the adjoining vacant land at 563 Clifford Avenue, which they are purchasing from the City for \$50, as authorized by Ordinance No. 2007-1.

At the time that City Council approved the sale of the land, Baden Street intended to renovate 555 Clifford Avenue as administrative office space. Baden Street Settlement has evaluated their available capital and determined that they are not in a position to complete the renovations of 555 Clifford Avenue. Furthermore, their expansion plans do not require the use of this property.

In acceptance of this donation, City taxes in the amount of \$454.34 for the tax year 2008 will be canceled. The property is to be conveyed with no other outstanding liens or encumbrances. City taxes and other current year charges shall be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-97

Ordinance No. 2007-292
(Int. No. 326)

Accepting Donation Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of 555 Clifford Avenue, SBL #106.31-4-25.1, from the current owner, Baden Street Settlement of Rochester, Inc.

Section 2. City taxes in the amount of \$454.34 for the 2007-08 tax year shall be canceled. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. Said parcel shall be accepted free and clear of any other outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-293
Re: Culture Builds Communities - North
Winton Village Library Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2005-215 to reduce by

\$8,500 the amount originally appropriated from the 2005-06 Community Development Block Grant (Improving the Housing Stock and General Property Conditions allocation) for the Culture Builds Communities program. These funds were appropriated to fund an agreement with the Arts and Cultural Council for Greater Rochester to administer the Culture Builds Communities program.

A CBC project, involving the installation of a sculpture at the Winton Road Library was subsequently found, for technical reasons, to be ineligible for CDBG funds. This project will instead be funded from 2007-08 Cash Capital allocation of the Department of Community Development.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-293
(Int. No. 327)

Amending Ordinance No. 2005-215 Relating To The Culture Builds Communities Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2005-215, relating to the Culture Builds Communities Project, is hereby amended by reducing the amount appropriated in Section 2 therein from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program by the sum of \$8,500, which amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-294
Re: Amendatory Agreement - Empire Justice Center - Predatory Lending Prevention Legal Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Empire Justice Center for additional services related to predatory lending prevention. The original agreement, authorized in October 2006, established maximum compensation at \$40,000. This amendment will increase this amount by \$10,000 for a total of \$50,000. The additional amount will be funded from the Fair Housing Activities accounts of the Improving the Housing Stock and General Property Conditions allocations of the 2004-05 (\$1,714), and the 2005-06 (\$8,286) Consolidated Community Development Plans.

Additional funds are requested in response to an anticipated increase in client load due to the New York State Attorney General's settlement with Ameriquest, a mortgage lender. Many of their loans were adjustable rate mortgages to borrowers on fixed incomes and were unaffordable when interest rates adjusted. Ameriquest also issued loans for which sources and amounts of incomes were fabricated in order to qualify borrowers for initial teaser rates.

Empire Justice anticipates receiving up to a hundred

calls in response to a media campaign undertaken in early July and will work directly with clients to determine whether they should opt in or out of Ameriquest's proposed settlements. It is anticipated that up to 40 clients will be interviewed and that approximately 20 will be advised to opt out of the offered settlements. Furthermore, Empire Justice may succeed in restructuring a client's loan to achieve affordable monthly payments. To date, 35 calls have been received; ten from City residents.

A similar agreement was authorized with Empire Justice Center in 2003 in response to the Attorney General's settlement with Household Finance Corporation and Beneficial Finance Corporation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-294
(Int. No. 328)

Authorizing An Amendatory Agreement For Predatory Lending Prevention Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Empire Justice Center for legal assistance for predatory lending prevention.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$10,000, and of said amount, or so much thereof as may be necessary, \$1,714 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program and \$8,286 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program.

Section 3. The amendatory agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following votes:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-295
Re: Community Development Block Grant - Mini-Grant Program - Sector 2

Transmitted herewith for your approval is legislation authorizing an agreement with the Finger Lakes Restorative Justice Center, office at 111 Hillside Avenue, Rochester, to provide services funded by the Mini-grant Program; and appropriating \$2,500 for the grant from the 2004-05 Community Development Block Grant. The Neighborhood Improvement Program provides a grant of up to \$2,500 for each sector plan-

ning committee to undertake housing and community development activities.

The project being recommended for Sector 2 is restorative justice facilitation in the Maplewood neighborhood, which has in recent years experienced a demographic transition. These changes have created some instability in the neighborhood that has resulted in increased police calls and neighborhood transiency.

Finger Lakes Restorative Justice Center offers a program to address conflict resolution among neighbors with different lifestyles. The program examines the offending behaviors and perspectives of affected parties, and seeks mutual resolutions based upon understanding and appreciation of each others' point of view.

The Center will work initially with affected community members and community officials to support participants in addressing their differences. The facilitators will work separately with affected parties, and if deemed suitable, will convene a Community Circle to address the issue and develop an agreement. Follow-up facilitation surrounding any breaches of the agreement will be available as needed through the one-year term of the contract. They will also explore next steps with the community, such as training facilitators, addressing other community problems, and designing a process for handling future problems using restorative justice practices.

The grant money will be used as follows:

Pre-conferencing interviews	\$ 780
Facilitation and mediation	520
Community Circle	910
Evaluation and recommendations	<u>290</u>
Total	\$2,500

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-98

Ordinance No. 2007-295
(Int. No. 329)

Approving A Mini Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Other Programs allocation of the 2004-05 Community Development Program the sum of \$2,500, or so much thereof as may be necessary, to fund the Restorative Justice Facilitation in Maplewood Project of the Sector 2 Planning Committee.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Finger Lakes Restorative Justice Center for the Restorative Justice Facilitation in Maplewood Project.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-296
Re: Amending the Municipal Code -
Electrical and Plumbing Permit Fees

Transmitted herewith for your approval is legislation amending Chapter 39, section 221F and Chapter 40, section 19B (9) to revise electrical permit fees and plumbing fees, respectively. The current schedule for electrical fees was implemented in 2002 when the City implemented the Electrical Inspection Program in the Bureau of Buildings and Zoning.

In response to comments from electricians, especially in relation to smaller jobs, a study of the electrical fee structure was conducted in July 2007. Minor adjustments to the fee schedule and work categories are being recommended to more appropriately address work performed and inspection requirements. Fee categories have been revised to more accurately reflect the scope of work most commonly done.

In addition, a permit fee for sewer clean-out is being eliminated since an inspection for this type of work is not required.

The proposed fee changes impact approximately 1% of the total number of electrical and plumbing permits. A summary of the proposed amendments is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-99

Ordinance No. 2007-296
(Int. No. 330)

Amending The Municipal Code With Respect To Permit Fees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended by amending subsection F by adding thereto fees for the following new activities to read in their entirety as follows:

<u>Purpose</u>	<u>Fee</u>
Exterior lighting	\$70
Pole lights	\$70 + \$10 per pole

Section 2. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended by amending subsection F by repealing the Purposes and corresponding fees for "Service restoration" and "Service upgrade" and by adding thereto fees for the following new activities to read in their entirety as follows:

<u>Purpose</u>	<u>Fee</u>
Safety inspection (5 meters or fewer)	\$70
Safety inspection (More than 5 meters)	\$70 + \$10 per meter over 5

Section 3. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended by amending subsection F by amending the fees for the following activities to read in their entirety as follows:

<u>Purpose</u>	<u>Fee</u>
New service installation or upgrade less than or equal to 200 amps each	\$70 + \$35 per each meter
New service installation or upgrade greater than 200 amps each	\$110 + \$35 per each meter

Section 4. Section 39-221 of the Municipal Code, Fees for permits, as amended, is hereby further amended by amending subsection F by amending the fees for the Commercial New Construction and Alterations/Renovations to read in their entirety as follows:

<u>Purpose</u>	<u>Fee</u>
Commercial New Construction or Alteration/Renovation	
Less than or equal to 1,500 square feet	\$125
1,501-5,000 square feet	\$250
Greater than 5,000 square feet	\$250 + \$0.05 per square foot

(All above-listed fees do not include service installation.)

Section 5. Section 40-19 of the Municipal Code, Fees for plumbing permits, as amended, is hereby further amended by repealing subsection B(9).

Section 6. This ordinance shall take effect on September 1, 2007.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-297
Re: PILOT Agreement - South Wedge HDFC

Transmitted herewith for your approval is legislation authorizing an exemption from property taxes and an agreement for payments in-lieu-of taxes (PILOT) with the South Wedge Housing Development Fund Company, Inc. for property at 111-113 Hamilton Street.

The South Wedge Planning Committee (SWPC) received funding from New York State in October 2006 for \$256,522 to acquire and rehabilitate the two-family residence as affordable rental housing. The Mayor provided a letter of support for the project in February 2006 which called for obtaining City Council approval for a PILOT. SWPC acquired the property from the City in April 2007 and is in the process of transferring ownership to the South Wedge HDFC. The project, currently under construction, is expected to be completed by September 2007.

Under the proposed in-lieu-of-tax agreement, South Wedge Housing Development Fund Corporation, Inc.

will be provided a 20-year property tax exemption in consideration for an annual in-lieu-of-tax payment equal to 10% of the project shelter rents (gross rents less utility costs and vacancy).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-297
(Int. No. 367, As Amended)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For The South Wedge Housing Development Fund Company, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 20 years, the parcel at 111-113 Hamilton Street, S.B.L. #121.55-2-22, provided it is owned by the South Wedge Housing Development Fund Company, Inc., and is used for affordable rental housing. The Council authorizes the modification of a restriction on transfer to a tax-exempt organization for a period of five years contained in the deed of the property to South Wedge Planning Committee, recorded in Liber 10455 of Deeds, Page 415, to authorize the conveyance of the property to South Wedge Housing Development Fund Company, Inc.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of twenty years with the South Wedge Housing Development Fund Company, Inc. whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs and vacancy.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

The transmittal letter and legislation for Int. No. 317 first appear on page 238 of the current Council Proceedings.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-298
Re: Community Development Block Grant/Neighborhood Improvement Program

Transmitted herewith for your approval is legislation authorizing an agreement with Southwest Area Neighborhood Association (SWAN) in Sector 4 as part of the Neighborhood Improvement Program and appropriating \$5,000 from the 2005-06 Community Development Block Grant (Other Programs). The Neighborhood Improvement Program provides for grants

of up to \$20,000 for sector planning committees to undertake housing and community development activities.

The sector project being recommended is:

Cultural Literacy Program	\$5,000
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Sector 4, through a collaboration of sector groups led by SWAN, will implement a Cultural Literacy Program which will be located at the home of the late James and Bessie Hamm, 301 Adams St. During their lifetime in Rochester, the Hamm's were instrumental in establishing programs and scholarships that aided countless city high school students in their quest for college.

The Literacy Program will launch itself with a two-strategy participatory program, directed at both youth and adults using historical recognition of the Hamm's legacy to the African-American community in Rochester and a "Sites Of Recollection On A Day of Remembrance" which will focus on education and formal recognition of Frederick Douglass and "United States Colored Troops" buried at Mt. Hope Cemetery.

The Project Budget is as follows:

Stipends - Coordinator and re-enactor	\$1,700
Transportation	650
Supplies	1,950
Copy/printing	700
Total	\$5,000

Respectfully submitted,
Robert J. Duffy

Attachment No. AG-100

Ordinance No. 2007-298
(Int. No. 317)

Authorizing An Agreement For The Neighborhood Improvement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Southwest Area Neighborhood Association for a Cultural Literacy Program as a part of the Neighborhood Improvement Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Other Programs allocation of the 2005-06 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-299
Re: Residential Assistance Program - North Marketview Heights Neighborhood

Transmitted herewith for your approval is legislation that will provide funds to support Residential Assistance Program (RAP) services in North Marketview Heights. In essence, in order to fund RAP from CDBG, as necessary, equal adjustments in HOME and CDBG accounts are being made. Specifically, this legislation will:

1. Amend Ordinance No. 2005-254 by decreasing the amount appropriated from the 2003-04 HOME Program Rehab Rochester account by \$130,000, and amending the 2003-04 HOME Program by moving these funds to the Rental Housing Fund account.
2. Amend the 2004-05 Consolidated Plan "Improving the Housing Stock and General Property Conditions" allocation of the Community Development Block Grant by decreasing the Rental Housing account by \$130,000 (unappropriated), and increasing the Residential Assistance Program (RAP) account by \$130,000.
3. Establish \$130,000 as maximum compensation for an agreement with the Marketview Heights Association to administer the RAP program in the North Marketview Heights service area through June 30, 2008; and appropriate \$130,000 from the 2004-05 Consolidated Plan "Improving the Housing Stock and General Property Conditions" allocation of the CDBG for RAP to fund this agreement.

RAP services for North Marketview Heights were not included in the agreements authorized in June 2007. To reinstate services, a Request for Proposal was issued with these criteria: an established track record in providing RAP services; sound program and customer service management; technical expertise in construction; financial accountability; capacity to leverage supplemental resources; and the ability to provide RAP services in the North Marketview Heights neighborhood. The RFP was issued to all city neighborhood organizations; responses were received from: Coalition of North East Associations, Marketview Heights Association, and North East Area Development.

RAP, administered throughout the city by neighborhood agencies, provides grants of up to \$3,500 (\$4,500 if lead paint problems are present) to low-income homeowner-occupants to use for emergency repairs, materials for exterior repairs, or home security. An additional \$3,500 may be available when damaging roof leaks require a complete tear-off. Only one RAP grant may be received in any four-year period.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-299
(Int. No. 331)

Authorizing Amendatory 2003-04 HOME Program And 2004-05 Community Development Program Plans, Amending Ordinance No. 2005-254 And Authorizing An Agreement For The Residential Assistance Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2003-04 HOME Program Plan whereby the sum of \$130,000 shall be transferred from the Rehab Rochester Account to the Rental Housing Account.

Section 2. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$130,000 shall be transferred from the Rental Housing Account to the Residential Assistance Program Account.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Marketview Heights Association for the administration of the Residential Assistance Program in the North Marketview Heights neighborhood.

Section 4. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$130,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2005-254, relating to the Rehab Rochester Program, is hereby amended by reducing the amount appropriated in Section 1 therein from 2003-04 HOME Program funds by the sum of \$130,000.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-300
Re: Thomas P. Ryan, Jr. Community Center - Webster Avenue Recessed Parking

Transmitted herewith for your approval is legislation related to the Thomas P. Ryan, Jr. Community Center. This legislation will authorize geometric changes on Webster Avenue as follows:

1. A taper from the existing width of 36' to 45', beginning at a point 479 feet southwest of Bay Street, southwesterly for a distance of 20.0';
2. An increase in width of 9', from the existing 36' to 45', beginning at the latter point, southwesterly for a distance of 267'; and
3. A taper from the proposed width of 45' to the existing 36', beginning at the latter point southwesterly for a distance of 20.0'.

Design of the project by Stantec was authorized by Council in March 2006. The project includes construction of the Thomas P. Ryan, Jr. Community Center and Library, renovations and addition to School 33, site amenities, and parking on Webster Avenue.

The pavement width changes on Webster Avenue will allow the construction of 11 parking spaces, includ-

ing one handicap parking space, for School 33 student drop-off and City, Recreation Center/Library parking.

Public informational meetings were held on November 14, 2005, December 12, 2005, and October 5, 2006; the minutes of these meetings are on file with the City Clerk. The changes in pavement width were endorsed by the Traffic Control Board on June 5, 2007.

A public hearing on the changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-101

Ordinance No. 2007-300
(Int. No. 332)

Approving Changes In The Pavement Width Of Webster Avenue For The Thomas P. Ryan, Jr. Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of Webster Avenue for the installation of a recessed parking area for the Thomas P. Ryan, Jr. Community Center:

- a. A taper from the existing width of 36 feet to 45 feet, beginning at a point 479 feet southwest of Bay Street, southwesterly for a distance of 20.0 feet; and
- b. An increase in width of 9 feet, from the existing 36 feet to 45 feet, beginning at the latter point, southwesterly for a distance of 267 feet; and
- c. A taper from the proposed width of 45 feet to the existing 36 feet, beginning at the latter point southwesterly for a distance of 20.0 feet.

Section 2. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-301,
Ordinance No. 2007-302 and
Ordinance No. 2007-303
Re: Zoning Map Amendment, Official Map Amendment, Zoning Text Amendment, Sale of Real Estate, Easement - Mid-Town Athletic Club

Transmitted herewith for your approval is legislation related to the proposed expansion of the Mid-Town Athletic facility at 200 E. Highland Avenue onto residentially zoned properties at 44-168 Gould Street. This legislation will:

1. Designate the development as a Planned Development District, and authorize Zoning Map,

Zoning Text Amendments, and Official Map amendments to reflect the resultant changes;

2. Approve the sale of easements to Mid-Town Athletic Club, LLC for \$375; and
3. Approve the sale of portions of the former Gould Street right-of-way to Mid-town Athletic Club, LLC for \$80,000.

The project includes: demolition of ten existing residential structures at 68-138 Gould Street; and construction of nine outdoor tennis courts, viewing platforms, a 12,350 square foot natatorium addition, and a 25,575 square foot patio/deck with two outdoor pools on the east side of the facility. The project requires the abandonment of a portion of Gould Street, sale of portions of the former Gould Street right-of-way, the release of an easement and zoning map and text amendments.

The Mid-Town property is currently zoned C-2 Community Commercial. Indoor health clubs are permitted in the C-2 district; however, the existing 133,290 square foot facility exceeds the permitted 6,000 square foot floor area limitation for commercial uses in the C-2 district. Under the C-2 zoning, the existing facility is nonconforming due to its size and would require a number of variances for this expansion. The portions of Gould Street which are zoned R-1 must be rezoned in order to accommodate the expansion of this commercial facility.

The health club has outgrown the existing C-2 district and also proposes outdoor activities which are not permitted under C-2 zoning regulations. A Planned Development District designation is recommended to facilitate the development of the property as a health club as well as the potential redevelopment of the property were the health club operation to discontinue.

The Zoning Map will be amended by rezoning properties at E. Highland Avenue, Gould Street and minor portions of 2085 East Avenue, which will be incorporated into the site. Currently zoned C-2 Community Center District, R-1 Low Medium Residential, and R-3 High Density Residential, they will be changed to PD#8 Mid-Town Athletic Club.

A Zoning Text amendment is required to add the development concept plan for the proposed PD#8 to the Zoning Code. Permitted uses include those permitted and specially permitted in the C-2 district, as well as light assembly, warehousing, and research laboratories uses which are first permitted in the M-1 district. The PD would also allow certain special permit uses, which would require City Planning Commission approval, including technical schools, new car sales, animal hospitals, and community garages.

The project includes the proposed abandonment of Gould Street extending between 178 Gould Street and the northernmost end, approximately 698 feet. The abandonment was referred to the necessary agencies for comment. Existing utilities within the right-of-way are proposed to be relocated to a proposed easement area along the east side on the site. A cul-de-sac will be constructed at the southern end to serve as a turnaround. A number of conditions relating to the provision of easements, utility relocation and new construction have been recommended by the City Engineer.

The City of Rochester owns the Fee Title to six areas

of the Gould Street right-of-way containing a total of 20,091 sq. ft. An appraisal was conducted by an independent appraiser, Robert G. Pogel, SRPA. The market value was determined to be \$80,000. These areas of the right-of-way will be sold to Mid-Town Athletic Club, LLC in conjunction with the abandonment of Gould Street.

There is an existing 10 foot by 170 foot easement area along the west side of Gould Street which is recommended to be released. The subject Bartholemew lines were established in 1944 for street widening and other municipal purposes. This area has been appraised for \$375 and will be sold to Mid-Town Athletic Club, LLC in conjunction with the proposed abandonment of Gould Street.

The Planning Commission held informational meetings on June 18, 2007 and on July 16, 2007. At these meetings, two people spoke in support of the request, and one person spoke in opposition. On July 16, 2007, by a vote of 6-0-0, the Commission recommended approval of the map amendment and recommended conditional approval of the abandonment and the text amendment.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Director of Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-102

Ordinance No. 2007-301
(Int. No. 368)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Mid-Town Athletic Club As Planned Development District #8 - Mid-Town Athletic Club

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding the Development Concept Plan for the Mid-Town Athletic Club to read in its entirety as follows and by designating the Mid-Town Athletic Club as Planned Development District #8 - Mid-Town Athletic Club:

**Planned Development District # 8
Mid-Town Athletic Club**

§1 Purpose.

In or about 1960, the bulk of the property subject to this Planned Development District began to be used for a private, recreational tennis club. Over the last fifty years the recreational uses have been expanded to include not only tennis but other athletic purposes as well. In an ever continuing effort to meet the needs and desires of its club members, the Athletic Club now seeks to further expand its athletic and recreational facilities and services, as well as allow for

future flexibility of adaptive reuse of said facilities. This Planned Development District #8 is intended to recognize and provide a defined area for diverse mixed-use development closely associated with the Mid-Town Athletic Club or successor uses. Such uses may include housing, retail, commercial, educational and other complementary uses. This Planned Development District will incorporate appropriate design elements, amenities or treatments that create, enhance and reinforce the design relationships between Mid-Town Athletic Club and the other buildings and uses in order to establish an ambience that is uniquely urban and pedestrian oriented. It is the goal of this Planned Development District #8 that the entirety of the subject property may be utilized for athletic and recreational facilities and purposes, while at the same time limiting the future adaptive uses as described herein to those that may be conducted within the existing structures or any expansion thereof.

§2 Uses and Structures.

A. The following uses are allowed as Permitted Uses within Planned Development District #8, provided that such principal uses are made within the interior of the existing building.

- (1) Single-family attached dwellings.
- (2) Multi-family dwellings.
- (3) Bed and breakfast establishments, subject to the Additional Requirements for Specified Uses in Zoning Code § 120-132.
- (4) Day care centers, subject to the Additional Requirements for Specified Uses in Zoning Code § 120-135.
- (5) Retail sales and service when conducted entirely within an enclosed building or outdoors directly adjacent to said building.
- (6) Health clubs and similar facilities, including accessory, air supported dome structures (defined as a "structural or mechanical system which is constructed of high strength fabric or film and achieves its shape, stability and support by pretensioning with internal air pressure."
- (7) Theaters.
- (8) Office.
- (9) Bar, cocktail lounge and tavern including accessory outdoor seating/assembly areas provided the regular operating hours of such outdoor areas are between the hours of 6:00 a.m. to 11:00 p.m.
- (10) Restaurants and banquet facilities including accessory outdoor seating/assembly areas provided the regular operating hours of such outdoor areas are between the hours of 6:00 a.m. to 11:00 p.m.
- (11) Mixed-uses, as listed in this Section.
- (12) Dwelling units when part of a mixed use development but only on the second story or above.

- (13) Light assembly uses, high tech or light industrial uses when conducted within an existing, enclosed structure.
- (14) Storage and warehousing, including mini-storage or mini-warehousing, when conducted within an existing, enclosed structure.
- (15) Amusement centers and live entertainment provided therein, provide such use(s) may only be made between the hours of 6:00 a.m. and 2:00 a.m.
- (16) Accessory parking lots.
- (17) Motels and Hotels.
- (18) Private Clubs.
- (19) Entertainment not including sexually oriented uses, subject to the Additional Requirements for Specified Uses in Zoning Code §120-137.
- (20) Drive-thru facilities as accessory to permitted uses or special permit.
- (21) Research laboratories including testing facilities.

Notwithstanding anything contained herein to the contrary, the permitted uses listed at paragraph 6 above may be made anywhere within the District and shall not be limited to the interior of the existing building.

B. The following uses are allowed as Special Permit Uses within Planned Development District #8.

- (1) Animal hospitals when conducted entirely within an enclosed building.
- (2) Technical and vocational schools.
- (3) Community garages and parking lots.
- (4) Public utilities, subject to the Additional Requirements for Specified Uses in Zoning Code §120-144.
- (5) New car sales and service.
- (6) Operation of permitted uses in paragraphs 9 and 10 above between the hours of 11:00 p.m. and 2:00 a.m.
- (7) Operation of permitted uses in paragraph 15 above between the hours of 2:00 a.m. and 6:00 a.m.

§3 Lot, Area and Yard Requirements.

The following lot, area and yard requirements shall apply to the Planned Development District #8.

A. Lot Frontage Requirements

- (1) Residential Uses
 - (a) Minimum Lot Frontage - Attached-two (2) units - thirty (30) feet per unit

- (b) Minimum Lot Frontage - Attached - three (3) or more units - N/A
- (c) Minimum Lot Frontage - Multi-Family - N/A
- (2) Non-Residential Uses
 - (a) Minimum Lot Frontage - N/A
- B. Lot Area Requirements
 - (1) Residential Uses
 - (a) Single-family Attached
 - [1] Minimum Lot Area - Attached - two (2) unit - two thousand six hundred (2,600) square feet
 - [2] Minimum Lot Area - Attached - three (3) or more units - N/A
 - [3] Maximum Building Coverage - seventy (70) percent
 - (b) Multi-Family
 - [1] Minimum Lot Area - one thousand (1,000) square feet per unit for one (1) or two (2) bedrooms
 - [2] Minimum Lot Area - one thousand eight hundred (1,800) square feet per unit for three (3) or more bedrooms
 - [3] Maximum Building Coverage - seventy (70) percent
 - (2) Non-Residential Uses
 - (a) Minimum Lot Area - N/A
 - (b) Maximum Building Coverage - seventy (70) percent
- C. Yard Requirements.
 - (1) Residential Uses
 - (a) Front Yards
 - [1] Minimum Front Yard Setback - Principal Use or Structure - N/A
 - [2] Minimum Front Yard Setback - Attached Garages - N/A
 - (b) Side Yards
 - [1] Single-family Attached
 - [a] Minimum Side Yard Setback - Principal Use or Structure - N/A
 - [b] Minimum Side Yard Setback - Detached Accessory Use or Structure - N/A
 - [2] Multi-family Dwelling
 - [a] Minimum Side Yard Set-

back - Principal Use or Structure - N/A

[b] Minimum Side Yard Setback - Detached Accessory Use or Structure - N/A

(c) Rear Yard

[1] Minimum Rear Yard Setback - Principal Use or Structure - N/A

[2] Minimum Rear Yard Setback - Detached Accessory Use or Structure - N/A

(2) Non-Residential Uses

(a) Maximum Front Yard Setback - N/A

(b) Side Yards

[1] Minimum Side Yard Setback - Principal Use or Structure - N/A

[2] Minimum Side Yard Setback - Detached Accessory Use or Structure - N/A

(c) Rear Yard

Minimum Rear Yard Setback - Principal Use or Structure - N/A

§4 Bulk Requirements.

The following requirements shall apply to buildings constructed in the District.

A. Building Heights - Residential and Non-Residential Uses

(1) Maximum Building Height - Principal Use or Structure - not to exceed Sixty (60) feet.

(2) Maximum Building Height - Detached Accessory Use or Structure - not to exceed thirty (30) feet, with the exception of accessory air supported dome structures as defined herein.

B. Square Footage

(1) Residential Uses

(a) Maximum Square Footage - Principal Use or Structure - N/A

(b) Maximum Square Footage - Detached Accessory Use or Structure - N/A

(2) Non-Residential Uses

(a) Maximum Square Footage - Principal Use or Structure - N/A

(b) Maximum Square Footage - Detached Accessory Use or Structure - N/A

§5 Off-Street Parking and Loading Requirements.

A. Parking

- (1) Parking for uses within the Midtown Athletic Club Planned Development may be located anywhere within the District.
- (2) Proposal for new or expanded parking facilities must be accompanied by a Parking Demand Analysis as set forth in Zoning Code §120-173B.
- (3) Parking shall comply with the parking lot design and maintenance standards set forth in Zoning Code §§ 120-173F(2) and (3).

B. Loading

Loading shall comply with the requirements set forth in Zoning Code §120-172.

§6 Accessory Uses and Structures.

Accessory structures and uses are permitted in connection with the established uses within the district.

§7 Personal Wireless Telecommunications Facilities (PWTF).

Personal wireless telecommunications facilities in the Planned Development District # 8 shall be regulated in the same manner as Commercial Districts as outlined in Zoning Code §120-143.

§8 Signage.

All signage within the District shall be subject to a Sign Program as approved by the Director of Zoning, which Sign Program shall be determined through the Site Plan process for the District.

§9 Additional Regulations.

- A. The applicable City Wide Design Guidelines and Standards (Article XIX) and Requirements Applying to All Districts (Article XX) in this Chapter shall apply to all uses in the District.
- B. This Planned Development is subject to the requirements set forth in Article XVII of the City Zoning Code regarding Planned Development Districts.
- C. The General Height Exceptions set forth in Zoning Code Article XXIII shall apply.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-302
(Int. No. 369)

Changing The Zoning Classification Of 200 East Highland Drive From C-2 Community Center, 44-178 Gould Street From R-1 Low Density Residential, And Portions Of 2085 East Avenue From R-3 High Density Residential, To PD #8 - Mid-Town Athletic Club

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 200 East Highland Drive from C-2 Community Center, 44-178 Gould Street from R-1 Low Density Residential, and portions of 2085 East Avenue from R-3 High Density Residential, to PD #8 - Mid-Town Athletic Club:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 20 in Township 13, Range 7, and being more particularly described as follows:

Commencing at the intersection of the existing easterly right of way line of Gould Street (60.00' feet wide right of way) and the northerly right of way line of Highland Avenue (80.00' wide right of way), thence; North 00°-32'-38" West, and along the easterly right of way line of said Gould Street, a distance of 517.38 feet to the True Point of Beginning of the hereinafter described parcel of land, thence;

- (1) South 89°-27'-22" West, a distance of 30.0 feet to the centerline of said Gould Street, thence;
- (2) North 00°-32'-38" West, and along the existing easterly right of way line of said Gould Street, a distance of 573.69 feet, thence;
- (3) South 89°-27'-22" West, and along the easterly extension of the northerly boundary line of lands of now or formerly Eastwood Associates and the northerly boundary line of lands of now or formerly Eastwood Associates, a distance of 106.89 feet, thence;
- (4) North 00°-32'-38" West, and along the easterly boundary line of said lands of now or formerly Eastwood Associates, a distance of 30.75 feet, thence;
- (5) North 68°-46'-00" West, and along the northerly boundary line of said lands of now or formerly Eastwood Associates, a distance of 58.31 feet, thence;
- (6) South 89°-29'-52" West, and along the northerly boundary line of said lands of now or formerly Eastwood Associates, a distance of 168.96 feet, thence;
- (7) South 00°-32'-38" East, and along the westerly boundary line of said lands of now or formerly Eastwood Associates, a distance of 101.24 feet, thence;
- (8) South 89°-27'-22" West, and along the northerly boundary line of lands of now or formerly Domine Builders Supply Corporation, a distance of 69.00 feet, thence;
- (9) South 00°-32'-38" East, and along the westerly boundary line of said lands of now or formerly Domine Builders Supply Corporation, a distance of 147.87 feet, thence;
- (10) South 89°-27'-01" West, and along the northerly boundary line of said lands of

now or formerly Domine Builders Supply Corporation, a distance of 259.56 feet to the centerline of improvement of East Highland Drive (Interstate Routes 390 and 590, variable width right of way), thence the following 4 (four) courses and distances along the centerline of improvement of said East Highland Drive;

- (11) Northerly, on a curve to the right, having a central angle of 10°-14'-08" and a radius of 1762.95 feet, an arc distance of 314.94 feet, thence;
- (12) North 18°-54'-51" East, a distance of 416.24 feet, thence;
- (13) Northerly, on a curve to the right, having a central angle of 58°-05'-07" and a radius of 381.97 feet, an arc distance of 387.23 feet, thence;
- (14) North 76°-59'-58" East, a distance of 214.29 feet, thence;
- (15) South 00°-32'-38" East, a distance of 106.66 feet to the southerly boundary line of lands of now or formerly Eastwood Associates, thence;
- (16) North 89°-11'-29" East, and along the southerly boundary line of said lands of now or formerly Eastwood Associates, a distance of 106.60 feet, thence;
- (17) South 55°-10'-28" East, and along the southwesterly boundary line of lands of now or formerly Eastwood Associates, a distance of 34.83 feet, thence;
- (18) South 00°-32'-38" East, and along the existing and proposed westerly boundary line of lands of now or formerly Eastwood Associates, and the proposed westerly boundary line of lands of now or formerly Eastwood Apartments, LLC, a distance of 207.40 feet, thence;
- (19) South 89°-27'-22" West, and along the proposed southerly boundary line of said lands of now or formerly Eastwood Apartments, LLC, a distance of 25.00 feet, thence;
- (20) South 00°-32'-38" East, and along the existing westerly boundary line of said lands now or formerly Eastwood Apartments, LLC, a distance of 88.08 feet, thence;
- (21) Easterly, and along the existing southerly boundary line of said lands now or formerly Eastwood Apartments, LLC, on a curve to the right, having a central angle of 04°-10'-52" and a radius of 195.00 feet, an arc distance of 14.23 feet, thence;
- (22) South 00°-32'-38" East, and along the existing and proposed westerly boundary line of said lands of now or formerly Eastwood Apartments, LLC, a distance of 97.37 feet, thence;
- (23) South 89°-27'-22" West, and along the existing northerly boundary line of said lands of now or formerly Eastwood Apart-

ments, LLC, a distance of 13.48 feet, thence;

- (24) South 00°-32'-38" East, and along the existing and proposed westerly boundary line of said lands of now or formerly Eastwood Apartments, LLC, a distance of 255.00 feet, thence;
- (25) South 09°-42'-37" West, and along the westerly boundary line of said lands of now or formerly Eastwood Apartments, LLC, a distance of 404.47 feet, thence;
- (26) South 68°-23'-58" East, and along the southerly boundary line of said lands of Eastwood Apartments, LLC, a distance of 57.00 feet, thence;
- (27) South 21°-36'-02" West, and along the westerly boundary line of said lands of Eastwood Apartments, LLC, a distance of 188.68 feet, thence;
- (28) Generally in a southwesterly, westerly and northerly direction, and along the northwesterly, northerly and the northeasterly boundary lines of said lands of now or formerly Eastwood Apartments, LLC, on a curve to the right, having a central angle of 157°-51'-20" and a radius of 18.00 feet, an arc distance of 49.59 feet to the Point of Beginning.

Parcel contains 559,859± square feet or 12.853± acres.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-303
(Int. No. 370)

Amending The Official Map By Abandonment Of A Portion Of Gould Street And Authorizing Sale Of The Abandonment Area And Release Of Easement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Gould Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 20 in Township 13, Range 7, and being more particularly described as follows:

Beginning at a point in the easterly right of way line of Gould Street (60.00' feet wide right of way) at the northwesterly corner of lands conveyed to Mid-Town Tennis Club of Rochester, by deed recorded in the Monroe County Clerk's Office at Liber 8584 of Deeds, Page 226, thence;

- (1) South 00°-32'-38" East, and along the easterly right of way line of said Gould Street,

a distance of 620.78 feet, thence;

- (2) Westerly, on a curve to the left, having a central angle of 02°-51'-57" and a radius of 50.00' feet, an arc distance of 2.50 feet, thence;
- (3) Generally in a westerly and southerly direction, on a curve to the left, having a central angle of 79°-07'-33" and a radius of 58.55 feet, an arc distance of 80.86 feet to the westerly right of way line of said Gould Street, thence;
- (4) North 00°-32'-38" West, and along the westerly right of way line of said Gould Street, a distance of 774.22 feet, thence;
- (5) North 34°-48'-41" East, and along the westerly right of way line of said Gould Street, a distance of 14.20 feet, thence;
- (6) North 76°-59'-58" East, and along the northerly right of way line of said Gould Street, a distance of 89.34 feet, thence;
- (7) South 34°-48'-41" West, and along the easterly right of way line of said Gould Street, a distance of 61.28 feet, thence;
- (8) South 00°-32'-38" East, and along the easterly right of way line of said Gould Street, a distance of 86.88 feet to the Point of Beginning.

Parcel contains 45,976± square feet or 1.056± acres.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of July 16, 2007.

Section 3. Upon abandonment of said street, the Council hereby approves the sale of the City-owned abandonment area to Mid-Town Athletic Club, LLC for the sum of \$80,000.

Section 4. The Council hereby further approves the release of an easement of approximately 1700 square feet owned by the City along the west side of Gould Street over a parcel owned by the Mid-Town Athletic Club, LLC. The property owner shall be obligated to pay the City the sum of \$375 for the release.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-304
Re: Deed Restriction Modification -
160 Gould Street

Transmitted herewith for your approval is legislation related to a deed restriction imposed in 1987 on a negotiated sale of City real estate to Samuel Brodsky, the owner of the Eastwood Apartments at 2115 East Avenue, pursuant to Ord. 87-54. A parcel of land, then known as 286 Gould Street, was sold to Mr. Brodsky with the condition that access from the apart-

ment complex to Gould Street be controlled by the installation of a gate which was to be closed and locked permanently and available for emergency vehicles only. This condition was imposed in response to traffic concerns raised by Gould Street neighbors.

The modification of the deed restriction is requested in conjunction with the abandonment of the northerly portion of Gould Street as part of the Mid-Town Athletic Club expansion project. Upon the abandonment of Gould Street, access to an existing warehouse from the Eastwood Apartments would be convoluted. Removing the restriction and allowing the gate to remain open would allow Eastwood service vehicles to turn right out of the gate, using the portion of Gould Street north of the residential properties, and turn left into the warehouse property. All properties along this route are now owned by Mid-Town or Domine Builders Supply.

The project was presented by Mid-Town representatives to the remaining property owners on Gould Street who signed a petition dated September 10, 2006 consenting to the removal of the deed restriction. Mid-Town agreed to provide, at their expense, the following conditions: a vehicular cul-de-sac at the southerly end of the Gould Street abandonment area; and a key card system to limit the use of the access gate.

The modification of the conditions of the 1987 sale require City Council approval. The design and operation of the new gate is subject to the approval of the City Engineer, and the use of the access drive onto Gould Street shall be limited to emergency vehicles and to Eastwood Management service vehicles.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-103

Ordinance No. 2007-304
(Int. No. 371)

Approving The Modification Of A Deed Restriction At 160 Gould Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the modification of a deed restriction placed on the property at 160 Gould Street pursuant to Ordinance No. 87-54, whereby the access drive onto Gould Street from the Eastwood Apartments may be used by service vehicles in addition to emergency vehicles. The design and operation of the gate over said drive shall be subject to the approval of the City Engineer.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Introductory No. 318 from Committee.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago,

Stevenson - 8.

Nays - None - 0.

The transmittal letter and legislation for Int. No. 318 appear in their original form on page 240 of the current Council Proceedings.

Ordinance No. 2007-305
(Int. No. 318)

Amending Article III, Lead-Based Paint Poisoning Prevention, Of Chapter 90 Of The Municipal Code

Passed unanimously.

By Councilmember Stevenson
August 21, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 333 - Establishing Maximum Compensation For A Professional Services Agreement For The Central Vehicle Maintenance Facility HVAC Replacement And Heat Recovery Upgrades Project

Int. No. 334 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$477,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing The Central Vehicle Maintenance Facility HVAC Replacement And Heat Recovery Upgrades Project

Int. No. 335 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Resident Project Representation Services

Int. No. 336 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Construction Resident Project Representation And Project Management Services

Int. No. 337 - Establishing Maximum Compensation For A Professional Services Agreement For The South Avenue Holly Water Main Extension Public Improvement Project

Int. No. 338 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Construction Of Various Water Mains Related To The South Avenue Holly Water Main Extension Public Improvement Project In The City

Int. No. 339 - Authorizing Participation In The University Avenue Improvements And ARTWalk II Enhancements Project

Int. No. 340 - Establishing Maximum Compensation For A Professional Services Agreement For The University Avenue Improvements And ARTWalk II Enhancements Project

Int. No. 341 - Establishing Maximum Compensation For A Professional Services Agreement For The Rundel Library Structural Repair Project

Int. No. 342 - Establishing Maximum Compensation For A Professional Services Agreement For The Smith Street Bridge Rehabilitation Project And Ap-

propriating Funds

Int. No. 343 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$256,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The Smith Street Bridge Within The City

Int. No. 344 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Investigation Of 24 Seneca Avenue

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
Lois J. Giess
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-306 and
Ordinance No. 2007-307
Re: Central Vehicle Maintenance Facility - HVAC Replacement and Heat Recovery Upgrades Project

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with LaBella Associates, P.C., for services related to the design and construction of HVAC replacement and heat recovery upgrades at the Central Vehicle Maintenance Facility; and authorizing the issuance of bonds in the amount of \$477,000, and the appropriation of the proceeds thereof to finance design and construction of the project. The cost of the agreement will be financed from the proceeds of the bond requested herein.

The existing HVAC equipment serving the garage is over 25 years old, and is beyond its useful life. A study by Erdman Anthony and Associates, Inc. in October 2006 explored replacing the existing HVAC equipment serving the Building 100 vehicle repair garage with heat recovery HVAC equipment. The study reported that this would result in projected annual energy savings of \$48,944, with a 20-year equipment life savings of \$441,959.

Heat recovery equipment captures heat from the exhaust air stream and returns it to the space. A typical heat recovery system could save as much as 50% of the heating energy used to maintain the space temperature. The proposed project will provide for the design and installation of new HVAC equipment and other improvements to the system. The preliminary estimate for the cost of construction of the project is \$427,000.

Qualifications and proposals were solicited from eleven area firms, three of which responded: Erdman Anthony and Associates, Inc., IBC Engineering, P.C., and LaBella Associates, P.C. LaBella Associates is recommended based on staff ratings of qualifications and proposals. The consultant will provide mechanical engineering, commissioning, and construction administration services required for the project.

The design is scheduled to begin this fall and to be completed in the spring of 2008. Construction is anticipated to begin in the summer of 2008 and to be

completed in the fall of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-104

Ordinance No. 2007-306
(Int. No. 333)

Establishing Maximum Compensation For A Professional Services Agreement For The Central Vehicle Maintenance Facility HVAC Replacement And Heat Recovery Upgrades Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for mechanical engineering, commissioning and construction administration services for the Central Vehicle Maintenance Facility HVAC Replacement and Heat Recovery Upgrades Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-307
(Int. No. 334)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$477,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing The Central Vehicle Maintenance Facility HVAC Replacement And Heat Recovery Upgrades Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing repairs to the Central Vehicle Maintenance Facility in the City, including HVAC replacement and heat recovery upgrades (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$477,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$477,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$477,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$477,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.13 of the Local Finance Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordi-

nance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-308
Re: Resident Project Representation
Services - Hazardous Sidewalk Repairs

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Corneles Engineers, Rochester, NY 14623, for resident project representation services. The original agreement for \$100,000 was approved by Council in May 2006. This amendment will increase the maximum compensation by \$100,000 for a total of \$200,000 and extend the agreement for an additional two years. The cost will be financed from 2007-08 Cash Capital.

Typically, resident project representation or inspection services for construction projects are provided by either City personnel or private consultants on a project basis. However, during peak periods of the summer construction season, sufficient City personnel are not available to inspect all projects. To address this problem, the Department of Environmental Services utilizes general or temporary resident project representation services. This general agreement facilitates project management and completion by providing greater flexibility for the assignment of both City staff and private consultants.

Corneles was selected to continue their services on the City's Hazardous Sidewalk contracts because of their familiarity with the work which requires a high degree of interaction with City residents in the contract areas during the work and their good performance on the previous contracts.

Corneles Engineers will provide resident project representation services on the City's Hazardous Sidewalk contracts during 2007 and 2008 as required by Department of Environmental Services.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2007-308
(Int. No. 335)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Resident Project Representation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Corneles Engineering, P.C., for resident project representation services for two years. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-309
Re: Resident Project Representation
and Project Management Services

Transmitted here for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, Rochester, for project management and resident project representation (RPR) services. The original agreement, authorized in May 2005, was for \$350,000. This amendment will increase the maximum compensation by \$550,000 to a total of \$880,000, and extend the term of the contract for an additional two years. The cost of this increase will be financed from the proceeds of Bond Ordinance No. 2007-265 in the amount of \$500,000; and Water Bond Ordinance 2004-111 in the amount of \$50,000.

Typically, project management services for construction projects are provided by City staff. During the peak construction season, sufficient City project management personnel are not available to cover all City projects. To address this problem, the Department of Environmental Services utilizes temporary project management services to supplement City staff. This provides a more manageable workload for the City project managers and avoids having to delay projects.

The majority of the projects covered by the original agreement involved curb replacement work on City streets. Total construction cost of the projects covered by Bergmann Associates was \$4.16 million. Estimated construction costs for curb replacement projects for the 2007 and 2008 construction seasons is \$6.73 million.

Curb replacement projects require an ability to perform rapid field design changes and to interact with area residents and businesses. Bergmann has performed successfully on City curb replacement projects completed during the 2004 through 2007 construction seasons.

Bergman Associates will continue to furnish project management staff and resident project representatives as needed to manage various City projects. The hourly rate range for Bergmann Associates will be \$15.00 to \$40.00.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-309
(Int. No. 336)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Construction Resident Project Representation And Project Management Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$550,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann

Associates for construction resident project representation and project management services for two years, with a one year renewal option. The rates may be adjusted in the renewal year, with the City's approval. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Of said amount, \$50,000 shall be funded from Bond Ordinance No. 2004-111, and \$500,000 shall be funded from Bond Ordinance No. 2007-265.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-310 and
Ordinance No. 2007-311
Re: South Avenue Holly Water Main
Extension Public Improvement
Project (Court St. - I-490)

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Dewberry-Goodkind, Inc., Rochester, for engineering design and resident project representation (RPR) services required for the South Avenue Holly Water Main Extension Public Improvement Project; and authorizing the issuance of bonds totaling \$300,000 and the appropriation of the proceeds thereof to finance design and RPR services, and construction of the project. This project was identified in the 2006-07 and 2007-08 Capital Improvement Programs.

This project is being implemented to coincide with the private redevelopment of two warehouse buildings within the Washington Square District. One, at 250 South Avenue, is a City-owned structure (the former Natatorium), and the other is at 228 South Avenue. The redevelopment is consistent with the 2004 South Avenue/Capron Street Revitalization Study.

The project includes construction of a new water main to serve the redevelopment parcels. An eight inch Holly water main will be constructed on South Avenue beginning at Court Street and extending a distance of 900 feet to I-490.

Proposals for engineering design and resident project representation services were solicited from four area firms including: Bergmann Associates, Comeles Engineering, PC, Dewberry-Goodkind, Inc, and FRA Engineering, PC. Dewberry-Goodkind, Inc was selected based on their qualifications and the availability of their staff.

It is anticipated that design will be completed in late winter and that construction will begin in early spring 2008 and be completed in summer 2008. The preliminary estimate for construction of the project is \$220,000, which will be financed from the proceeds of the bond requested herein.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-105

Ordinance No. 2007-310
(Int. No. 337)

Establishing Maximum Compensation For A Professional Services Agreement For The South Avenue Holly Water Main Extension Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dewberry-Goodkind, Inc. for engineering design and resident project representation services for the South Avenue Holly Water Main Extension Public Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-311
(Int. No. 338)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$300,000 Bonds Of Said City To Finance The Construction Of Various Water Mains Related To The South Avenue Holly Water Main Extension Public Improvement Project In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of a new eight-inch Holly water main on South Avenue from Court Street to I-490 as a part of the South Avenue Holly Water Main Extension Public Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$300,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$300,000 bonds of the City, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$300,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$300,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury

Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-312 and
Ordinance No. 2007-313

Re: University Avenue Improvements (Union Street - N. Goodman Street) and
ARTWalk II Enhancements Project

Transmitted herewith for your approval is legislation related to the University Avenue (Union Street to N. Goodman Street) Improvements and ARTWalk II Enhancements Project. This legislation will:

1. Authorize an agreement with the New York State Department of Transportation (NYSDOT) to participate in and administer the project;
2. Establish \$210,000 as maximum compensation for an agreement with Bergmann Associates, Rochester, for engineering planning and preliminary design services related to the Project. The agreement will be financed as follows:

Amount	Source
\$ 23,000	2003-04 Cash Capital
34,800	2004-05 Cash Capital
73,300	2005-06 Cash Capital
<u>78,900</u>	2006-07 Cash Capital (\$18,900 of this is anticipated reimbursements from Monroe County)
\$210,000	Total

The University Avenue improvements will include rehabilitation or reconstruction of the pavement as necessary; replacement of concrete sidewalks and driveway aprons; granite curbs; street lighting improvements; drainage improvements; relocation of water utilities; relocation and/or redesign of traffic signal equipment as necessary; new pavement markings and signage; landscaping improvements; and extension of the existing City telecommunication conduit system.

The ARTWalk II enhancements will extend the existing ARTWalk infrastructure along University Avenue from its present terminus on University Avenue at Goodman Street to Prince Street and extend it along Goodman Street from College Avenue to East Avenue. The infrastructure may include installation of an integrally colored concrete sidewalk with an imprinted border, concrete paver or cast-in-place concrete crosswalks; installation of curbed bump-outs, tabled intersections and crosswalks; installation of median pedestrian-refuge islands; identification and planning of public art sites, pocket parks and other amenities.

Requests for letters of interest for the engineering planning and preliminary design work were sent to the fifteen firms on the State's Local Design Services Agreement list; ten submitted letters of interest. A selection committee, consisting of City personnel and representatives of the NYSDOT and the Memorial Art Gallery, narrowed the list to three - Bergmann Associates, Erdman, Anthony & Associates and LaBella Associates. The selection of Bergmann Associates was based upon their qualifications and knowledge of the Project.

The construction of both projects will be partially funded as a Federal Aid project. City staff will provide the planning and preliminary design for the Project. Final design and project construction agreements will be requested at a later date.

The current estimated cost of the project is \$2,987,000, distributed as follows:

Federal	\$1,600,000
State	300,000
City Street	786,000
City Water	187,000
Pure Waters	34,000
MC Traffic	80,000
Total	\$ 2,987,000

Planning of the Project is scheduled to be completed in Spring 2008. Final design is scheduled to be completed in Spring 2009. Construction is expected to begin in Spring 2009 and be substantially completed by Summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-106

Ordinance No. 2007-312
(Int. No. 339)

Authorizing Participation In The University Avenue Improvements And ARTWalk II Enhancements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves participation by the City in the University Avenue Improvements (Union Street to North Goodman Street) and ARTWalk II Enhancements Project.

Section 2. The Mayor is hereby authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for the City to participate in and administer the Project.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-313
(Int. No. 340)

Establishing Maximum Compensation For A Professional Services Agreement For The University Avenue Improvements And ARTWalk II Enhancements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$210,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for engineering planning and preliminary design services for the University Avenue Improvements (Union Street to North Goodman Street) and ARTWalk II Enhancements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$23,000 shall be funded from the 2003-04 Cash Capital allocation, \$34,800 shall be funded from the 2004-

05 Cash Capital allocation, \$73,300 shall be funded from the 2005-06 Cash Capital allocation, and \$78,900 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-314
Re: Rundel Library Structural Repair Project

Transmitted herewith for your approval is legislation establishing \$165,000 as maximum compensation for an agreement with Herrick- Saylor Engineers, Pittsford NY, for design and construction administration services for the Rundel Library Structural Repair Project. The cost of the agreement will be financed from bond ordinance 2007-103.

The consultant will design and administer construction to restore the structural integrity of the library foundation system. This will involve removing all deteriorated concrete encasement of beams, columns, and girders, and the deteriorated areas of the structural deck where steel reinforcement is exposed. Also, repairs will be made to the flanges on all structural elements (columns, base plates, beams, and girders).

Qualifications and proposals were solicited from ten area firms, five of which responded, including: Herrick-Saylor Engineering, PC, LaBella Associates, PC, Lakeside Engineering, PC, Ravi Engineering and Land Surveying, PC, and FRA Engineering, PC. Based on a review of qualifications and proposals, staff recommended Herrick-Saylor Engineering, PC.

The design is scheduled to begin this fall and to be completed in the spring of 2008. Construction is anticipated to begin in late spring 2008 and to be completed in the early fall 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-314
(Int. No. 341)

Establishing Maximum Compensation For A Professional Services Agreement For The Rundel Library Structural Repair Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Herrick-Saylor Engineers, P.C. for design and construction administration services for the Rundel Library Structural Repair Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2007-103.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-315 and
Ordinance No. 2007-316
Re: Smith Street Bridge Rehabilitation
Project

Transmitted herewith for your approval is legislation related to the Smith Street Bridge Rehabilitation Project; this legislation will:

1. Establish \$1,000,000 as maximum compensation for an agreement with Bergmann Associates, Rochester, for Resident Project Representation (RPR) services related to the Project. This cost will be financed from anticipated Federal Highway Administration reimbursements (\$800,000), State of New York Marchiselli reimbursements (\$150,000), and 2005-06 Cash Capital (\$50,000);
2. Authorize the issuance of bonds totaling \$256,000 and the appropriation of the proceeds thereof to partially finance the cost of the bridge improvements;
3. Authorize appropriation of \$9,350,000 from anticipated reimbursements from the Federal Highway Administration to finance the federal aid eligible portions of the construction and project administration phases; and
4. Authorize appropriation of \$1,813,000 from anticipated reimbursements from the State of New York Marchiselli Aid Program to partially finance the State aid eligible portions of the construction and project administration phases for the Project.

The Smith Street Bridge Rehabilitation Project is being implemented as a City-administered, Federal-aid project as authorized by Council in May 2005. The Project was designed by Bergmann Associates under agreements authorized by Council in May 2005 and October 2006. At the time that the latter agreement was authorized, all of the Marchiselli Aid, \$187,500, was not available. Of that amount, the City pre-financed \$60,000. This amount is included in the total appropriation of Marchiselli funds being sought.

The Project involves rehabilitation of the bridge and includes: the full overlay of the existing bridge deck; widening of the south sidewalk; steel repairs to the truss members, floor beams and brackets; replacement of the structural joint systems; new granite curbing and sidewalks; aesthetic treatments to the bridge railing and overlooks; drainage modifications; lighting improvements; replacement of the traffic light and controller at Suntru Street; and complete painting of the structural steel.

Bids for construction were received on July 16, 2007. The apparent low bid of \$9,646,357.60, submitted by Crane Hogan Structural Systems, Inc., is 3% less than the engineer's estimate. An additional \$946,742 will be allocated for project contingencies.

The costs for the categories of work for the Project based upon the bid amount are as follows:

Category	Construction		RPR Total
	Contingency	Admin	
Federal	\$7,717,086	\$ 800,000	\$ 9,350,000
State	\$756,614	\$76,300	150,000
Local - City	1,446,953	14,300	50,000
Local - County	141,747	474,419	0
Total	46,611	7,900	8,700
	800	0	0
	\$9,646,358	\$1,000,000	\$11,687,500
	\$945,772	\$95,370	

The construction cost of the bridge improvements will be financed from anticipated reimbursements from the Federal Highway Administration (\$9,350,000), anticipated reimbursement from the State of New York Marchiselli Aid Program (\$1,753,000), proceeds of the proposed bond (\$256,000), proceeds from 2005-06 Cash Capital allocations (\$315,000) and 2000-01 Cash Capital allocations to the DES operating budget (\$4,800). The local share (\$8,700) of the traffic improvements will be financed from anticipated reimbursements from Monroe County, included in the 2007-08 Cash Capital allocation.

Bergmann Associates was selected to perform Resident Project Representation Services based on their familiarity, expertise and staffing assigned to the Project.

It is anticipated that construction will begin in September of 2007 and will be substantially completed by Fall 2009. The Smith Street Bridge Rehabilitation Project was presented at a public meeting on December 13, 2006; the minutes of the meeting are on file in the City Clerk's Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-315
(Int. No. 342)

Establishing Maximum Compensation For A Professional Services Agreement For The Smith Street Bridge Rehabilitation Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$1,000,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for resident project representation services for the Smith Street Bridge Rehabilitation Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$800,000 shall be funded from the appropriation made in Section 2, \$150,000 shall be funded from the appropriation made in Section 3, and \$50,000 shall be funded from the 2005-06 Cash Capital allocation.

Section 2. The sum of \$9,350,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund construction and administration costs for the Smith Street Bridge Rehabilitation Project.

Section 3. The sum of \$1,753,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the State of New York to fund construction and administration costs for the Smith Street Bridge Rehabilitation Project.

Section 4. The sum of \$60,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the State of New York to fund design and administration costs for the Smith Street Bridge Rehabilitation Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-316
(Int. No. 343)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$256,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The Smith Street Bridge Within The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of the Smith Street Bridge within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$11,687,500. The plan of financing includes the issuance of \$256,000 bonds of the City, and said amount is hereby appropriated therefor, together with \$328,500 in current City funds, grants of \$9,350,000 in Federal Highway Administration funds appropriated at this City Council meeting and \$1,753,000 in New York State funds appropriated at this City Council meeting, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$256,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$256,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.10 of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this

Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-317
Re: Environmental Investigation and
Remedy - 24 Seneca Avenue

Transmitted herewith for your approval is legislation

establishing \$190,350 as maximum compensation for an agreement with O'Brien and Gere for environmental investigation and remedy selection services for cleanup of a brownfield property located at 24 Seneca Avenue; and appropriating \$130,299 of anticipated 1996 Clean Water Clean Air Bond Act grant funds to partially finance the cost of the agreement. The balance of the cost of the agreement, \$60,051, will be financed from the 2007-08 Cash Capital allocation of the Department of Environmental Services.

The City has been awarded a \$130,299 investigation grant through the New York State Department of Environmental Conservation's 1996 Bond Act Title 5 Environmental Restoration Program (ERP) and is eligible for a grant amendment that will reimburse up to 90% of eligible project investigation costs. In addition to reimbursement of project costs, the ERP provides indemnification from the State of New York to the City and all subsequent owners of the remediated sites.

The 24 Seneca Avenue site consists of one 2.79 acre parcel. It is located in a commercial/industrial area on the north side of Norton Street between Bremen Street and Seneca Avenue. A masonry and wood factory/warehouse structure of approximately 87,131 square feet is located on the site. The current structure is leased by the owner to several tenants and used for various commercial and industrial purposes. Previous environmental investigations indicated several environmental conditions existed or may currently exist at the site. Currently, property taxes for the property are in arrears in excess of \$745,000, and the owner has defaulted on a voluntary cleanup agreement with the NYSDEC.

The City Law Department obtained a court order under Section 56-0508 of the NYS Environmental Conservation Law in March 2006 which provides the City and its designated agents legal access to the property for the purpose of investigating sites under the ERP grant program.

In June 2007, a request for proposal for project consulting services was issued to four pre-qualified consulting firms: Arcadis/BBL, O'Brien and Gere, Clough Harbour & Associates, and Conestoga Rovers Associates. Proposals were received from O'Brien and Gere and Clough Harbour & Associates. O'Brien and Gere is recommended based on the quality of its proposal, experience with the ERP, the proposed project team, and reasonableness of costs.

Under this agreement O'Brien and Gere will complete a remedial investigation and develop a cleanup action plan including the following activities:

- a) Investigation and evaluation of subsurface contamination of soils and groundwater across the site in areas of concern;
- b) Performance of a comprehensive waste profiling program to identify all potential waste streams including PCB and petroleum contaminated media, chemical solvents and other potentially impacted wastes;
- c) Preparation of a project remedial investigation work plans, and Citizens Participation Plan, for submission to the NYSDEC;
- d) Preparation of draft and final site investigation and remedy selection reports, including a data usability report;

e) Evaluation of remedial alternatives consistent with potential site reuses and recommend a preferred approach; and

f) Preparation of a reuse concept plan, with involvement of the community, for use by the City and those interested in redeveloping the site.

This agreement will have an initial term of two years with provisions for a one-year renewal period based on mutual written agreement. Adjustment to the specific unit prices during the third year will be permitted subject to the City's approval.

The investigation and remedy selection phase is scheduled to be completed in the Summer of 2008. A public hearing will be held during the selection of the cleanup plan. Once the cleanup plan and costs are established, the City will be in a position to evaluate whether to foreclose on the property. After receiving approval from the NYSDEC of the cleanup plan, the City will also be eligible to apply for ERP cleanup grant funds. The City would need to take ownership of the property before an ERP cleanup grant contract with the NYSDEC can be awarded.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-107

Ordinance No. 2007-317
(Int. No. 344)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Investigation Of 24 Seneca Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$190,350, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and O'Brien and Gere for environmental investigation and remedy selection services relating to the parcel at 24 Seneca Avenue. Of said amount, \$130,299 is hereby appropriated from anticipated 1996 Clean Water Clean Air Bond Act Grant Funds and \$60,051 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
August 21, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 345 - Cancellation Of Taxes And Charges, As Amended

Int. No. 346 - Amending The 2006-07 Budget To Transfer Funds From Contingency

Int. No. 347 - Resolution Amending The Schedule For The Regular Council Meetings During 2007

Int. No. 348 - Resolution Regarding An Agreement Between The City And The City School District Regarding Facilities

Int. No. 349 - Acceptance Of And Authorizing An Agreement For The Lease Of 242 West Main Street

Int. No. 350 - Authorizing An Amendatory Lease With The City School District For Parking Lots

Int. No. 351 - Acquisition Of Former Heritage Charter School Parcels For The Rochester City School District

Int. No. 352 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,755,000 Bonds Of Said City To Finance The Cost Of Acquisition Of The Former Heritage Charter School Parcels Within The City For The Rochester City School District

Int. No. 361 - Authorizing An Agreement For Bond Counsel Services

Int. No. 362 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Expert Medical Services

Int. No. 363 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

Respectfully submitted,
 Dana K. Miller
 Carolee A. Conklin
 Lovely A. Warren
 Lois J. Giess
 FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-318
 Re: Cancellation or Refund of
 Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$6,583.29.

One property had total taxes cancelled in the amount of \$3,568.59 or 54.21% of the total. The property, 28 Carl Street, is owned by the City of Rochester and is totally exempt from taxation. The property was taken in foreclosure in November 2005. At that time, a cancellation of 2002 thru 2005 taxes was submitted to Council. The house on the property has been demolished. The land will be combined with an adjoining City-owned lot to be subdivided into two building lots.

One property had total taxes cancelled in the amount of \$3,014.70 or 45.79% of the total. The property, 1195-1203 North Clinton Avenue, was transferred to the Federal government in March 2007 and as such is totally exempt from taxation.

If this cancellation is approved, total cancellations thus far for 2007-08 will be \$6,583.29.

Accounts Amounts

City Council	2	\$6,583.29
Administrative	0	0.00
Total	2	\$6,583.29

These cancellations represent .028% of the taxes receivable as of July 1, 2007.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AG-108

Ordinance No. 2007-318
 (Int. No. 345, As Amended)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

(A) Ownership of these properties has transferred to the United States of America and the City of Rochester, respectively. The new owners are exempt from taxation.

<u>S.B.L.#</u>	<u>Class</u>	<u>Amount</u>	
		<u>Tax</u>	<u>Cancelled</u>
<u>Address</u>	<u>Year</u>		
091.780-0002-020	NH		
1195-1203 N. Clinton Av	2008	\$3,014.70	
[106.230-0001-077.001	H		
28 Carl St	1999	1,391.61	
	2000	1,177.44	
	2001	999.54	
Grand Total			\$6,583.29]

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-319
 Re: Year End Amendments -
 2006-07 Budget

Transmitted herewith for your approval is legislation amending the 2006-07 budget by:

1. Transferring \$2,878,600 from Contingency to the budget of the Rochester Police Department, and \$721,400 to Undistributed for salary, wages and benefits pursuant to the Locust Club arbitration award; and
2. Transferring appropriations totaling \$2,856,000

from Contingency to the Cash Capital allocation.

The appropriation transfers are authorized by section 6-13 of the City Charter.

The City Council has previously authorized 53 other amendments to the 2006-07 Budget. These amendments reflected 15 appropriation transfers and 38 appropriation increases based upon the receipt of additional revenues. There were no technical corrections.

Actual receipts and expenditures for 2006-07 will be audited by the City's external auditors, Deloitte & Touche. The proposed amendments are required to complete the audit and ensure adherence to section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

The increase to the RPD budget is necessitated by the Locust Club settlement. When the 2006-07 Budget was adopted in June 2006, wage rates had not yet been established for employees represented by the Police Locust Club. Negotiations with the union that began in March 2005 were unsuccessful and led to the Police Locust Club filing for impasse in December 2005. After a brief attempt at mediation, the City and Union proceeded with the interest arbitration process. Several executive sessions in early June 2007 resulted in a three-year award effective retroactively from July 1, 2005 and extending to June 30, 2008. The following salary increases were approved:

Effective Date	Percent Increase
July 1, 2005	2%
January 1, 2006	1%
July 1, 2006	2%
January 1, 2007	1%
July 1, 2007	2%
January 1, 2008	2%

The award also provided for health care savings to the City in the form of increased employee contributions effective July 23, 2007 and the elimination of the Blue Million option to any further enrollees after October 1, 2007. The incremental budgeted costs in 2006-07 as a result of the award will be:

Locust Club Settlement	\$2,878,600
Salary Benefits - Undistributed	721,400
	<u>\$3,600,000</u>

The increase to the Cash Capital allocation is to accelerate the several capital projects and to provide future flexibility. These projects and their amounts are:

Information technology enhancements	\$1,000,000
Land acquisition	1,000,000
Standardization of RPD firearms/related equipment	380,000
Purchase of 5 hybrid vehicles	130,000
Energy efficient lighting for rec centers and lighting control system at High Falls	125,000
Trail connection at Turning Point Park	106,000
Sink hole repairs (High Falls and Durand Beach)	95,000
Equipment for PAC TAC	<u>20,000</u>
	<u>\$2,856,000</u>

It is important to note that for 2006-07, all City departments demonstrated excellent fiscal management by staying within their Budget allocations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-319
(Int. No. 346)

Amending the 2006-07 Budget To Transfer Funds From Contingency

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$2,878,600 from the Contingency allocation to the Rochester Police Department, and the sum of \$721,400 from the Contingency allocation to Undistributed Expense, to fund salary and wage increases resulting from the Locust Club Arbitration Award.

Section 2. Ordinance No. 2006-191, the 2006-07 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$2,856,000 from the Contingency allocation to the Cash Capital allocation to fund capital projects.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-19
Re: Amending The Schedule For The
Regular Council Meetings During 2007

Transmitted herewith for your approval is a resolution that amends the 2007 City Council meeting schedule by changing the dates of the September and November Council Meetings.

As you know, when Council adopted the 2007 Schedule last fall, it was assumed that the primary election would be held on its traditional date, the second Tuesday in September, which is September 11. When the New York State Legislature established the election calendar for the year, they determined that the use of September 11 might conflict with memorial events planned for that day and so the primary date was moved to September 18; that date is scheduled for a City Council meeting. The proposed amendment will move the Council meeting date to Wednesday, September 19.

When the November 13 Council Meeting date was established, the schedule for the National League of Cities annual Congress of Cities indicated that the Congress would take place from November 14 to November 17. Subsequently, the NLC found it necessary to begin one day earlier, creating a conflict with the November Council Meeting. Since November 12 is the legal holiday for Veterans Day, the proposed amendment would delay the November Council Meeting until Tuesday, November 20.

All other submission dates and meetings in each cycle will remain unchanged. As you will recall, when the calendar was set last fall, Council noted that it would be necessary to move the September Committee meetings to Wednesday, September 12 at 2:00 P.M. to avoid a conflict with Rosh Hashanah.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-19
(Int. No. 347)

Resolution Amending The Schedule For The Regular Council Meetings During 2007

WHEREAS, City Council adopted the current Rules of Council on January 3, 2006, by Resolution No. 2006-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2006 and indicated that the schedule for 2007 would be established in a Resolution adopted during 2006, and

WHEREAS, Council adopted the meeting schedule for 2007 by Resolution No. 2006-38, and

WHEREAS, scheduling conflicts have arisen that require that the September and November Council Meetings be changed,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The regular meeting of the Council for September 2007 shall be held on Wednesday, September 19 in the Council Chambers, City Hall, at 8:00 P.M.

Section 2. The regular meeting of the Council for November 2007 shall be held on Tuesday, November 20 in the Council Chambers, City Hall, at 8:00 P.M.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-20,
Ordinance No. 2007-320,
Ordinance No. 2007-321,
Ordinance No. 2007-322 and
Ordinance No. 2007-323

Re: Agreements - City School District

Transmitted herewith for your approval is legislation to confirm an agreement with the City School District (CSD) regarding several facilities issues and to authorize legislation required to fulfill the terms of that agreement. As you know, the City and the CSD have been in protracted conversations about a number of facilities issues. On June 18, an agreement was reached and signed by the Mayor and President of City Council for the City, and the Superintendent and President of the Board of Education of the CSD. That agreement is embodied in the proposed resolution.

The agreement brings closure to each of five specific facilities issues:

- The former Josh Lofton building will be declared surplus for educational purposes and returned to the City for redevelopment immediately. The City will lease the building back to the District through July 31, 2008 to enable an orderly transition of the uses currently therein.

The City will have the right to begin marketing the building immediately.

- The Thomas P. Ryan, Jr. Center will proceed as scheduled with the CSD agreeing to pick up the additional \$1.7 million that had been in dispute.
- The former School #37 on Congress Avenue will continue to be used by the CSD for administrative, professional development and test grading purposes for three years, after which time it shall revert to City ownership. A provision is made to enable that time period to be extended if the facility is needed within the scope of the Facilities Modernization Program.
- The CSD will continue to operate the School Without Walls (Gr. 7-8) program at the Clinton Avenue Learning Center (CALC). The City will extend the lease of the adjacent parking lot for an additional ten years beyond the scheduled expiration in August 2009 to enable the CSD to be eligible for Building Aid. The lease will include a provision that if an alternative, taxable use for the property should emerge, the City and CSD will work to find an alternate site for the program to allow the lease to be terminated.
- The City Council will consider a request for bonding, within the CSD's debt limit, to purchase the former Heritage Charter School (Mapledale Party House) to be used for the Flower City School, which is currently housed in leased space in the former Sacred Heart School.

The proposed resolution will confirm the agreement and the proposed ordinances will authorize the lease of 242 West Main Street, the extension of the lease of the parking lot on North Clinton Avenue, the purchase of the former Heritage Charter School, and the issuance of \$3,750,000 in bonds to finance that purchase. No action is required for the Ryan Center; the City previously authorized the bonding for that project. The former School #37 also requires no action by the Council.

Regarding the former Heritage Charter School, City and CSD staff are working to complete the required environmental analyses before the purchase is finalized. It is anticipated that this work will take at least another month. As a result, the authorization for the purchase of that parcel will be contingent on the satisfactory completion of all environmental work.

The Board of Education confirmed the agreement by resolution unanimously at its July 19 meeting, along with the abandonment of 242 West Main Street, and the request for purchase and bonding for the former Heritage Charter School. You may note that there are a couple of key dates referenced in the resolution that have already expired, but since the agreement calls for the Council and the Board to pass identical resolutions, it is recommended that the dates therein not be changed but that a more up-to-date implementation schedule be developed subsequent to City Council approval.

We believe that this sweeping agreement will usher in a new spirit of cooperation between the City and CSD that will enable us to work more closely and effectively in the interests of our joint constituents.

Respectfully submitted,

Robert J. Duffy Lois J. Giess
Mayor President

Attachment No. AG-109

Resolution No. 2007-20
(Int. No. 348)

**Resolution Regarding An Agreement Between
The City And The City School District Regarding
Facilities**

WHEREAS, the City of Rochester (City) and the Rochester City School District (RCSD) have been involved in discussions about various facility needs for an extended period of time, and

WHEREAS, it is in the interest of both parties to bring these discussions to an acceptable conclusion, and

WHEREAS, the following items will provide a satisfactory conclusion to these ongoing discussions,

THEREFORE BE IT RESOLVED by the City Council and the Board of Education, through identical resolutions, as follows:

Section 1. Josh Lofton Building - The Board of Education of the RCSD shall declare by resolution prior to June 30, 2007 that 242 W. Main Street (former Lofton Academy building) is surplus for educational purposes and shall return to City ownership by June 30, 2007. The City, in turn, will lease said building to the RCSD for \$1.00 through July 31, 2008 to enable an orderly transition of the administrative functions currently housed in that building. The City shall be free to begin marketing the building immediately. The RCSD will be permitted to remove built-in fixtures or other building improvements as practical before turning the building back to the City in July of 2008.

Section 2. Thomas P. Ryan, Jr. Community Center - RCSD will continue to work with the City on the development of the Ryan Community Center/School #33 rehabilitation project and RCSD will absorb the projected \$1.7 million additional cost associated with the development of the Community Center. Any future increases in costs will be picked up by the party responsible for the increase. RCSD and the City shall begin work on Operational Agreement no later than July 1, 2007. The Project will begin construction as of July 2008 to allow students to remain in the building throughout the 07-08 school year. The RCSD will use EXCEL aid to cover the local share cost of project. The City will permit RCSD to develop a temporary facility to house Florence Brown Pre-K program on the Webster Avenue Park site. RCSD will lease off-site facility to temporarily house the K-6 program. The City Council shall consider the bonding request for this project at the June 19, 2007 City Council meeting, or at a special meeting called soon thereafter, contingent on the execution of this agreement by all parties and the formal action by the Board regarding Lofton.

Section 3. Congress Avenue Facility (Former School #37) - RCSD will continue to use the Congress Avenue Facility (Former School #37) for administrative use, professional development purposes and as a test-grading center for a period of up to three years. RCSD will make minimal capital investment at the facility to add parking and to address HVAC issues. Following this three-year period, the facility shall be abandoned for educational purposes and re-

turned to the City for redevelopment. Should the Facilities Modernization Program (FMP) be approved and in place at that time, the City and RCSD shall jointly consider whether it is in the public interest to permit the RCSD to retain use of the facility for an additional specified period of time to accommodate the needs of FMP.

Section 4. Clinton Avenue Learning Center (CALC) - RCSD will continue to operate SWW 7-8 program at Clinton Avenue Learning Center (CALC) facility. The current lease agreement with the City extends through August of 2009. The City will extend that lease through 2019 to enable the RCSD to be eligible for NY State reimbursement for Building Aid. The District will not invest additional capital funds in building without discussion with the City concerning future use of the facility/site. Should an alternative market for the building emerge, the RCSD and City shall mutually agree upon terms for termination of current lease of the facility and the ancillary agreement to manage the adjacent Pleasant Street parking lot.

Section 5. Former Mapledale Facility - RCSD will pursue the purchase of the former Heritage Charter School (Mapledale) facility on Maple Street to be used as a future home for the Flower City School. The City Council shall consider a request for bond funding from the Board of Education to support the purchase and renovation of the facility at an estimated cost of \$5 million (purchase cost of \$3.755 million plus renovation costs of \$1.25 million) to address New York State Education Department code related issues. The purchase and renovation costs estimated to be \$5 million are found to be preferable to a projected \$12 million to renovate former School #37 facility for similar purposes. The \$5 million funding for the project shall be included within the RCSD's existing debt limit. Flower City School will move into Maple Street facility in September of 2008 allowing the RCSD to discontinue the lease of the former Sacred Heart School. The City Council shall consider a bonding request for this project at the July 17, 2007 City Council Meeting, contingent on the execution of this agreement by all parties.

Section 6. This resolution shall take effect immediately

Adopted unanimously.

Ordinance No. 2007-320
(Int. No. 349)

**Acceptance Of And Authorizing An Agreement
For The Lease Of 242 West Main Street**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City hereby accepts the return by the Rochester City School District of 242 West Main Street. The Mayor is hereby further authorized to enter into a lease agreement with the Rochester City School District for the lease by the School District of 242 West Main Street through July 31, 2008 for the sum of \$1.00, in order to enable an orderly transition of the administrative functions currently housed in the building. The Rochester City School District may remove built-in fixtures or other building improvements as practical before the end of the lease. The City shall be authorized to begin marketing efforts relating to the building immediately.

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-321
(Int. No. 350)

Authorizing An Amendatory Lease With The City School District For Parking Lots

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory lease for the parking lots for the Clinton Avenue Learning Center with the Rochester City School District, as authorized by Ordinance No. 2001-260, and extended by Ordinance No. 2003-356, to further extend the lease through 2019.

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-322
(Int. No. 351)

Acquisition Of Former Heritage Charter School Parcels For The Rochester City School District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisitions of the former Heritage Charter School at 1020 Maple Street, SBL No. 120.23-2-53.001, a vacant lot at 1033 Maple Street, SBL No. 120.31-2-2, and a parking lot at 83 Potomac Street, SBL No. 120.31-2-9.001, from Charter Development Company LLC for an amount not to exceed \$3,755,000, for use by the Rochester City School District for educational purposes. The acquisitions shall be contingent upon a satisfactory environmental review by the City.

Section 2. The acquisition and closing costs shall be funded by the City School District.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-323
(Int. No. 352)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$3,755,000 Bonds Of Said City To Finance The Cost Of Acquisition Of The Former Heritage Charter School Parcels Within The City For The Rochester City School District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition for use by the Rochester City School District for educational purposes of the former Heritage Charter School parcels, including the school building, a Class "A" building, at 1020 Maple Street, a vacant parcel at 1033 Maple Street and a parking lot at 83 Potomac Street, within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,755,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$3,755,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$3,755,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$3,755,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.11(a)(1) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ord-

nance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-324
Re: Agreement - Bond Counsel Services

Transmitted herewith for your approval is legislation authorizing an agreement with Seiden Wayne L.L.C., with offices at Sibley Tower, Suite 1172, 25 Franklin Street, Rochester, New York; New York, New York; Newark, New Jersey; and Philadelphia, Pennsylvania, for legal services related to the issuance of debt instruments by the City.

Annually, to finance various capital projects, the City issues or reissues \$150 million to \$200 million in bond anticipation notes and/or bonds. To finance the short-term cash requirements of the City School District, depending on the timing of receipt of New York State aid payments, the City may also issue short-term debt to meet cash flow needs.

Since 1998, these services have been provided by Seiden Wayne, formerly known as St. John & Curtin, L.L.C. Proposals for future provision of these services were solicited from law firms. Seven proposals were received and reviewed by the Departments of

Finance and Law. Seiden Wayne is recommended based on the lowest fees, their city office, and their fine service over the years.

Under the proposed agreement, Seiden Wayne will:

- 1. Assist in the preparation of various documents related to the issuance of debt, including:
 - a. City Council legislation,
 - b. Prospectus or official statement,
 - c. Notice of sale and bid forms, and
 - d. Arbitrage certificate and other Federal tax forms.
- 2. Provide legal opinions related to such issuance, as required; and
- 3. Participate, as requested, in any necessary meetings, including review by credit rating agencies.

The hourly fees for services will be \$300 for partners, \$200 for associates, and \$100 for paralegals. The following payment limits will apply for each routine debt sale or issuance:

	<u>Amount</u>
Legal opinion: Bond sale	\$12,000
Note sale	12,000
Revolving credit agreement	3,000
Expenses	300

The agreement will have a term of three years with provision for renewal for three additional one-year periods.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-324
(Int. No. 361)

Authorizing An Agreement For Bond Counsel Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Seiden Wayne, LLC for bond counsel services for a term of three (3) years, with provisions for renewal for three (3) additional one-year periods.

Section 2. The agreement shall obligate the City of Rochester to pay an hourly rate of \$300 for partners, \$200 for associates and \$100 for paralegals. Routine fees for the issuance of notes and bonds shall not exceed \$12,000, and for revolving credit transactions shall not exceed \$3,000, with disbursements not to exceed \$300. Such services shall be funded in amounts not to exceed those set forth in the annual budgets for such purposes.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-325
Re: Agreement - Litigation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Jerid M. Fisher, Ph.D., ABPN, with offices in Fairport, New York, for the provision of independent medical examination services relating to certain litigation involving the City. The maximum cost of the amendatory agreement will be \$7,500, and will be financed from the 2007-08 Budget of the Law Department. This will bring the maximum compensation for this agreement to a total of \$17,500.

The Law Department often requires various professional services and assistance in conjunction with claims and litigation involving the City. The Council periodically authorizes agreements with private investigators, medical experts, or others for these services.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Miller moved to amend Introductory No. 362.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0

Ordinance No. 2007-325
(Int. No. 362, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Expert Medical Services And Amending Ordinance No. 2007-156

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Jerid M. Fisher, Ph.D., ABPN, for expert medical services in conjunction with pending litigation. Said amount shall be funded from the 2007-08 Budget of the Law Department.

Section 2. Ordinance No. 2007-156, relating to an agreement for computer training services, is hereby amended by changing the name of the service provider to Monroe #2-Orleans BOCES, Center for Workforce Development.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-326
Re: Rochester Housing Authority -
Wage and Salary Increase

Transmitted herewith for your approval is legislation authorizing wage increases for both the bargaining and non-bargaining employees of the Rochester Housing Authority. The salary range adjustment (cost of living increase) will be 2.8% effective October 1 of 2007, 2008, and 2009.

These wage and salary increases were approved by the RHA's Board of Commissioners at their July 19, 2007 meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-110

Ordinance No. 2007-326
(Int. No. 363)

Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 32 of the New York State Public Housing Law, the Council hereby approves wage and salary increases of 2.80% for bargaining unit and non-bargaining employees of the Rochester Housing Authority, effective on October 1 of 2007, 2008 and 2009, as approved by the Board of Commissioners of the Rochester Housing Authority on July 19, 2007.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
August 21, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 353 - Authorizing An Agreement And Amending The 2007-08 Budget For Youth Services

Int. No. 354 - Establishing Maximum Compensation For A Professional Services Agreement For The Police Department Data Center

Int. No. 355 - Authorizing An Agreement With The Town Of Irondequoit For Police Services To The Shumway Marina

Int. No. 356 - Amending Bond Ordinances No. 2004-37 And 2005-411 Relating To Reconstruction Of Fire Facilities

Int. No. 364 - Authorizing An Application And Agreement For Funding For the Truancy Program And Amending The 2007-08 Budget

Int. No. 365 - Extending The Effective Date Of

Ordinance No. 2006-246 Establishing A Nighttime Curfew For Minors

Int. No. 366 - Authorizing Extension Of A Professional Services Agreement For The Curfew Center

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-327
Re: Juvenile Crime Prevention Grant - Pathways to Peace

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Area Community Foundation for the receipt and use of a \$20,000 grant from the Joan and Harold Feinbloom Supporting Foundation, and amending the 2007-08 Budget of the Mayor's Office by this amount.

This grant will be used to support on-going activities of the Pathways to Peace program, including outreach efforts and programming to assist youth and their families in strengthening their connections to the community. These activities are designed to prevent and reduce youth violence and juvenile crime, and to increase the likelihood of the success of youth in school and beyond.

The funding will be used to supplement existing youth programs and outreach efforts.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-327
(Int. No. 353)

Authorizing An Agreement And Amending The 2007-08 Budget For Youth Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for grant funding from the Joan and Harold Feinbloom Supporting Foundation to support youth outreach programs.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Office of the Mayor by the sum of \$20,000 to fund youth outreach programs, which amount is hereby appropriated from the grant authorized in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-328
Re: Agreement - Telperion Group - RPD Data Integration and Support Services

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with Telperion Group, Rochester, to provide services related to integrating the Rochester Police Department data center and network environment with the existing City environment. This one-year agreement will be funded from the 2007-08 Budget of the Information Technology Department (\$30,000) and the 2006-07 Cash Capital Allocation (\$90,000).

Telperion Group is the current provider of routine computer and network support for the Police Department; they will continue to provide these services during the transition of RPD data center and network systems to the Information Technology Department (ITD). Incorporating RPD systems with the City's will allow the routine duties to be transferred to ITD staff. It is anticipated that this transition will be complete within the coming fiscal year. Specifically, Telperion Group will:

- Assist ITD staff with the integration of the RPD data center and network with the City's environment.
- Train ITD staff on the RPD system support requirements.
- Ensure that all routine support services for the RPD systems are transferred to ITD staff by June 30, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-328
(Int. No. 354)

Establishing Maximum Compensation For A Professional Services Agreement For The Police Department Data Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Telperion Group for integration, support and training services relating to the Police Department Data Center. The agreement shall extend for a term of one year. Of said amount, \$30,000 shall be funded from the 2007-08 Budget of the Information Technology Department and \$90,000 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-329
Re: Agreement - Town of Irondequoit -
Police Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with the Town of Irondequoit for the provision of police services to the Shumway Marina, located at 40 Marina Drive at the mouth of the Genesee River.

Responses to Marina Drive are currently assigned to the Irondequoit Police Department, while responses to the Marina and boats are assigned to the Rochester Police Department. Because of the location, the Irondequoit Police Department is often able to respond first to incidents at the Marina. The Town of Irondequoit has agreed that in order to reduce confusion and provide a consistent response to this parcel, the Irondequoit Police Department will provide the initial response to all calls for police service.

This agreement is similar to that approved for the Rochester Yacht Club parcel on St. Paul Boulevard pursuant to Ordinance No. 2005-245.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-329
(Int. No. 355)

Authorizing An Agreement With The Town Of Irondequoit For Police Services To The Shumway Marina

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Irondequoit whereby the Irondequoit Police Department will provide the initial response for police service for all calls from the Shumway Marina, 40 Marina Drive.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-330
Re: Wisconsin Firehouse Renovation Project

Transmitted herewith for your approval is legislation authorizing the reappropriation of a portion of the \$120,000 in bonds originally approved to finance the costs of the replacement of the roof on the Hudson Avenue Fire Facility, as per Bond Ordinance No. 2004-37. A balance of \$17,023 remains in the fund. The reprogramming of the funds will finance construction costs for the Wisconsin Firehouse Renovation Project.

Pursuant to Ordinance No. 2005-410 and 2005-411, the estimated cost for construction of the improvements was \$175,000. Bids were received on May 22, 2007, in the amount of \$171,100. The bids did not include work for a flat roof that is needed, the cost of

which is estimated to be \$6,500. Reprogramming the \$17,023 will allow for funding for the flat roof and contingencies for the project.

Construction is anticipated to begin this summer and be completed this fall.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-330
(Int. No. 356)

Amending Bond Ordinances No. 2004-37 And 2005-411 Relating To Reconstruction Of Fire Facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2004-37, a bond ordinance in the amount of \$120,000 to finance the cost of replacement of the roof on the Hudson Avenue Fire Facility, is hereby amended by reducing the amount estimated for said purpose and appropriated therein by the sum of \$17,023. Ordinance No. 2004-37 is hereby further amended by authorizing reconstruction of the Wisconsin Street Fire Facility to be added as an additional purpose and by reappropriating \$17,023 to fund this purpose in addition to the sum of \$205,000 appropriated in Bond Ordinance No. 2005-411, thereby bringing the total estimated cost of said purpose to \$222,023.

Section 2. Ordinance No. 2005-411, a bond ordinance in the amount of \$205,000 to finance the cost of reconstruction of the Wisconsin Street Fire Facility, is hereby amended by increasing the total estimated cost of said purpose from \$205,000 to \$222,023, which increase of \$17,023 shall be funded from the reappropriation of funds from Bond Ordinance No. 2004-37 as set forth in Section 1.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-331
Re: Edward Byrne Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the receipt and use of a \$150,000 Edward Byrne Memorial grant, and amending the 2006-07 Budget as follows:

1. Amend the Budgets of the Rochester Police Department by \$80,000 and the Department of Recreation and Youth Services by \$70,000 to reflect the grant; and
2. Transfer \$50,000 from Contingency to the Department of Recreation and Youth Services to fulfill the grant's requirement for a local cash match equal to one-third of the amount of the grant.

These funds must be fully expended by September 30, 2007 and will be used to support the City of Rochester's truancy program. Funds will be used for

facility upgrades and improvements to the Truancy Center and for upgrades and/or replacements of vans and bicycles for truancy officers.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-331
(Int. No. 364)

Authorizing An Application And Agreement For Funding For The Truancy Program And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Edward Byrne Memorial Grant Program for the truancy program.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$80,000 and to the Department of Recreation and Youth Services by the sum of \$70,000, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein. Said budget is hereby further amended by transferring the sum of \$50,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund the truancy program.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-332 and
Ordinance No. 2007-333
Re: Nighttime Youth Curfew

Transmitted herewith for your approval is legislation authorizing the extension of the Nighttime Youth Curfew through September 4, 2008, and establishing \$207,000 as maximum compensation for an agreement with Hillside Children's Center for the operation of curfew services. This agreement will be funded from the 2007-08 Budget of the Department of Recreation and Youth Services. The term of this agreement will be one year.

The youth curfew program was initiated as a pilot program in August 2006. Nearly a full year of service has provided data which is the basis of the Curfew Pilot Project Report compiled by the Center for Public Safety Initiatives at the Rochester Institute of Technology. A copy of the report has been distributed to Council members; a copy is also on file with the City Clerk.

The most compelling data in the report shows that both the number of youth arrests and the number of youth victims declined during curfew hours. The main

purpose of the curfew was to reduce youth victimization and crime during the dangerous nighttime hours. The curfew has established reasonable standards which can be enforced by parents and guardians. The curfew has also been heavily publicized through the schools and local media outlets. The result has been that a relatively small number of youth have been found in violation of the curfew.

Nevertheless, those who are in violation of the curfew are, at times, at house parties or in the vicinity of gunfire, putting themselves in extreme danger. The report also shows that 44% of the youth found in violation of the curfew were under 15 years of age, with eleven individuals under the age of 12. The youth were also out late; 46% of the youth under the age of 14 were stopped after 1 A.M. and only 17% were stopped before midnight. The curfew serves a very important purpose of protecting our youth.

The original vision for the curfew program, based on the system used in Minneapolis, was to ensure that it is a community-wide effort. In that light, it is important to note that both Monroe County and the Rochester City School District are collaborating with the City to fully implement the program. Staff from the County's Division of Human Services and the Probation Department regularly attend and participate in meetings. The County of Monroe has offered to provide updates on any changes in programs for youth referrals. The County has also provided free training to all Hillside staff.

RCSD and the County are working together to help secure two possible grants. One of the grants would be used to fund a Parent Liaison position for the curfew program; the other grant would support the September 1, 2007 kickoff of the truancy program. RCSD has been actively working with the City to locate and fund a facility to house both the curfew and truancy programs.

In addition, the school district's contributions include: providing students with appropriate identification; educating parents, students, and school personnel about the curfew policy; and working with parents to provide consent to share truancy records.

Hillside will continue to provide the facility for curfew violators to be taken. Hillside staff will evaluate, on an individual basis, youths who are brought to the facility and make referrals for additional services as necessary. Over the past year, Hillside has performed well. Intake has gone smoothly; follow-up services are offered to all youth and their parents; and the Curfew Center has been upgraded significantly. The center has even become a voluntary haven for youth seeking refuge late at night.

The curfew program has demonstrated its value as a resource for addressing the serious problems facing some of our youth. It should be viewed, not as a punitive mechanism, but as a safety net. The Administration will continue to work with the County, RCSD and other community agencies to improve the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-332
(Int. No. 365)

Extending The Effective Date Of Ordinance No.

2006-246 Establishing A Nighttime Curfew For Minors

By Councilmember Pritchard
August 21, 2007

WHEREAS, by Ordinance No. 2006-246, the Council approved a new Chapter 45 of the Municipal Code establishing a nighttime curfew for minors; and

WHEREAS, the curfew was extended by Ordinance No. 2006-370 and Ordinance No. 2007-27 and is set to expire on September 4, 2007; and

WHEREAS, the Council finds that the original purposes of the curfew to prevent youth victimization and crime are still valid and that the curfew has allowed the Rochester Police Department to remove youth from dangerous situations and return them safely to their homes. The continuation of the curfew will allow the City to collect additional data so that a more comprehensive evaluation of the effect of the curfew can be made, through data obtained during all seasons of the year and while school is in session and on summer break. This additional trial period will continue to protect youth from violence and from being involved in crime, provide a standard consistent with community expectations that can be adopted by youth and their families in order to protect our youth, avoid the interruption of services provided to at-risk youth, and provide an opportunity for further adjustments to the curfew as indicated by the evaluation;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The nighttime curfew for minors set forth in Chapter 45 of the Municipal Code, as adopted by Ordinance No. 2006-246 and extended by Ordinance No. 2006-370 and Ordinance No. 2007-27, is hereby extended and shall remain in full force and effect until 5:00 a.m. on September 4, 2008.

Section 2. This ordinance shall take effect immediately.

Passed by the following votes:

Ayes - President Giess, Councilmembers Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmember Conklin - 1.

Ordinance No. 2007-333
(Int. No. 366)

Authorizing Extension Of A Professional Services Agreement For The Curfew Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$207,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the extension of a professional services agreement between the City and Hillside Children's Center for the operation of a curfew center through September 4, 2008. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 357 - Authorizing A Lease Agreement For The Lease Of The Parking Lot At 61 North Chestnut Street

Int. No. 358 - Authorizing An Agreement For Operation Of The Sister Cities Parking Garage

Int. No. 359 - Authorizing An Agreement For Operation Of The Genesee Crossroads Parking Garage

Int. No. 360 - Designating Area To Be Known As The Driving Park Urban Renewal District

Int. No. 372 - Authorizing A Tax Delinquency And Section 108 Loan Installment Agreement With High Falls Brewing Company, LLC

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Lois J. Giess
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-334
Re: Lease Agreement - 61 N. Chestnut Street

Transmitted herewith for your approval is legislation authorizing an agreement with the Farash Corporation, or their affiliate, for the lease of 61 N. Chestnut Street for parking for residents of Chestnut Square located at 328 East Main Street. The lot currently contains 26 parking spaces. The term of the lease is 10 years.

The market rental for the City-owned lot has been appraised at \$625 per month by Bruckner, Tillett, Rossi, Cahill & Associates in January 2007. The Farash Corporation will be required to improve the property to conform to the Center City District zoning design guidelines. The improvements for the lot include resurfacing, installation of decorative fencing with brick piers, and landscaping. The improvements will result in the reduction of parking spaces from 26 to 24.

The cost of these improvements has been estimated at \$51,500, which will be amortized over the lease term at an 8% rate and credited as monthly rental payments of \$625 to the City.

The Farash Corporation has leased the lot since 1993 when they began renovations of the Chestnut Square Building for 86 residential units and first-floor office/retail space. The lease to Farash has been on a month-to-month basis since 2001. The current rent is \$600 per month.

The City reserves the right to terminate the lease at any time with a sixty-day notice. Upon early termi-

nation of the lease by the City, the City will reimburse the Farash Corporation for the remaining unamortized principal invested for the improvements.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-111

Ordinance No. 2007-334
(Int. No. 357)

Authorizing A Lease Agreement For The Lease Of The Parking Lot At 61 North Chestnut Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Farash Corporation, or an affiliate of the Farash Corporation, for the lease of the parking lot located at 61 North Chestnut Street for a term of ten years. The City may terminate the agreement on sixty days notice. The agreement shall obligate the lessee to pay all expenses associated with the parking lot, including any utility costs, pure waters capital charges, water consumption charges and the cost of insurance and performance bonds. The lessee shall be required to maintain the parking lot and perimeter landscaped areas, as well as keep adjacent sidewalks free of ice and snow. The lessee shall also be required to improve the property to conform to the Center City District zoning design guidelines.

Section 2. The lease agreement shall obligate the lessee to pay to the City the sum of \$7,500 annually in rent, payable in equal monthly amounts. The cost of the improvements to the parcel shall be amortized over the term of the lease at an 8% rate and credited against the monthly rental payments owed to the City. If the City terminates the lease before the expiration of its term, the City shall be obligated to reimburse the lessee for the remaining unamortized principal cost of the improvements.

Section 3. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-335 and
Ordinance No. 2007-336

Re: Parking Garage Operating Agreements

Transmitted herewith for your approval is legislation authorizing agreements with Ampco System Parking, Cleveland, Ohio, for operation of the Sister Cities Parking Garage; and with Allright New York Parking, Inc., DBA Central Parking System, Rochester, for operation of the Genesee Crossroads Garage.

Requests for proposals for the operation of the garages were issued in June 2007. For the Sister Cities Garage, proposals were received from Allpro Parking (current operator), Central Parking System, Riverside Parking, and Ampco System Parking. Opera-

tors submitting proposals for the Genesee Crossroads Garage were Central Parking System (current operator) and Allpro Parking.

A staff review included the following factors: completeness of proposal; relevant experience; qualifications of key personnel; financial condition of company; customer service plan; special events plans; safe environment and staffing plans; maintenance plan; and compensation proposal.

Sister Cities Garage

Ampco System Parking is recommended for operation of this garage. While Ampco does not return the highest percentage of revenue after taxes to the City, other factors were rated more highly. Ampco was considered especially strong in completeness of proposal, financial condition of company, customer service plan, special events planning, and garage maintenance plans.

Ampco projects a return of \$390,000 to the City from the first \$1,000,000 in revenue-after-taxes. For revenue exceeding this initial \$1 million, the City will receive a return of 80%.

Ampco has not operated garages in Rochester for several years. References were checked with some of their other municipal customers, including Minneapolis, Akron, Kalamazoo and Des Moines. All reported a high level of satisfaction with Ampco.

Genesee Crossroads Garage

Central Parking System, the current operator, is recommended for operation of this garage. The compensation proposal submitted by Central would return 9% of the first \$600,000 in revenue after taxes, and 50% of revenue after taxes after the \$600,000 threshold is met.

The new agreements have initial terms of three years beginning September 1, 2007 with two one-year renewal options.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-112

Ordinance No. 2007-335
(Int. No. 358)

Authorizing An Agreement For Operation Of The Sister Cities Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Ampco System Parking for the operation of the Sister Cities Parking Garage. Ampco shall provide full-time managers and all other personnel required for operation of the garage, including cashiers, security guards and maintenance staff. Ampco shall be responsible for the costs of materials and supplies, maintaining service agreements on major equipment including elevator services, insurances, a performance bond for the garages, all utility costs, Pure Waters capital charges/assessments, Downtown Enhancement District charges and DOWNTOWN Special Services charges. The agreement shall be for a term of three years, with two additional options to

renew for one-year terms.

Section 2. The agreement shall obligate Ampco System Parking to pay to the City 39% of the first \$1,000,000 in annual net revenue of the garage, and 80% of the annual net revenue of the garage above \$1,000,000.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-336
(Int. No. 359)

Authorizing An Agreement For Operation Of The Genesee Crossroads Parking Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Allright New York Parking, Inc., d/b/a Central Parking System, for the operation of the Genesee Crossroads Parking Garage. Central shall provide full-time managers and all other personnel required for operation of the garage, including cashiers, security guards and maintenance staff. Central shall be responsible for the costs of materials and supplies, maintaining service agreements on major equipment including elevator services, insurances, a performance bond for the garage, all utility costs, Pure Waters capital charges/assessments, Downtown Enhancement District charges and Downtown Special Services charges. The agreement shall be for a term of three years, with two additional options to renew for one-year terms.

Section 2. The agreement shall obligate Central Parking System to pay to the City 9% of the first \$600,000 in annual net revenue of the garage, and 50% of the annual net revenue of the garage above \$600,000.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-337
Re: Urban Renewal District Designation -
Driving Park Revitalization Area

Transmitted for your approval is legislation approving the Driving Park Revitalization Area as eligible for designation as an Urban Renewal District. The area encompasses the former Wegmans Food Market property located at 373-375 Driving Park Avenue. A boundary map is attached.

The designation will facilitate the establishment of a full service food market, an essential neighborhood service, at the 2.2 acre site. Wegmans closed the

42,000 square foot store in May 2007 and the property remains vacant. The building is showing early signs of deterioration, and long-term vacancy will accelerate this problem. The windows have been boarded and the property has become littered with trash. The building systems are obsolete and in need of replacement. The loading and unloading facilities are inadequate and in need of replacement.

Continued vacancy of the building will be detrimental to the neighborhood and hinder revitalization efforts. These conditions constitute sufficient evidence to define the area as "blighted", satisfying requirements for its designation as an Urban Renewal District.

Upon approval of eligibility, a formal plan for the district will be developed. Subsequent approval of the plan will be required by the Planning Commission and City Council.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-113

Ordinance No. 2007-337
(Int. No. 360)

Designating Area To Be Known As The Driving Park Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby finds and declares that the area in the City of Rochester encompassing the former Wegmans Food Market parcel at 373-375 Driving Park Avenue, SBL #090.82-1-35.1, generally located on the south side of Driving Park Avenue between Finch Street on the west and Dewey Avenue on the east, is substandard and insanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the Driving Park Urban Renewal District.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of this area as an urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-338
Re: High Falls Brewing Company LLC Tax
Delinquency Installment Agreement

Transmitted herewith for your approval is legislation authorizing the City to enter into a special tax agree-

ment for High Falls Brewing Company, LLC.

High Falls is the owner of 39 parcels of real property located within the city (a list of the parcels is set forth in the proposed legislation) that are used in connection with its brewing business. High Falls owes the City delinquent City and School taxes and water bills with a total principal amount of \$4,802,684 and total interest of \$1,044,729.

High Falls also has the following outstanding City of Rochester U.S. Department of Housing & Urban Development Section 108 loans ("Section 108" loans) with the City:

1. An equipment loan totaling \$775,723, with the principal paid to August, 2008, and interest owed of \$158; and
2. A real estate loan totaling \$2,466,214, with past due principal and interest of \$311,675.

This legislation will allow the City to enter into an agreement whereby High Falls will pay its current water and tax bills as well as its current Section 108 loan payments. High Falls may pay its delinquent water and taxes over a period longer than five (5) years, contingent upon High Falls meeting specific financial benchmarks. Interest payments on the past due water and tax principal will be reduced to the amount of inflation and no further interest will accrue on the interest that has accrued to date on the delinquent water and tax bills. Repayment of the delinquent water and tax interest that has accrued to date will be contingent upon High Falls meeting additional financial benchmarks. The past due principal and interest on the Section 108 real estate loan will become due at loan maturity as a balloon payment.

This legislation is necessary because without such an agreement between the City and High Falls, High Falls will be unable to obtain new financing necessary to carry out its new Distribution and License Agreement with Pernod Ricard USA, LLC. This new agreement is critical to the long-term viability of High Falls. High Falls Brewing Company, LLC is currently the fifth-largest brewery in the U.S. and currently employs 354 people in the city, of whom 110 are city residents.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-114

Ordinance No. 2007-338
(Int. No. 372)

Authorizing A Tax Delinquency And Section 108 Loan Installment Agreement With High Falls Brewing Company, LLC

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the Mayor to enter into an agreement with High Falls Brewing Company, LLC relating to past due taxes, water payments and Section 108 loan repayments for the following properties:

Address	S.B.L.#
107 St. Bridgets Dr.	106.540-0001-010 000 0000 JR

75 Martin St.	106.540-0001-022 001 0000 MR
515 St. Paul St.	106.540-0001-034 000 0000 NZ
555 St. Paul St.	106.540-0001-035 000 0000 OS
565 St. Paul St.	106.540-0001-036 000 0000 PL
587 St. Paul St.	106.540-0001-037 000 0000 QE
595 St. Paul St.	106.540-0001-038 000 0000 QX
481R St. Paul St.	106.610-0001-025 000 0000 ND
39 Curtice St.	106.620-0001-001 000 0000 JG
499-507 St. Paul St.	106.620-0001-002 000 0000 JZ
495 St. Paul St.	106.620-0001-003 000 0000 KS
479 St. Paul St.	106.620-0001-004 001 0000 MH
30 Dowling Pl.	106.620-0001-004 002 0000 ND
18 Dowling Pl.	106.620-0001-005 001 0000 NA
14 Dowling Pl.	106.620-0001-005 002 0000 NW
471 St. Paul St.	106.620-0001-006 000 0000 MX
7 Cataract St.	106.620-0001-033 001 0000 NQ
13 Cataract St.	106.620-0001-034 000 0000 NN
395 St. Paul St.	106.620-0001-035 000 0000 OG
8 Cataract St.	106.620-0001-036 000 0000 OZ
409 St. Paul St.	106.620-0001-037 000 0000 PS
12-14 Cataract St.	106.620-0001-038 000 0000 QL
16 Cataract St.	106.620-0001-039 000 0000 RE
18-22 Cataract St.	106.620-0001-040 000 0000 LH
28 Cataract St.	106.620-0001-041 000 0000 MA
32 Platt St.	106.620-0001-042 000 0000 MT
25 Cataract St.	106.620-0001-043 000 0000 NM
26 Cataract St.	106.620-0001-045 000 0000 OY
449 St. Paul St.	106.620-0001-047 000 0000 QK
419 St. Paul St.	106.620-0001-048 000 0000 RD
445 St. Paul St.	106.620-0001-049 000 0000 RW
461 St. Paul St.	106.620-0001-050 000 0000 LZ
3 Dowling Pl.	106.620-0001-051 000 0000 MS
7 Dowling Pl.	106.620-0001-052 000 0000 NL
11 Dowling Pl.	106.620-0001-053 000 0000 OE
15 Dowling Pl.	106.620-0001-054 000 0000 OX
19 Dowling Pl.	106.620-0001-055 000 0000 PQ
475 St. Paul St.	106.620-0001-056 000 0000 QJ
8-28 Ward St.	106.630-0001-016 000 0000 OA

Section 2. The agreement shall provide that High Falls will pay its current water and tax bills as well as its current Section 108 loan payments. High Falls may pay its delinquent water and taxes over a period longer than five (5) years, contingent upon High Falls meeting specific financial benchmarks. Interest payments on the past due water and tax principal will be reduced to the amount of inflation and no further interest will accrue on the interest that has accrued to date on the delinquent water and tax bills. Repayment of the delinquent water and tax interest that has accrued to date will be contingent upon High Falls meeting additional financial benchmarks. The past due principal and interest on the Section 108 real estate loan will become due at loan maturity as a balloon payment.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:50 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
SEPTEMBER 19, 2007

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DCD

*Joseph Leonardo

DES

*Mario Norselli

ECD

*Patricia Aman

Finance Department

*Barbara Morey

NET

*Pedro Viera

Fire Department

*Firefighter Paul Brock

Police Department

*Lieutenant Mark Merklinger

*Officer Thomas Sexstone

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Pritchard

RESOLVED, that the minutes of the Regular Meeting of August 21, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3894-7

The Director of Zoning submits a Notice of Environmental Determination 3895-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program Int. No. 376 No Speakers.

Changing The Zoning Classification Of 1148 North Goodman Street From R-1 Low Density Residential To C-1 Neighborhood Center Int. No. 377 1 Speaker, Nichola Russo, 1148 N. Goodman Street.

Authorizing The Sale Of Parcels In The Brooks Landing Urban Renewal Project, Acquiring Parking Rights And Repealing Ordinance No. 2005-389 Int. No. 408 No Speakers.

Designating Genesee Brooks LLC As Qualified And Eligible To Purchase And Develop Sub-Area II In The Brooks Landing Urban Renewal Project Int. No. URA-8 No Speakers.

Amending Local Improvement Ordinance No. [1566] 1569 - Areaway Abandonments at 673 Glide Street As A Part Of The Glide Street Improvement Project, As Amended Int. No. 387 No Speakers.

Approving The Urban Renewal Plan For The Driving Park Urban Renewal Project Int. No. 400 No Speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Driving Park Urban Renewal Project Int. No. 401 No Speakers.

Changing The Zoning Classification Of 373-375 Driving Park Avenue From C-2 Community Center To Driving Park Urban Renewal District Int. No. 402 No Speakers.

Authorizing The Sale Of 373-375 Driving Park Avenue To Further The Driving Park Urban Renewal Plan And Appropriating Sale Proceeds Int. No. 410 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
September 19 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 374 - Amending The 2007-08 Budget With Respect To Property Management

Int. No. 375 - Resolution Approving Appointments To The Rochester Preservation Board

Int. No. 406 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 407 - Authorizing An Application And Agreements For the Lead Safe Homes Program

Int. No. 411 - Authorizing An Agreement For The Proactive Property Management Program And Amending The 2007-08 Budget And Ordinance No. 2007-305, As Amended

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 376 - Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program

Int. No. 377 - Changing The Zoning Classification Of 1148 North Goodman Street From R-1 Low Density Residential To C-1 Neighborhood Center

Int. No. 408 - Authorizing The Sale Of Parcels In The Brooks Landing Urban Renewal Project, Acquiring Parking Rights And Repealing Ordinance No. 2005-389

Respectfully submitted,
Carolee A. Conklin
Lois J. Giess
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-339
Re: Budget Amendment - Department of Community Development

Transmitted herewith for your approval is legislation amending the 2007-08 Budget by transferring \$150,000 from the Property Management Account to the Department of Community Development Budget, and appropriating these funds for costs related to the management of City-owned properties. This amount, added to the remaining \$13,000 in the operating budget of the Department will enable financing of the total estimated costs for evictions and property expenses through the end of 2007-08.

The Property Management Account is funded from rent paid on City-owned, tenant-occupied housing. The transfer to the operating budget will allow continued payments for management of properties acquired through tax foreclosure and other means while they remain in City ownership.

The funds will be used to cover property management expenses through the end of 2007-08 for the Valley Court Apartments and for occupied properties acquired by foreclosure. Expenses include items such as eviction costs, utility charges, trash removal, material costs and miscellaneous repairs.

A significant rise in expenses is anticipated over the next several months. During heating season, there is a steep rise in utility costs at Valley Court Apartments, which has a central heating unit. Also, the properties acquired in January 2008 through tax foreclosures may be rented on a short-term basis, or may need to be vacated, and as such will require maintenance attention.

The \$150,000 excludes management fees and labor expenses, which are paid through a separate agreement with R.D.F. Management.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-339
(Int. No. 374)

Amending The 2007-08 Budget With Respect To Property Management

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community

Development by the sum of \$150,000, which amount is hereby appropriated from the Property Management Account for the management of City-owned properties.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-21
Re: Appointments - Rochester Preservation Board

Transmitted herewith for your approval is legislation confirming the appointments of the following individuals to the Preservation Board:

Mimi Freund Tilton 25 Berkeley Street, 14607
Michael Warfield 32 King Street, 14608

In addition to living in a preservation district, Ms. Tilton owns property slated for development in the High Falls District. She will replace Peter Siegrist who is stepping down from the Board in order to take a staff position in the Department of Community Development. Mr. Siegrist's term expired on July 31, 2007. Ms. Tilton's term will extend to September 30, 2009.

Mr. Warfield is a resident of the Susan B. Anthony District and has been active in promoting the revitalization of this area. He will complete the term of the position held by Paul Burgett, who has resigned due to conflicting professional obligations. Mr. Warfield's term will expire February 28, 2008.

Resumes for both Ms. Tilton and Mr. Warfield are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-21
(Int. No. 375)

Resolution Approving Appointments To The Rochester Preservation Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Mimi Freund Tilton, 25 Berkeley Street, to the Rochester Preservation Board for a term which shall expire on September 30, 2009. Ms. Tilton shall replace Peter Siegrist, whose term has expired.

Section 2. The Council hereby approves the appointment of Michael Warfield, 32 King Street, to the Rochester Preservation Board for a term which shall expire on February 28, 2008. Mr. Warfield shall fill the unexpired term of Paul Burgett, who has resigned.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-340
 Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of eighty-six properties. With the exception of purchasers of unbuildable vacant land, staff have audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first fifty-eight properties were sold at the August, 2007 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

The next property is a mixed-use structure that was sold through a Request for Proposal for its appraised value. The purchasers will rehabilitate the structure as six apartments and two stores.

The next four properties are vacant lots that were sold through a sealed bid process to the adjoining property owners. The purchasers will combine the parcels with their adjoining properties.

The next two properties are single-family structures that are being sold to the former owners. The purchase prices include all delinquent taxes, interest and penalties.

The next seventeen properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties. Please note that the remaining portion of 3 Reed Park will be combined with the adjoining City-owned parcel located at 464 Hudson Avenue.

The last four properties are being sold to the RHDFC for their appraised values. The properties will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester, NY Statistical Area.

All City taxes and others charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AG-115

Ordinance No. 2007-340
 (Int. No. 406, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Lot Size Purchaser	Legal Use	Price
147 Alphonse St 106.33-1-79	49x144 Anamaria Halter	1 Family	\$ 3,000
26 Arnett Blvd 120.67-1-62	35x105 Arito Kalagbor	1 Family	1,700
3 Athens St 106.21-1-27	86x100 Conley Hill	1 Family	1,300
439 Avenue A 106.22-3-14	40x207 Conley Hill	1 Family	400
39 Avenue C 105.28-1-19	40x120 Conley Hill	1 Family	1,100
295 Avenue C 106.22-1-8	62x65 Julieth Jreige	1 Family	4,000
129 Bartlett St 120.68-3-23	40x180 William Burke-Mattis	1 Family	800
23 Bleile Ter 091.78-1-37	40x82 Julieth Jreige	1 Family	9,500
102 Cady St 120.60-1-50	44x39 Julieth Jreige	1 Family	6,400
59 Cameron St 105.66-1-1	39x200 Michael J. Wood	1 Family	2,300
10 Carl St 106.22-3-15	35x94 Nicolas Pacheco	1 Family	3,500
27 Carl St 106.31-1-8 435-437	38x94 Luis Casado	1 Family	1,600
Columbia Av 120.75-1-17	44x111 Terrell L. Prince	2 Family	5,700
196 Cottage St 135.28-1-26	51x145 Rashawn M. Banks	1 Family	900
196 Curtis St 105.41-1-36	37x110 Pavel Kasap	1 Family	19,500
32 DeJonge St 106.31-2-22	32x71 Digna M. Rosa	1 Family	1,200
241 Durman St 091.82-1-23	35x80 Eugene Simmons, Jr.	1 Family	3,500
56 Elgin St 135.27-2-87	35x72 Simon Jreige	1 Family	2,600
336 Emerson St 105.42-1-61 552-556	40x102 Gerardo Fontanez	1 Family	4,500
Emerson St 105.41-1-6	41x140 Michael J. Wood	2 Family	6,000
20 Evergreen St 106.37-2-12	66x231 Cory Rotenberg	2 Family	3,200
96 Evergreen St 106.30-3-69.1	82x144 Cory Rotenberg	1 Family	4,600
183 First St 106.51-1-33	40x120 Timothy Schaeffer	1 Family	900
14 Frederick St 106.49-1-30	30x64 Simon Jreige	1 Family	3,600
423 Frost Av 120.67-2-28.1	66x141 Simon Jreige	1 Family	3,100
552 Genesee St 120.74-1-33	42x99 Frances Miller Sheppard	1 Family	13,300
23 Geneva St 091.62-2-36	36x108 Adriana Burgos	1 Family	4,300
55 Hoeltzer St 106.39-2-26	40x99 Syreeta Dholichand	2 Family	2,200
96 Jefferson Av 120.36-1-72	40x123 Adriana Burgos	1 Family	1,100
68 Joseph Pl 091.80-1-44	35x110 Renette T. Daniels	1 Family	1,000
50 Kohlman St 091.78-3-11	37x142 Bolanle Ogundokun	1 Family	400
15 Ludwig Pk 091.80-1-65	38x59 Angel D. Morales Jr.	1 Family	700
226 Lyndhurst St 106.73-2-32	30x130 Adriana Burgos	2 Family	19,100
61 Magnolia St 120.84-3-9	30x98 Rashawn M. Banks	1 Family	2,100

669 Maple St 120.33-2-6.1	39x100	1 Family	5,800
26 Mark St 106.41-2-9	38x128	1 Family	1,200
274 Merrimac St 106.42-1-25	34x118	1 Family	3,900
4 Mt. Pleasant Pk 120.84-2-28	50x50	1 Family	4,300
859 North St 106.41-2-20	30x108	1 Family	1,200
38 Orange St 105.84-1-53	57x89	1 Family	6,300
5 Oscar St 091.70-3-52	34x97	1 Family	2,000
50 Remington St 106.31-2-76	71x109	1 Family	500
[207 Remington St 106.23-1-11	40x111	1 Family	4,300
219 Reynolds St 120.68-1-38	71x100	1 Family	1,600
150 Roycroft Dr 091.82-1-76	34x74	1 Family	2,000
281 Saxton St 105.83-1-017	40x106	1 Family	4,400
178 Sherman St 105.58-2-18	37x100	1 Family	4,800
91 Silver St 120.35-2-76.1	66x165	1 Family	1,200
129 Sixth St 106.52-1-20	40x120	1 Family	4,200
591 Smith St 105.83-2-19	41x111	1 Family	1,600
217 Spencer St 105.68-1-41	50x124	1 Family	2,600
1532 St. Paul St 090.76-1-61	50x87	2 Family	30,000
6 Superior Ter 120.58-3-14	29x70	1 Family	6,800
34 Taylor St 120.34-2-48	38x117	1 Family	5,700
99 Thomas St 106.32-1-15	30x146	1 Family	1,300
135 Thomas St 106.24-2-57	35x159	1 Family	2,000
42 Treyer St 106.22-4-46	43x96	1 Family	800
15 Wentworth St 120.43-1-15	34x130	1 Family	9,100

Section 2. The Council hereby approves the sale of the following parcel of improved property by request for proposal sale:

Address: 533-535 State St
S.B.L.#: 106.61-1-43.1
Lot size: 30x284
Price: \$4,000
Purchaser: Deepak Marwaha, Santosh Marwaha, Harnam Marwaha

Section 3. The Council hereby further approves the sale of the following parcels of vacant land with proposal by sealed bid:

Address S.B.L.#	Lot Size Purchaser	Price
157 Lexington Av 105.27-2-55	42x110 Frank Longabaugh	\$ 50
176-178 Lincoln St 106.34-3-25	40x110 Courtney Lawrence & Pauline Moffatt Lawrence	101.54
52 Niagara St 106.51-1-45	40x120 Namon Rump	50

1010 North St 106.26-3-49	41x140 Henry Smith & Lorienda J. Smith	50
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Section 4. The Council hereby further approves the sale of the following parcels of improved property by former owner sale:

Address S.B.L.#	Legal Use Purchaser	Lot Size	Price
86 Copeland St 107.45-2-41	Single Family Mary Alice Kelly	40x156	\$3,232
47 Eiffel Place 091.79-3-88	Single Family Richard & Anastasia Fesiak	36x140	969

Section 5. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
113 Cady St 120.60-2-13	33x189 Paul Jones, Jr. & Linda Bowen-Jones	6250±
4 Eisenberg Pl 121.66-3-45.1	33x129 Alan Aszkler	4260±
E Portion of 28 Finney St Pt. of 106.65-1-11	37x70 Teodoro Quinones	2597±
W Portion of 28 Finney St Pt. of 106.65-1-11	37x40 Teodoro Quinones	1480
827 Harvard St 122.54-3-21	75x25 James P. Hondorf	1912±
494 Jefferson Av 120.60-2-92	29x107 Robert Burney	3162±
1138 Joseph Av 091.63-2-34	59x82 CM Financial Corp.*	4911±
187-189 Leighton St 107.78-2-60	38x120 Rose A. Ellerbe	4260±
N 1/2 of 63 Mayberry St Pt. of 107.78-2-44	17.5x100 Bertha L. Samuel	1750
S 1/2 of 63 Mayberry St Pt. of 107.78-2-44	17.5x100 Lorraine Rodgers	1750
N 1/2 of 178 Orchard St Pt. of 105.83-1-33	20x53 Douglas A. Anderson	1074±
S 1/2 of 178 Orchard St Pt. of 105.83-1-33	20x53 William R. Vahue	1074±
110 Parkway 105.59-2-60	30x60 Anthony & Beverly Ruggieri	1800
31 Petrel St 105.51-2-48	34x87 Roy Ange	2978±
Pt. of 3 Reed Pk Pt. of 106.41-4-2	30x30 James B. & Yvertle Brown	911±
337 Sixth St 106.44-1-6	32x122 St. Matthew's Missionary Baptist Church**	3904
125 Weaver St 091.71-3-46	36x117 Svetlane Gonzalez	4221±

* Officers: Anthony Shablacone; Richard Zarcone; Peter Marasco

** Officer: Mansellers McKnight, Pastor

Section 6. The Council hereby further approves the negotiated sale of the following parcels of improved property:

Address S.B.L.#	Lot Size Purchaser	Legal Use	Price
232 Avis St 090.41-1-29	40x100 Rochester Housing Development Fund Corp*	1 Family	\$10,000
185 Ridgeway Av 090.50-1-34	40x161 Rochester Housing Development Fund Corp*	1 Family	12,000
130 Rosemary Dr 091.83-2-63	38x76 Rochester Housing Development Fund Corp*	1 Family	7,000
241 Sawyer St 135.26-3-9	35x127 Rochester Housing Development Fund Corp*	1 Family	10,000

*Officers: Jean A. Lowe, President; R. Scott Schmid, Vice President

Section 7. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-341
Re: Greater Rochester Health Foundation
Request for Proposal

Transmitted herewith for your approval is legislation authorizing an application to and an agreement with the Greater Rochester Health Foundation (GRHF) for the receipt and use of a grant of \$1,500,000 through the Lead Safe Homes Program.

GRHF will provide one award to a qualified entity to control lead hazards in owner-occupied and rental housing. Eligible activities include: inspections/risk assessments, child blood testing, interim controls/abatement, outreach, minor rehabilitation, temporary relocation, and data collection. A target area has been identified by GRHF to include a portion of Census Tract 48 located in the 14621 neighborhood.

A total of \$1.5 million will be made available over a 36-month period. The program start date will be February 2008 and conclude February 2011. Assistance to property owners will include grants up to \$10,000 to undertake interim controls, abatement, and limited rehabilitation. It is expected that approximately 45 units will be served annually. At least 135 units will be served over the three-year term.

The City will combine this proposed program with current lead hazard control efforts to continue the goal of eliminating childhood lead poisoning by 2010. Work will continue in high-risk neighborhoods where the incidence of childhood lead poisoning is greatest. An emphasis will be placed on serving households with children under age 6 located in the 14621 target area.

The application will be submitted by October 5, 2007. Funding approval is expected by December 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-341
(Int. No. 407)

Authorizing An Application And Agreements For The Lead Safe Homes Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Greater Rochester Health Foundation for funding under the Lead Safe Homes Program.

Section 2. The Mayor or his designee is hereby further authorized to enter into agreements necessary to implement the Lead Safe Homes Program.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$1,500,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from Lead Safe Homes Program funds to be received under the agreement authorized in Section 1.

Section 4. The application and agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-342
Re: Agreement with Monroe County
to Supplement Lead Poisoning
Prevention Efforts

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of a grant of up to \$378,527 to supplement the Proactive Property Management Program and the City's ongoing program to increase the number of units in high risk areas that will be inspected for lead. The 2007-08 budget of the Neighborhood Empowerment Team will also be amended by the sum of \$349,800 to reflect the amount of the grant to be included in the current budget.

These funds are a grant received by the County from the New York State Department of Health, which the County expects to receive on an annual basis. The grant will fund two full-time or equivalent inspection positions, additional lead dust wipe testing costs, and reimbursement for third-party clearance testing following lead hazard control activities for property owners.

This funding will allow the City to expand the high risk areas sooner than previously expected and help achieve the three-year compliance requirements of the Lead Paint Poisoning Prevention Ordinance. This will also accelerate wipe testing in single-family rentals in the high risk areas, as well as in open pre-Lead

Ordinance Certificate of Occupancy cases. This will facilitate the increase of lead safe housing units for children and families in the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-116

Ordinance No. 2007-342
(Int. No. 411, As Amended)

Authorizing An Agreement For The Proactive Property Management Program And Amending The 2007-08 Budget And Ordinance No. 2007-305

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding to supplement the Proactive Property Management Program and the City's lead poisoning prevention efforts. The agreement may continue for as long as the County is able to provide funding for this purpose.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Neighborhood Empowerment Team by the sum of \$349,800, which amount is hereby appropriated from funds to be received through the agreement authorized herein.

Section 4. Ordinance No. 2007-305, relating to amendments to Chapter 90 of the Municipal Code concerning Lead-Based Paint Poisoning Prevention, is hereby amended by changing the effective date contained in Section 3 thereof from August 1, 2007 to October 15, 2007.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-343
Re: Restore NY Communities Initiative

Transmitted herewith for your approval is legislation authorizing an application to and a subsequent agreement with the Empire State Development Corporation (ESDC) for the receipt and use of a grant of \$6,457,000 through the Restore NY Communities Initiative Program.

Restore NY provides financial assistance to municipalities for the demolition, deconstruction, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned residential and/or commercial properties. The total available funds, statewide, for 2007 is \$100 million; the amount in 2006 was \$50 million. Municipalities with populations of over 100,000 are limited to requesting funds for two projects and to a

maximum request of \$10M per project.

The City is applying for two projects for a total of \$6,457,000 in funding. The City is proposing to undertake either demolition or rehabilitation on the sites identified on the attached Property Assessment List. The two projects identified in the application are:

- A. The demolition of 160 residential, mixed-use, and commercial structures with funding in the amount of \$2,357,000. Restore NY funds will be used to address City-owned residential and commercial buildings as part of the ongoing strategy to right-size the housing stock, assemble sites for development, and implement focused demolition of obsolete properties. These structures have been assessed for possible re-use and demolition is recommended.
- B. As part of the revitalization of the Center City, Restore NY funds will be used to create 145 new rental housing units and for the renovation of 49,472 sq. ft. of commercial space in the following four downtown buildings:
 - 1. Academy Building
Address: 13 S. Fitzhugh Street
Type of Activity: Rehabilitation
Space to be renovated: 12,000 sq. ft.
New rental housing units to be created: 24 units
 - 2. Parry Building
Total Development Cost: \$6,500,000
ESDC Request: \$800,000
Commercial Address: 222-230 Mill Street
Type of Activity: Rehabilitation
Total Development Cost: \$1,650,000
ESDC Request: \$300,000
Commercial space to be renovated: 11,472 sq. ft.
New rental housing units to be created: 6 - 8 lofts
 - 3. Warner Building
Address: 72-82 St. Paul Street
Type of Activity: Rehabilitation
Total Development Cost: \$6,806,579
ESDC Request: \$2,000,000
Commercial space to be renovated: 11,000 sq. ft.
New rental housing units to be created: 45 lofts
 - 4. Cox Building
Address: 36-48 St. Paul Street
Type of Activity: Rehabilitation
Total Development Cost: \$6,000,000
ESDC Request: \$1,000,000
Commercial space to be renovated: 15,000 sq. ft.
New rental housing units to be created: 70 work/live lofts

In accordance with Restore NY Program guidelines, this application is consistent with the following principles:

- The proposed projects are consistent with the following documents: Comprehensive Plan; Consolidated Community Development Plan; Center City Master Plan; and the recently completed City-wide Housing Market Study and Recommendations;

- The proposed financing is appropriate for the identified projects;
- The projects will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources;
- Where applicable, the projects develop and enhance infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

The City was awarded \$2.3M from the ESDC in 2006 through the first funding round of this program. The application for 2007 funds will be submitted no later than September 28, 2007.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-117

Councilmember Conklin moved to amend Introductory No. 376.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Ordinance No. 2007-343
(Int. No. 376, As Amended)

Authorizing An Application And Agreement For A Grant Under The Restore NY Communities Initiative Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the Empire State Development Corporation for funding under the Restore NY Communities Initiative Program which shall be used by the City for the demolition of City-owned properties, and the rehabilitation or reconstruction of Center City properties.

Section 2. The application and agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. In accordance with Restore NY Program guidelines, this application is consistent with the following principles:

- (a) The proposed projects are consistent with: "Rochester 2010: The Renaissance Plan"; the City's Consolidated Community Development Plan; the Center City Master Plan, and the recently completed City-wide Housing Market Study and Recommendations;
- (b) The proposed financing is appropriate for the identified projects;

(c) The projects will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources;

(d) Where applicable, the projects develop and enhance infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 377
Re: Zoning Map Amendment - 1148 N.
Goodman Street - M-01-07-08

Transmitted herewith for your consideration is legislation amending the Zoning Map by rezoning the property at 1148 N. Goodman Street from R-1 Low Density Residential to C-1 Neighborhood Center.

The rezoning is being requested by the owner/occupant to facilitate the installation of a business sign for his home occupation as an office for the Philo-Psy Immunity Awards Foundation, created to award funds to researchers who discover the medical means to immunize everyone against diseases such as cancer and AIDS.

The property is currently legal as a two-family use with a home occupation within the second floor apartment.

The applicant filed a variance application with the Zoning Board of Appeals requesting approval of an 11.5 square foot sign to be attached to the front wall of the residential structure. The Zoning Board, on March 21, 2007, granted lesser relief for a sign not to exceed 1 square foot, which is consistent with the sign allowances for a home occupation in R-2 and R-3 zoning districts.

The Planning Commission held an informational meeting on August 13, 2007. By a vote of 0-6-0, the Commission recommends Denial.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is an Unlisted Action.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 377

Changing The Zoning Classification Of 1148 North Goodman Street From R-1 Low Density Residential To C-1 Neighborhood Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code,

Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 1148 North Goodman Street, from R-1 Low Density Residential to C-1 Neighborhood Center:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known as Lot 28 of the Goodman Street Homestead Association Tract, as filed in the Monroe County Clerk's Office in Liber 8 of Maps, Page 10, and that portion of North Goodman Street adjoining said Lot 28, being more particularly bounded and described as follows:

- Beginning at a point on the easterly ROW line of said North Goodman Street (66' ROW) at the southwest corner of said Lot 28, said corner being the Point or Place of Beginning; thence
- 1) Westerly, along the extension of the south line of said Lot 28, a distance of 33.0 feet to the centerline of said North Goodman Street; thence
- 2) Northerly along said centerline, a distance of 37 feet, more or less, to the westerly extension of the north line of said Lot 28; thence
- 3) Easterly, along said extension and the north line of said Lot 28, a distance of 160.8 feet, more or less, to the northeast corner thereof; thence
- 4) Southerly, along the east line of said Lot 28, a distance of 105.2 feet, more or less, to the southeast corner thereof; thence
- 5) Westerly, along the south line of said Lot 28, a distance of 115.0 feet to the southwest corner thereof, being the Point or Place of Beginning.

Subject to covenants, easements or restrictions of record, if any.

Being the same premises conveyed to Nichola P Russo by a deed dated September 15, 2006 and filed in Liber 10357, Page 369.

Section 2. This ordinance shall take effect immediately.

Item failed by the following vote:

Ayes - Councilmember Warren - 1.

Nays - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-344
Re: Brooks Landing Revitalization
Project Sub-Area II

Transmitted herewith for your approval is legislation relating to the development of an office/retail building as part of the Brooks Landing Revitalization Project. This legislation will:

- 1. Repeal City Council Ordinance No. 2005-389, which authorized the sale of land within the

Brooks Landing Urban Renewal District (Sub-Area II) to Genesee Brooks LLC (principal: David Flaum) for the sum of \$150,000; and

- 2. Authorize the sale of land within the Brooks Landing Urban Renewal District (Sub-Area II) to Genesee Brooks, LLC (principal: Ronald Christenson) for the sum of \$1.00; and
- 3. Establish \$200,000 as maximum compensation for an agreement with Genesee Brooks LLC for public use of parking spaces. The cost of this agreement will be financed from 2002-03 Cash Capital.

Ordinance No. 2005-389 authorized the City to sell land comprising Sub-Area II to Genesee Brooks LLC (principal: David Flaum) for the development of an approximately 28,000 sq.ft. 2-story commercial retail and office building with parking. Since then, David Flaum has opted out of the land sale agreement and subsequent development project.

In an effort to avoid further delays on the project, the City engaged in discussions with Ron Christenson, who is currently mobilized at the project area for the hotel (Sub-Area I) project. During those discussions, Ron Christenson expressed an interest in developing the Sub-Area II project.

A subsequent economic analysis of the Sub-Area II development project identified a financial gap which, when resolved, would make the project feasible. In response to this financial gap, the land will be sold using a cost write-down from the appraised value of \$150,000 to \$1.00. It is also anticipated that Genesee Brooks LLC will be eligible for annual assistance of up to \$20,000 a year over the next 5 years through the CDBG funded Interest Rate Subsidy Program offered by the City.

Genesee Brooks LLC will develop and construct an approximately 28,000 sq.ft. 2-story commercial retail and office building with parking in Sub-Area II of the Brooks Landing Revitalization Project. The new building will have a minimum of 6,000 square feet of retail space on the first floor at the corner of Brooks Avenue & Genesee Street.

The agreement with Genesee Brooks LLC for \$200,000 is for the acquisition of access to no fewer than 50 parking spaces for the public's use during non-business hours on weekdays and on weekends. This agreement shall run for no less than 20 years. This public parking agreement will address the anticipated increase in visitors to the new public promenade/boat landing, Genesee Riverway Trail and other new area businesses. The total cost to be funded is based on estimated construction costs of parking at \$4,000/parking space.

The sale is subject to finance commitments. The total project cost is estimated at \$4,336,440 with the following breakdown of uses and sources of funds:

Uses:	Soft costs	\$ 968,440
	Hard costs:	<u>3,368,000</u>
	Total	\$4,336,440
Sources:	Bank loan	\$3,469,152
	Land cost write-down	150,000
	City parking agreement	200,000
	Developer equity	<u>517,288</u>
	Total	\$4,336,440

Environmental investigations and demolition of the site have been completed by the City.

The proposed project schedule is as follows:

- September 24, 2007
Construction and permanent financing commitments obtained
- October 15, 2007
Close on the land purchase
- October 22, 2007
Construction commencement
- June 1, 2008
Construction completion

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

This project is consistent with plans for the Brooks Landing Urban Renewal Plan and is endorsed by Sector 4. It is anticipated that the redevelopment will create 15 full-time jobs.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-118

Ordinance No. 2007-344
(Int. No. 408)

Authorizing The Sale Of Parcels In The Brooks Landing Urban Renewal Project, Acquiring Parking Rights And Repealing Ordinance No. 2005-389

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 910, 920, 926, 930, 942, 948 and 954 Genesee Street; 4, 6 and 8 Agnew Court; 10 Brooks Avenue; and a portion of 1315 South Plymouth Avenue; constituting Sub-Area II in the Brooks Landing Urban Renewal Project, to Genesee Brooks LLC for the sum of \$1.00.

Section 2. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the date of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 3. The Mayor is hereby further authorized to enter into an agreement with Genesee Brooks LLC for the use by the public during non-business hours on weekdays and on weekends of not less than 50 parking spaces, for a term of not less than 20 years, to provide parking for the public promenade/boat landing, the Genesee River Trail, and local businesses and attractions.

Section 4. The agreement shall obligate the City to pay an amount not to exceed \$200,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Cash Capital allocation.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2005-389, relating to the sale of Sub-Area II in the Brooks Landing Urban Renewal Project, is hereby repealed.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
September 19, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 378 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Manhattan Square Park Improvements Project

Int. No. 379 - Establishing Maximum Compensation For A Professional Services Agreement For The Trinidad Street Parking Lot Improvements Project

Int. No. 381 - Establishing Maximum Compensation For A Professional Services Agreement For The Lawn Street Public Improvement Project

Int. No. 382 - Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Avenue Improvement Project

Int. No. 383 - Approving Participation In The East Henrietta Road (NYS Route 15A) Reconstruction Project

Int. No. 384 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Cathodic Protection Program For The Water System

Int. No. 385 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Agreement Services

Int. No. 386 - Establishing Maximum Compensation For A Professional Services Agreement For A Main And Goodman Traffic Study

Int. No. 404 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of 415 Orchard Street And 354 Whitney Street And Appropriating Funds

Int. No. 292 - Authorizing Agreements And Appropriating Funds For The El Camino: Butterhole-Seneca Park Trail

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 387 - Amending Local Improvement Ordinance No. [1566] 1569 - Areaway Abandonments at 673 Glide Street As A Part Of The Glide Street Improvement Project, As Amended

The following entitled legislation is being held in committee:

Int. No. 380 - Establishing Maximum Compensation

tion For A Professional Services Agreement For The River Street Parking Lot Improvements Project

Respectfully submitted,
William F. Pritchard
Lois J. Giess
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-345
Re: Manhattan Square Park Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement in the amount of \$150,000, with Stantec, Inc., for design, bid and award of the construction contracts and construction phase design services for Phase III of the Manhattan Square Park Improvements Project.

Stantec (and previously, Dufresne Henry which merged with Stantec in May 2006) designed the first two phases of improvements and are providing construction supervision. The original agreement authorized in June 2003 was for \$300,000; an amendatory agreement authorized in May 2005 for Phase II was for an additional \$300,000. This amendment for Phase III will bring total maximum compensation to \$1,050,000. The current amendment for \$150,000 will be financed from Bond Ordinance 2007-106.

Manhattan Square Park was constructed in 1971 as part of the Southeast Loop Urban Renewal Project, and a revitalization plan for the park was completed in 2002. Phase I, including the renovation of the children's play area, safety improvements to the electrical system and space frame lighting, is substantially complete. Reactivation of the fountain, intended as part of Phase I, was delayed to provide for replacement of the fountain mechanicals. Phase II, including the reconstruction of the ice rink and expansion of the pavilion, is under construction and expected to be completed in late fall 2007.

Phase III will primarily address safety and maintenance concerns so that normal park uses can be resumed, including special events (e.g., concerts, Party in the Park, etc.), lease of the restaurant building as a park lodge, and day-to-day outdoor park use.

Renovation of the restaurant building and amphitheater will involve replacement of doors and windows; interior clean-up and repair of leaks; re-commissioning the elevator; installation of ADA sidewalk ramps; refurbishing railings and site drains; replacement of outdoor benches, furnishings and the stage; and completing the reactivation of the fountain.

Design of the project is scheduled to be completed early in 2008, with construction beginning shortly thereafter and completion scheduled by Summer 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-345
(Int. No. 378)

Establishing Maximum Compensation For An

Amendatory Professional Services Agreement For The Manhattan Square Park Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec for design and construction services for the Manhattan Square Park Improvements Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from Bond Ordinance No. 2007-106.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-346
Re: Trinidad Street Parking Lot Improvements

Transmitted herewith for your approval is legislation establishing \$77,000 as maximum compensation for an agreement with Passero Associates, Rochester, for services related to the Trinidad Street Parking Lot Improvements Project. The firm will provide landscape architecture and engineering services for preliminary and final design of improvements, bid and award of construction contract and construction phase design services. The cost of the agreement will be financed from Bond Ordinance No. 2007-107, authorized by Council April 2007.

The Trinidad Street Parking Lot Improvements are intended to contribute to the overall, ongoing strategy for revitalization of the Public Market. The improvements proposed for the parking lot will complement the surrounding neighborhood and reflect the styles, colors, materials and design of the recent City investment projects.

The improvements shall include, but not be limited to, the following: site grading, including slope retention along N. Union Street; curb and pavement improvements, including connections to street and sidewalk network; drainage; lighting; shared lot line delineation/buffering; R.O.W. frontage definition; and landscaping. The project will also include a new pedestrian gate and walkway into the Public Market at the N. Union Street Gateway.

Requests for proposals were sent to sixteen local landscape architecture and engineering firms; proposals were received from eight - Barton & Loguidice P.C., Clark Patterson Associates, Dewberry, Fisher Associates, FRA, Lu Engineers, McCord Landscape Architecture and Passero Associates. A selection committee of City staff reviewed the proposals and concurred in the selection of Passero Associates based upon the qualifications of their team and knowledge of the project.

Final design of the project is scheduled to be completed early 2008. Construction is expected to begin in Spring 2008 and be substantially completed by late Summer 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-119

Ordinance No. 2007-346
(Int. No. 379)

Establishing Maximum Compensation For A Professional Services Agreement For The Trinidad Street Parking Lot Improvements Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$77,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for landscape architecture and engineering services for the design of the Trinidad Street Parking Lot Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from Bond Ordinance No. 2007-107.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-347
Re: Lawn Street Public Improvement Project (Chestnut Street - Broadway)

Transmitted herewith for your approval is legislation establishing \$102,000 as maximum compensation for an agreement with Dewberry, Inc., Rochester, for engineering planning and design services. The project is identified in the 2007-08 through 2011-12 Capital Improvement Program. The agreement will be financed from 2004-05 (\$13,400), 2005-06 (\$77,000) and 2006-07 (\$11,600) Cash Capital allocations of the Department of Environmental Services.

The project features include the reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, signs, street lighting and the water main and water services; and the analysis and abandonment or repair, if necessary, of existing areaways and window wells.

Proposals for engineering design services were solicited from three area firms: Passero Associates, Dewberry, Inc., and Barton & Loguidice, P.C. Dewberry, Inc. is recommended based on the qualifications of the team, and their understanding of the project.

Design of the project is scheduled to be completed in the summer of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-120

Ordinance No. 2007-347
(Int. No. 381)

Establishing Maximum Compensation For A Professional Services Agreement For The Lawn Street Public Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$102,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dewberry, Inc. for engineering planning and design services for the Lawn Street Public Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$11,600 shall be funded from the 2006-07 Cash Capital allocation, \$77,000 shall be funded from the 2005-06 Cash Capital allocation and \$13,400 shall be funded from the 2004-05 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-348
Re: Brooks Avenue Improvement Project (Genesee Park Blvd. - West City Line)

Transmitted herewith for your approval is legislation establishing \$42,000 as maximum compensation for an agreement with HUNT Engineers, Architects & Land Surveyors, P.C., Rochester, for engineering planning and preliminary design services for the Brooks Avenue Improvement Project. The project is identified in the 2007-08 through 2011-12 Capital Improvement Program. The cost of the agreement will be financed from 2005-06 (\$37,000) and 2004-05 (\$5,000) Cash Capital allocations of DES.

The project features include: rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains, as required; and tree planting.

Proposals for engineering design services were solicited from three area firms: Clough Harbour & Associates LLP; Clark Patterson Associates; and HUNT Engineers, Architects & Land Surveyors, P.C. Clark Patterson Associates declined the solicitation. HUNT Engineers, Architects & Land Surveyors, P.C. is recommended based on their qualifications and their understanding of the project.

The Brooks Avenue Improvement Project is part of the County-assisted Arterial Improvement Program. The County's participation in the project is in accordance with the agreement authorized in 1981, which specifies that an engineering plan must be prepared and subsequently approved by the Council.

It is anticipated that the Engineering Planning & Preliminary Design Report will be completed early in 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-121

Ordinance No. 2007-348
(Int. No. 382)

Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Avenue Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$42,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and HUNT Engineers, Architects & Land Surveyors, P.C. for engineering planning and preliminary design services for the Brooks Avenue Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$37,000 shall be funded from the 2005-06 Cash Capital allocation and \$5,000 shall be funded from the 2004-05 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-349
Re: East Henrietta Road (NYS Rte. 15A)
Reconstruction Project

Transmitted herewith for your approval is legislation related to the New York State Department of Transportation reconstruction of East Henrietta Road between Jarley Road and Route 390 in the Towns of Henrietta and Brighton, Monroe County. As part of this project, the State will relocate and adjust several sections of the City's water transmission Conduit 1, pursuant to Section 10, Subdivision 24 of the State Highway Law, as shown on the contract plans and in accordance with the City's requirements. This legislation will:

1. Authorize participation by the City in this project, which will be administered by the New York State Department of Transportation;
2. Approve of the relocation of and adjustment to the City's water mains and appurtenances performed on the East Henrietta Road reconstruction project, as shown on the contract plans;
3. Authorize any necessary agreements with the New York State Department of Transportation for such participation;
4. Authorize the inclusion of the following terms in the agreement:

The City will maintain, or cause to be maintained, the City's relocated and/or adjusted water facilities on the referenced project, as shown on the contract drawings;

The State will provide for the relocation of and adjustment to the City's water facilities as shown on the contract drawings, at no cost to the City;

The Mayor, or his designated representative, has the authority to sign, with the concurrence

of the City Council, any and all documentation that may become necessary as a result of this project, as it relates to the City of Rochester; and

The Clerk of the City of Rochester is hereby directed to transmit five (5) certified copies of the foregoing ordinance to the New York State Department of Transportation.

Construction is scheduled to begin in the fall of 2007 and be completed within two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-122

Ordinance No. 2007-349
(Int. No. 383)

Approving Participation In The East Henrietta Road (NYS Route 15A) Reconstruction Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the participation by the City in the East Henrietta Road (NYS Route 15A) Reconstruction Project between Jarley Road and Route 390 in the Towns of Henrietta and Brighton.

Section 2. The Mayor is hereby authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for participation by the City in the East Henrietta Road (NYS Route 15A) Reconstruction Project.

Section 3. The Council hereby approves the relocation of and adjustment to the City's water transmission Conduit 1 and appurtenances, at no cost to the City, as part of the East Henrietta Road (NYS Route 15A) Reconstruction Project and as shown on the contract plans. The City shall maintain or cause to be maintained the City's relocated and/or adjusted water facilities on the East Henrietta Road (NYS Route 15A) Reconstruction Project as shown on the contract plans.

Section 4. The Mayor, or his designated representative, is hereby authorized to sign all documentation that may be necessary as a result of the City participation in this Project.

Section 5. The City Clerk is hereby directed to transmit five certified copies of this Ordinance to the New York State Department of Transportation.

Section 6. The agreements and documentation shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-350
Re: Agreement Amendment - Corrosion
Engineering Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with CorrTech Engineering of Hopkinton, Massachusetts for services related to corrosion engineering and cathodic protection of the water system. This legislation will:

1. Increase the maximum compensation by \$25,000 for a total not to exceed \$220,000. The original agreement, authorized in June, 2001, was for a maximum cost of \$195,000. Additional services will be funded from 2007-08 Cash Capital (Water Fund).
2. Extend the term of the original agreement to October 2009.
3. Amend the scope of the original agreement to include the entire City water system.

CorrTech Engineering has completed all work required under the original agreement, which involved the design and inspection of the first phase of a cathodic protection system for the City's water supply conduits. This work was completed under budget, at a cost of \$187,046. CorrTech has demonstrated their technical expertise on water main corrosion and cathodic protection related issues and has developed a working knowledge of the City's entire water system.

There has been a recent escalation in corrosion-related water main breaks in the Holly and domestic distribution systems. This amendatory agreement will provide the necessary consultation services to the services of a corrosion engineer/cathodic protection specialist for consultation purposes to assist City staff in evaluating causes of main breaks and making recommendations for mitigating further corrosion in the water system.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-350
(Int. No. 384)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Cathodic Protection Program For The Water System

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and CorrTech Engineering for the design and inspection of a cathodic protection program for the City water system through October, 2009. Said amount shall be funded from the 2007-08 Cash Capital Allocation (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-351
Re: Agreement Amendment - Negotiating
Consultation Water Sharing Agreement
with MCWA

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Paul Bringewatt for additional services related to the negotiation of the water sharing agreement between the Monroe County Water Authority and the City of Rochester.

The original agreement, in October 2006, established maximum compensation at \$9,900; Council authorized an additional \$10,100 in March 2007. This amendment will increase the maximum compensation by \$10,000, bringing the total amount of the agreement to \$30,900. This additional amount will be funded from the 2007-08 Budget of the Department of Environmental Services (Water Fund).

Mr. Bringewatt will proceed with the review of various alternatives for the renewal of the agreement between the Monroe County Water Authority and the City. Mr. Bringewatt shall provide expert advice to the City regarding the negotiations with the Monroe County Water Authority. Mr. Bringewatt shall also participate directly in the negotiations and make recommendations to the City on the best negotiations strategy and advice on other matters related to these negotiations.

The first amendatory agreement extended the term of the agreement to June 1, 2008; no further extension is needed.

The current water sharing agreement with the Monroe County Water Authority expires on April 27, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember Stevenson moved to amend Introductory No. 385.

The motion was seconded by Councilmember Lightfoot

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Ordinance No. 2007-351
(Int. No. 385, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Agreement Services And Amending Ordinance No. 2007-166

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Paul Bringewatt for assistance in negotiating the agreement with the Monroe County Water Authority for water sharing. The agreement may extend until June 1, 2008. Said amount

shall be funded from the 2007-08 Budget of the Department of Environmental Services (Water Fund).

Section 2. Ordinance No. 2007-166, relating to an agreement for appraisal services, is hereby amended by changing the source of funds for the agreement from the 2006-07 Budget of the Department of Environmental Services (Water Fund) to the 2007-08 Budget of the Department of Environmental Services (Water Fund).

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-352
Re: Main and Goodman Traffic
Improvements Study

Transmitted herewith for your approval is legislation establishing \$65,000 as maximum compensation for an agreement with Clark Patterson Associates, Rochester, for Planning and Preliminary Engineering services required to evaluate the feasibility of three alternate realignments of the East Main Street - North Goodman Street intersection. The cost of the agreement will be financed from the 2004-05 Cash Capital allocation.

The agreement will provide for evaluation of traffic operation, accident patterns and pedestrian impacts for each of the alternatives and the preparation of preliminary designs to assess the feasibility and cost implications for each alternative. The study will investigate lane uses, intersection geometry and traffic calming techniques which would create a more pedestrian friendly intersection while maintaining efficient vehicular operation.

This project is being implemented at the request of "Bridging Neighborhoods", a group of representatives from the three neighborhoods bordering the intersection. The group developed three alternatives for reconfiguration of the intersection that they believe address pedestrian safety issues and provide for restoration of this intersection to its former status as a hub of community activity that links their neighborhoods.

Proposals for the agreement were solicited from three area firms: Barton & Loguidice, PC; Clark Patterson Associates; and Fisher Associates, PE, LS, PC. Clark Patterson Associates is recommended based on the qualifications of the team and their understanding of the project.

It is anticipated that the study will commence this fall, and be completed in early spring, 2008. Future implementation of an intersection reconfiguration will be based on the results of the study and availability of funding.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-352
(Int. No. 386)

Establishing Maximum Compensation For A Professional Services Agreement For A Main And Goodman Traffic Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$65,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Associates for planning and preliminary engineering services for a feasibility study of the realignment of the East Main Street-North Goodman Street Intersection. Said amount shall be funded from the 2004-05 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-353
Re: Amendatory Agreement - Brownfield
Site - 354 Whitney Street and 415
Orchard Street

Transmitted herewith for your approval is legislation relating to the asbestos abatement, demolition and environmental investigation and remediation of the former Delco site located at 354 Whitney Street and 415 Orchard Street (Orchard-Whitney). This legislation will:

1. Authorize an amendatory agreement with Lu Engineers, PC for completion of Interim Remedial Measures (IRM) services for a maximum cost of \$139,447; and
2. Appropriate anticipated 1996 Clean Water/Clean Air Bond Act Title 5 reimbursement grant funds in the amount of \$667,702 to finance asbestos abatement, demolition and interim remedial costs, of which \$125,502 shall finance the cost of the amendatory agreement.

The balance of the cost of the amendatory agreement, \$13,945, will be financed from bonds authorized by City Council in July 2006 for the Orchard-Whitney site. This amendment will bring total maximum compensation for Lu Engineers for this project to \$349,047; the original agreement for \$209,600 was authorized in May 2006.

The site consists of two combined parcels, totaling approximately 4.0 acres, located in the center of a commercial/industrial area on the south side of Lyell Avenue. The property contains a partially demolished building at 354 Whitney Street, and a seven-story concrete structure at 415 Orchard Street with an associated single-story, low rise structure. The site has been vacant since the mid-1990's, and in July 2003 a major fire destroyed portions of buildings on the Whitney Street parcel. An emergency demolition of the damaged portions was completed in 2005 to stabilize the site. The City acquired the Whitney Street property in 2006 through tax foreclosure and is in the process of acquiring the Orchard Street property, also through tax foreclosure.

Lu Engineers, in their work to date, has identified several interim cleanup actions needed prior to com-

pleting the demolitions. Grants received from the New York State Department of Environmental Conservation (NYSDEC) 1996 Bond Act Title 5 Environmental Restoration Program (ERP) will reimburse up to 90% of the site investigation costs. A previously approved grant was for \$169,876; an additional grant, appropriated herein, was awarded in June 2007. In addition to reimbursement of project costs, the ERP provides indemnification from the State of New York to the City and all subsequent owners of the remediated sites.

Asbestos abatement and demolition of remaining structures on 354 Whitney Street is anticipated to begin in October 2007. Due to the presence of hazardous materials, Lu Engineers will coordinate the IRM tasks with the abatement and demolition. These IRM Tasks include:

1. Locating and characterizing miscellaneous wastes (i.e., paints, oils, electrical equipment, drummed materials) in both the 354 Whitney and 415 Orchard low-rise structures for proper handling and off-site disposal;
2. Characterization, containerizing, removal and off-site disposal of contaminated (heavy metal) sand-blast materials located in the 354 Whitney structure;
3. Characterization, containerizing, removal and off-site disposal of arsenic contaminated chimney ash within the boiler room structure of 354 Whitney Street;
4. Tracking of all waste streams generated from the abatement, IRM, and demolition tasks performed for the project.

This coordination is essential for providing the necessary health and safety precautions for workers and to allow hazardous materials waste streams to be accurately managed.

After the interim cleanup activities, asbestos abatement and demolitions are complete, Lu Engineers will complete the site investigation. Based on the results of the investigation, Lu will develop a recommended subsurface cleanup plan and cost estimate for submission to the NYSDEC. It is anticipated that the cleanup plan and cost estimate will be completed and approved by the NYSDEC in the summer of 2008.

The Department of Environmental Services' Division of Environmental Quality will be working with the Economic Development and Community Development Departments and Sector 3 to identify site conceptual reuse plans for integration with the cleanup plan.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-123

Ordinance No. 2007-353
(Int. No. 404)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of 415 Orchard Street And 354 Whitney Street And Appropriating Funds

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$139,447, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lu Engineers for environmental investigation and remedy selection services relating to 415 Orchard Street and 354 Whitney Street. Of said amount, \$13,945 shall be funded from Bond Ordinance No. 2006-227 and \$125,502 shall be funded from the appropriation made in Section 2.

Section 2. The sum of \$667,702, or so much thereof as may be necessary, is hereby appropriated from anticipated 1996 Clean Water/Clean Air Bond Act Grant Funds to fund asbestos abatement, demolition and interim remedial costs of 415 Orchard Street and 354 Whitney Street.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Int. No. 292 appears in its original form with its transmittal letter on page 246.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-354
Re: El Camino: Butterhole-Seneca
Park Trail Project

Transmitted herewith for your approval is legislation related to the Butterhole-Seneca Park Trail project, which will:

1. Establish \$270,000 as maximum compensation for an agreement with Bergmann Associates for design of the project;
2. Authorize a Federal Aid Project Agreement and the appropriation of anticipated reimbursements in the amount of \$2,000,000 from the Transportation Enhancement Program (TEP) of the Federal Highway Administration to partially finance the cost of design and construction of the project;
3. Authorize appropriation of anticipated reimbursements in the amount of \$70,000 from the New York State Department of State to partially finance design of the project; and
4. Authorize an agreement with the Genesee Land Trust for the receipt and use of a \$150,000 Kodak Environmental Grant to partially finance the cost of construction of the project.

In May 2005, Council authorized the acquisition of approximately 19.57 acres of CSX land for construction of a connection to the Genesee Riverway Trail and for economic development purposes. The land includes 16.99 acres of the abandoned railroad corridor known as the Rochester Running Track extending from Seneca Park south through the 14621 and CONEA neighborhoods and crossing the Genesee River and terminating near Brown Street and the former RG&E Beebee Station. This 2.25 mile long corridor is proposed to be developed as the El Camino: Butterhole-Seneca Park Trail.

The trail concept was initiated by neighborhood vol-

unteers in 2000, through a process lead by the Genesee Land Trust (GLT) and formalized in the Butterhole-Seneca Park Trail Plan, commissioned by GLT in 2003. GLT is the recipient of the Kodak Grant, made available through the Nature Conservancy, and has agreed to provide those funds for the project.

The \$2 million in Federal TEP funds required local match is met through the City's purchase of the land, valued at \$395,000, and a portion of the Kodak grant.

The \$70,000 Local Waterfront Revitalization grant, as authorized by Council in June 2006, will be used for preliminary design of park and trail improvements along Vincent Street. This segment of the trail connects the trail on the west side, from the river crossing, along Vincent Street, to the south terminus near Brown Street. The required match of \$70,000 will be met through a part of the City's expenditure to purchase the Vincent Street portion of the land.

Qualifications were solicited from all fifteen area firms that are pre-qualified by NYS Department of Transportation and included on the Local Design Services Agreement list for locally administered federal aid projects. Fourteen firms responded. Their project-specific qualifications were rated by a team of Department staff and NYSDOT and Genesee Land Trust representatives. Based on these ratings, the firms of Fisher Associates, Stantec Consulting Inc and Bergmann Associates were interviewed. Based on their qualifications and approach to the project, Bergmann Associates was selected.

Design of the project will begin this fall and be completed next fall, 2008, and it is anticipated that construction will begin in spring 2009 and be completed in spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-124

Councilmember Stevenson moved to amend Introductory No. 292.

The motion was seconded by Councilmember Santiago.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Ordinance No. 2007-354
(Int. No. 292, As Amended)

Authorizing Agreements And Appropriating Funds For The El Camino: Butterhole-Seneca Park Trail

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the Federal Highway Administration under the Transportation Enhancement Program, the New York State Department of Transportation under the Capital Project Multi-Modal Program, and the Genesee Land Trust for a Kodak Envi-

ronmental Grant, for funding for the El Camino: Butterhole-Seneca Park Trail.

Section 2. The sum of \$270,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for design services for the El Camino: Butterhole-Seneca Park Trail. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$70,000 is hereby appropriated from anticipated reimbursements from the New York State Department of State and \$200,000 shall be funded from the appropriation made in Section 3.

Section 3. The sum of \$2,000,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the El Camino: Butterhole-Seneca Park Trail.

Section 4. The sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated from Kodak Environmental Grant Funds to fund the El Camino: Butterhole-Seneca Park Trail.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation to fund the El Camino: Butterhole-Seneca Park Trail.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1580
Re: Glide Street Improvement Project
(Lyell Avenue-Emerson Street)

Transmitted herewith for your approval is legislation amending Local Improvement Ordinance #1569, relating to the Glide Street Improvement Project (Lyell Avenue-Emerson Street).

Local Improvement Ordinance #1569 was approved by City Council in April 2007 and provided for the repair of an areaway at 673 Glide Street, owned by Tri-Brennen Corp., in an amount not to exceed \$5,200. Tri-Brennen Corp. has since decided to abandon the areaway, as well as one other building areaway. The cost of the abandonment of the two areaways is \$1,500. The Local Improvement Ordinance will be amended to provide for the abandonment of both areaways, and to establish the new amount at \$1,500.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1580
(Int. No. 387, As Amended)

Amending Local Improvement Ordinance No. [1566] 1569 - Areaway Abandonments At 673 Glide Street As A Part Of The Glide Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 1 of Local Improvement Ordinance No. [1566] 1569, relating to an areaway at 673 Glide Street, is hereby amended to read as follows:

As part of the Glide Street Improvement Project, the Council hereby authorizes the special treatment of two areaways at 673 Glide Street in the form of the abandonment of said areaways, and the construction or reconstruction of the necessary incidentals thereto, in accordance with plans and specifications prepared or approved by the City Engineer.

Section 2. Local Improvement Ordinance No. [1566] 1569 is hereby further amended by changing the amount of said work as set forth in Sections 3, 4 and 6 from \$5,200 to \$1,500.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 380
Re: River Street Parking Lot Improvements

Transmitted herewith for your approval is legislation establishing \$63,000 as maximum compensation for an agreement with Barton & Loguidice, P.C., Rochester, for services related to the River Street Parking Lot Improvements Project. The firm will provide landscape architecture and engineering services for preliminary and final design of improvements, bid and award of a construction contract and construction phase design services. The cost of the agreement will be financed from the 2002-03 Cash Capital allocation.

The River Street Parking Lot Improvements are intended to contribute to the overall, ongoing strategy for revitalization of the Port of Rochester and River Street area. The improvements will complement the surrounding neighborhood and reflect the styles, colors, materials and design of the recent City investment projects. The improvements will include, but not be limited to, the following: Site grading; curb and pavement improvements including connections to street and sidewalk network; drainage; lighting; shared lot line delineation/buffering; R.O.W. frontage definition; and landscaping.

Requests for proposals were sent to 16 local landscape architecture and engineering firms. Proposals were submitted by nine - Barton & Loguidice P.C., Clark Patterson Associates, Dewberry, Fisher Associates, FRA, LaBella Associates, Lu Engineers, McCord Landscape Architecture and Passero Associates. A selection committee of City staff reviewed the proposals and concurred in the selection of Barton & Loguidice, P.C. based upon the qualifications of

their team and knowledge of the project.

Final design of the project is scheduled to be completed in early 2008. Construction is expected to begin in Spring 2008 and be substantially completed by Fall 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 380

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE RIVER STREET PARKING LOT IMPROVEMENTS PROJECT

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$63,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Barton & Loguidice, P.C. for landscape architecture and engineering services for the design of the River Street Parking Lot Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2002-03 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Item held in Committee.

By Councilmember Miller
September 19, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 389 - Authorizing Agreements For Youth Voice One Vision And Amending The 2007-08 Budget

Int. No. 390 - Authorizing Agreements For Human Services Programs

Int. No. 391 - Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

Int. No. 413 - Authorizing An Application And Agreement For Funding Under The Shared Municipal Services Program

The following entitled legislation is being held in committee:

Int. No. 388 - Authorizing Agreements For The Hillside Work Scholarship Connection Program

Respectfully submitted,
Dana K. Miller
Carolee A. Conklin
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-355
Re: Rochester Area Community Foundation
Grant - Youth Voice One Vision

Transmitted herewith for your approval is legislation related to a grant to support the City's Youth Voice One Vision (YVOV) program. This legislation will:

1. Authorize an agreement with the Rochester Area Community Foundation for receipt and use of a \$35,000 grant;
2. Amend the 2007-08 Budget of the Department of Recreation and Youth Services to reflect the grant; and
3. Establish \$15,000 as maximum compensation for an agreement with the Center for Social Learning at Nazareth College to provide coordination of the service learning project piece of the YVOV program.

The Nazareth College agreement will be financed from the 2007-08 Budget, with the funds available from the RACF grant. The remaining \$20,000 of the grant will be used for additional program activities including: counseling and training on developing and sustaining healthy relationships, bus transportation and refreshments for YVOV events, and for related projects.

YVOV was initiated in 1996 with input from area youth to encourage youth involvement in civic planning, including interacting with public officials and supporting and fostering youth/adult partnerships aimed at promoting positive changes in the community. Youth also plan and implement activities and trainings focused on building communication and social skills as well as encouraging healthy lifestyles and volunteerism.

In 2006-07, 80 youth between the ages of 8 and 20 participated. Of these, 25 were male and 55 female. By race, participants were: African-American 51; Hispanic 15; Caucasian 14.

The grant will provide services for 80 participants from October 1, 2007 to June 30, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-355
(Int. No. 389)

Authorizing Agreements For Youth Voice One Vision And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Community Foundation for funding for Youth Voice One Vision.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Nazareth College for service learning project coordination for Youth Voice One Vision.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be nec-

essary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$35,000, which amount is hereby appropriated from funds to be received from the Rochester Area Community Foundation to fund Youth Voice One Vision.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-356
Re: Agreements and Appropriations -
Youth Services Projects

Transmitted herewith for your approval is legislation regarding funding for certain Youth Services projects. This legislation will:

1. Establish maximum compensation for agreements with two organizations, as follows:

- | | |
|--|----------|
| A. Baden Street Settlement
Metro Council for Teen
Potential (MCTP) | \$35,000 |
| B. Soc. For the Protection
& Care of Children
Teen Age Parent Support Services
(TAPSS) Young Father's Component | \$38,000 |

2. Appropriate funds from the 2007-08 Community Development Block Grant, as follows:

- | | |
|--|--|
| A. \$73,000 from the Job Creation/Youth Development Allocation to fund the MCTP and TAPSS agreements listed above. | |
| B. \$20,000 from the General Community Needs allocation to fund the following agreements: | |

Colleen Hendrick Dance Theater Bush Mango Drum & Dance	\$10,000
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Crestwood Children's Center Family Talk Program	\$10,000
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The most recent agreements for these services were approved by Council in October 2006. The MCTP, Bush Mango Drum & Dance, and Family Talk projects, per the funding guidelines approved in 1981, are eligible for up to five years of funding. This will be the second year for the Drum & Dance and Family Talk projects; this is the first year for a new project for MCTP. The TAPSS Young Father's Component is considered a project without matching funds, and has requested one year of funding.

Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-125

Ordinance No. 2007-356
(Int. No. 390)

Authorizing Agreements For Human Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects or the following amounts are allocated for Human Services Projects:

<u>Organization Project</u>	<u>Amount</u>
Baden Street Settlement, Inc. Metro Council for Teen Potential	\$35,000
Colleen Hendrick Dance Theater Bush Mango Drum & Dance	10,000
Crestwood Children's Center Family Talk Program	10,000
Society for the Protection & Care of Children Teen Age Parent Support Services Young Father's Component	38,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$93,000, and of said amount, or so much thereof as may be necessary, \$73,000 is hereby appropriated from the Job Creation/Youth Development allocation of the 2007-08 Community Development Program and \$20,000 is hereby appropriated from the General Community Needs allocation of the 2007-08 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-357
Re: Agreements for Appraisal Services

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements for appraisal services. Departments typically require the services of appraisal firms at a cost below the threshold required for Council authorization. However, at times, more than one department requires a contract with the same firm for similar services, bringing total compensation to the firm above the threshold of \$10,000. The following firms are being proposed for 2007-08:

Bruckner, Tillett, Rossi, Cahill & Associates

Maximum compensation will be established at \$17,500 to be funded from the 2007-08 Budgets of the Department of Community Development (\$7,500) and the Department of Economic Development (\$10,000). DCD will use appraisal services as needed for acquisitions, sales, easements, etc. of commercial, industrial and residential properties. EDD will use these services as needed for their projects.

Pogel, Schubmehl & Ferrara, LLC Maximum compensation will be established at \$17,500 to be funded from the 2007-08 Budgets of the Law Department (\$10,000) and the Department of Community Development (\$7,500). The Law Department requires appraisal services for assessment proceedings relating to the Pinecrest Associate parcels at 87, 100, and 157-165 LaGrange Avenue. DCD will use appraisal services as needed for acquisitions, sales, easements, etc. of commercial, industrial and residential properties.

Midland Appraisal Associates, Inc. Maximum compensation will be established at \$7,500 to be funded from the 2007-08 Budget of the Department of Community Development. DCD will use these services as needed for acquisitions, sales, easements, etc. of commercial, industrial and residential properties.

Agreements with any of the above three firms, in a total amount not to exceed \$20,000, shall be funded from the 2007-08 Budget of the Law Department. The Law Department will use these services for assessment proceedings to be determined.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-357
(Int. No. 391)

Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services for the Department of Community Development. Said amount shall be funded from the 2007-08 Budget of the Department of Community Development.

Section 2. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Pogel, Schubmehl & Ferrara, LLC for appraisal services for assessment proceedings relating to the Pinecrest Associate parcels. Said amount shall be funded from the 2007-08 Budget of the Law Department.

Section 3. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Pogel, Schubmehl & Ferrara, LLC for appraisal services for the Department of Community Development. Said amount shall be funded from the 2007-08 Budget of the Department of Community

Development.

Section 4. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Midland Appraisal Associates, Inc. for appraisal services for the Department of Community Development. Said amount shall be funded from the 2007-08 Budget of the Department of Community Development.

Section 5. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Bruckner, Tillett, Rossi, Cahill & Associates; Midland Appraisal Associates, Inc.; or Pogel, Schubmehl & Ferrara, LLC for appraisal services for assessment proceedings. Said amount shall be funded from the 2007-08 Budget of the Law Department.

Section 6. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services for the Department of Economic Development. Said amount shall be funded from the 2007-08 Budget of the Economic Development Department.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-358
Re: Grant Application - New York State
Shared Municipal Services Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of State for the application for and receipt and use of a \$500,000 grant to cover costs associated with the promotion of greater employee cost sharing of health insurance premiums under the Local Health Insurance Incentives Award component of the Shared Municipal Services Incentive (SMSI) Grant program. Applications are due October 1, 2007. No local share is required under the Shared Health Insurance Incentive Awards.

The City will submit an application through the Budget Bureau seeking reimbursement of the costs associated with negotiated collective bargaining agreements that promote employee cost sharing of health insurance premiums for an amount not to exceed \$500,000. Recently negotiated provisions of the AFSCME and Locust Club contracts included such eligible provisions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-358
(Int. No. 413)

Authorizing An Application And Agreement For Funding Under The Shared Municipal Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to the New York State Department of State for funding under the Shared Municipal Services Incentive Grant Program for a Local Health Insurance Incentive Award.

Section 2. The application for the Shared Health Insurance Incentive Award in an amount not to exceed \$500,000 shall provide reimbursement of the costs associated with negotiated collective bargaining agreements that promote employee cost sharing of health insurance premiums. The Lead Applicant Contact Person shall be the Budget Director, who is further authorized to execute all financial and/or administrative processes relating to the grant program.

Section 3. The application and agreement shall contain such additional terms and conditions as the Mayor or Lead Applicant Contact Person deem to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Introductory No. 388 from Committee.

The motion was seconded by Councilmember Conklin

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-359
Re: Hillside Work Scholarship Connection

Transmitted herewith for your approval is legislation related to the Hillside Work Scholarship Connection program. This legislation will:

1. Authorize an agreement with the Rochester City School District for the receipt and use of a grant in the amount of \$600,000 in support of the Hillside Work Scholarship Connection program expansion;
2. Establish \$1,000,000 as maximum compensation for an agreement with Hillside Work Scholarship Connection for expanded service to Rochester City School District students. This agreement will be funded from the RCSD grant (\$600,000) and the 2007-08 Budget of the Department of Recreation and Youth Services (\$400,000).

The Hillside Work Scholarship Connection program was established in 1987 to help at-risk urban students stay in school and achieve academic success. Their mission is to increase graduation rates of Rochester City School District and to increase their ability to become self-sufficient, contributing adults. Participants receive long-term advocacy, academic resources, life skills development and job training. On average, 80% of Hillside Work Scholarship Connection students graduate from high school at twice the rate of their peers, and 80% of these graduates attend

college.

This agreement provides funding to expand services to an additional 213 students, who will be recruited from the 8th and 9th grades. This will bring the total number of participating RCSD students to 313.

During the past year, the Hillside Work Scholarship Connection implemented an action plan in response to a 2006 evaluation by the Center for Governmental Research and input from the Edna McConnell Clark Foundation. The plan incorporates initiatives to help improve academic performance, increase job placements, and increase the number of youth educated about preventative healthcare and enrolled in healthcare insurance plans. Also, strategies are being incorporated to increase the organization's capacity to analyze data and increase accountability.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-126

Ordinance No. 2007-359
(Int. No. 388)

Authorizing Agreements For The Hillside Work Scholarship Connection Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding for the Hillside Work Scholarship Connection Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Hillside Children's Center for the Hillside Work Scholarship Connection Program.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000, and of said amount, or so much thereof as may be necessary, \$600,000 is hereby appropriated from funds to be received from the Rochester City School District under the agreement authorized in Section 1, and \$400,000 shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
September 19, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 392 - Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Training And Information Network

Int. No. 393 - Authorizing An Agreement With The County Of Monroe For The Tobacco Sales Enforcement Program

Int. No. 394 - Establishing Maximum Compensation For A Professional Services Agreement For The Police Department Database

Int. No. 395 - Authorizing An Agreement With Respect To Project IMPACT IV And Amending The 2007-08 Budget

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-360
Re: ETIN - Educational Training
Information Network

Transmitted herewith for your approval is legislation establishing \$159,000 as maximum compensation for an agreement with WXXI, Public Broadcasting Council for continuation of services related to the Emergency Training and Information Network. The cost of this agreement will be funded from the 2006-07 (\$24,000), 2007-08 and future operating Budgets of the Rochester Fire Department (\$45,000 per year). The term of this agreement will cover the period July 1, 2006 through June 30, 2010.

The original agreement for ETIN services was authorized by Council In January 2005 for a six-month period; in July 2005, that agreement was amended to include additional services and to extend the agreement through June 30, 2006.

Due to a misunderstanding, service was continued through 2006-07 without an agreement. The \$24,000 in this proposed agreement will reimburse WXXI for the cost of service during that period.

This agreement will also continue to provide for ETIN services through June 30, 2010, with provision for two one-year renewals. WXXI will continue to provide transmission and related services for all 107 ETIN sites. The annual cost of this agreement going forward will be \$45,000.

The higher cost of this service is due to expanded digital band width which will provide better services to a wider subscriber base. These costs will be reimbursed from the annual \$1,000 fee collected from each of the 80 non-city public safety agencies who subscribe to the ETIN network.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-360
(Int. No. 392)

Establishing Maximum Compensation For A Professional Services Agreement For The Emergency Training And Information Network

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$159,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and WXXI Public Broadcasting Council for the continuation of services relating to the Emergency Training and Information Network through June 30, 2010. Of said amount, \$24,000 shall be funded from the 2006-07 Budget of the Rochester Fire Department, and \$45,000 shall be funded annually from the 2007-08 and subsequent Budgets of the Rochester Fire Department, contingent upon approval of subsequent budgets. The agreement may contain two one-year renewal options in amounts not to exceed those in the annual budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-361
Re: Tobacco Sales Enforcement Program

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funding in the amount of \$32,000 for compliance checks under the Tobacco Sales Enforcement Program.

The Monroe County Department of Health will reimburse costs, not to exceed \$32,000, for up to 400 compliance checks during the period July 1, 2007 through June 30, 2008. This agreement will continue the enforcement program begun in April 1998, under which the Police Department will conduct inspections of licensed tobacco outlets, including cigarette vending machines, in the City of Rochester.

These inspections measure compliance with the age restrictions on tobacco sales by using underage "agents" who attempt to buy tobacco. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

This enforcement program was most recently approved in October 2006 under Ordinance No. 2006-338. In 2006-07, 429 compliance checks were carried out, with 38 follow-up actions.

Receipt and use of these funds was anticipated in the 2007-08 Budget. No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-361
(Int. No. 393)

Authorizing An Agreement With The County Of Monroe For The Tobacco Sales Enforcement Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the Tobacco Sales Enforcement Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-362
Re: Agreement - Police Department Database Support and Maintenance

Transmitted herewith for your approval is legislation establishing \$12,000 as maximum compensation for an agreement with Oracle Corporation, California, to provide maintenance and support services for their database product used by the Rochester Police Department. The cost of this agreement will be funded from the 2007-08 Budget of the Information Technology Department.

The term of the agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-362
(Int. No. 394)

Establishing Maximum Compensation For A Professional Services Agreement For The Police Department Database

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$12,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Oracle Corporation for maintenance and support services for the Rochester Police Department database. Said amount shall be funded from the 2007-08 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-363
Re: Operation Impact IV

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services (DCJS) for receipt and use of up to \$561,900 in funding for Operation Impact IV; and amending the 2007-08 Budget to reflect the inclusion of these funds as follows:

<u>Budget Area</u>	<u>Amount</u>
Police Department	\$397,500
Cash Capital	80,000
Mayor's Office/Pathways to Peace	43,200
Undistributed	<u>41,200</u>
Total	<u>\$561,900</u>

Also transmitted for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Rochester Institute of Technology for crime data analysis services. This agreement will be funded by the Impact IV grant through the Police Department for activities during the period July 1, 2007 through June 30, 2008.

The Operation Impact funds will be used to continue initiatives to reduce violent crime in local jurisdictions, with an emphasis on gun-related crime. These funds will enhance the ability of the partnership of federal, state and local criminal justice agencies to conduct crime analysis and develop criminal intelligence. The law enforcement efforts of Operation Impact are overseen by a county-wide taskforce using strategies to prevent gang violence, gun carrying, and open-air drug markets, and to provide enhanced prosecution.

Data on crime and crime responses is used to inform the taskforce in setting its priorities and direction. Items to be funded by the grant include a Youth Intervention Specialist, violence-reduction overtime details, laptop computers, surveillance cameras, crime data analysis, and training.

This represents the fourth round of funding received for Operation Impact. The agreement for the prior round was authorized by Ordinance No. 2006-306, in September 2006. At the end of the contract term on June 30, 2007, Impact III had recorded 597 violation arrests, 487 misdemeanor arrests, and 123 felony arrests. Additionally, 23 illegal guns were seized and this resulted in 29 arrests for illegal guns. No match is required for this grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Councilmember McFadden moved to amend Introductory No. 395.

The motion was seconded by Councilmember Miller.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Ordinance No. 2007-363
(Int. No. 395, As Amended)

Authorizing An Agreement With Respect To Project IMPACT IV And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the [County of Monroe] New York State Division of Criminal Justice Services

for funding under Project IMPACT IV.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$397,500, to the Pathways to Peace Unit of the Mayor's Office by the sum of \$43,200, to the Cash Capital allocation by the sum of \$80,000, and to the Undistributed Expense allocation by the sum of \$41,200, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Pritchard
September 19, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 396 - Authorizing The Sale Of A Portion Of The Former Railroad Right-Of-Way

Int. No. 397 - Authorizing A Lease Agreement For The Triphammer Grille

Int. No. 398 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2007-08 Budget

Int. No. 399 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 403 - Establishing Maximum Compensation For An Amendatory Agreement For The Operation Of The South Avenue Garage

The Jobs, Economic Development & Center City Committee recommends for consideration the following entitled legislation:

Int. No. 400 - Approving The Urban Renewal Plan For The Driving Park Urban Renewal Project

Int. No. 401 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Driving Park Urban Renewal Project

Int. No. 402 - Changing The Zoning Classification Of 373-375 Driving Park Avenue From C-2 Community Center To Driving Park Urban Renewal District

Int. No. 409 - Accepting Donation Of 373-375 Driving Park Avenue

Int. No. 410 - Authorizing The Sale Of 373-375 Driving Park Avenue To Further The Driving Park Urban Renewal Plan And Appropriating Sale Proceeds

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
JOBS, ECONOMIC DEVELOPMENT & CENTER
CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-364
Re: Sale of Industrial Land to Steel
Tech Fabricators, Inc.

Transmitted for your approval is legislation authorizing the sale of a portion of City-owned property located adjacent to 480 Conkey Avenue to Steel Tech Fabricators, Inc. (Terence Brown, owner). The sale price of \$4700 was determined by an independent appraisal prepared by Robert G. Pogel.

Steel Tech Fabricators Inc. is a minority-owned business enterprise that relocated from Webster to 480 Conkey Avenue. The company provides welding and fabricating services to commercial and industrial clients. Steel Tech fabricates trusses, lintels, beams, rafters, kiosks and handrails.

The company employs 4 people and their current work area is inadequate to perform fabrication services, and to store raw materials and finished products. As a result, they are forced to stack raw materials and finished goods outside of the building. They are proposing to erect a 50 x 55 foot prefabricated building addition so the business can expand.

The property to be conveyed consists of 7,767 square feet of vacant land comprising part of a former railroad right-of-way. The parcel is located contiguous to the rear of property at 480 Conkey Avenue.

The City Engineer reviewed the proposed land sale to determine its potential impact on the El Camino-Butterhole Trail. A minimum width of 25 feet adjacent to the .166 acre parcel will be retained by the City to ensure the integrity of the Trail.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed sale will not result in any significant effects. A negative declaration has been issued.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-127

Ordinance No. 2007-364
(Int. No. 396)

Authorizing The Sale Of A Portion Of The Former Railroad Right-Of-Way

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of a portion of the former railroad right-of-way adjacent to 480 Conkey Avenue, constituting approximately .166 acres, to Steel Tech for the sum of \$4,700.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-365
Re: Lease for the Triphammer Grill
at the Centers for High Falls

Transmitted herewith for your approval is legislation authorizing an agreement with DEMW I, Inc., Rochester (Jennifer Moran, owner), for the lease of space at the Centers at High Falls to continue to operate the Triphammer Grill. The annual lease amount will be \$40,000, as determined by an appraisal done in April 2007 by Bruckner, Tillet, Rossi, Cahill & Associates.

DEMW I, Inc. has leased this space from the City since 1994. Ms. Moran, co-manager of the Triphammer Grill since 1998, purchased the business in 2004. The Triphammer has been a successful business at the Centers and, by providing activity in an otherwise vacant building, could be key in the future development at High Falls.

This lease agreement includes terms for operation of the Seneca Room, a party/meeting room with an occupancy of 125-150 people, located on the second floor above the Triphammer. DEMW I, Inc., will pay to the City 15% of rental fees earned for special events at the Seneca Room.

The term of this lease will be for two years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-365
(Int. No. 397)

Authorizing A Lease Agreement For The Triphammer Grill

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with DEMW I, Inc. for continued lease of space for the Triphammer Grill at the Centers at High Falls for a term of two years. DEMW I, Inc. shall also operate the Seneca Room of the Centers at High Falls under the lease.

Section 2. The agreement shall obligate DEMW I, Inc. to pay rent to the City of Rochester in the amount of \$40,000 annually. DEMW I, Inc. shall also pay the City 15% of the special event rental fees earned when the Seneca Room is used.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-366
Re: Clarissa Street Reunion

Transmitted herewith for your approval is legislation related to the production of the Clarissa Street Reunion. This legislation will:

1. Authorize agreements with the NYS Department of State, for the receipt of a \$5,000 grant, and the Clarissa Street Reunion committee for use of these funds; and
2. Amend the 2007-08 operating budget of Recreation and Youth Services to reflect the receipt and use of the grant.

The Clarissa Street Reunion has taken place annually for the past twelve years. This even brings thousands of current and former residents, families, and friends together for a full day of festivities, including parades, food, music and other activities.

This \$5,000 grant was included in the 2007-08 New York State Budget through the efforts of Senator Joseph E. Robach. These funds will be used to reimburse the Reunion for the 2007 event.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-366
(Int. No. 398)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for funding for the Clarissa Street Reunion.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Clarissa Street Reunion Committee for the Clarissa Street Reunion.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$5,000, which amount is hereby appropriated from funds to be received from the State of New York for the Clarissa Street Reunion.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-367
Re: Agreement - ImageOut Film Festival

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with The Rochester Lesbian and Gay Film Festival, Inc., d/b/a/ ImageOut, Rochester, for a film festival. The cost of the agreement will be financed from the 2007-08 budget of the Department of Recreation and Youth Services.

The mission of ImageOut is to inform, entertain, educate, and enrich the Greater Rochester community through the exhibition of multi-racial and multi-cultural films and videos, and through artistic and educational programs by and about lesbian, gay, bisexual, and transgender people.

Now in its fifteenth year, ImageOut offers five programs and services which include the film festival, consisting of over 120 films, including full-length, shorts, and documentaries. Over 10,000 people attended last year.

Other programs and services include: a youth project aimed at education and discussion for and about LGBT youth; accessibility, particularly for hard-of-hearing patrons; outreach; and a showcase for visual artists in the LGBT community.

This year's festival will be held October 5-14, 2007 and will include special screenings throughout the year.

This funding will increase awareness and accessibility to the festival screenings and events with strategic marketing plans throughout Upstate New York, increase awareness of ImageOut-Reach components, including accessibility for physically challenged individuals and the ImageOut-Youth Project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-367
(Int. No. 399)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and ImageOut for a film festival. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-368
Re: Operating Agreement -
South Avenue Garage

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Convention Center Management Corporation ("RCCMC") for the operation of the South Avenue Garage, and appropriating \$451,300 from the City Insurance Reserve Fund to continue to fund operation of the Garage.

The current agreement, approved in March 2006, was amended in December 2006 in order to provide an advance of \$450,000 to RCCMC for losses through June 30, 2007. RCCMC reported a balance of \$20,231 as of June 30, 2007. With an average loss of \$28,000 per month, the balance will cover most of the loss for July 2007.

The operating losses are directly attributable to two factors:

1. The collapse of the helix ramp in April 2006, which resulted in the closing of the garage for four months; and
2. The loss of approximately 700 parking spaces because of a major structural rehabilitation project which has been projected to be finished no earlier than December 2008.

The proposed amendment will change the current agreement from a percentage-based payment to a management-fee arrangement. RCCMC has proposed a monthly management fee of \$3,500 to operate the South Avenue Garage and to temporarily operate the Mortimer Street Garage for customers with monthly parking contracts who were dislocated due to the structural rehabilitation project at South Avenue.

The management fee and all monthly expenses to operate the Garage will be paid from any deposited Garage revenues by RCCMC. Any net income shall be paid to the City as revenue. However, until the South Avenue Garage is restored to its full capacity, RCCMC expects costs to exceed revenues. Therefore, when gross revenues for any month are insufficient to pay the operating expenses, the City, after auditing the report, agrees to remit to RCCMC the amount of such deficit, to be paid from the funds appropriated herein.

All other terms and conditions of the South Avenue operating agreement will remain the same. The term of this agreement covers July 1, 2007 through June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-368
(Int. No. 403)

Establishing Maximum Compensation For An Amendatory Agreement For The Operation Of The South Avenue Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$3,500 is hereby established as the monthly management fee to be paid for an amendatory professional services agreement between the City and the Rochester Convention Center Management Corporation for the operation of the South Avenue Garage through June, 2009 and the temporary operation of the Mortimer Street Garage to accommodate monthly parkers dislocated from the South Avenue Garage. Monthly expenses of the garages shall be paid from garage revenues. Net operating income of the garages shall be retained by the City. The City shall be responsible for any deficits if gross revenues for any month are insufficient to pay operating expenses.

Section 2. The sum of \$451,300, or so much thereof as may be necessary, is hereby appropriated from the Insurance Reserve Fund to pay for the expenses of the garages.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-369,
Ordinance No. 2007-370 and
Ordinance No. 2007-371

Re: Driving Park Urban Renewal District

Transmitted herewith for your approval is legislation related to the Driving Park Urban Renewal District. In August 2007, City Council authorized 373-375 Driving Park Avenue as eligible for designation as an Urban Renewal District. This current legislation will:

1. Adopt the Driving Park Urban Renewal Plan;
2. Amend the Zoning Code to adopt regulations for the Driving Urban Renewal District; and
3. Amend the Zoning Map by rezoning the parcel at 373-375 Driving Park Avenue from C-2 Community Center to Driving Park Urban Renewal District.

The purpose of this designation is to revitalize the area through the redevelopment of vacant property for businesses that provide essential neighborhood goods and services.

The Planning Commission will hold an informational hearing on the plan on September 18, 2007.

Pursuant to the requirements of the NYS Environmental Conservation Law and Chapter 48 of the City Code, this is an Unlisted Action; the review will be complete by September 12.

Public hearings are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-128

Ordinance No. 2007-369
(Int. No. 400)

Approving The Urban Renewal Plan For The Driving Park Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following Urban Renewal Plan for the Driving Park Urban Renewal Project:

DRIVING PARK URBAN RENEWAL PLAN

I. DESCRIPTION OF PROJECT

A. LOCATION BOUNDARY

The Driving Park Urban Renewal Project is located in the northwest district of Rochester, New York. The district is bounded by Dewey Avenue to the east, Driving Park Avenue to the north, Finch Street to the west and private property to the south. Exhibit A includes the project District Boundary Map.

B. LEGAL DESCRIPTION

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known and described as Lots 8 through 24, Section 1, of the Edgar Holmes Tract, as filed in the Monroe County Clerk's Office in Liber 2 of Maps, Page 46, and also Lot 3 of the Charles & Clara Osborn Resubdivision, as filed in Liber 45 of Maps, Page 4. Said premises are more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of Finch Street (60' ROW) and the southerly ROW line of Driving Park Avenue (66' ROW), said intersection being the northwest corner of said Lot 24 of the Edgar Holmes Tract and being the Point or Place of Beginning; thence

- 1) Easterly, along said southerly ROW line of Driving Park Avenue, a distance of 260.0 feet to the westerly ROW line of Dewey Avenue (60' ROW), being the northeast corner of said Lot 19; thence
- 2) Southerly, along said westerly ROW line of Dewey Avenue, a distance of 345.22 feet to the southeast corner of said Lot 9; thence
- 3) Westerly, along the south line of said Lot 9, a distance of 130.0 feet to the southwest corner thereof, also being the northeast corner of said Lot 8; thence
- 4) Southerly, along the east line of said Lot 8, a distance of 41.0 feet to the southeast corner thereof; thence
- 5) Westerly, along the south line of said Lot 8, a distance of 71.5 feet to the northeast corner of said Lot 3 of the Osborn Resubdivision; thence
- 6) Southerly, along the east line of said Lot 3, a distance of 24.16 feet to an angle point; thence
- 7) Southwesterly, continuing along the east line of said Lot 3, a distance of 16.7 feet, more or less, to the southeast corner thereof; thence
- 8) Westerly, along the south line of said Lot 3, a distance of 48.75 feet to the southwest corner thereof and the said easterly ROW line of Finch Street; thence
- 9) Northerly, along said easterly ROW line, a distance of 425.46 feet to the southerly ROW line of Driving Park Avenue, being the Point or Place of Beginning.

Excepting and reserving therefrom those lands previously conveyed to the City of Rochester for highway purposes in Liber 7910 of Deeds, Page 32 and dedicated as additional ROW for Dewey Avenue

by Ordinance No. 93-392.

Hereby intending to describe a parcel of land containing 97,140 square feet or 2.23 acres, more or less.

Subject to covenants, easements or restrictions of record, if any.

C. BACKGROUND

The project area is a 2.2 acre site and contains one parcel formally occupied by a full-service food Market. The project area is located in the Driving Park-Dewey Avenue commercial district and is zoned C-2 Community Center. The project area is surrounded by predominantly vacant and underutilized buildings and vacant land.

The project area includes a 1-story, 42,336 square foot vacant building surrounded to the north and west by surface parking. The building was constructed in 1950 and has been occupied until recently by Wegmans Food Markets Inc. Wegmans closed the location in May 2007, primarily because the store size, location, and property configuration did not fit into the long-range business plan goals for the company. The food market was an anchor for the commercial district and provided essential neighborhood goods service to the residents.

The continuing vacancy of the property will have severe impacts on the commercial district and neighborhood. Re-occupation of the project area with an essential neighborhood service anchor is key to the revitalization of the neighborhood.

II. URBAN RENEWAL OBJECTIVES

The following are key objectives for the Driving Park Urban Renewal District:

- A. To eliminate substandard and deteriorated structures and other blighting influences in the project area;
- B. To promote economic development in and around the project area through private development;
- C. To acquire underutilized and vacant properties in the project area for economic development purposes;
- D. To sell city and agency acquired properties for private development;
- E. To generate additional jobs and municipal tax base within the project area;
- F. To attract uses to the project area that provide essential neighborhood services;
- G. To promote uses of underutilized land and buildings within the project area consistent with the City's Comprehensive Plan.

III. URBAN RENEWAL ACTIONS:

The Urban Renewal actions to be undertaken in the project area consist of the following:

- A. Acquire 373-375 Driving Park Avenue;
- B. Dispose of 373-375 Driving Park Avenue to

qualified developer(s) for renovation or re-development with standards incorporated in the Plan for a full service food market or other essential neighborhood service.

IV. LAND USE PLAN

A. PURPOSE:

The Driving Park Urban Renewal District is integral to the revitalization of this important neighborhood center. The district regulations, which coincide with the C-2 Community Center District Zoning Code, are intended to emphasize and strengthen project area as the neighborhood center for retail and consumer services.

The following Comprehensive Plan campaign goals are supported by this plan:

CAMPAIGN SIX - ECONOMIC VITALITY

Goals:

- (B) Develop a business and financial environment that encourages business and individuals to build on our rich entrepreneurial spirit.
- (C) Develop strong, economically viable and diverse neighborhood commercial areas that help to provide entry-level jobs, high-quality goods and personal services to our citizens, offer entrepreneurial opportunities and help increase our city's economic development and growth.
- (G) Support and promote opportunities for shopping for residents and visitors at stores, businesses and personal shops within our city.

CAMPAIGN NINE - HEALTHY URBAN NEIGHBORHOODS

Goals:

- (B) Reduce the impacts of the concentration of poverty in our community by encouraging economic diversity, appropriate neighborhood design and planning and expanded economic opportunity.
- (C) Encourage strong, stable, vital and healthy neighborhoods that retain their unique characteristics, are supported by appropriate community resources, services and amenities in village-like settings with neighborhood commercial centers serving nearby residential neighborhoods, provide essential goods and services and help create a high quality of life for every citizen.
- (H) Support a land use development pattern in our city that balances reasonable property use rights with our community's expectation of protection from negative impacts generated by nearby uses or activities.

B. LAND USE REGULATIONS

Land uses within the Driving Park Urban Renewal District will be regulated by the City of Rochester C-2 Community Center District Zoning. The cur-

rent zoning provides for diverse commercial development along gateway transportation corridors and neighborhood or village centers with a dense mixture of uses such as housing retail and other complementary uses that serve the adjacent neighborhood and the community at large.

Uses allowed in the C-2 Community Center District but prohibited in the Driving Park Urban Renewal District shall include:

1. Limited adult retail store when conducted entirely within an enclosed building;
2. Bed-and-breakfast establishments;
3. Day-care centers;
4. Adult family day-care homes;
5. Family and group family day-care homes;
6. Single-family attached dwellings;
7. Multifamily dwellings;
8. Places of worship; and
9. Convents and rectories.

Uses specially permitted in the C-2 Community Center District but prohibited in the Driving Park Urban Renewal District shall include:

1. Amusement center;
2. Animal day care;
3. Motels and hotel;
4. Private clubs;
5. Entertainment;
6. Public utilities;
7. Research laboratories including testing facilities;
8. Residential Care facilities;
9. Homeless residential facilities;
10. Hospice;
11. Rooming houses;
12. Vehicle service stations; and
13. Vehicle repair of noncommercial vehicles.

All of the requirements of the C-2 Community Center contained in the Rochester Zoning Code shall apply.

V. ACQUISITION AND DISPOSITION PLAN (see "Exhibit B" for Land Acquisition Map and Disposition Map)

A. ACQUISITION PARCELS

373-375 Driving Park Avenue may be acquired by the City or Agency. The purpose of the purchase is to control the future disposition and redevelopment of the property. It has been determined that

renovation, revitalization or redevelopment of the property will not likely occur without intervention by the City of Rochester.

B. DISPOSITION PARCELS

373-375 Driving Park Avenue may be sold to a developer for uses consistent with the C-2 Community Center District and Urban Renewal Plan. The City or Agency will seek to sell the property for an essential neighborhood service anchor use, such as a full-service food market. The City or Agency may sell the property without public auction or sealed bid to a qualified and eligible sponsor pursuant to Article 15, N.Y.S. Urban Renewal Law, S 507 2(c).

VI. URBAN RENEWAL PROCEDURES AND PROPOSALS

A. REVIEW OF SITE AND DEVELOPMENT PLANS:

Site and development plans, including landscaping, shall be submitted to the Director of Zoning for review and approval subject to Site Plan Review. Prior to making a determination, the Director of Zoning shall transmit such plans to the Secretary of the Rochester Urban Renewal Agency for review and comment with respect to the conformance of such plans with the Urban Renewal Plan and its objectives.

B. VARIANCE OF PLAN REGULATIONS:

Variances of Urban Renewal District regulations may be approved by the Zoning Board of Appeals, with the exception of use variances.

VII. TERM OF URBAN RENEWAL PLAN

This Urban Renewal Plan shall continue in effect for a period of forty (40) years from the date of its adoption by the Rochester City Council.

VIII. OBLIGATION OF DEVELOPERS

When land or buildings within the project area are sold or leased by the City of Rochester or the Rochester Urban Renewal Agency, the purchaser(s) or lessee(s) and their successor(s) or assign(s) shall be obligated by the terms of the contract to devote such land to uses set forth in this urban renewal plan and to begin and complete construction of improvements within a reasonable time as established by the instrument of sale or lease.

IX. URBAN RENEWAL PLAN AMENDMENT

This Urban Renewal Plan may be amended at any time by the Rochester City Council in accordance with procedures then in effect for the amendment of an urban renewal plan.

X. RELATIONSHIP TO THE ROCHESTER ZONING CODE

Concurrent with the adoption of the Urban Renewal Plan, Section 120-120 of the Zoning Code of the City of Rochester shall be amended to include Section IV of the plan.

XI. SPECIAL PROVISIONS

ANTI-DISCRIMINATION:

There shall be appropriate covenants running with the land as required by State statutes, rules and regulations with respect to the prohibition of discrimination in the sale, lease, occupancy or use of any real property in the project area on the basis of race, color, creed or national origin.

XII. APPENDICES

EXHIBIT A. Map 1 - District Boundary Map

EXHIBIT B. Map 2 - Land Acquisition and Disposition Map

Section 2. The Council finds that:

- a. The Driving Park Urban Renewal area is a substandard or unsanitary area, or is in danger of becoming a substandard or unsanitary area and tends to impair or arrest the sound growth and development of the municipality.
- b. The Driving Park Urban Renewal Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an Urban Renewal Program.
- c. The Urban Renewal Plan for the Driving Park Urban Renewal District conforms to the comprehensive plan for the development of the municipality as a whole.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-370
(Int. No. 401)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding Zoning Regulations For The Driving Park Urban Renewal Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-120 of the Municipal Code, relating to Urban Renewal Development Districts, as amended, is hereby further amended by adding the following new subsection P thereto:

P. Driving Park Urban Renewal District.

- (1) Land use regulations. Land uses within the Driving Park Urban Renewal District will be regulated by the City of Rochester C-2 Community Center District Zoning. The current zoning provides for diverse commercial development along gateway transportation corridors and neighborhood or village centers with a dense mixture of uses such as housing retail and other complementary uses that serve the adjacent neighborhood and the community at large.
- (2) Uses allowed in the C-2 Community Center District but prohibited in the Driving Park Urban Renewal District shall include:
 - (a) Limited adult retail store when conducted entirely within an enclosed building;

- (b) Bed-and-breakfast establishments;
 - (c) Day-care centers;
 - (d) Adult family day-care homes;
 - (e) Family and group family day-care homes;
 - (f) Single-family attached dwellings;
 - (g) Multifamily dwellings;
 - (h) Places of worship; and
 - (i) Convents and rectories.
- (3) Uses specially permitted in the C-2 Community Center District but prohibited in the Driving Park Urban Renewal District shall include:
- (a) Amusement center;
 - (b) Animal day care;
 - (c) Motels and hotel;
 - (d) Private clubs;
 - (e) Entertainment;
 - (f) Public utilities;
 - (g) Research laboratories including testing facilities;
 - (h) Residential Care facilities;
 - (i) Homeless residential facilities;
 - (j) Hospice;
 - (k) Rooming houses;
 - (l) Vehicle service stations; and
 - (m) Vehicle repair of noncommercial vehicles.
- (4) All of the requirements of the C-2 Community Center District contained in the Rochester Zoning Code shall apply.

Section 2. Section 120-119 of the Municipal Code, relating to Urban Renewal Districts, is hereby amended by adding the following new subsection P thereto:

P. Driving Park Urban Renewal District.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-371
(Int. No. 402)

Changing The Zoning Classification Of 373-375 Driving Park Avenue From C-2 Community Center To Driving Park Urban Renewal District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 373-375 Driving Park Avenue, from C-2 Community Center to Driving Park Urban Renewal District:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, known and described as Lots 8 through 24, Section 1, of the Edgar Holmes Tract, as filed in the Monroe County Clerk's Office in Liber 2 of Maps, Page 46, and also Lot 3 of the Charles & Clara Osborn Resubdivision, as filed in Liber 45 of Maps, Page 4. Said premises are more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of Finch Street (60' ROW) and the southerly ROW line of Driving Park Avenue (66' ROW), said intersection being the northwest corner of said Lot 24 of the Edgar Holmes Tract and being the Point or Place of Beginning; thence

- 1) Easterly, along said southerly ROW line of Driving Park Avenue, a distance of 260.0 feet to the westerly ROW line of Dewey Avenue (60' ROW), being the northeast corner of said Lot 19; thence
- 2) Southerly, along said westerly ROW line of Dewey Avenue, a distance of 345.22 feet to the southeast corner of said Lot 9; thence
- 3) Westerly, along the south line of said Lot 9, a distance of 130.0 feet to the southwest corner thereof, also being the northeast corner of said Lot 8; thence
- 4) Southerly, along the east line of said Lot 8, a distance of 41.0 feet to the southeast corner thereof; thence
- 5) Westerly, along the south line of said Lot 8, a distance of 71.5 feet to the northeast corner of said Lot 3 of the Osborn Resubdivision; thence
- 6) Southerly, along the east line of said Lot 3, a distance of 24.16 feet to an angle point; thence
- 7) Southwesterly, continuing along the east line of said Lot 3, a distance of 16.7 feet, more or less, to the southeast corner thereof; thence
- 8) Westerly, along the south line of said Lot 3, a distance of 48.75 feet to the southwest corner thereof and the said easterly ROW line of Finch Street; thence
- 9) Northerly, along said easterly ROW line, a distance of 425.46 feet to the southerly ROW line of Driving Park Avenue, being the Point or Place of Beginning.

Excepting and reserving therefrom those lands previously conveyed to the City of Rochester for highway purposes in Liber 7910 of Deeds, Page 32 and dedicated as additional ROW for Dewey Avenue by Ordinance No. 93-392.

Hereby intending to describe a parcel of land containing 97,140 square feet or 2.23 acres, more or less.

Subject to covenants, easements or restrictions of record, if any.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-372 and
Ordinance No. 2007-373
Re: Donation and Sale of 373-375
Driving Park Avenue

Transmitted herewith for your approval is legislation related to the site of the former Wegmans Food Market at 373-375 Driving Park Avenue. This legislation will:

1. Accept the donation of 373-375 Driving Park Avenue from Wegmans Enterprises Inc.;
2. Approve the sale of 373-375 Driving Park Avenue to 373 Driving Park Ave LLC (Peter Lutz and Dale Scutti, members) for \$425,000;
3. Appropriate the proceeds of the sale to the newly-created Driving Park Urban Renewal Project Support Fund for the purpose of supporting economic development in the Driving Park Urban Renewal District.

Wegmans closed the 42,336 square foot full-service food market in May 2007. Donation of the property will facilitate the City's efforts to attract another full-service food store to the building. The project is located in the proposed Driving Park Urban Renewal District.

The City will sell the property to 373 Driving Park Ave LLC for a negotiated value of \$425,000. 373 Driving Park Ave LLC will lease the property to a full-service food market operator. The sale of the property is conditioned upon 373 Driving Park Ave LLC securing an acceptable food market operator.

In separate legislation submitted this month, it is proposed that this area be designated as an Urban Renewal District. It is expected that the District will be expanded in the near future to include some neighboring properties. In anticipation of the expansion, a Condition Analysis will be undertaken, and a comprehensive revitalization plan prepared. The funds allocated herein will facilitate the implementation of the plan.

Pursuant to the requirements of the NYS Environmental Conservation Law and Chapter 48 of the City Code, this is a Type II Action. No further SEQOR compliance is required.

A public hearing on the sale is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-129

Ordinance No. 2007-372
(Int. No. 409)

Accepting Donation Of 373-375 Driving Park Avenue

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of 373-375 Driving Park Avenue, SBL #090.82-1-35.1, from the current owner, Wegmans Enterprises, Inc.

Section 2. City taxes and other charges against the parcel shall be canceled from the date of closing forward. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. Said parcel shall be accepted free and clear of any outstanding liens or encumbrances.

Section 3. The acceptance of the donation shall be subject to the requirement that the funds received from the sale of 373-375 Driving Park Avenue shall be used to fund economic development in the Driving Park Urban Renewal District.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-373
Int. No. 410)

Authorizing The Sale Of 373-375 Driving Park Avenue To Further The Driving Park Urban Renewal Plan And Appropriating Sale Proceeds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the method of negotiation and the sale of 373-375 Driving Park Avenue, SBL #090.82-1-35.1, to 373 Driving Park Ave LLC for the sum of \$425,000, to further the objectives of the Driving Park Urban Renewal Plan.

Section 2. The sum of \$425,000 to be received from the sale of 373-375 Driving Park Avenue shall be placed by the Director of Finance in a Driving Park Urban Renewal Project Support Fund, and said amount is hereby appropriated to fund economic development in the Driving Park Urban Renewal District, in accordance with the acceptance by the City of the donation of the property.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By President Giess
September 19, 2007

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 412 - Resolution Confirming The Appointment Of The Fire Chief

Int. No. 405 - Resolution Confirming The Appointment Of The Director Of Finance

Respectfully submitted,
Lois J. Giess
Carolee A. Conklin
John F. Lightfoot
Adam C. McFadden

Dana K. Miller
William F. Pritchard (Did not vote on Int. No. 405)
Robert J. Stevenson
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-22
Re: Appointment - Chief, Rochester
Fire Department

Transmitted herewith for your approval is legislation confirming the appointment of John D. Caufield, to the position of Fire Chief, Rochester Fire Department. Mr. Caufield resides in the City at 296 Yarmouth Road.

A copy of Mr. Caufield's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-22
(Int. No. 412)

Resolution Confirming The Appointment Of The Fire Chief

WHEREAS, the Mayor has appointed John D. Caufield to the position of Fire Chief, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of John D. Caufield as Fire Chief.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-23
Re: Appointment - Director of the
Department of Finance

Transmitted herewith for your approval is legislation confirming the appointment of Brian L. Roulin, CPA to the position of Director of the Department of Finance. Mr. Roulin is in the process of relocating to Rochester from Syracuse, NY.

A copy of Mr. Roulin's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-23
(Int. No. 405)

Resolution Confirming The Appointment Of The Director Of Finance

WHEREAS, the Mayor has appointed Brian L. Roulin to the position of Director of Finance, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of Brian L. Roulin as Director of Finance.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:51 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**REGULAR MEETING
OCTOBER 16, 2007**

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence in memory of Arlene Page, City School District Crossing Guard.

Pledge of Allegiance to the Flag of the United States of America.

**APPROVAL OF THE MINUTES
By Councilmember Stevenson**

RESOLVED, that the minutes of the Regular Meeting of September 19, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

**COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFICERS
AND OTHERS.**

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3896-7
 - 2 Public Disclosures - HOME Participation 3897-7, 3898-7
 - Quarterly Reports - Professional services agreements with costs of \$10,000 or less; Delinquent Receivables; Schedule of Revenues and Expenditures 3899-7

The Director of Zoning submits a Notice of Environmental Determination 3900-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing An Amendatory 2004-05 Community Development Program Plan And Authorizing An Agreement For The Creating Assets, Savings And Hope Program Int. No. 416 1 speaker: Rita Iyabroad, Director of the C.A.S.H. Program.

Approving An Increase In The Pavement Width Of Norton Street For Recessed Parking And Amending Ordinance No. 2006-73 Int. No. 421 No speakers.

Approving A Tapered Decrease In The Pavement Width Of Exchange Boulevard Int. No. 453 No speakers.

Authorizing Amendatory 2000-01, 2001-02 And 2004-05 Community Development Program Plans and Authorizing A Loan Agreement for The Mills At High Falls Project Int. No. 433 No speakers.

Approving An Increase In The Pavement Width Of Mill Street For Recessed Parking Int. No. 435 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
October 16, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 414 - Authorizing The Sale Of Real Estate

Int. No. 415 - Authorizing A Sub-Lease Agreement For Space In The Area A NET Office

Int. No. 443 - Authorizing The Sale Of Real Estate For The Olean & Kennedy Revitalization Project

Int. No. 444 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Olean & Kennedy Revitalization Project, As Amended

Int. No. 448 - Establishing Maximum Compensation For A Professional Services Agreement For A Residential Assistance Program Evaluation, As Amended

Int. No. 450 - Authorizing An Agreement For The Frederick Douglass Resource Center And Amending The 2007-08 Budget

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 416 - Authorizing An Amendatory 2004-05 Community Development Program Plan And Authorizing An Agreement For The Creating Assets, Savings And Hope Program

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot
Lovely A. Warren

Lois J. Giess (Did not vote on Int. Nos. 414, 415 and 416)

Gladys Santiago (Did not vote on Int. Nos. 414, 415 and 416)

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-375
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 53 properties. With the exception of purchasers of unbuildable vacant land, staff have audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 44 properties were sold at the August 2007 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

The next property is vacant land that was sold through a sealed bid process to the adjoining property owner. The purchaser will combine the parcel with her adjoining property.

The next property is a vacant lot that is being sold at appraised value to the adjoining owner to be combined with his adjoining property.

The next seven properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-130

Ordinance No. 2007-375
(Int. No. 414)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Lot Size Purchaser	Legal Use	Price
136 Ackerman St 107.45-1-63	40x100 Sincerray Kearse	1 Family	\$ 700
310 Ames St 120.25-3-73	40x113 Erma Tisdale-Scott	1 Family	5,700
644 Avenue D 091.80-1-78	40x66 Delroy Mahoney	1 Family	2,100
87 Barons St & 105 Alphonse St 106.32-2-14.2 &14.1	137x51 Luisa O. Del Valle	1 Family	1,700
170-174 Bartlett St 120.67-2-77.1	66x141 *Robinson & Sons, LLC	2 Family	2,500
173 Bartlett St 120.67-3-10	40x115 *Robinson & Sons, LLC	2 Family	2,700
5-5.5 Caffery Pl 120.44-1-58	40x125 Luisa O. Del Valle	2 Family	2,400
86 Champlain St 121.53-1-33	33x141 Nolia M. Brooks	1 Family	4,100
127 Clifford Av 106.29-4-38	35x110 Angel Cuebas	1 Family	1,100
1120 Clifford Av 106.34-1-61	43x154 Joyce Scott	1 Family	5,000
51 Clifton St 120.44-1-56	45x40 Joseph D. Grant	1 Family	1,600
159 Clifton St 120.51-4-3	33x100 W. Ann Johnson	1 Family	1,300
13 DeJonge St 106.31-2-40	35x144 *Robinson & Sons, LLC	2 Family	2,500
219 Dr Samuel McCree Way 120.59-1-8	34x113 Jamel Graham	1 Family	4,300
237 Fernwood Av 106.28-1-76	47x117 Annie Wyche	1 Family	23,500
243 Fourth St 106.59-2-30	40x120 Sincerray Kearse	1 Family	3,400
343 Frost Av 120.68-1-57	33x141 Patricia Millon	1 Family	500
107-109 Harris St 091.77-4-11	40x119 Pamela Bauer	2 Family	2,400
17 Herald St 106.25-2-5	40x82 Hefla Myers	1 Family	3,900
35 Karnes St 105.49-3-66	40x127 Juan de Dios Maria & Isabel del valle de Maria	1 Family	1,300
14 Kenwood Av 120.50-1-31	35x87 Pamela Bauer	2 Family	8,500
90 Lincoln St 106.42-1-58	40x95 Teresa Velazquez & Nestor L. Rosado Jr.	1 Family	3,000
103 Locust St 105.42-1-4	43x118 Delroy Mahoney	1 Family	5,100
83 Mason St 090.82-3-91	41x115 Tony L. Smith	1 Family	5,300
118 Murray St 105.73-1-33	37x90 Bounheuang Luangasa	1 Family	6,900
329 Murray St 105.57-3-26.1	60x92 Nikolay M. Skakunov	2 Family	8,000
1135 North St 091.81-3-36	33x108 Tracy Harris	1 Family	14,100
233 Parkway 105.59-1-4	36x145 Sinh Tran	1 Family	10,500
236 Remington St 091.79-4-71	29x199 Walter Morehead	1 Family	400
323 Reynolds St 120.76-3-69	33x100 Erma Tisdale-Scott	1 Family	1,200
481-491 Scio St 106.57-3-38	31x111 Miriam Perez & Jose A. Bermudez	1 Family	5,100
84 Scrantom St 106.38-1-57	40x116 Angel Cuebas	1 Family	4,400

132 Shelter St 120.75-3-71	38x153 Bertha Davis-Wall	1 Family	11,000
165 Shelter St 120.83-1-9	39x174 Bertha Davis-Wall	1 Family	9,400
210 Shelter St 120.75-3-86	33x100 Patty Ann Shorter	1 Family	12,600
203 Spencer St 105.68-1-43	50x124 Erma Tisdale-Scott	1 Family	6,800
145 Third St 106.51-2-53	40x120 Miriam Perez & Jose A. Bermudez	1 Family	1,200
325 Troup St 120.44-1-21	40x139 Patrick Jackman & Rosalind Walker	1 Family	6,600
614 Upper Falls Blvd 106.48-1-6.1	66x119 Nestor L. Rosado Jr & Teresa Velazquez	1 Family	2,200
1-3 Walter Pk 120.74-1-26 &27	66x100 Bertha Davis-Wall	1 Family	2,300
169 Warner St 105.57-1-12	39x150 Colleen W. Jones	1 Family	9,500
146-148 Weyl St 091.72-4-22	34x105 Jacqueline J. Brooken	2 Family	2,300
50 Widman St 106.40-1-35	66x106 Nikolay M. Skakunov	1 Family	5,000
341 Wilkins St 106.25-1-19	40x102 Jerald Leslie	2 Family	2,100

*Members: Caprice I. Robinson, President; Thomas L. Robinson, Treasurer

Section 2. The Council hereby approves the sale of the following parcel of vacant land with proposal by sealed bid:

Address: 135 & 139 Lewis St
S.B.L.#: 106.66-2-9 & 106.66-2-10
Lot size: 33x115 & 33x115
Price: \$200
Purchaser: Rosa Lee Herbert

Section 3. The Council hereby approves the negotiated sale at its appraised value of the following parcel of vacant land with proposal:

Address: Pt. of 82 Fulton Av
S.B.L.#: Pt. of 105.52-1-53
Lot size: 15x125
Sq. Ft.: 1875
Purchaser: Robert Lee Dodd Sr.

Section 4. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
E 1/2 of 75 Hempel St Pt. of 106.43-1-4.6	17x92 Rosa Hannah	1560±
W 1/2 of 75 Hempel St Pt. of 106.43-1-4.6	17x91 Jose Oquendo	1543±
S Portion of 233 Jefferson Av Pt. of 120.44-1-44	25x73 Cecil McClary Sr.	1840±
N Portion of 233 Jefferson Av Pt. of 120.44-1-44	25x89 Frank & Sarah J. Anderson	2248±
828-836 Jefferson Av 120.84-1-19	33x100 *Providence Clean Housing Development Fund Co., Inc.	3300

58F S Union St 17x35 596±
 121.33-1-56 **Singer Real Estate, LP
 60F S Union St 17x35 596±
 121.33-1-53 **Singer Real Estate, LP

* Officers: Monica McCoullough; Roger Brandt;
 Jane Lange; Anthony DiBiase
 ** Officers: Jules Musinger; Douglas Musinger

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-376
 Re: Sublease Agreement -
 1495 Lake Avenue

Transmitted herewith for your approval is legislation authorizing an agreement with the Maplewood Neighborhood Association for the continued sublease of approximately 224 square feet of office space at 1495 Lake Avenue. The office space was previously occupied by the Rochester Police Department's Lake Section. The Maplewood Neighborhood Association has been subleasing this space from the City since March 2005.

The City's current lease with the property owner, Wegman Specialties, LLC, which expires on December 31, 2008, allows the City to sublease space. The remainder of the building is occupied by the NET Area A office and a sublease with Bergman Associates.

The sublease with the Maplewood Neighborhood Association will be for a period of one year, beginning July 1, 2007, at a monthly rate of \$185. This amount was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2007-376
 (Int. No. 415)

Authorizing A Sub-Lease Agreement For Space In The Area A NET Office

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Real Estate is hereby authorized to enter into an agreement with the Maplewood Neighborhood Association for the sublease of approximately 224 square feet of space at 1495 Lake Avenue, the Area A NET Office. The agreement shall extend for a term of one year, effective July 1, 2007.

Section 2. The lease agreement shall obligate the Maplewood Neighborhood Association to pay an amount not to exceed \$185 in monthly rent.

Section 3. The agreement shall contain such additional terms and conditions as the Director deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-377 and
 Ordinance No. 2007-378
 Re: Kennedy & Olean Phase III

Transmitted herewith for your approval is legislation relating to the Kennedy & Olean Phase III Project being undertaken by Providence Housing Development Corporation and Rochester's Cornerstone Group, Ltd. This legislation will:

1. Authorize the sale of 28 City-owned vacant lots for new construction at their appraised values to Olean-Kennedy Housing III, LLC. A map and list of lots are attached.
2. Authorize the exemption from property taxes and an agreement for payment-in-lieu-of taxes with the Olean-Kennedy Housing III, LLC for said 28 parcels and 46 Cady Street.

The Kennedy & Olean Revitalization Project is a major affordable housing development in the southwest quadrant of the city. Phase I of the project (Kennedy portion) included the construction of 28 town-homes on the former Kennedy townhouse site and the construction of 39 rental units built on scattered sites across the southwest neighborhoods. Kennedy was completed in December 2006.

Phase II of the project included the construction of 48 townhomes on the former Olean Townhouse site and 29 rental units built on scattered sites throughout the southwest neighborhoods. Three new roadways were constructed on the site as well. Olean was completed in May 2007. The total cost of Phase I & II was \$30 million, of which \$3.3 million was contributed by the City.

Providence Housing recently secured funding from New York State for Phase III. A total of 31 rental units will be built on 28 vacant lots located throughout the southwest and northwest neighborhoods. In addition, 46 Cady Street, a private one-unit residence, will be rehabilitated. The project is to commence December 2007 and be completed by March 2009.

Under the proposed in-lieu-of-tax agreement, Olean-Kennedy Housing III, LLC., will be provided a 30-year property tax exemption in consideration for an annual in-lieu-of-tax payment equal to 10% of the project shelter rents (gross rents less utility costs and vacancy).

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AG-131

Ordinance No. 2007-377
 (Int. No. 443)

Authorizing The Sale Of Real Estate For The

Olean & Kennedy Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Providence Olean-Kennedy Housing Development Fund Company, Inc., or a housing development fund company established for the Olean & Kennedy Revitalization Project, for their appraised value, for the construction or rehabilitation of housing as a part of the Olean & Kennedy Revitalization Project:

<u>Address</u> SBL	<u>Lot Size</u>	<u>Price</u>
294 Adams St. 120.52-1-10	60x145	\$525
154 Atkinson St. 121.37-1-37	40x100	\$400
162-164 Bartlett St. 120.67-2-83.2	99x141	\$600
728 Brown St. 120.43-1-55	40x100	\$400
63 Cady St. 120.60-2-25.1	50x184	\$550
180-182 Cady St. 120.59-1-51.1	66x114	\$500
192 Cady St. 120.59-1-55.1	53x113	\$450
26 Columbia Ave. 121.61-2-61	40x172	\$475
68 Columbia Ave. 121.61-2-73	40x173	\$475
139 Cottage St. 135.28-2-33	45x100	\$425
406-410 Flint St. 120.75-2-51.2	99x186	\$600
433 Flint St. 120.75-3-25.1	99x87	\$525
128 Frost Ave. 121.53-3-36	44x141	\$475
134 Frost Ave. 121.53-3-37	44x141	\$475
12-14 Fulton Ave. 105.60-1-19.1	66x132	\$525
29 Fulton Ave. 105.60-1-4	67x72	\$425
82 Fulton Ave. 105.52-1-53	60x125	\$500
120 Fulton Ave. 105.43-2-36	60x133	\$500
179 Fulton Ave. 105.35-4-44	49x126	\$500
254 Hawley St. 120.76-1-9	40x114	\$425
336 Hawley St. 120.75-1-45	40x112	\$425
18 Lloyd St. 120.75-3-31	40x85	\$400
22 Lloyd St. 120.75-3-30	40x85	\$400
15 Magnolia St. 120.84-3-16	40x102	\$425
454 Magnolia St. 120.82-2-10	40x132	\$450
20-28 Phelps Ave. 105.43-2-33	98x101	\$600
31 Phelps Ave. 105.51-2-14	50x120	\$450
12 Vinewood Place 120.52-2-88	64x102	\$475

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-378
(Int. No. 444, As Amended)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Olean & Kennedy Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of [20] 30 years, the following properties, to be owned by the Providence Olean-Kennedy Housing Development Fund Company, Inc., or a housing development fund company established for the Olean & Kennedy Revitalization Project, and to be used for housing as a part of the Olean & Kennedy Revitalization Project:

<u>Address</u>	<u>SBL</u>
294 Adams St.	120.52-1-10
154 Atkinson St.	121.37-1-37
162-164 Bartlett St.	120.67-2-83.2
728 Brown St.	120.43-1-55
46 Cady St.	121.53.1-89
63 Cady St.	120.60-2-25.1
180-182 Cady St.	120.59-1-51.1
192 Cady St.	120.59-1-55.1
26 Columbia Ave.	121.61-2-61
68 Columbia Ave.	121.61-2-73
139 Cottage St.	135.28-2-33
406-410 Flint St.	120.75-2-51.2
433 Flint St.	120.75-3-25.1
128 Frost Ave.	121.53-3-36
134 Frost Ave.	121.53-3-37
12-14 Fulton Ave.	105.60-1-19.1
29 Fulton Ave.	105.60-1-4
82 Fulton Ave.	105.52-1-53
120 Fulton Ave.	105.43-2-36
179 Fulton Ave.	105.35-4-44
254 Hawley St.	120.76-1-9
336 Hawley St.	120.75-1-45
18 Lloyd St.	120.75-3-31
22 Lloyd St.	120.75-3-30
15 Magnolia St.	120.84-3-16
454 Magnolia St.	120.82-2-10
20-28 Phelps Ave.	105.43-2-33
31 Phelps Ave.	105.51-2-14
12 Vinewood Place	120.52-2-88

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of [twenty] thirty years with the Olean Housing Development Fund Company, Inc., whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such addi-

tional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-379
Re: Residential Assistance Program
Evaluation

Transmitted herewith for your approval is legislation authorizing maximum compensation not to exceed \$32,000 for an agreement with Community Development Consulting, Inc. of 397 Sheldon Road, Honeoye Falls, NY, to conduct an evaluation of the Residential Assistance Program (RAP). Said amount shall be funded from the 2007-08 budget for Undistributed Expense (Efficiency and Effectiveness).

RAP has traditionally been administered throughout the city by neighborhood agencies to provide low-income homeowner-occupants with grants of up to \$3,500 (or \$4,500, if lead issues are present) to make emergency repairs, or to purchase materials for exterior repairs and/or home security. This maximum grant amount may be increased up to an additional \$3,500 in circumstances where damaging roof leaks require a complete tear-off. Residents may not receive more than one grant in any four-year period.

The evaluation is expected to provide information which will be used to improve short and long-term delivery of RAP services in an environment of increasing demand and decreasing resources. Program elements to be evaluated include: the perception of RAP in the community; a profile of residents served (i.e., elderly, single parents, race/ethnicity, etc.); a review of priorities regarding selection of home repair projects (e.g., emergency repairs, curb appeal improvements, security measures); the impact of RAP on homeowners, property values and neighborhoods; geographic distribution of provider agencies and grants awarded; adequacy of the grant amounts; the efficiency of program operations; and the performance of provider agencies. Neighborhood organizations currently providing RAP services are:

1. Charles Settlement House (CSH)
2. Coalition of North East Associations (CONEA)
3. Group 14621 Community Association (Group 14621)
4. Marketview Heights Association (MHA)
5. Montgomery Neighborhood Center (MNC)
6. North East Area Development (NEAD)
7. NCS Community Development Corporation (NCS)
8. South East Area Coalition (SEAC)
9. South Wedge Planning Committee (SWPC)

The request for proposals (RFP) was posted on the City website and sent to fourteen organizations offering evaluation services. Six proposals were received: AEDU-TECH SYSTEMS, Inc. of Rochester, NY; Catalyst Research, LLC of Kenmore, NY; Center for Governmental Research of Rochester, NY; ICF Consulting Services, LLC of Fairfax, VA; the Institute for Strategic Inquiry and Study of Rochester, NY; and Community Development Consulting, Inc.

Criteria guiding the proposal review and consultant selection process included demonstration of full and thorough knowledge of the Rochester community, relevant experience and demonstrated expertise in providing evaluation services of community development programs and/or services; demonstration of sound research methodology and organizational management practices, including financial accountability and technical expertise necessary to conduct an evaluation of RAP; and cost. The proposal of Community Development Consulting, Inc. was selected as it demonstrated the singularly unique combination of knowledge of urban issues and the Rochester community with the most extensive plan for both quantitative data collection and qualitative research and analysis.

The evaluation is expected to take approximately four months. Upon conclusion of the evaluation, Community Development Consulting, Inc. will furnish a written report of findings with recommendations for future service delivery, and shall be available to make legislative and executive presentations upon request.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-379
(Int. No. 448, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For A Residential Assistance Program Evaluation

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$32,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Community Development Consulting, Inc. for an evaluation of the Residential Assistance Program. Said amount [shall be funded from the 2007-08 Budget for Undistributed Expense] is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2007-08 Community Development Program.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-380
Re: Frederick Douglass Resource Center

Transmitted herewith for your approval is legislation establishing \$550,000 as maximum compensation for

an agreement with the Frederick Douglass Community Development Corporation, 549 Clarissa Street, and the Frederick Douglass Resource Center, Inc. to support the development of the Frederick Douglass Resource Center at 36-38 King Street. The legislation will also amend the 2007-08 Budget by transferring \$100,000 from Contingency to Undistributed to partially fund the agreement. The remaining cost of the agreement will be funded from the Undistributed allocations of the 2004-05 (\$75,000), 2005-06 (\$25,000) and 2006-07 (\$350,000) Budgets.

Rochester was the chosen city of Frederick Douglass. His newspaper, the *Northstar* was published here and he is buried at Mt. Hope Cemetery. Yet until just recently with the naming of a new bridge, nothing bears the name of this giant of social change and advocate of human rights and dignity.

Rochester should, and will, be in the forefront of efforts to honor Frederick Douglass. The Center will help to keep his message and mission alive for future generations. Also, the Center will be located near the Susan B. Anthony House, providing a unique cultural and historical destination and economic driver for this area of the City.

The Frederick Douglass Resource Center will include an exhibit hall, auditorium, library, classroom and meeting room which will be used for educational and cultural programs on Frederick Douglass and African-American heritage and culture. In addition to a wide range of programs available to the community and activities and resources that are being planned with the Rochester City School District, the Center will provide to the City:

1. Bi-weekly field trips for 30-40 youths from City recreation centers;
2. Volunteer opportunities in the form of docent training for 10 youths, over age 13, from City recreation centers;
3. An annual Frederick Douglass exhibit to be displayed in the City's Link Gallery;
4. Open Houses - two times per year to be open and free to the public;
5. The City's use of the Center's facilities 12 times per year.

It is expected that the construction work will commence in October, 2007 and will be completed by spring of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-132

Ordinance No. 2007-380
(Int. No. 450)

Authorizing An Agreement For The Frederick Douglass Resource Center And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Frederick Douglass

Community Development Corporation and the Frederick Douglass Resource Center, Inc. for the construction and operation of the Frederick Douglass Resource Center at 36-38 King Street. The Center shall promote African-American heritage, cultural programs and resources in the Rochester community. The agreement shall require the Center to provide rooms, programs and services to the City and the Rochester City School District, in addition to programs and services available to the public.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$550,000, and, of said amount, or so much thereof as may be necessary, \$100,000 shall be funded from the 2007-08 Budget for Undistributed Expense, \$350,000 shall be funded from the 2006-07 Budget for Undistributed Expense, \$25,000 shall be funded from the 2005-06 Budget for Undistributed Expense, and \$75,000 shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency Allocation to Undistributed Expense to fund the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-381
Re: Amending the 2004-05 Consolidated
Community Development Plan - Creating
Assets, Savings and Hope (C.A.S.H.)

Transmitted herewith for your approval is legislation amending the 2004-05 Community Development Program by transferring \$15,000 from the Improving the Housing Stock Allocation-Neighborhood Parks/Playgrounds Account to the General Community Needs Allocation-C.A.S.H. Account, and appropriating those funds as maximum compensation for an agreement with the Empire Justice Center to administer the C.A.S.H. program.

The Empire Justice Center serves as the lead in this coalition of approximately 30 community organizations to administer the C.A.S.H. program. This economic initiative is designed to lift families above the poverty line through increased utilization of the Earned Income Tax Credit (EITC) and asset-building. Services for low-income workers include: tax preparation and filing, free access to credit reports, assistance from financial professionals, and free savings/checking accounts. Other services available to families include: financial education programs, job counseling services, affordable health care, food stamps, referrals to home buying programs, and affordable refurbished computers.

The C.A.S.H. coalition, initiated by the United Way, has served more than 27,000 families in Monroe County since 2002. During 2007, 500 volunteers helped 12,200 low-income families claim \$17.4 million in income tax refunds and credits, of which \$9.3 million was the EITC. Projections for 2008 include

...serving 13,000 families; recruiting 500 volunteers; and a total of \$18 million returned to the community in tax refunds, of which \$9.5 million will be EITC benefits.

More than 60% of families served by C.A.S.H. are City residents. The CDBG funds for the 2008 C.A.S.H. Program will be used to cover a portion of the Director's salary and benefits.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-381
(Int. No. 416)

Authorizing An Amendatory 2004-05 Community Development Program Plan And Authorizing An Agreement For The Creating Assets, Savings And Hope Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby the sum of \$15,000 shall be transferred from the Neighborhood Parks/Playgrounds Account of the Improving the Housing Stock and General Property Conditions allocation to the Creating Assets, Savings and Hope Program Account of the General Community Needs allocation.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center for the Creating Assets, Savings and Hope Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2004-05 Community Development Program.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
October 16, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 417 - Establishing Maximum Compensation For An Agreement For Environmental Cleanup Of 1200 East Main Street And Appropriating Funds

Int. No. 418 - Authorizing The Acquisition Of A Parcel For The West Ridge Road Improvement Project

Int. No. 419 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 420 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

Int. No. 439 - Establishing Maximum Compensation For A Professional Services Agreement For The Culver Road Improvement Project

Int. No. 440 - Establishing Maximum Compensation For A Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 441 - Authorizing An Agreement And Appropriating Funds For The Field Street Traffic Calming Project And Amending Ordinance No. 2007-354, As Amended

Int. No. 442 - Authorizing Agreements And Appropriating Funds For The South Clinton Avenue And Mt. Hope Avenue Enhancement Projects

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 421 - Approving An Increase In The Pavement Width Of Norton Street For Recessed Parking And Amending Ordinance No. 2006-73

Int. No. 453 - Approving A Tapered Decrease In The Pavement Width Of Exchange Boulevard

Respectfully submitted,
John F. Lightfoot
William F. Pritchard
Lois J. Giess
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-382
Re: Agreement - 1200 East Main Street
Site Environmental Cleanup

Transmitted herewith for your approval is legislation relating to the implementation of the environmental cleanup of the City-owned brownfield property located at 1200 East Main Street. This legislation will:

1. Establish \$440,000 as maximum compensation for an agreement with Bergmann Associates for environmental cleanup services;
2. Appropriate 1996 Clean Water/Clean Air Bond Act grant funds in the amount of \$458,024 to partially finance the cost of the agreement and to reimburse a portion of previously incurred asbestos abatement and demolition costs. The remaining \$44,000 for the agreement will be funded from 2007-08 Cash Capital.

The City received a \$458,024 grant through the New York State Department of Environmental Conservation's 1996 Bond Act Title 5 Environmental Restoration Program (ERP). ERP grants reimburse municipalities for up to 90% of eligible brownfield site investigation and cleanup costs and eligible asbestos testing and abatement costs associated with cleanup are reimbursed at a rate of 50%. In addition

to reimbursement of project costs, the ERP provides indemnification from the State to the City and all subsequent owners of the remediated sites.

The vacant site is approximately half an acre. It was occupied from 1928-1992 by an automobile service facility and gasoline filling station, which resulted in soil and groundwater contamination from leaking underground petroleum storage tanks and piping systems. Waste oil dumping is also suspected to have occurred to the unpaved ground surface at the property. The property was acquired by the City through tax foreclosure in 1993, and the existing structure was demolished.

From 2001 to 2004, the City completed several phases of investigation and interim remedial clean-up measures including the removal and disposal of five underground storage tanks and all associated piping and dispenser pumps; excavation and disposal of approximately 400 tons of grossly contaminated soil; and installation of a sub-slab ventilation system in the basement of the adjacent 1214/1216 East Main Street property. This work was completed at a cost of approximately \$300,000 through an agreement with Bergmann Associates and was partially financed with ERP grant funds.

In June 2007, a request for proposal was issued to three pre-qualified consulting firms - O'Brien and Gere Engineering, ENSR/AECOM, and Bergmann Associates. Bergmann Associates is recommended based on the quality of its proposal, experience with the NYSDEC ERP, the proposed project team, and reasonableness of costs.

Under this agreement Bergmann will complete implementation of the Corrective Action Plan which will include the following activities:

1. Develop a Remedial Design Program and prepare all associated Work Plans;
2. Remove free phase petroleum product from specified Site monitoring wells and arrange for proper off-site disposal of all associated waste;
3. Excavate approximately 800 cubic yards of contaminated surface and subsurface soils from specified locations at the Site and arrange for proper off-site disposal;
4. Design and install a groundwater treatment system for the remediation of petroleum contaminants;
5. Design and install a soil vapor extraction system to mitigate subsurface vapor migration to off-site properties;
6. Provide on-going maintenance for all of the installed treatment systems;
7. Prepare Environmental Easement documentation and an Environmental Management Plan to prevent potential adverse impacts or exposures during future site development; and
8. Attend project meetings and provide project management support as required by the City.

This agreement will have an initial term of three years with a provision for a one-year renewal. The clean-up phase is expected to be completed within three years of the initial system start-up. Completion of

the cleanup will permit redevelopment consistent with the site's current C-2 Community Center District zoning.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-133

Ordinance No. 2007-382
(Int. No. 417)

Establishing Maximum Compensation For An Agreement For Environmental Cleanup Of 1200 East Main Street And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$440,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Bergmann Associates for environmental cleanup of 1200 East Main Street. Of said amount, \$396,000 shall be funded from the appropriating made in Section 2 and \$44,000 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. There is hereby appropriated from 1996 Clean Water/Clean Air Bond Act funds the sum of \$458,024, or so much thereof as may be necessary, to fund the demolition and environmental cleanup of 1200 East Main Street.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-383
Re: Acquisition of Property - West
Ridge Road Improvement Project

Transmitted herewith for your approval is legislation authorizing the acquisition of a portion of 115 West Ridge Road as part of the West Ridge Road Improvement Project. The lot, approximately 329 square feet, will be purchased for \$1,300. This amount was established through an independent appraisal prepared by Kevin L. Bruckner, MAI.

Upon acquisition, the parcel will be dedicated as additional right-of-way for the street project. Total acquisition and closing costs will not exceed \$2,000 and will be funded through the State and Federal aid appropriation authorized for this project pursuant to City Council Ordinance No. 2002-342.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-134

Ordinance No. 2007-383
(Int. No. 418)

Authorizing The Acquisition Of A Parcel For The West Ridge Road Improvement Project

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the acquisition of a portion of 115 West Ridge Road, SBL No. 090.43-03-08.3, constituting approximately 329 square feet, from the current owners, David Essom and David L. Leeper, for the construction and maintenance of municipal improvements as a part of the West Ridge Road Improvement Project.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$1,300, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the appropriations made in Ordinance No. 2002-342.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-384
Re: Agreement - New York State -
Snow and Ice Removal

Transmitted herewith for your approval is legislation authorizing the extension of a three-year agreement with the New York State Department of Transportation for the provision by the City of snow and ice removal services on the following state highways:

1. Lake Avenue, from Lyell Avenue to W. Ridge Road; and
2. Plymouth Avenue, from Commercial to Troup Streets.

The total length of these two streets is 2.7 miles.

The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council in August 2006.

The proposed agreement extends the existing agreement from June 30, 2009 to June 30, 2010. This extension is required by the NYSDOT. However, the requirement for an agreement for snow removal services on Plymouth Avenue will actually be eliminated in the future when jurisdiction of the street is formally transferred from the State to the City.

Under the terms of the agreement, the State will reimburse the City \$45,554 for snow and ice removal performed during the 2007-08 winter, which is \$905 more than the prior amount.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-384
(Int. No. 419)

Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State De-

partment of Transportation for the provision by the City of snow and ice removal services on Lake Avenue, from Lyell Avenue to West Ridge Road, and on Plymouth Avenue, from Commercial Street to Troup Street, through June 30, 2010. The agreement shall obligate the State to reimburse the City for such services.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-385
Re: Agreement - Recycling
Education Program

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with And Much Much More Entertainment, LLC (principal, Andrea Whitcomb) to develop and present a recycling education program. The cost of this agreement will be funded from the 2007-08 Budget of the Department of Environmental Services. These funds were included in the budget through an amendment introduced by Councilmembers Robert J. Stevenson and Carolee A. Conklin.

The program developed by Ms. Whitcomb is designed to combat littering and graffiti, and to promote the concept of "reduce, reuse and recycle." Ms. Whitcomb will provide 300 performances as "Greta Garbage" at City public and parochial schools, City recreation centers, City libraries and various City festivals.

The program is aimed primarily at school children in order to teach and encourage them to help divert waste materials from the waste stream, and ultimately the landfill. Achieving this aim will result in a reduction of disposal costs for the City.

The Department's Solid Waste Division will work with the consultant by monitoring and reviewing the program's results and provide feedback and direction as needed. This will be the final year of funding for this program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-385
(Int. No. 420)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program"

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and And Much Much More Entertainment, LLC for the continuation of the "Greta Program". Said amount shall be funded from the

2007-08 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-386
Re: Culver Road Improvement Project
(Atlantic Ave. to Garson Ave. and
Laurelton Rd. to Clifford Ave.)

Transmitted herewith for your approval is legislation establishing \$190,000 as maximum compensation for an agreement with LaBella Associates, Rochester, for engineering planning and preliminary design services for the Culver Road Improvement Project. The project is identified in the current Capital Improvement Program. The cost of the agreement will be financed from the 2006-07 Cash Capital allocation of the Department of Environmental Services.

The project features include: rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains, as required; and tree planting.

Proposals for engineering design services were solicited from three area firms: Erdman Anthony and Associates, Inc.; LaBella Associates, P.C.; and Passero Associates, P.C. LaBella Associates P.C. is recommended based on the qualifications of their team and their understanding of the project.

The Culver Road Improvement Project is part of the County-assisted Arterial Improvement Program. Under the terms of the agreement, an engineering plan must be prepared and approved by City Council.

It is anticipated that the Engineering Planning and Preliminary Design Report will be completed in Spring 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-135

Ordinance No. 2007-386
(Int. No. 439)

Establishing Maximum Compensation For A Professional Services Agreement For The Culver Road Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$190,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for engineering planning and preliminary design services for the Culver Road Improvement Project (Atlantic Avenue to Garson Avenue and Laurelton Road to Clifford Avenue). The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-387
Re: East Broad Street/Chestnut Street/Court
Street Improvement Project

Transmitted herewith for your approval is legislation establishing \$400,000 as maximum compensation for an agreement with Dewberry-Goodkind, Inc., Rochester, for engineering planning and design services. The project is identified in the current Capital Improvement Program. The cost of the agreement will be financed from Cash Capital allocations of the Department of Environmental Services as follows:

2006-07	General	\$263,500
2006-07	Water	60,000
2007-08	General	76,500

The project features include: the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting, traffic signals and water mains, as required; and tree planting.

Proposals for engineering design services were solicited from three area firms: Dewberry-Goodkind, Inc., FRA Engineering P.C. and Stantec Consulting Group, Inc. Dewberry-Goodkind, Inc. is recommended based on the qualifications of the team, and their understanding of the project.

Design of the project is scheduled to be completed in the fall of 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-136

Ordinance No. 2007-387
(Int. No. 440)

Establishing Maximum Compensation For A Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$400,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Dewberry-Goodkind, Inc. for engineering planning and design services for the East Broad Street/Chestnut Street/Court Street Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$76,500 shall be funded from the 2007-08 Cash Capital Allocation and \$323,500 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-388 and
Ordinance No. 2007-389
Re: Enhancements - South Clinton Avenue,
Mt. Hope Avenue, Field Street

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Transportation for the receipt and use of Capital Project Multi-Modal Program funds as detailed below, and establishing \$118,000 as maximum compensation for an agreement with FRA Engineers, PC, for engineering design services related to the design of enhancements on South Clinton Avenue (South Goodman Street to Byron Street) and Mt. Hope Avenue (Gregory Street to Byron Street). The cost of this agreement will be funded from the appropriations requested herein.

The New York State Department of Transportation Multi-Modal funding is as follows:

1. \$750,000 for the South Clinton Avenue Enhancements;
2. \$300,000 for the Mt. Hope Avenue Enhancements; and
3. \$50,000 for Field Street Traffic Calming installations.

In 2003, the South East Area Coalition (SEAC), along with other South Clinton Avenue area neighborhood and business groups, formed the South Clinton Avenue Steering Committee. The Committee, along with the Rochester Regional Community Design Center (RRCDC) held a design charrette aimed at improving the South Clinton Avenue corridor. RRCDC produced a final plan of desired improvements. Subsequently, at the request of SEAC, the City applied to the NYSDOT for Multi-Modal funding to accomplish many of the improvements identified in the plan.

The South Clinton Avenue project has a total cost of \$1 million to be covered by the \$750,000 appropriation requested herein, and an additional \$250,000 in Multi-Modal funding anticipated next year.

The South Clinton Avenue enhancements include paver crosswalks and curbed bump-outs throughout the corridor, and curbed islands at select intersections. Existing light poles will be upgraded with decorative fixtures, and pedestrian level lights and banners. The Goodman Street intersection will additionally be enhanced with stamped, colored concrete sidewalks.

The Mt. Hope Avenue enhancements include paver crosswalks and curbed bump-outs at the major nodes of Gregory Street, Averill Avenue and Alexander Street, including a curbed median island at Alexander Street. The project will be designed to complement the site redesign being done on the west side of Mt. Hope Avenue by Conifer Realty, LLC.

The Field Street Traffic Calming Project will include traffic calming features installed in the vicinity of School #35 and streetscape beautification elements along Field Street.

Requests for qualifications were sent to 25 area firms; 17 submitted qualifications. These were rated by Department staff and, based on these ratings, requests for proposals were sent to four firms: Erdman An-

thony and Associates, Inc.; FRA Engineering, PC; LaBella Associates, PC; and Stantec Consulting Group, Inc. Based on staff ratings, FRA Engineering, PC was selected to provide the engineering design services for the S. Clinton Avenue and Mt. Hope Avenue enhancements based on their qualifications and availability of staff. Design of the Field Street traffic calming will be done by DES staff.

Design of the S. Clinton Avenue and Mt. Hope Avenue Enhancement Project will begin this fall and is anticipated to be completed in summer of 2008. Construction is anticipated to begin in the summer of 2008 and be completed by spring of 2009.

Design of the Field Street Traffic calming will begin this fall and is expected to be constructed in 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-137

Ordinance No. 2007-388
(Int. No. 441, As Amended)

Authorizing An Agreement And Appropriating Funds For The Field Street Traffic Calming Project And Amending Ordinance No. 2007-354

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Transportation for funding under the Capital Project Multi-Modal Program for the Field Street Traffic Calming Project.

Section 2. There is hereby appropriated from New York State Department of Transportation Capital Project Multi-Modal Program Funds the sum of \$50,000, or so much thereof as may be necessary, to fund the Field Street Traffic Calming Project.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2007-354, relating to the El Camino: Butterhole- Seneca Park Trail, as amended, is hereby further amended by increasing the maximum amount of the agreement authorized in Section 2 with Bergmann Associates from \$270,000 to \$320,000, which increase shall be funded from the appropriation made in Section 6 of said Ordinance.

Section 5. This ordinance shall take effect immediately.

Underline material added.

Passed unanimously.

Ordinance No. 2007-389
(Int. No. 442)

Authorizing Agreements And Appropriating Funds For The South Clinton Avenue And Mt. Hope Avenue Enhancement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$118,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineers, P.C. for engineering design services for the South Clinton Avenue Enhancement Project (South Goodman Street to Byron Street) and the Mt. Hope Avenue Enhancement Project (Gregory Street to Byron Street). The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$82,000 shall be funded from the appropriation made in Section 3 and \$36,000 shall be funded from the appropriation made in Section 4.

Section 2. The Mayor is hereby authorized to enter into an agreement or agreements with the New York State Department of Transportation for funding under the Capital Project Multi-Modal Program for the South Clinton Avenue Enhancement Project and the Mt. Hope Avenue Enhancement Project.

Section 3. There is hereby appropriated from New York State Department of Transportation Capital Project Multi-Modal Program funds the sum of \$750,000, or so much thereof as may be necessary, to fund the South Clinton Avenue Enhancement Project.

Section 4. There is hereby appropriated from New York State Department of Transportation Capital Project Multi-Modal Program funds the sum of \$300,000, or so much thereof as may be necessary, to fund the Mt. Hope Avenue Enhancement Project.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-390
Re: Norton Street Improvement Project
(Portland Avenue to West City Line)

Transmitted herewith for your approval is legislation amending Ordinance No. 2006-73 to modify previously authorized pavement widths as part of the Norton Street (Portland Avenue to the East City Line) Improvement Project. This amendment will authorize an increase of 7 feet along the south side of Norton Street, from the previously approved 44 feet to 51 feet. This increase shall apply to the area of the road from 53 feet east of the centerline of Portland Avenue to 175 feet east of the centerline of Portland Avenue.

Planning and design of the project by Stantec was authorized in December 2004 and in April 2006. The design report and pavement width modifications were previously authorized by City Council in April 2006 (Ordinance No. 2006-73). In March 2007, Street and Water Bonds were appropriated for the construction of the project and inspection services for the project by Stantec were authorized.

The proposed pavement width changes were requested during project construction by the adjacent owner of 1176 Portland Avenue to provide on-street parking for customers of a new business tenant.

The changes in pavement width were approved by

the Traffic Control Board on September 5, 2007.

Public informational meetings were conducted on February 9, 2006, and on January 18, 2007. The minutes of these meetings are on file in the City Clerk's office. A pre-construction public informational meeting was held on April 5, 2007. A copy of these meeting minutes are attached.

A public hearing on the changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-138

Ordinance No. 2007-390
(Int. No. 421)

Approving An Increase In The Pavement Width Of Norton Street For Recessed Parking And Amending Ordinance No. 2006-73

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 7 feet in the pavement width along the south side of Norton Street, from 44 feet, as approved in Ordinance No. 2006-73, to 51 feet, from a point 53 feet east of the centerline of Portland Avenue to a point 175 feet east of the centerline of Portland Avenue, to provide for recessed parking, as a part of the Norton Street Improvement Project. Ordinance No. 2006-73, approving the Norton Street Improvement Project and changes in the pavement width of Norton Street, is hereby amended to reflect the changes approved herein. Changes to all other portions of Norton Street approved in said Ordinance shall remain in full force and effect.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-391
Re: Exchange Boulevard Geometric Changes

Transmitted herewith for your approval is legislation which is related to improvements on Exchange Boulevard. The legislation will authorize a tapered narrowing of Exchange Boulevard from the existing pavement width of 60' to 50', starting 342' south of the centerline of South Plymouth Avenue to 52' south of the centerline of South Plymouth Avenue along the east side of the street.

The narrowing is required to improve pedestrian safety by accommodating a new crosswalk at the intersection of Exchange Boulevard and South Plymouth Avenue. Additionally, this narrowing is necessary to provide a parking lane, and to slow traffic speeds by providing a single northbound lane.

The one adjacent owner affected by the narrowing

endorsed the proposed changes. The changes were approved by the Traffic Control Board on October 16, 2007.

The improvements will be accomplished this fall as part of the 2008 Asphalt Milling and Resurfacing Contract.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-139

Ordinance No. 2007-391
(Int. No. 453)

Approving A Tapered Decrease In The Pavement Width Of Exchange Boulevard

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a tapered decrease in the pavement width along the east side of Exchange Boulevard, from 60 feet to 50 feet, from a point 342 feet south of the centerline of South Plymouth Avenue to a point 52 feet south of the centerline of South Plymouth Avenue, as a part of the 2008 Asphalt Milling and Resurfacing Project.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
October 16, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 422 - Cancellation Of Taxes And Charges

Int. No. 423 - Authorizing An Agreement For A Substance Abuse Prevention Program

Int. No. 424 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 425 - Authorizing An Agreement For The Clinton Baden Community Center

Int. No. 426 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The 311 "One Call To City Hall" Initiative

Int. No. 427 - Authorizing An Agreement For The Work Experience Program

Int. No. 428 - Authorizing An Agreement For Pre-K Transportation And Amending The 2007-08 Budget

Int. No. 451 - Establishing Maximum Compensation

For An Amendatory Agreement For Support Services For The Education Council

The following entitled legislation is being held in Committee:

Int. No. 445 - Establishing Maximum Compensation For A Professional Services Agreement For Executive Support Staff Training

Int. No. 446 - Establishing Maximum Compensation For A Professional Services Agreement For Lean Six Sigma Training

Respectfully submitted,
Dana K. Miller
Carolee A. Conklin
Lovely A. Warren
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-392
Re: Cancellation or Refund of
Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$16,956.38.

Nine properties had total taxes cancelled in the amount of \$15,841.24 or 93.42% of the total. The properties recently transferred ownership and the code violations were attributed to the former owners.

One property had total taxes cancelled in the amount of \$1,115.14, 6.58% of the total. The property is owned by the City of Rochester and is exempt from taxation.

If this cancellation is approved, total cancellations thus far for 2007-08 will be \$86,873.18.

	<u>Accounts</u>	<u>Amounts</u>
City Council	14	\$70,071.08
Administrative	54	16,802.10
Total	68	\$86,873.18

These cancellations represent .038% of the taxes receivable as of July 1, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-140

Ordinance No. 2007-392
(Int. No. 422)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

(A) Ownership of these properties has transferred.

The code violation charges associated with the properties were issued against the former owner.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
075.820-0001-025	H	2008	\$ 2,000.00
090.260-0001-007	NH	2006	2,400.00
105.260-0002-083	H	2008	1,200.00
105.270-0001-024	H	2008	2,700.00
106.340-0001-037	H	2008	1,067.00
120.420-0001-034	H	2008	1,150.00
121.690-0002-041	NH	2008	2,174.24
135.230-0003-045	H	2008	2,100.00
135.280-0001-069	H	2008	<u>1,050.00</u>
			\$15,841.24

(B) This property is now owned by the City of Rochester and is exempt from charges.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
106.410-0004-018	H	2008	\$ 1,115.14
Grand Total			\$16,956.38

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-393
Re: Substance Abuse Grant

Transmitted herewith for your approval is legislation establishing \$47,980 as maximum compensation for an agreement with the Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to operate a project to reduce substance abuse. Metro Council for Teen Potential (MCTP) is a resource center for inner-city youth based at Baden Street Settlement of Rochester, Inc. The agreement will be funded through a Federal grant included in the 2007-08 Budget of the Department of Recreation and Youth Services.

This is the third year of the project. The first year was approved with Council Ordinance 2005-352. The overall goal of the project is to reduce substance abuse, especially alcohol and marijuana, among youth ages 11-18, through the efforts of a community-wide coalition.

MCTP will direct the project, coordinate the community coalition, and oversee needs assessment, analysis and evaluation. MCTP, along with the City Bureau of Recreation will promote social marketing and engage parents and Rochester City School District teachers in substance abuse prevention.

Last year there were 1,925 participants with the following demographic characteristics:

<u>Age Group</u>		<u>Gender</u>	
Youth	1,581	Female	1,054
Adults	344	Male	871
<u>Ethnicity</u>			
African-American	1,487		
Hispanic	161		
Caucasian	253		
Other	24		

The term of this agreement will be for one year, October 29, 2007 to September 30, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-141

Ordinance No. 2007-393
(Int. No. 423)

Authorizing An Agreement For A Substance Abuse Prevention Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Baden Street Settlement for Youth, Inc./Metro Council for Teen Potential for services relating to the substance abuse prevention program for youth.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$47,980, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-394
Re: Agreement - Rochester Ice Hockey Officials, Inc.

Transmitted herewith for your approval is legislation establishing \$20,580 as maximum compensation for an agreement with the Rochester Ice Hockey Officials, Inc. (RIHO) for the provision of referees for adult men's and women's hockey leagues at Genesee Valley Park Sports Arena. The cost of this agreement will be financed from the 2007-08 Operating Budget

of the Department of Recreation and Youth Services.

The leagues run from September 2007 to May 2008. The leagues are fee-based, and revenue covers all associated costs. The attached spreadsheet reflects ethnicity, residency, revenues and costs for participants in the 2004, 2005, 2006 and 2007 leagues.

Rochester Ice Hockey Officials, Inc. has provided referees for the City since 1993 and also provides all equipment, materials, and supplies required to perform their services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-142

Ordinance No. 2007-394
(Int. No. 424)

Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,580, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Rochester Ice Hockey Officials, Inc. for continued provision of referees for adult men's and women's hockey leagues at the Genesee Valley Park Ice Arena. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-395
Re: Agreement- Rochester City School District - Baden Street Settlement House - Use and Maintenance of the Clinton-Baden Community Center

Transmitted herewith for your approval is legislation authorizing an agreement for the use and maintenance of the Clinton-Baden Community Center which is attached to School 9, 485 North Clinton Avenue, City-owned property.

Since December 1987, a tripartite agreement has been in place between the City School District, Baden Settlement and the City of Rochester allowing the District to use this City-owned property which is operated by Baden Street Settlement under a separate license agreement. The District utilizes the Community Center's two gyms, pool and some meeting room space.

The agreement will continue to indicate the rights and responsibilities of each party with respect to:

1. Hourly space utilization
2. Supervision responsibilities
3. Maintenance and custodial responsibilities
4. Equipment use, repair and replacement

5. Liability and indemnification responsibilities

In addition, the agreement will specify the fees to be paid by the District to Baden Street Settlement for use of the Community Center. Last year, this amount was \$39,000. These fees are consistent with the fees charged by the District for use of its facilities.

The agreement will have an initial term of two years with provision for renewal for an additional two renewal periods of two years each.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-395
(Int. No. 425)

Authorizing An Agreement For The Clinton-Baden Community Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District and Baden Street Settlement, Inc. for the continued use and maintenance of the Clinton Baden Community Center. The agreement shall extend for a term of two years, with two two-year renewal options.

Section 2. The agreement shall obligate the Rochester City School District to pay Baden Street Settlement, Inc. for use of the Community Center.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-396
Re: Amendatory Agreement - Computer Telephony Integration - 311 "One Call To City Hall"

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Lagan, Inc. for additional services and software relating to the 311 Call Center program. The original agreement, authorized in June 2007, established maximum compensation at \$540,000. This amendment will increase this amount by \$55,000, for a total of \$595,000. This additional amount will be funded from the 2006-07 Cash Capital Allocation for City-wide Initiatives.

As an ongoing commitment to excellence in customer service, the City will expand the current 311 environment to accommodate most citizen requests for City services and information. This will result in combining the non-police emergency 311 system with the services of the City's Office of Customer Satisfaction (OCS). Lagan will work with the City's Information Technology and OCS staff to install, configure and conduct final testing of this call center management software.

The additional funds will be used for a required module for computer telephony integration (CTI). This module will connect our Lagan Software platform with the City's telephone system. CTI provides a seamless integration between a computer application and a telephony environment, enabling telephone functions to be used on the computer. Also, information from the telephone system can be displayed on the computer screen.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-143

Ordinance No. 2007-396
(Int. No. 426)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The 311 "One Call To City Hall" Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lagan Technologies, Inc. for the use, installation and implementation of call center software for the 311 "One Call to City Hall" Initiative. Said amount shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-397
Re: Agreement - Monroe County
Work Experience Program

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County, Department of Human Services (DHS) to allow clients from the County Work Experience Program (WEP) to perform labor on City property.

The clients will provide labor for leaf and litter collection in the cemeteries and on various streets within the City. This service is being provided at no cost to the City; Monroe County will provide a staff person to coordinate the program. The WEP workers will be used for jobs for which the City has no current employees. No City workers will be displaced through this effort.

The agreement will have an initial term of two years with provision for renewal for an additional two renewal periods of two years each.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-397
(Int. No. 427)

Authorizing An Agreement For The Work Experience Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby clients of the Work Experience Program of the Department of Human Services shall perform services on City property and streets for a term of two years, with two two-year renewals.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-398
Re: Agreement - Rochester City School
District - Pre-K Transportation

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District to provide partial funding of transportation for city children to Pre-K educational programs, and amending the 2007-08 Budget by transferring \$10,000 from Contingency to the Mayor's Office to fund the agreement.

While pre-K instruction is not state-mandated, it has been shown to have a positive and lasting effect on the educational success of children. In an effort to promote participation in these programs, the RCSD will be coordinating transportation for participating children. The District is providing a grant of \$65,000, which is being matched by members of the Education Council, are as follows:

John Summers	\$10,000
Richard Sands	19,000
Rochester Area Community Foundation	5,000
United Way	5,000
M&T Bank	5,000
City of Rochester	10,000

The total cost of the program provides for the bus, fuel, driver, attendant, and booster seats for each child. Through this effort, it is anticipated that approximately 68 new children will be able to participate in pre-K programs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-398
(Int. No. 428)

Authorizing An Agreement For Pre-K Transportation And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for the transportation of City children to Pre-K educational programs.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Mayor's Office.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$10,000 from the Contingency Allocation to the Mayor's Office to fund the agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-399
Re: Amendatory Agreement - Center
for Governmental Research -
Education Council

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Center for Governmental Research to continue to provide support services to the Education Council. The original agreement for \$30,000 was authorized in April 2007. This amendment, for an additional \$30,000, will be funded from the 2007-08 Budget for Undistributed Expense (Efficiency and Effectiveness) and brings the maximum compensation to \$60,000.

The Education Council was established jointly by the Mayor and the Rochester City School District Superintendent in 2006 as an inter-agency task force to address high school graduation rates in city schools. Leaders of various educational, business, philanthropic and religious groups meet regularly to determine strategies that will support the District's efforts to ensure that students have the best chance of staying in school and completing their education.

In Spring, 2007, CGR was hired to provide an evaluation of the group's structure and processes and recommendations for going forward. As a result of this evaluation, which included an organizational retreat, the group has decided to continue with CGR as an independent coordinator and facilitator for the Council. It is anticipated that other participating agencies will contribute additional funds to support this work.

The term of this contract will expire June 20, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-399
(Int. No. 451)

Establishing Maximum Compensation For An Amendatory Agreement For Support Services For The Education Council

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof

as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with the Center for Governmental Research, Inc. for support services for the Education Council. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 445
Re: Agreement - Training for Executive
Support Staff

Transmitted herewith for your approval is legislation establishing \$11,000 as maximum compensation for an agreement with Lauren Spiker, d/b/a LEaD, with offices at 70 Linden Oaks, Rochester, New York, 14625, for the design and delivery of a series of eight training/development seminars for City Executive Support Staff. This program will be offered once in 2007, and once in 2008. The cost of the agreement will be funded from the Undistributed allocation of the 2007-08 Budget.

The Bureau of Human Resource Management, Office of Training and Safety, with input from senior management clerical support staff, has designed an eight-part skills program to enhance service delivery at the highest administrative support levels.

The goals of the program are: to enhance the professional development of Senior Management support staff; to increase commitment and motivation; reinforce the One City goals of economic development, public safety, educational excellence, and customer service with a strong core of highly skilled and motivated staff; and to build an effective communication network throughout City government.

The components of this program will provide administrative support staff the knowledge, skills, and abilities to: negotiate priorities with supervisors and co-workers; plan and effectively use time; clarify work assignments; organize the work area for maximum efficiency; minimize interruptions; stay motivated in difficult situations; effectively respond to irate customers; provide outstanding service; and distinguish between perfectionism and excellence.

Ms. Spiker has experience providing similar services to the Department of Environmental Services and the Rochester Police Department, giving her extensive knowledge of this organization and its needs. In addition to this agreement, Ms. Spiker is working under a \$9,800 contract with the Department of Environmental Services (Contract No. 30705).

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 445

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR EXECUTIVE SUPPORT STAFF TRAINING

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$11,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lauren Spiker, d/b/a LEaD, for the design and delivery of two Executive Support Staff Development Programs for City staff during calendar years 2007 and 2008. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Item held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 446
Re: Agreement Monroe Community
College - Lean Six Sigma Training
Support

Transmitted herewith for your approval is legislation establishing \$15,700 as maximum compensation for an agreement with the Monroe Community College Office of Workforce Education to provide a non-credit certificate program entitled "Lean Six Sigma Implementation" to selected City staff. The source of funds is the Undistributed allocation of the 2007-08 Budget.

The following components will be included:

Lean Six Sigma Champion Training (up to 25 participants): Members of the Senior Management team receive instruction on leading an implementation strategy including requesting and allocating resources, developing criteria for project selection, and approving and reviewing Six Sigma projects.

Lean Six White Belt Trains (up to 25 participants): A 20-hour introductory course that covers basics of LSS including philosophy and concepts. Participants learn basic tools to help them become effective contributors to process improvement teams. This level will target Rochester by the Numbers department staff coordinators.

Lean Six Sigma Green Belt Trains: Six candidates will be selected based on knowledge of process and experience. They will lead process improvement teams in the collection and analysis of data and recommendation to eliminate waste and improve the quality, cost, and time performance of any process.

In 2006, Lean Six Sigma training was provided to teams of City employees on improvements for demolitions, Police and Fire hiring process, Freedom of Information requests, and the permitting process (One Stop Shop). This agreement will internalize the training and "belt" capacity so that a second phase of improvements projects may be undertaken.

City staff attending Green Belt level certification will be required to complete process improvement projects that utilize the tools taught and bring results to actual workplace situations documenting cost savings and increased quality of service.

These three modules will be conducted by certified instructors identified by the Workforce Education

Office of Monroe Community College.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 446

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR LEAN SIX SIGMA TRAINING

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,700, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Office of Workforce Education of Monroe Community College for Lean Six Sigma Training for City staff. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Item held in Committee.

By Councilmember McFadden
October 16, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 429 - Amending The 2007-08 Budget By Appropriating Forfeiture Funds

Int. No. 452 - Establishing Maximum Compensation For An Agreement For Services In The Lyell Avenue Area And Amending The 2007-08 Budget

Int. No. 454 - Authorizing Agreements For Continuation Of The Youth Violence Strike Force And Amending The 2007-08 Budget

The following entitled legislation is being held in Committee:

Int. No. 430 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

Int. No. 449 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Police Consulting Services

Respectfully submitted,
Dana K. Miller
Lois J. Giess
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-400
Re: Forfeiture Funds - Law
Enforcement Purposes

Transmitted herewith for your approval is legislation authorizing appropriation of \$176,000 from federal forfeited property revenues attributable to the Rochester Police Department, amending the 2007-08 Budget of the Police Department to reflect these funds, and establishing \$10,000 as maximum compensation for an agreement with Rochester Area Crime Stoppers, Inc. for a reward program for tips about illegal guns. The agreement will be financed from these appropriated forfeiture funds.

Most of the funding, \$166,000, will be used to purchase 87 entry vests (body armor) for personnel assigned to the Special Investigations Section, the Emergency Task Force, and the Crisis Negotiation Team. The majority of vests currently in service for these teams were purchased 10-15 years ago, and are in need of replacement with a newer and more effective model. These funds will allow for an expedited replacement program to ensure officer safety.

The remaining funds, \$10,000, will be used for an agreement with Crime Stoppers, a non-profit program relying on cooperation between the Police Department, news media, and area citizens. Rewards are available to callers if the information they supply results in an arrest and indictment of a criminal. In this case, the reward will be offered if the tip results in the surrender of an illegal gun.

The appropriation of these funds will result in a remaining balance of approximately \$417,076 in the forfeiture fund.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-400
(Int. No. 429)

Amending The 2007-08 Budget By Appropriating Forfeiture Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$176,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the purchase of bulletproof body armor and a "Gun Stopper" reward program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-401
Re: Lyell Avenue Services

Transmitted herewith for your approval is legislation establishing maximum compensation for an agreement with Charles Settlement House in an amount not to exceed \$10,000 for services in the Lyell Avenue area to raise awareness of public health issues concerning prostitution. Said amount shall be transferred from the 2007-08 Contingency Account to the Department of Recreation and Youth Services.

Charles Settlement House will act on behalf of the Lyell Ave Area 230 Group to:

1. Develop and deliver a communications campaign to warn the customers of prostitutes about the health and legal risks of prostitution-related activities;
2. Provide street outreach to prostitutes in the Lyell Avenue area; and
3. Plan and implement a targeted treatment program for prostitutes.

The agreement shall extend for a term of one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-401
(Int. No. 452)

Establishing Maximum Compensation For An Agreement For Services In The Lyell Avenue Area And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with the Charles Settlement House for services in the Lyell Avenue area to raise awareness of public health issues concerning prostitution. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$10,000 from the Contingency allocation to the Department of Recreation and Youth Services to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-402
Re: Youth Violence Strike Force

Transmitted herewith for your approval is legislation related to the continuation of the Youth Violence Strike Force. This legislation will:

1. Authorize an agreement with the New York State Division of Criminal Justice Services for receipt and use of a grant of \$207,400 for the Youth Violence Strike Force;
2. Authorize agreements with the County of Monroe for the following components of the program:
 - \$23,793 for Juvenile Intervention Teams
 - \$18,300 for Anger Replacement Training; and

3. Amend the 2007-08 Budget as follows to reflect the receipt and use of the grant:

- \$156,400 to the Budget of the Mayor's Office
- \$26,500 to the Police Department
- \$24,500 to Undistributed.

The Youth Violence Strike Force includes local community members, the criminal justice community, service providers, and government agencies. The City acts as the lead agency for the coordination of this program, whose primary objective is to reduce youth crime.

The Pathways to Peace Unit oversees the administration of program initiatives and is responsible for implementation of project goals, procedures and operations, adherence to data collection and progress reporting procedures, supervising the administration of contracts for related projects, and working closely with employees responsible for providing support for grant initiatives. The grant will fund the following:

- 2 P/T Youth Intervention Specialist
- 1 F/T Program Coordinator
- 1 P/T Clerical Aide
- 1 P/T FACIT Youth Services Specialist in the Police Department

Monroe County Department of Probation will continue to participate in the program as follows:

Juvenile Intervention Teams (JIT): JIT is a collaborative effort between the Rochester Police Department (RPD) and the Monroe County Department of Probation. Juvenile Intervention Teams consist of a police officer, probation officer, and a member of RPD's Family and Crisis Intervention Team (FACIT). JIT enables immediate response to calls for service involving juveniles with severe behavioral concerns.

Anger Replacement Training (ART): ART, based on the cognitive behavioral work of Dr. Andrew Goldstein of Syracuse University, is designed to change violent behavior and reduce incidents of future violence. The Probation Department will continue to provide this program to juvenile probationers.

Local matching funds of \$25,000 are included in the 2007-08 Budget of the Mayor's Office/Pathways to Peace.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-402
(Int. No. 454)

Authorizing Agreements For Continuation Of The Youth Violence Strike Force And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for receipt of funding for continuation of the Youth Violence Strike

Force.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Office of the Mayor by the sum of \$156,400, to the Rochester Police Department by the sum of \$26,500, and to Undistributed Expense by the sum of \$24,500, which amounts are hereby appropriated from the grant funds authorized herein.

Section 3. The Mayor is hereby authorized to enter into agreements with the County of Monroe for Probation Officers to serve on the Juvenile Intervention Teams in an amount not to exceed \$23,793, and for the Anger Replacement Training Program in an amount not to exceed \$18,300. Said amounts shall be funded from the 2007-08 Budget of the Office of the Mayor.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 430
Re: Amendatory Agreement - J. Martin Solutions, Inc. - Labor Relations Consultation Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with J. Martin Solutions, Inc. for the provision of additional hours of labor relations consultation services during 2007-08. The additional cost, not to exceed \$40,000, will be funded from the 2007-08 Budget of the Police Department.

Under the provisions of the agreement, J. Martin Solutions provides general counsel and guidance on labor relations matters, including participating in strategy sessions and conducting or assisting with research. The consultant's expertise has proved to be beneficial to the Police Department and the City during labor contract negotiations and arbitration proceedings.

The recent arbitration award for the Rochester Police Locust Club was primarily a retroactive settlement and will expire at the end of 2007-08. The consultant's services will be needed in the next several months to implement the new agreement and to prepare for the next round of negotiations.

The consultant has provided professional services to the City since January 2005. This amendment would extend the agreement term to June 30, 2008, and increase the total cost by \$40,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 430

ESTABLISHING MAXIMUM COMPENSATION FOR AN AMENDATORY PROFESSIONAL SERVICES AGREEMENT FOR LABOR RELATIONS CONSULTATION SER-

VICES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and J. Martin Solutions, Inc. for labor relations consultation services for the Rochester Police Department. Said amount shall be funded from the 2007-08 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Item held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 449
Re: Amendatory Agreement - Warsaw & Associates - Police Department

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Warsaw & Associates of Sylva, North Carolina for continued provision of management consultant expertise as necessary to the Office of the Chief of Police to facilitate organizational efficiency and effectiveness. This amendment, in the amount of \$20,000, will bring total maximum compensation to \$30,000. The additional amount will be funded from the 2007-08 Budget for Undistributed Expense (Efficiency and Effectiveness).

The term of this agreement will be through June 30, 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 449

ESTABLISHING MAXIMUM COMPENSATION FOR AN AMENDATORY PROFESSIONAL SERVICES AGREEMENT FOR POLICE CONSULTING SERVICES

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Warsaw & Associates for the continued provision of management consultant expertise to the Chief of Police. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Item held in Committee.

By Councilmember Pritchard
October 16, 2007

To the Council:

The Jobs, Economic Development & Center City

Committee recommends for adoption the following entitled legislation:

Int. No. 432 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Inspection Services For Demolition Of The Old Mortimer Street Garage

Int. No. 447 - Establishing Maximum Compensation For An Agreement For High Falls Festival Site Maintenance Services

The Jobs, Economic Development & Center City Committee recommends for consideration the following entitled legislation:

Int. No. 433 - Authorizing Amendatory 2000-01, 2001-02 And 2004-05 Community Development Program Plans and Authorizing A Loan Agreement for The Mills At High Falls Project

Int. No. 434 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mills At High Falls Project

Int. No. 435 - Approving An Increase In The Pavement Width Of Mill Street For Recessed Parking

The following entitled legislation is being held in Committee:

Int. No. 431 - Authorizing An Agreement For The 2008 Twilight Criterium And Amending The 2007-08 Budget

Respectfully submitted,
William F. Pritchard
Dana K. Miller
Lois J. Giess
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-403
Re: Amendatory Agreement - Inspection Services for Old Mortimer Street Garage Demolition

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Passero Associates, Rochester, for inspection services for the demolition of the Old Mortimer Street Garage. An additional \$9,100 will be used for field inspection and construction administration services related to the asbestos abatement and demolition of the garage. This additional amount will be funded from 2007-08 Cash Capital, and brings total maximum compensation to \$65,100.

The original agreement with Passero Associates was authorized by Council in January 2007, for \$56,000. That amount was based on the project being completed in 150 calendar days.

The need for additional inspection and administrative services from Passero Associates is a result of two factors:

1. Upon commencement of the project, additional asbestos was discovered in the structure which

required an additional environmental remediation design. That work was not part of the original agreement.

- 2. The demolition schedule was extended four weeks past the planned 150 days for completion. This extra time was needed to address the unforeseen environmental remediation and for structural conditions both at the site and the site adjacent to it.

All other terms of the agreement remain intact.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-403
(Int. No. 432)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Inspection Services For Demolition Of The Old Mortimer Street Garage

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$9,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Passero Associates for inspection and construction administration services related to the demolition of the Old Mortimer Street Garage. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-404
Re: Agreement - High Falls Festival Site Maintenance

Transmitted herewith for your approval is legislation authorizing a two (2) year agreement for additional maintenance services at the High Falls Festival Site to be performed by the High Falls Development Corporation (principal: Ben Kendig), 1 Mt. Hope Avenue. The annual cost of \$15,000 will be funded from the 2007-08 and 2008-09 operating budgets of the Department of Environmental Services.

The corporation is the owner, developer and operator of the High Falls (formerly Gorsline) Building, which is adjacent to the festival site. The corporation has a current lease with the City for the festival site and the two floors over which the festival site is located. Under the terms of this lease, the corporation is responsible for normal maintenance of the festival site and terrace areas, except after festivals. The corporation will continue to provide additional services in certain designated areas under this agreement, including litter, trash and graffiti removal, landscape maintenance, snow removal, and other repair and maintenance services.

The corporation has provided these services under agreement with the City beginning in October, 2000, with the most recent agreement being approved by

Council on September 5, 2005.

The annual cost of the proposed agreement is the same as the cost of the current agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-144

Ordinance No. 2007-404
(Int. No. 447)

Establishing Maximum Compensation For An Agreement For High Falls Festival Site Maintenance Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and High Falls Development Corporation for High Falls Festival Site maintenance services for a term not to exceed two years. Said amount shall be funded from the 2007-08 and 2008-09 Budgets of the Department of Environmental Services, contingent upon approval of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-405 and
Ordinance No. 2007-406
Re: Mills at High Falls

Transmitted herewith for your approval is legislation relating to the Mills at High Falls rental housing project. The Mills at High Falls is a mixed-use project that involves the construction of 67 residential units and 2,000 square feet of commercial/retail space. The project is located at 312-348 State Street and is being developed by the Urban League of Rochester Economic Development Corporation and Edgemere Development.

This legislation will authorize an agreement with the Mills at High Falls, L.P., Rochester, and/or an HDFC to be formed by the ULREDC to undertake the redevelopment of the property; and authorize a Payment-in-Lieu-of-Taxes (PILOT) agreement with the Mills at High Falls, L.P. and/or an HDFC to be formed by the ULREDC.

The total cost of the project is \$16,671,839. It is being funded by NYS Housing Finance Agency tax exempt bonds, Empire funds, state and federal tax credits, sponsor funding, and the City.

The City has committed a total of \$2.45 million for this project. This amount includes \$432,728 from 2002-03 Cash Capital and \$67,272 from 2003-04 Cash Capital, funds previously allocated for acquisitions in project areas. The balance of \$1.95 million is from the following sources listed with the required legislative actions:

- 1. Appropriate a total of \$1,813,158, as follows:

Amount	Source
\$700,000	Rental Housing Fund of the 2006 HOME Program;
\$851,782	Rental Housing Fund of the 2007 HOME Program;
\$125,000	Rental Housing Fund in the 2007-08 City Development Fund;
\$ 85,000	Rental Housing Fund in the 2006-07 City Development Fund;
\$ 51,376	Rental Housing Fund in the 2005-06 City Development Fund;

2. Amend Ordinance No. 2003-80 by decreasing the amount appropriated from the 2001 HOME Program Deconversion Incentive Grant Program account by \$12,850, amend the 2001-02 HOME Program by moving these funds to the Rental Housing Fund account, and appropriate these funds;
3. Amend Ordinance No. 2005-46 by decreasing the amount appropriated from the 2000-01 City Development Fund for the Lead Poisoning EIS by \$1,123, amend the 2000-01 City Development Fund by moving these funds to the Rental Housing Fund account, and appropriate these funds;
4. Decrease the amount appropriated from the 2004-05 City Development Fund for the Employer Assisted Housing Program by \$100,000, amend the 2004-05 City Development Fund by moving these funds to the Rental Housing Fund, and appropriate these funds;
5. Decrease the amount appropriated from the 2000-01 City Development Fund for Buyer Assistance by \$20,356, amend the 2000-01 City Development Fund by moving these funds to the Rental Housing Fund, and appropriate these funds;
6. Decrease the amount appropriated from the 2004-05 City Development Fund for Buyer Assistance by \$2,512, amend the 2004-05 City Development Fund by moving these funds to the Rental Housing Fund, and appropriate these funds.

Additionally, the following legislation is required:

1. Amend the 2000-01 and 2004-05 Consolidated Community Development Plans, as specified in sections #4 and #5 above.
2. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits.

The project is considered affordable, targeting small families (1-4 persons) earning 50-90% of Area Median Income (AMI). The majority of units target households with incomes between 60-90% of AMI, approximately \$27,000 to \$57,000 based on household size.

The units will consist of mostly one and two bedroom flats. There will be 18 two-bedroom loft style apartments and six two-bedroom townhouses. Ten of the units will be designed for the disabled. The units range in size from just under 800 to over 1,000 square feet. The one-bedroom units will range from \$564-\$925/month and the two-bedroom units will

range from \$690-\$1,100/month.

The City funds will be used for construction and permanent financing for the apartments, ancillary spaces and site work. The term of the loan is 30 years at the applicable federal rate; annual payments of 1% will be made dependent on cash flow. The 30-year PILOT agreement will begin at 4% of the shelter rents and increase, incrementally, to 15% in year 21. A one-time payment of \$500,000 will be made to the City in year 30. In net present value, this is the equivalent of the same amount of tax revenues as a consistent rate of 10% of shelter rents.

It is anticipated that the construction will begin this fall and be completed by March 2009. Budget is as follows:

Costs:	Soft costs	\$ 1,723,844
	Construction	11,837,968
	Construction contingency	670,091
	Developer fee	2,134,786
	Reserves	225,000
	Working capital	80,150
	Total	\$16,671,839
Sources:	NYS HHFA tax-exempt	\$ 4,300,000
	HFA Empire Fund	2,010,000
	City	2,450,000
	Sponsor loan	600,000
	Equity	7,311,839
	Total	\$16,671,839

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-405
(Int. No. 433)

Authorizing Amendatory 2000-01, 2001-02 And 2004-05 Community Development Program Plans And Authorizing A Loan Agreement For The Mills At High Falls Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby the sum of \$100,000 shall be transferred from the Employer Assisted Housing Program Account to the Rental Housing Fund Account of the 2004-05 City Development Fund, in order to partially fund a loan for the Mills at High Falls Project.

Section 2. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby the sum of \$2,512 shall be transferred from the Buyer Assistance Account to the Rental Housing Fund Account of the 2004-05 City Development Fund, in order to partially fund a loan for the Mills at High Falls Project.

Section 3. The Council hereby approves an amendment to the 2001-02 Community Development Program Plan whereby the sum of \$12,850 shall be transferred from the Deconversion Incentive Grant Program Account to the Rental Housing Fund Account of the 2001 HOME Program, in order to partially fund a loan for the Mills at High Falls Project.

Section 4. The Council hereby approves an amend-

ment to the 2000-01 Community Development Program Plan whereby the sum of \$1,123 shall be transferred from the Lead Poisoning EIS Account to the Rental Housing Fund Account of the 2000-01 City Development Fund, in order to partially fund a loan for the Mills at High Falls Project.

Section 5. The Council hereby approves an amendment to the 2000-01 Community Development Program Plan whereby the sum of \$20,357 shall be transferred from the Buyer Assistance Account to the Rental Housing Fund Account of the 2000-01 City Development Fund, in order to partially fund a loan for the Mills at High Falls Project.

Section 6. The Mayor is hereby authorized to enter into a loan agreement with the Mills at High Falls, L.P., and/or a housing development fund company formed for the Mills at High Falls Project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Mills at High Falls Project. The funding shall initially be provided as an interest-free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at the applicable Federal rate. Interest in the amount of 1% shall be payable annually, dependant on cash flow. Payment of the additional interest and the principal shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 7. The agreement shall obligate the City to pay an amount not to exceed \$2,450,000, and of said amount, or so much thereof as may be necessary, \$700,000 is hereby appropriated from 2006 HOME Program Funds, \$851,782 is hereby appropriated from 2007 HOME Program Funds, \$125,000 shall be funded from the 2007-08 City Development Fund, \$85,000 shall be funded from the 2006-07 City Development Fund, \$51,376 shall be funded from the 2005-06 City Development Fund, \$102,512 is hereby reappropriated from the 2004-05 City Development Fund, \$21,480 is hereby reappropriated from the 2000-01 City Development Fund, \$12,850 is hereby reappropriated from 2001 HOME Program Funds, \$432,728 shall be funded from the 2002-03 Cash Capital Allocation and \$67,272 shall be funded from the 2003-04 Cash Capital allocation.

Section 8. The Mayor is further authorized to enter into such agreements as may be necessary to implement the Mills at High Falls Project.

Section 9. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 10. Ordinance No. 2003-80, relating to the Deconversion Incentive Grant Program, is hereby amended by reducing the amount authorized and appropriated therein from the 2001 HOME Program Funds by the sum of \$12,850, which amount is transferred and reappropriated herein.

Section 11. Ordinance No. 2005-46, relating to a Lead Poisoning EIS, is hereby amended by reducing the amount authorized and reappropriated therein from the 2000-01 City Development Fund by the sum of \$1,123, which amount is transferred and reappropriated herein.

Section 12. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-406
(Int. No. 434)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Mills at High Falls Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by a housing development fund company formed for the Mills at High Falls Project, or such portion thereof which is used for housing purposes, as a part of the Mills at High Falls Project:

Address	SBL Number
312 State Street	106.69-1-43
334-348 State Street	106.69-1-42

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the housing development fund company formed for the Mills at High Falls Project whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester of a percentage of its annual "shelter rent" as follows:

Year	Shelter Rent Payment
1-3	4%
4	5%
5	6%
6	7%
7	8%
8	9%
9	10%
10	11%
11	12%
12 - 16	13%
17 - 20	14%
21 - 29	15%

There shall be a payment of \$500,000 in year 30. "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-407
Re: Mill Street Recessed Parking Improvement (Furnace Street to Platt Street)

Transmitted herewith for your approval is legislation authorizing an eight-foot increase in the width of Mill Street, to be accomplished within the existing right-of-way. The pavement area on the east side of Mill

Street from 74 feet north of the centerline of Furnace Street to 140 feet north of the centerline of Furnace Street between Furnace Street and Platt Street, will be widened from 30 feet to 38 feet.

This widening is being done in coordination with the private rehabilitation of the Parry Building at 224 Mill Street. The City agreed to replace the sidewalks at 224 Mill Street because of their hazardous condition. The building owner requested a recessed parking area within the area of needed sidewalk replacement. This recessed parking area will benefit adjacent area businesses.

The project will be done via the 2007 Milling and Resurfacing Contract designed by the City Department of Environmental Services. It is anticipated that the construction will be completed in Fall 2007.

The pavement width changes will be presented to the Traffic Control Board on September 18, 2007.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-145

Ordinance No. 2007-407
(Int. No. 435)

Approving An Increase In The Pavement Width Of Mill Street For Recessed Parking

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 8 feet in the pavement width along the south side of Mill Street, from 30 feet to 38 feet, from a point 74 feet north of the centerline of Furnace Street to a point 140 feet north of the centerline of Furnace Street, to provide for recessed parking, as a part of the Mill Street Recessed Parking Improvement Project.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 431
Re: Budget Amendment and Agreement -
Formula One Sports, Inc.

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Formula One Sports, Inc., Rochester (principal, Scott Page), to support the 2008 Rochester Twilight Criterium and related events, and amending the 2007-08 budget by transferring \$100,000 from Contingency to the Department of Recreation and Youth Services to fund the agreement. These funds will be used to provide a grant of \$60,000,

and \$40,000 of Police and other City support services for the event.

The Criterium, a professional bicycle racing event, has grown in attendance from 5,000 to 30,000 in four years. Due to the projected growth of this event and economic impact on our City, this support will provide title sponsorship of the event, to be known as The Rochester Twilight Criterium. The success of the Criterium in Rochester has resulted in the addition of two more racing competitions, growing it to a three-day event.

The City's support will be used to cover event production costs, such as marketing and logistics, and City support services, such as police services and equipment rental, for events on June 27, 28 and 29, 2008, with anticipated attendance as follows:

June 27 Time Trial	5,000 spectators
June 28 Twilight Criterium	60,000 spectators
June 29 Gran Prix	25,000 spectators

The public benefit will include a program for youth bike safety, bicycle registration, distribution of free bike helmets (75) and a motocross bike demonstration. The Criterium is free and open to the public, including all stage performances.

The 2007, Saturn Rochester Twilight Criterium featured professional athletes from several countries, including Russia, Australia, New Zealand, Ireland, Argentina, Uruguay, Italy, England, Mexico, Serbia, Czechoslovakia, Canada and the United States. Many of these racers are former/current Olympians, and World and National Champions. This event is one of only 13 races in the US and Canada on the International UCI calendar, which is the highest level of professional cycling in the world.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 431

AUTHORIZING AN AGREEMENT FOR THE 2008 TWILIGHT CRITERIUM AND AMENDING THE 2007-08 BUDGET

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Formula One Sports, Inc. for support of the 2008 Twilight Criterium.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$60,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services. The agreement may also obligate the City to provide City services in an amount not to exceed \$40,000.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$100,000 from the Contingency Allocation to the Department of Recreation and Youth Services to fund the agreement authorized herein and City services in support

of the 2008 Twilight Criterium.

Section 5. This ordinance shall take effect immediately.

Item held in Committee.

By President Giess
October 16, 2007

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 436 - Local Law Amending The City Charter With Respect To The Executive Deputy Chief Of Police

Int. No. 437 - Local Law Amending The City Charter With Respect To The Office Of Management And Budget

Int. No. 438 - Resolution Confirming The Appointment Of The Budget Director

Respectfully submitted,
Lois J. Giess
Gladys Santiago
Carolee A. Conklin
John F. Lightfoot
Dana K. Miller
William F. Pritchard
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 14,
Local Law No. 15 and
Resolution No. 2007-24
Re: Amending the City Charter

Transmitted herewith for your approval is legislation amending the City Charter to reflect recent changes in two City departments.

The first amendment will add the newly-created position of Executive Deputy Chief of Police to the Police Department. This new position clarifies the chain of command in the Chief's absence. Both the Deputy Chief of Operations and the Deputy Chief of Administration positions remain.

The second amendment moves the Bureau of Budget and Efficiency from the Mayor's Office and establishes it as a new department, Office of Management and Budget. Additional duties of this department include oversight of the Rochester by the Numbers initiative and the operation and management of the 311/One Call to City Hall Center. The titles of Budget Director and Assistant Budget Director remain unchanged. This change will also require City Council confirmation of the Budget Director.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 14
(Int. No. 436)

Local Law Amending The City Charter With

Respect To The Executive Deputy Chief Of Police

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 8A-1, Chief of Police; powers and duties, by deleting the title "Deputy Chief of Police/Operations" where it appears in Subsection B thereof and by inserting in its place the title "Executive Deputy Chief of Police".

Section 2. This local law shall take effect immediately.

Passed unanimously.

Local Law No. 15
(Int. No. 437)

Local Law Amending The City Charter With Respect To The Office Of Management And Budget

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by renumbering Section 3-8, Budget Director, as Section 6A-1, and by adding said renumbered section to a new Article VI A to be entitled "Office of Management and Budget", and by further amending said section to read in its entirety as follows:

§ 6A-1. Office of Management and Budget.

There shall be an Office of Management and Budget, the head of which shall be the Budget Director. The Budget Director shall have supervision and control of the preparation and administration of the annual budget and other appropriations; he or she shall develop long-range fiscal plans projecting the costs of current and planned expenditures and the proceeds of current and planned revenues; he or she shall conduct a continuing study of all agencies for the purpose of determining the quality of their work and devising improvements in their efficiency and economy; he or she shall recommend standards of management, work measurement and performance for City agencies, and oversee Rochester by the Numbers; he or she shall make recommendations for the implementation of City programs and policies; he or she shall conduct research on matters of concern to the City. The Budget Director shall be responsible for the operation and management of the 311 Call Center.

For the purpose of aiding and assisting in the preparation of annual budgets and the administration of appropriations, the Budget Director:

- A. Shall have access, at all reasonable times, to offices of the City departments, courts, boards and commissions.
- B. May examine all books, papers, records and documents in any such department, court, board or commission.
- C. May prescribe and require the maintenance of books, papers and records in any such

department, court, board or commission in such manner as may be deemed necessary.

- D. May require any City officer or head of a department, court, board or commission to furnish such data, information or statements as may be necessary.
- E. May take and hear proof and testimony, administer oaths, subpoena and compel the attendance of witnesses and compel the production of books, papers, records and documents.

Section 2. Section 2-3 of the City Charter, Administrative departments, as amended, is hereby further amended by adding the words "an Office of Management and Budget," after the words "an Information Technology Department," where they appear therein.

Section 3. Section 3-1 of the City Charter, Mayor, as amended, is hereby further amended by deleting the words "a Bureau of Budget and Efficiency, the head of which shall be the Director of the Budget;" where they appear in the third paragraph thereof.

Section 4. Section 6-2 of the City Charter, Director of Finance, as amended, is hereby further amended by repealing the third sentence of the first paragraph thereof, which reads as follows:

The Director of Finance shall supervise the activities of the Bureau of Budget and Efficiency when directed by the Mayor.

Section 5. This local law shall take effect immediately.

Passed unanimously.

Resolution No. 2007-24
(Int. No. 438)

Resolution Confirming The Appointment Of The Budget Director

WHEREAS, the Mayor has appointed William J. Ansbrow to the position of Budget Director, subject to confirmation by the City Council, and

WHEREAS, Council has reviewed the qualifications of the appointee and determined that he has the ability and qualifications to execute the duties and responsibilities of the office,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Rochester hereby confirms the appointment of William J. Ansbrow as Budget Director.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:35 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
NOVEMBER 20, 2007

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony:

- Retirement:
 - DCD
 - *Joanne Leo
 - EDD
 - *Ergun Karaoguz
 - Finance Department
 - *Deborah A. Brongo
 - Library
 - *Ernest C. Baker III
 - NET
 - *Peter C. Cimino
 - Fire Department
 - *Alessandro J. Maltese
 - Police Department
 - *Luis F. Hernandez
 - *Thomas P. Janus
 - *James R. Keenan
 - *Ronald J. Reinstein
 - *Robert S. Roxtrom
- *Did not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Warren

RESOLVED, that the minutes of the Regular Meeting of October 16, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

- The Mayor submits the following:
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3901-7
 - Quarterly Reports - Workers Compensation 3902-7
 - Public Disclosure - HOME Participation 3903-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing The Acquisition By Negotiation Or Condemnation Of The Midtown Plaza Parcels To Further The Midtown Urban Renewal Plan And Center City Master Plan Int. No. 491 1 speaker.

Carlos Carballada. *Public Hearing held open until December 13, 2007.*

Authorizing Amendatory 1997-98, 1998-99, 2000-01, 2001-02 And 2003-04 Community Development Program Plans, Amending Ordinances And Authorizing A Loan Agreement For The JOSANA Rental Project Int. No. 458 No speakers.

Local Improvement Project - Upgrading Of Landscape Features At 645-655 Culver Road As A Part Of The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project Int. No. 464 No speakers.

Authorizing An Amendatory 2007-08 Emergency Shelter Grant Program And Authorizing An Agreement For The Nielsen House Project Int. No. 470 No speakers.

Resolution Approving Relocation To The Genesee County Empire Zone Int. No. 478 No speakers.

Authorizing Amendatory 1999-2000, 2001-02, 2004-05 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing Agreements For Business Programs Int. No. 481 No speakers

Councilmember Miller moved to suspend the Rules of Council, to hear the Finance Committee last.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 20, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 455 - Authorizing Agreements For Funding For The Thomas P. Ryan, Jr. Community Center And Amending The 2007-08 Budget

Int. No. 456 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Ridgeview Special Needs Apartments Project

Int. No. 483 - Authorizing Agreements For Predatory Lending Prevention Services

Int. No. 487 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 488 - Authorizing The Sale Of 56 Stutson Street

Int. No. 492 - Authorizing An Agreement For Funding Under The 2007 Lead-Based Paint Hazard Control Grant Program

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 457 - Authorizing The Sale Of Real Estate For The JOSANA Rental Project, As Amended

Int. No. 458 - Authorizing Amendatory 1997-98, 1998-99, 2000-01, 2001-02 And 2003-04 Community Development Program Plans, Amending Ordinances And Authorizing A Loan Agreement For The JOSANA Rental Project

Int. No. 459 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The JOSANA Rental Project, And Amending Ordinance No. 2007-260, As Amended

Int. No. 482 - Authorizing An Agreement For Fair Housing Lending Monitoring Services

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot (Voted against Int. No. 483)
Lovely A. Warren (Voted against Int. Nos. 457, 458 and 459)
Gladys Santiago (Did not vote on Int. Nos. 455 and 456)

HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-408
Re: Thomas P. Ryan, Jr. Center -
Receipt of Grants

Transmitted herewith for your approval is legislation related to funding for the Thomas P. Ryan, Jr. Center. This legislation will:

1. Authorize an agreement with the Federal Department of Justice, Office of Justice Programs for the receipt and use of a grant in the amount of \$98,723. This grant was secured through the sponsorship of Congresswoman Louise M. Slaughter.
2. Authorize an agreement with the State Dormitory Authority for the receipt and use of a grant in the amount of \$50,000. This grant was secured through the sponsorship of Assemblyman Joseph D. Morelle.
3. Amend the Cash Capital allocation of the 2007-08 Budget by \$148,700 to reflect these grants.

These funds will be used as a portion of the City share of construction and operation costs of the Thomas P. Ryan, Jr. Community Center and Library, a joint project with the Rochester City School District.

The Department of Justice grant includes the purchase of furniture, materials and electronic equipment to assist the Department of Recreation and Youth Services in program development including: computer training, homework assistance, reading programs, and mentoring. The State grant will reimburse the City for a portion of expenses related to design development and production of construction documents for the construction awards given to several firms.

It is anticipated that the Ryan Center project will commence in January 2008 and be completed by September 2009. No funding match is required for the federal grant. The required 50% match for the State grant is exceeded by the City's direct construction costs for the Ryan Center.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-408
(Int. No. 455)

Authorizing Agreements For Funding For The Thomas P. Ryan, Jr. Community Center And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice Office of Justice Programs for the receipt of Demonstration Program funding for the Thomas P. Ryan, Jr. Community Center.

Section 2. The Mayor is hereby authorized to enter into an agreement with the New York State Dormitory Authority for the receipt of Capital Projects Program funding for the Thomas P. Ryan, Jr. Community Center.

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$148,700, which amount is hereby appropriated from the grant funds authorized herein.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-409
Re: Ridgeview Special Needs Apartments

Transmitted herewith for your approval is legislation relating to the Ridgeview Special Needs Apartments where DePaul Properties Inc., an affiliate of DePaul Community Services, Inc. is undertaking a development project. This legislation will authorize an exemption from property taxes and an agreement for payment in lieu of taxes (PILOT) with the Ridgeview Housing Development Fund Company, Inc. or another HDFC to be developed.

Ridgeview Special Needs Apartments is an existing affordable housing project located at 3-97, 99-121 and 127 Marburger Street. The complex consists of eight buildings with eight efficiency apartments in each building for a total of 64 units. The project involves the complete renovation of the units and the construction of a community building for use by the residents.

The total development cost is \$10,256,661. Project financing will be provided by the syndication of 4%

Low Income Housing Tax Credits, a loan from the NYS Housing Trust Fund Corporation, and tax exempt bond financing.

The proposed in-lieu tax agreement is for 30 years. The annual in lieu of tax payment to be provided will be equal to 10% of the project shelter rents (gross rents less utility costs and vacancies).

It is anticipated that construction would begin in December 2007 and be completed in September 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-409
(Int. No. 456)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Ridgeview Special Needs Apartments Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the following properties, to be owned by Ridgeview Housing Development Fund Company, Inc., or a housing development fund company formed for the Ridgeview Special Needs Apartments Project:

Address	SBL Number
3-97 Marburger Street	091.47-1-36
99-121 Marburger Street	091.39-1-52
127 Marburger Street	091.39-1-51

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of 30 years with Ridgeview Housing Development Fund Company, Inc., or a housing development fund company formed for the Ridgeview Special Needs Apartments Project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-410
Re: Agreements - Predatory Lending
Prevention Services - Empire Justice Center, The Housing Council in the Monroe County Area, Inc.

Transmitted herewith for your approval is legislation establishing \$23,333 and \$20,417 as maximum total compensation for agreements with the Empire Justice Center and The Housing Council in the Monroe County Area, Inc., respectively, for predatory lend-

ing prevention services; and, to finance the cost of the agreements, appropriating funds from the Consolidated Community Development Plan, Housing Stock & General Property Conditions Account as follows:

<u>Agency</u>	<u>Amount</u>	<u>Account</u>
Empire Justice Center	\$23,333	2006-07 Fair Housing
The Housing Council	\$10,334	2006-07 Fair Housing
	\$10,083	2007-08 Fair Housing

In anticipation of adoption of the City's new Housing Policy, these agreements provide for services until June 30, 2008, which allows for implementing programs in accordance with the Housing Policy and on the timeline for the Consolidated Community Development Plan 2008-09.

The most recent legislation funding these agreements was authorized in October 2006 and August 2007. The appropriation of August 2007 provided for additional legal services for clients affected by a settlement between the New York State Attorney General and Ameriquest Mortgage Co. regarding complaints that Ameriquest used unlawful lending practices such as giving borrowers inaccurate information, inflating property appraisals, and failing to follow up on promises. Empire Justice Center assists homeowners in determining whether to accept or reject financial settlement offers from Ameriquest.

Predatory lending practices typically involve high pressure marketing and sales tactics, and often target low-income minority neighborhoods. Resulting loans may be nearly impossible for the borrower to repay and can lead to further equity stripping through costly refinancing and, ultimately, foreclosure. Predatory loans are characterized by higher interest rates, excessive fees and charges, questionable appraisal practices, and fraudulent terms. There are also predatory marketing and origination techniques which steer people to mortgages with exotic terms they do not understand and which could contribute to later default concerns.

Rochester's "Don't Borrow Trouble" campaign provides education, outreach and coordination with homeowners and homeownership counseling agencies. Foreclosure prevention services include analysis of loan terms, access to financial counseling, and links to legal service when legal assistance is appropriate.

The Housing Council will continue to provide education, client counseling and referral services. Clients include those who check the advisability of a loan in advance of closing a new loan, as well as those who want to check the loan terms of existing loans and their current financial situations.

Empire Justice Center will continue to concentrate on providing legal services. Clients qualify for legal representation when loans are determined to be predatory and legal services can benefit those clients. Empire Justice Center also convenes round tables with client-service specialists, the NYS Attorney General's staff, legal service agencies and housing specialists.

A report on activity during the past year is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-146

Ordinance No. 2007-410
(Int. No. 483)

Authorizing Agreements For Predatory Lending Prevention Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for education, client counseling and referral services for the "Don't Borrow Trouble" campaign for predatory lending prevention. The agreement shall obligate the City to pay an amount not to exceed \$20,417, and, of said amount, or so much thereof as may be necessary, \$10,334 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program and \$10,083 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2007-08 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center for legal assistance for the "Don't Borrow Trouble" campaign for predatory lending prevention. The agreement shall obligate the City to pay an amount not to exceed \$23,333, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-411
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 29 properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first 17 properties were sold at public auction.

Two of the properties, 107 Frost Avenue and 51 Locust Street, were sold at the May 2006 auction. The remaining fifteen properties were sold at the August 2007 auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing.

The next two properties are vacant lots also sold at the August 2007 public auction. The first purchaser will combine the vacant lot with his adjoining property at 966 N. Clinton Avenue. The second purchaser will create a garden to enhance the corner of Genesee and Clifton Streets.

The next two properties are vacant lots that were sold through a sealed bid process to the adjoining property owners. The purchasers will combine the parcels with their adjoining properties.

The next property is being sold to the Rochester Housing Development Fund Corporation for its appraised value. The property will be rehabilitated and subsequently sold to owner-occupants with household incomes not to exceed 80% of the median income for the Rochester Metropolitan Statistical Area.

The next property is a vacant lot that is being sold at appraised value to the adjoining owners to be combined with their adjoining property.

The next six properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-147

Ordinance No. 2007-411
(Int. No. 487, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Legal</u> <u>Use</u>	<u>Price</u>
6-6.5			
Algonquin Ter 120.42-1-52	45x100	1 Family	\$ 900
[305 Ames St 120.25-2-11	35x111	1 Family	1,200
89 Angle St 105.58-3-24	46x80	1 Family	6,500
363-367 Champlain St 120.59-2-80.1	66x141	1 Family	400
		Johnny Turner	

23-23.5 Costar St 105.51-3-51	50x122	1 Family	2,100
178 Durnan St 091.74-4-40	34x80	1 Family	3,700
224 Durnan St 091.74-4-30	35x80	1 Family	1,200
107 Frost Ave 121.61-1-15	40x141	1 Family	6,300
124 Glendale Pk 105.34-1-60	52x122	1 Family	9,200
186 Hollenbeck St 091.78-2-47	39x122	1 Family	13,000
51 Locust St 105.42-1-30	40x118	1 Family	8,000
31 Peck St 106.68-1-30	40x125	1 Family	6,000
77-81 Portland Ave 106.57-1-24.1	88x100	1 Family	2,000
210 Rauber St 106.39-3-29	35x113	1 Family	5,600
107 Remington St 106.23-1-73	31x77	1 Family	400
179 N. Union St & 139 Woodward St	26x130	1 Family	3,700
106.74-1-222&21	(Irregular)		
29 Wabash St 106.52-2-28	40x110	1 Family	2,400
		Patrice Hall	

* Officers: Howard Thomas, President; Clara Thomas, Vice President

Section 2. The Council hereby approves the sale of the following parcels of vacant land with proposal by regular auction:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Price</u>
970 N. Clinton Ave 106.30-2-47	31x130	\$1,650
108 Genesee St 120.50-2-4	33x77	100
	**Aeon Baptist Church	

** Officers: Charles Thomas, Chairman; Leslie R. Harvey, Vice Chairman; Donald Gordon, Sr., Financial Secretary; Dawn Lewis, Corresponding Secretary

Section 3. The Council hereby approves the sale of the following parcels of vacant land with proposal by sealed bid:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Price</u>
25 Chester St 120.41-1-15	40x130	\$ 50
407 Emerson St 105.41-2-55	40x110	2,000
	Keith & Geary Provo	

Section 4. The Council hereby approves the negotiated sale of the following parcel of improved property:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Legal</u> <u>Use</u>	<u>Price</u>
146 Burrows St 105.56-2-54	40x150	1 Family	\$10,000
		***Rochester Housing Development Fund Corp.	

*** Officers: Jean A. Lowe, President; R. Scott

Schmid, Vice President

Section 5. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u> <u>S.B.L.#</u>	<u>Sq. Ft.</u>	<u>Price</u> <u>Purchaser</u>
496-530 Joseph Av Pt. of 106.39-3-23.1	2964	\$2,223 Leroy & Beverly Mitchum

Section 6. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>
21 Bantel Pl 105.25-1-54	43x179 Scott Gallagher	7697±
W 1/2 of 15-17 Earl St Pt. of 120.84-1-55	21x80 Mark & Susan Montazzoli	1680±
547 Hague St 105.72-1-48	40x85 Margaret Gugliuzza	3400
N 1/2 of 17 Henry St Pt. of 106.40-2-26	14x135 Nou Tikheayuka	1904±
S 1/2 of 17 Henry St Pt. of 106-40-2-26	14x148 Dawn-Marie Marshall	2077±
N 1/2 of 2 Mt. Pleasant Pk Pt. of 120.84-2-29	25x50 Mary Gunner	1250

Section 7. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-412
Re: Stutson Street Firehouse

Transmitted herewith for your approval is legislation authorizing the sale of 56 Stutson Street to Craig Rusticcia, or a wholly owned limited liability company to be formed by Mr. Rusticcia, for \$22,000. The sale price was determined by an appraisal done in June 2007 by Metro Appraisal Associates. The property will be developed as a restaurant.

A Request for Proposal, issued in May 2007, was sent to more than 100 parties that had expressed an interest in the property and published in the Daily Record. The property was shown to over 50 interested parties.

Seven proposals were received and reviewed by an interdepartmental team of City staff. Reviews were based on proposed use, relevant experience in building renovations, financial capability to carry out the proposed plan, and consistency with overall development of the port area.

Craig Rusticcia, owner of Straight Line Construction, submitted a proposal for a restaurant to be operated by the former owner / operator of the Big Apple Café. This project was ranked highest and chosen unanimously by the team. The choice was based on his passion for the redevelopment of the property, proposed use and partnership with the Big Apple Café, accurate cost estimates for complete renovation of the building, neighborhood support, financial resources to complete the job, and his extensive experience in renovating historic structures.

The restaurant, to be called Hose 22 Café, will provide lunch, dinner, coffee, and desserts focusing on the theme of firehouse traditions. This development is proposing 50 full-time equivalent jobs. The complete renovation and re-development cost is estimated to be \$341,000. Mr. Rusticcia will provide a letter of credit and escrow account funds to be held by the City to insure completion of the project on or before September 2008 and commencement of operation by December 2008.

Phase I and Phase II environmental investigations have been completed. The environmental site assessment was completed and noted no additional environmental requirements for commercial purposes and outlined only minor asbestos material in the basement. A SEQR is underway and is expected to be complete prior to the City Council meeting. The determination will be forwarded as soon as it is complete.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-148

Ordinance No. 2007-412
(Int. No. 488)

Authorizing The Sale Of 56 Stutson Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of 56 Stutson Street, SBL #047.700-2-32, to Craig Rusticcia, or a wholly owned limited liability company to be formed by Craig Rusticcia, for the sum of \$22,000 for the development of a cafe.

Section 2. City taxes and other City charges, except water charges, against said property are hereby canceled up to the date of closing for the reason that the City has agreed to convey said property free of City tax liens and other charges.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-413
Re: 2007 HUD Grant Award

Transmitted herewith for your approval is legislation authorizing the Mayor to accept a grant award from the U.S. Department of Housing and Urban Development for funding for lead-based paint poisoning prevention activities in the amount of \$1,606,710 under the 2007 Lead-Based Paint Hazard Control Grant Pro-

gram.

The application to HUD was submitted in May 2007. Funding awards were announced in September, but Rochester was not selected. In October, the City was informed by HUD that additional awards had been made and that Rochester was selected as a grantee. HUD has requested that the City execute the grant agreement at the earliest possible date to establish a program start date of November 15.

The funding award will be used to expand the City's child lead poisoning prevention efforts. The program will allow for the creation of 100 units of lead-safe housing, contractor training, lead-safe work practices training, child blood testing, temporary relocation, and marketing activities.

The grant award will be matched with \$2 million of City funds over a 3 1/2 year period.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-413
(Int. No. 492)

Authorizing An Agreement For Funding Under The 2007 Lead-Based Paint Hazard Control Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Housing and Urban Development for funding for lead-based paint poisoning prevention activities under the 2007 Lead-Based Paint Hazard Control Grant Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-414,
Ordinance No. 2007-415 and
Ordinance No. 2007-416
Re: JOSANA Rental Project

Transmitted herewith for your approval is legislation relating to the JOSANA rental housing project being undertaken by the Rochester Housing Authority (RHA), through its not-for-profit subsidiary Northstar Housing & Development Corporation (Northstar). The project involves the construction of 10 single-family residential rental units, all located within the Jay-Orchard Street neighborhood (JOSANA neighborhood). This legislation will:

1. Authorize the sale of nine City-owned vacant lots at their appraised value to J.O.S.A.N.A Single Family LLC, a limited liability company formed for the project, with offices at 144 Village Landing, #273, Fairport, NY 14450, and/or a Housing Development Fund Company

(HDFC) to be formed by RHA;

2. Authorize an agreement with J.O.S.A.N.A. Single Family LLC, and/or an HDFC to be formed by the RHA to develop the properties;
3. Authorize property tax exemptions and a Payment in Lieu of Taxes (PILOT) agreement with J.O.S.A.N.A. Single Family LLC and/or an HDFC to be formed by the RHA, and authorizing the Mayor to adjust the interest rate and other terms and conditions in order to conform to legal requirements;
4. Amending previous legislation and certain Consolidated Community Development Plans, as summarized below, to consolidate and appropriate funds for the City's commitment of \$300,000 to the project;

Summary of City HOME Fund
Transfers to Rental Housing Fund

Ord. #	Program Year	Amount
	<u>Transfer From</u>	
97-284	1997-98	\$ 7,124
	Reoccupation Vacant Property Grant	
98-408	1998-99	20,000
	Choice Voucher Program	
98-408	1998-99	23,730
	Vacant Property Rehab	
2000-353	2000-01	11,835
	Deconversion Incentive Grant	
2003-80	2001-02	127,450
	Deconversion Incentive Grant	
2003-301	2001-02	4,294
	Fulton Ave. Redevelopment	
2003-301	2003-04	5,067
	Fulton Ave. Redevelopment	
2003-372	2003-04	<u>100,500</u>
	Challenged Streets	
Total City contribution		\$300,000

The total cost of the project is \$2,459,293, and is being financed through a combination of New York State HOME Program funds, sponsor funding, and these City funds.

RHA's JOSANA Rental Project consists of the construction of ten single-family rental housing structures to be built in the JOSANA neighborhood in northwest Rochester, near PAETEC Park. One of the structures will be built on a lot already owned by RHA. The sites are in an area currently identified as a Challenged Street Project by the Neighborhood Empowerment Team. A property list and map are attached.

RHA has recently been awarded New York State HOME Program Funds for the construction of this project. All rental units will be affordable to families earning 30% or less of the area median income. All the units will benefit from a project-based Section 8 voucher. The project is structured so that current residents will have the right of first refusal to purchase the unit at the end of the 15th year. If they opt not to purchase, they remain in the home and it remains an affordable rental. Once they move out of the home, it will be offered for sale to an eligible household.

Each of the ten homes will have three bedrooms; all will have driveways; some will have garages; and one unit will be handicapped accessible.

The budget for the project is as follows:

Uses:	Property acquisition	\$ 65,000
	Professional services	200,900
	Construction	1,782,254
	Construction contingency	15,000
	Development fee	211,547
	Reserves	28,887
	Working capital	21,912
	Carrying charges	<u>133,793</u>
Total		\$2,459,293
Sources:	City HOME Program (proposed)	\$ 300,000
	NYS - HOME Program Funds	1,650,000
	RHA equity	345,000
	Conventional loan	<u>164,293</u>
Total		\$2,459,293

The City's funds will be used as both construction and permanent financing; the latter will be a 30-year loan with annual interest-only payments of 1%. The proposed PILOT agreement would provide a tax exemption in consideration for an annual in-lieu tax payment equal to 10% of the project shelter rents (gross rents less utility costs and vacancy). The term of the agreement will be 30 years or until each property is sold, whichever occurs first. The project is expected to begin in December 2007 and end in September 2008.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-149

Ordinance No. 2007-414
(Int. No. 457, As Amended)

Authorizing The Sale Of Real Estate For The JOSANA Rental Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of real estate to the housing development fund company established for the JOSANA Rental Project, for their appraised value, for the construction of housing as a part of the JOSANA Rental Project:

Address SBL #	Dimensions	Price
105 Campbell Street 120.27-1-37	50 x 123	\$475
172 Campbell Street 120.27-1-12	50 x 101	\$450
295 Campbell Street 120.26-1-58	50 x 113	\$450
319 Jay Street 105.84-1-37	44 x 124	\$450
412 Jay Street 105.83-2-42	42 x 100	\$425
418 Jay Street 105.83-2-43	50 x 183	\$550
487 Jay Street 105.83-1-24.1	[40] <u>60</u> x 103	[\$425] <u>475</u>
570-572 Jay Street 105.82-2-26	52 x 165	\$525

204 Orange Street 100 x 83 \$525
105.83-3-41.1

Section 2. City taxes and other City charges, except water charges, against said properties are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Warren - 1.

Ordinance No. 2007-415
(Int. No. 458)

Authorizing Amendatory 1997-98, 1998-99, 2000-01, 2001-02 And 2003-04 Community Development Program Plans, Amending Ordinances And Authorizing A Loan Agreement For The JOSANA Rental Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 1997-98 Community Development Program Plan whereby the sum of \$7,124 shall be transferred from the Home Reoccupation/Vacant Property Grant Account to the Rental Housing Fund Account of the 1997 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 97-284, relating to the Home Reoccupation/Vacant Property Grant Program, is hereby amended by reducing the amount authorized and appropriated therein from 1997 HOME Program Funds by the sum of \$7,124, which amount is transferred and reappropriated herein.

Section 2. The Council hereby approves an amendment to the 1998-99 Community Development Program Plan whereby the sum of \$20,000 shall be transferred from the Choice Voucher Program Account to the Rental Housing Fund Account of the 1998 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 98-408, relating to Home Reoccupation & Owner-Occupancy Assistance Programs, is hereby amended by reducing the amount authorized and appropriated in Section 5 therein from 1998 HOME Program Funds for the Choice Voucher Program by the sum of \$20,000, which amount is transferred and reappropriated herein.

Section 3. The Council hereby approves an amendment to the 1998-99 Community Development Program Plan whereby the sum of \$23,730 shall be transferred from the Vacant Property Rehabilitation Account to the Rental Housing Fund Account of the 1998 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 98-408, relating to the Vacant Property Rehabilitation Program, is hereby amended by reducing the amount authorized and appropriated in Section 2 therein from 1998 HOME Program Funds by the sum of \$23,730,

which amount is transferred and reappropriated herein.

Section 4. The Council hereby approves an amendment to the 2000-01 Community Development Program Plan whereby the sum of \$11,835 shall be transferred from the Deconversion Incentive Grant Program Account to a new Rental Housing Fund Account of the 2000 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 2000-353, relating to the Deconversion Incentive Grant Demonstration Program, is hereby amended by reducing the amount authorized and appropriated therein from 2000 HOME Program Funds by the sum of \$11,835, which amount is transferred and reappropriated herein.

Section 5. The Council hereby approves an amendment to the 2001-02 Community Development Program Plan whereby the sum of \$127,450 shall be transferred from the Deconversion Incentive Grant Program Account to the Rental Housing Fund Account of the 2001 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 2003-80, relating to the Deconversion Incentive Grant Program, is hereby amended by reducing the amount authorized and appropriated therein from 2001 HOME Program Funds by the sum of \$127,450, which amount is transferred and reappropriated herein.

Section 6. The Council hereby approves an amendment to the 2001-02 Community Development Program Plan whereby the sum of \$4,294 shall be transferred from the Fulton Avenue Redevelopment Project Account to the Rental Housing Fund Account of the 2001 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 2003-301, relating to the Fulton Avenue Redevelopment Project, is hereby amended by reducing the amount authorized and appropriated therein from 2001 HOME Program Funds by the sum of \$4,294, which amount is transferred and reappropriated herein.

Section 7. The Council hereby approves an amendment to the 2003-04 Community Development Program Plan whereby the sum of \$5,067 shall be transferred from the Fulton Avenue Redevelopment Project Account to the Rental Housing Fund Account of the 2003 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 2003-301, relating to the Fulton Avenue Redevelopment Project, is hereby amended by reducing the amount authorized and appropriated therein from 2003 HOME Program Funds by the sum of \$5,067, which amount is transferred and reappropriated herein.

Section 8. The Council hereby approves an amendment to the 2003-04 Community Development Program Plan whereby the sum of \$100,500 shall be transferred from the Challenged Streets Program Account to the Rental Housing Fund Account of the 2003 HOME Program, in order to partially fund a loan for the JOSANA Rental Project. Ordinance No. 2003-372, relating to the Challenged Streets Program, is hereby amended by reducing the amount authorized and appropriated therein from 2003 HOME Program Funds by the sum of \$100,500, which amount is transferred and reappropriated herein.

Section 9. The Mayor is hereby authorized to enter into a loan agreement with J.O.S.A.N.A. Single Family, LLC, and/or a housing development fund company formed for the JOSANA Rental Project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the JOSANA Rental Project. The funding shall

initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at 1%. The interest shall be payable annually, with the principal due in one balloon payment at the end of the term.

Section 10. The agreement shall obligate the City to pay an amount not to exceed \$300,000, and of said amount, or so much thereof as may be necessary, \$105,567 is hereby reappropriated from 2003 HOME Program Funds, \$131,744 is hereby reappropriated from 2001 HOME Program Funds, \$11,835 is hereby reappropriated from 2000 HOME Program Funds, \$43,730 is hereby reappropriated from 1998 HOME Program Funds, and \$7,124 is hereby reappropriated from 1997 HOME Program Funds.

Section 11. The Mayor is further authorized to enter into such agreements as may be necessary to implement the JOSANA Rental Project.

Section 12. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 13. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers McFadden, Warren - 2.

Ordinance No. 2007-416
(Int. No. 459, As Amended)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The JOSANA Rental Project And Amending Ordinance No. 2007-260

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes the following properties, for a period of 30 years or so long as they are owned by a housing development fund company and used for housing purposes as a part of the JOSANA Rental Project:

Address	SBL #
105 Campbell Street	120.27-1-37
172 Campbell Street	120.27-1-12
295 Campbell Street	120.26-1-58
319 Jay Street	105.84-1-37
412 Jay Street	105.83-2-42
418 Jay Street	105.83-2-43
487 Jay Street	105.83-1-24.1
570-572 Jay Street	105.82-2-26
204 Orange Street	105.83-3-41.1
173-175 Orange Street	105.83-3-56

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the housing development fund company formed for the JOSANA Rental Project whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent". "Shel-

ter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2007-260, relating to the Fernwood Park, Ramona Park and Norton Village Apartments, is hereby amended by extending the City's reversionary interest as set forth in Section 2 thereof from forty years to fifty years, and by reducing the period of the cash flow payments to the City as set forth in Section 2 thereof from fifteen years to fourteen years.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, Miller, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers McFadden, Warren - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-417

Re: Agreement - Fair Housing/Lending
Monitoring - Empire Justice Center

Transmitted herewith for your approval is legislation establishing \$40,333 as maximum compensation for an agreement with the Empire Justice Center to provide Fair Housing and Lending Monitoring services; and allocating funds from the 2006-07 Community Development Block Grant Housing Stock and General Property Conditions allocation (Fair Housing account) to cover the cost of the agreement. The most recent agreement for these services was authorized by Council in November 2006.

In anticipation of adoption of the City's new Housing Policy, this agreement provides for services until June 30, 2008, which allows for implementing programs in accordance with the Housing Policy and on the timeline for the Consolidated Community Development Plan 2008-09.

Empire Justice Center will continue the service which was first implemented in 1998. This effort is a component of the City's commitment to affirmatively further fair housing, a requirement stipulated by federal Community Development Block Grant (CDBG) and HOME grant awards.

There are several aspects of review and monitoring required by federal programs of banks and financial institutions. The Empire Justice Center monitors mortgage lending of the largest Community Reinvestment Act (CRA)-obligated banks as well as overall lending practices in the Rochester area. Their work is made available to and relied upon by the City, federal CRA examiners and the lenders themselves.

During the current agreement, Empire Justice Center accomplished the following:

1. Work with Lenders. Empire Justice Center's monitoring and advocacy work, along with the Greater Rochester Community Reinvestment Coalition (GRCRC) had a positive impact on

banks' lending and community investment decisions in the Rochester area. Mortgage lending analysis reports were discussed with: Bank of America, Canandaigua National Bank and Trust, Citigroup (including Citifinancial), Citizens Bank, JPMorgan Chase, HSBC (including HFC and Beneficial), M&T, and ESL Federal Credit Union, with the following results:

- HSBC, JPMorgan Chase and M&T Bank identified geographic areas and communities where they lacked penetration. These lenders made decisions that improved their CRA-related practices using Empire Justice Center's analyses, reports and meetings.
 - Several banks revised their lending strategies to increase their lending and market share. For example, one bank changed its loan officer compensation structure by doubling the commissions for CRA loans. Another bank hired a CRA loan officer.
 - While home purchase lending in the Rochester metropolitan area declined between 2005 and 2006, within the city there was an increase of 23 percent between 2004 and 2006.
2. CRA Exams. Empire Justice Center met with federal bank regulators and commented on the CRA exams of HSBC, JPMorgan Chase and Bank of America.

- JPMorgan Chase and Bank of America increased their mortgage lending between 2005 and 2006. This included their home purchase lending in the city.

- Large investments by JPMorgan Chase and Bank of America are examples of the positive impact of the long-term relationship-building and advocacy of Empire Justice Center and GRCRC. JPMorgan Chase provided almost \$54 million in CRA-related loans, grants and investments in the Rochester area between 2004 and 2006. In 2005 and 2006 Bank of America provided over \$243 million in loans and investments serving primarily low- and moderate-income and minority families, individuals and communities in the Rochester area.

3. Published a national report "Paying More for the American Dream: A Multi-State Analysis of Higher Cost Home Purchase Lending", which included Rochester MSA 2005 data for large lenders. This report received media attention locally and across the country, as well as being noted at congressional hearings.

During the next contract period, Empire Justice Center will:

1. Analyze and produce reports on: the 2006 mortgage lending data of all financial institutions (aggregated lending for the Rochester MSA and traditionally underserved communities); higher cost lending in the Rochester area; and lending by three of the area's top depositories.
2. Continue to work with lenders, and advocate with state and federal policymakers, to find options for borrowers at risk of foreclosure.

- 3. As part of a national collaborative project, publish a report on 2006 lending examining higher cost lending in the Rochester area and other cities.
- 4. Provide the City with tables and charts that show lending by financial institutions and top eight banks for the City to use in its examination of lending in the city and to underserved communities.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-150

Ordinance No. 2007-417
(Int. No. 482)

Authorizing An Agreement For Fair Housing Lending Monitoring Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center for continued Fair Housing Lending Monitoring Services relating to the Community Choice (Fair Housing) Action Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$40,333, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2006-07 Community Development Program.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
November 20, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 460 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Pool And Ice Rink Building Mechanical Equipment Upgrades Project

Int. No. 461 - Establishing Maximum Compensation For An Agreement For Surveying Services

Int. No. 462 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance Surveying Services For The Reconstruction Of Various Water Mains Related To The Water Main Extension And Improvements Programs In The City

Int. No. 465 - Establishing Maximum Compensation For An Ammendatory Professional Services Agreement For Audit Services For Federal Aid Projects And

Amending Ordinance No. 2005-325

Int. No. 484 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Rochester Heritage Trail Project

Int. No. 485 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Olmsted Parks System Interpretive Signage Project

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 463 - Accepting The Donation Of An Easement For The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Int. No. 464 - Local Improvement Project - Upgrading Of Landscape Features At 645-655 Culver Road As A Part Of The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot (Voted against Int. Nos. 461 and 462)
Lois J. Giess (Did not vote on Int. No. 460)
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-418
Re: Agreement - Mechanical Equipment Upgrades - Genesee Valley Pool and Ice Rink

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with Q-Tech Engineering, P.C., East Rochester, for mechanical engineering and commissioning services related to mechanical system replacements at the Genesee Valley Park Pool and Ice Rink Building. The cost of the agreement will be financed from the 2007-08 Cash Capital allocation. Discussions are underway with the University of Rochester regarding the sharing of this cost.

The building is a single-story masonry structure built in 1976. The planned upgrades include: complete heating system replacement; cooling upgrades; and locker room ventilation upgrades with heat recovery capability. The preliminary estimate for the cost of construction is \$220,000 and is planned for in the 2007-08 Capital Improvement Program.

Qualifications and proposals for the mechanical engineering and commissioning services were solicited from 10 area firms. Seven firms responded: Clark Patterson Associates, P.C., Erdman Anthony & Associates, IBC Engineering, P.C., LaBella Associates, P.C., M/E Engineering, P.C., Q-Tech Engineering, P.C., and Stantec Consulting Services. The qualifications and proposals were rated by staff and, based on these ratings Q-Tech Engineering, P.C. was selected.

It is anticipated that design of the project will begin this winter and be completed in the spring of 2008,

and that construction will begin in the summer of 2008 and be completed by year end.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2007-418
(Int. No. 460)

Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Pool And Ice Rink Building Mechanical Equipment Upgrades Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Q-Tech Engineering P.C. for mechanical engineering and commissioning services for the Genesee Valley Pool and Ice Rink Building Mechanical Equipment Upgrades Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-419 and
Ordinance No. 2007-420
Re: Agreement - Zerkel Land
Surveyors - Water Main
Extensions and Improvements

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for a five-year agreement with Zerkel Land Surveyors, Rochester, for professional surveying services required for the planning and design of the City's Water Main Extensions and Improvements Program; and authorizing the issuance of \$250,000 in Water Bonds to fund the agreement.

Zerkel Land Surveyors will provide surveying and base mapping for specified city streets in assisting the City with project design drawings for the replacement of old and deficient water mains.

A request for proposal was sent to three survey companies in 2005; Zerkel was selected at that time. Their work has been exemplary and they have been very cooperative in working with the City on the recent water main project. Zerkel Land Surveyors has submitted a new proposal which has a cost basis less than the previous agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-419
(Int. No. 461)

Establishing Maximum Compensation For An Agreement For Surveying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Zerkel Land Surveyors for surveying services required for the planning and design of the Water Main Extensions and Improvements Programs for a term of five years. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

Ordinance No. 2007-420
(Int. No. 462)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$250,000 Bonds Of Said City To Finance Surveying Services For The Reconstruction Of Various Water Mains Related To The Water Main Extension And Improvements Programs In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of professional surveying services for five years for the reconstruction of certain water mains related to the Water Main Extension and Improvements Programs in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$250,000 bonds of the City, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$250,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$250,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section

I of this Ordinance, within the limitations of 11.00 a. I. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-421
Re: Audit Services for 2005 Federal
Aid Projects

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Lumsden & McCormick, LLP, Buffalo NY, for audit services related to City-administered Federal aid street improvement projects. An additional \$25,000 will bring the total maximum compensation for this agreement to \$95,000. The cost will be financed as follows: \$9,800 from anticipated state reimbursements appropriated in Ordinance No. 2004-321; \$2,450 from anticipated New York State reimbursements appropriated in Ordinance No. 2004-321; and \$12,750 from anticipated federal reimbursements appropriated in Ordinance No. 2003-102.

This legislation will also amend Ordinance No. 2005-325 to reduce the amount financed from the 2004-05 Cash Capital allocation from \$40,000 to \$25,382 and to finance the difference, \$14,618, from anticipated federal reimbursements appropriated in Ordinance No. 2003-102.

Council originally authorized a \$30,000 agreement with Lumsden & McCormick in April 2005 to provide audit services required by NYSDOT to close out 18 consultant agreements for the following projects: Bicycle and Pedestrian Improvements; Chili Avenue, West City Line to West Avenue; Elmwood Avenue Bridge; Ford Street Bridge; Lake Avenue Reconstruction, Burley Road to Lake Ontario State Parkway; Lexington Avenue, Mt. Read Blvd to Dewey Avenue; and Port of Rochester.

In October 2005, Council authorized additional compensation in the amount of \$40,000 to provide for review of financial controls and overhead rates of the consultant firms, and to revise the scope to include the audit services on eight agreements required for closeout of two additional projects, the Genesee Riverway Trail and the West Ridge Road Reconstruction (Veterans Memorial Bridge to Hanford Landing Road).

The proposed amendatory agreement provides compensation for additional services to complete the federal and State requirements.

Audit services have been completed for the Bicycle and Pedestrian Improvements, Chili Avenue, Elmwood Avenue Bridge, and Ford Street Bridge projects, and are being completed for the Port of Rochester project. Audit services will be performed in 2008 for the Lake Avenue Reconstruction and Genesee Riverway Trail, Lexington Avenue, and West Ridge Road projects.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-421
(Int. No. 465)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Audit Services For Federal Aid Projects And Amending Ordinance No. 2005-325

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lumsden & McCormick, LLP, for audit services for federal aid street projects. Of said amount, \$9,800 shall be funded from the anticipated federal reimbursements appropriated in Section 2 of Ordinance No. 2004-321, \$2,450 shall be funded from the anticipated state reimbursements appropriated in Section 3 of Ordinance No. 2004-321, and \$12,750 shall be funded from the anticipated federal reimbursements appropriated in Section 3 of Ordinance No. 2003-102.

Section 2. Ordinance No. 2005-325, relating to an amendatory agreement for audit services, is hereby amended by reducing the authorized funding therein from the 2004-05 Cash Capital allocation by the sum of \$14,168, which amount shall be funded from the anticipated federal reimbursements appropriated in Section 3 of Ordinance No. 2003-102.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-422
Re: Rochester Heritage Trail

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Herons Bend Productions, Rochester, for design services related to the Rochester Heritage Trail. The cost of the agreement will be financed from the Klos Fund grant of \$20,000 appropriated by Ordinance 2007-140, and \$20,000 from the 2004-05 Cash Capital allocation of the Department of Environmental Services.

The Rochester Heritage Trail Project will incorporate significant downtown sites within a corridor linking the Second Erie Canal Aqueduct and the Susan B. Anthony Historic District. It is planned as a self-guided walking tour of Rochester history. The project will include design of standards for interpretive signage, to be implemented as part of future capital projects, as well as site-specific research and design of sign content.

Proposals for design services were solicited from three area firms: Winterman Ink, Synegraphics, and Herons Bend Productions. Herons Bend Productions is recommended based on the qualifications of the team and their understanding of the project. Design of the project is scheduled to be completed in summer 2008.

Respectfully submitted,
Robert J. Duffy,
Mayor

Ordinance No. 2007-422
(Int. No. 484)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Rochester Heritage Trail Project

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Herons Bend Productions for design services for the Rochester Heritage Trail Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$20,000 shall be funded from the 2004-05 Cash Capital allocation and \$20,000 shall be funded from the appropriation made in Ordinance No. 2007-140.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-423
Re: Olmsted Parks System Interpretive
Signage Project

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Synegraphics, Holland, New York, for design services related to interpretive signs for the City's Olmsted Parks. The cost of the agreement will be financed from the Cash Capital allocations of the 2006-07 (\$30,000), 2004-05 (\$20,000), and 2002-03 (\$10,000) Budgets of the Department of Environmental Services.

The signage improvements will be installed in Seneca, Genesee Valley and Highland Parks, and along the associated parkways which connect these parks to the surrounding neighborhoods. It is proposed that identification signage be installed at park entrances (main and minor) and that pedestrian scale interpretive signage be installed in sites that are visible and compatible with the historic landscape.

This project will contribute to the long-term protection of the parks by educating users on the importance of preserving the parks' history, beauty and functions, and by supporting and enhancing the appeal of the parks as a heritage tourism destination.

Rochester's park system, designed by Frederick Law Olmsted, Sr. in the 1890s, is one of only four in the country that Olmsted designed as a complete park system, and is cited by experts as one of the finest collections of Olmsted landscapes in the country. Surrounded by some of the city's most stable and desirable residential neighborhoods, the park system comprises Rochester's primary open space. It is well used, largely intact and in good condition. Annual major events held in the parks draw hundreds of thousands of local and out of town visitors.

Proposals for design services were solicited from three area firms: Winterman Ink, Synegraphics, and Herons Bend Productions. Synegraphics was selected based on the qualifications of the team and their understanding of the project.

The schedule anticipates that design will be complete by fall 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-423
(Int. No. 485)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Olmsted Parks System Interpretive Signage Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Synegraphics for design services for the Olmsted Parks System Interpretive Signage Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$30,000 shall be funded from the 2006-07 Cash Capital allocation, \$20,000 shall be funded from the 2004-05 Cash Capital allocation and \$10,000 shall be funded from the 2002-03 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-424 and
Local Improvement Ordinance No. 1581
Re: Atlantic Avenue Improvement
Project - Phase II (CSX Railroad
Bridge - Culver Road)

Transmitted herewith for your approval is legislation which will:

1. Authorize acquisition, by donation, of a *de minimus* easement to accommodate installation of local enhancement improvements adjacent to the right-of-way. The 1,016 s.f. parcel at 645-655 Culver Road is being donated by owner Yaqoob Khalid;
2. Authorize a project participation agreement with Yaqoob Khalid for the installation and maintenance of local enhancement improvements; and
3. Appropriate \$16,100 from the Local Improvement Fund and the subsequent assessment of this amount against the adjacent properties to replenish the Fund to finance the cost of the local enhancement improvements.

The Atlantic Avenue Improvement Project includes major improvements to the street, water system and the streetscape. In January 2007, a local enhancement improvement was offered to the owners of 593-613, 625 and 645-655 Culver Road to create a unifying landscape buffer treatment for the properties which match those along the Atlantic Avenue CSXT frontage. While the owner of 593-613 and 625 Culver Road, PSB Limited, agreed to participate, Mr. Khalid declined. However, he has now requested that the local enhancement improvement be done on his property.

The easement will provide for the construction of a local enhancement improvement on a parcel adjacent to the Atlantic Avenue Phase II Project and will be financed from the proceeds of the Local Improvement

Fund. The local improvement assessment will be repaid in five equal, annual payments, including interest, as a local assessment charge on the City tax bill for the property at 645-655 Culver Road. The annual payment amounts will be based upon the final certified local improvement amount at a rate 1% above the City's long-term bonding rate. The first payment will be included as a local assessment on the first City tax bill following substantial completion of the project, which is expected later this year.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-151

Ordinance No. 2007-424
(Int. No. 463)

Accepting The Donation Of An Easement For The Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acceptance of the donation of a permanent easement over approximately 1,016 square feet of the parcel at 645-655 Culver Road, SBL #122.22-1-33, owned by Yaqoob Khalid, for the construction and maintenance of improvements as a part of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1581
(Int. No. 464)

Local Improvement Ordinance - Upgrading Of Landscape Features At 645-655 Culver Road As A Part Of The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby authorizes the upgrading of landscape features as a part of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 2. The improvements and work described in Section 1 shall be constructed in accordance with the provisions of Chapter 10 of the Municipal Code and shall be done by contract.

Section 3. The limits of the District of Assessment for the improvements and work shall be 645-655 Culver Road. The Council hereby finds that the upgrading of said landscape features will benefit the parcel at 645-655 Culver Road, SBL #122.22-1-33, owned by Yaqoob Khalid, in an amount not to exceed \$16,100.

Section 4. The additional construction costs relating to such landscape features upgrading, in an amount not to exceed \$16,100, shall be assessed and billed as

a Special Assessment against the parcel of property within the district and shall be due in five equal annual installments, including interest at a rate of 1% above the City's long term bonding rate as determined by the Director of Finance. Such amount shall be appropriated from the Special Assessments. Such assessment shall be billed on the first regular tax bill following substantial completion of the Project. Any assessment not paid by its due date shall be a lien upon the property billed and a personal obligation of the property owner.

Section 5. The Mayor is hereby authorized to enter into a project participation agreement with Yaqoob Khalid for the installation and maintenance of the local enhancement improvements.

Section 6. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
November 20, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 473 - Authorizing An Agreement For Homeland Security Funding And Amending The 2007-08 Budget

Int. No. 474 - Authorizing Agreements For The Youth Violence Strike Force And Amending The 2007-08 Budget

Int. No. 475 - Establishing Maximum Compensation For A Professional Services Agreement For The Chestnut Street Firehouse Mechanical System Replacement Project

Int. No. 476 - Establishing Maximum Compensation For An Agreement For The Provision Of Prescription Medication For Injured City Firefighters

Int. No. 486 - Authorizing An Agreement For Medical Services For Sworn Employees And Disabled Retirees Of The Police And Fire Departments

Int. No. 493 - Resolution Supporting And Authorizing Participation In The Shared Municipal Services Grant Program For The Police Mobile Data Technology Project

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Lois J. Giess (Did not vote on Int. No. 493)
Gladys Santiago
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-425
Re: State Urban Area Supplemental Program (SUASP) Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Homeland Security for the receipt and use of \$420,000 under the State Urban Area Supplemental Program (SUASP) for fiscal year 2007 and amending the Cash Capital allocation of the 2007-08 Budget to reflect the grant.

The SUASP grant will fund equipment and software to protect critical infrastructure and key resources and assets in the City of Rochester. The term of the grant is July 1, 2007 to June 30, 2010. No matching funds are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-425
(Int. No. 473)

Authorizing An Agreement For Homeland Security Funding And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Office of Homeland Security for receipt of funding under the State Urban Area Supplemental Program.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$420,000, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-426
Re: U.S. Department of Justice
Byrne Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the U.S. Department of Justice, Bureau of Justice Assistance for the receipt and use of a \$324,143 Edward J. Byrne Discretionary Grant through the 2007 Targeting Violent Crime Initiative. This legislation will also:

1. Amend the 2007-08 Budget to reflect the grant as follows: \$64,800 to Cash Capital; and \$259,300 to the Mayor's Office (Pathways to Peace).
2. Establish \$40,000 as maximum compensation for agreements with Willie McDouglas, Rochester, Cory Johnson, Rochester, and Tony Alvarez, Rochester, to provide youth consultant services for the Pathways to Peace program. These agreements will each have a term of one year and will be funded from the 2007-08 Bud-

get of the Mayor's Office.

The consultants will be in the community to collect data on factors that have been identified as precursors to gang activity. Specifically, they will be recording information on school performance and attendance; probation status; home life and parenting information; and substance abuse among family members.

The \$64,000 will be used to purchase hand-held computers that will have the ability to download, encrypt and compile data using the gang activity database. This will enhance data sharing with other public safety agencies and tracking of gang activity.

The remaining portion of the grant, \$139,343, will be used to facilitate "saturation details", in which community professionals who serve youth perform outreach activities. These targeted efforts have resulted in fewer police calls involving youth in certain "hot spots". This will also enable Pathways to provide a sustained effort with a larger number of youth, which will increase the likelihood that these youth will accept services being offered.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-152

Ordinance No. 2007-426
(Int. No. 474)

Authorizing Agreements For The Youth Violence Strike Force And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Bureau of Justice Assistance, for funding under the Edward Byrne Grant Program for the Youth Violence Strike Force.

Section 2. The sum of \$40,000 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Willie McDouglas, Cory Johnson and Tony Alvarez for youth intervention consultant services for the Youth Violence Strike Force for a term of one year. Said amount shall be funded from the 2007-08 Budget of the Mayor's Office.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Mayor's Office by the sum of \$259,300 and to the Cash Capital Allocation by the sum of \$64,800, which amounts are hereby appropriated from the grant funds authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-427
Re: Agreement - Chestnut Street Firehouse
Mechanical System Replacement

Transmitted herewith for your approval is legislation establishing \$70,000 as maximum compensation for an agreement with IBC Engineering P.C., 3445 Winton Place, Rochester, for mechanical engineering and commissioning services related to mechanical system replacements at the Chestnut Street Firehouse. The cost of the agreement will be financed from the 2007-08 Cash Capital allocation.

The Chestnut Street Firehouse is a two-story masonry structure built in 1936. The system replacements planned at this building include replacing the original steam heating system with a new hot and chilled water two-pipe heating/cooling system. The preliminary estimate for the cost of construction for the project is \$477,000, and is included in the 2007-08 Capital Improvement Program.

Qualifications and proposals for the mechanical engineering and commissioning services were solicited from 10 area firms. Six firms responded: Bergman Associates, P.C., Clark Patterson Associates, P.C., Erdman Anthony & Associates, IBC Engineering, P.C., LaBella Associates, P.C., and Q-Tech Engineering, P.C. The qualifications and proposals were rated by staff and, based on these ratings, IBC Engineering P.C. was selected.

It is anticipated that design of the project will begin next spring and be completed in the summer of 2008, and that construction will begin in the spring of 2009 and be completed by year end.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-427
(Int. No. 475)

Establishing Maximum Compensation For A Professional Services Agreement For The Chestnut Street Firehouse Mechanical System Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$70,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and IBC Engineering P.C. for mechanical engineering and commissioning services for the Chestnut Street Firehouse Mechanical System Replacement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-428
Re: Fire Department Prescriptions

Transmitted herewith for your approval is legislation authorizing an agreement with Wegmans Food and Pharmacy for the provision of prescription medication, as required, for firefighters who have been injured on the job. This agreement has an initial term of two years, with provision for renewal for two one-year periods. The annual cost of the agreement will be approximately \$102,000 and will be funded from the 2007-08 and subsequent operating Budgets of the Fire Department. The total cost, for the initial two years plus the two one-year renewals, will not exceed \$408,000.

In 2005 and 2006 the cost of prescription drugs for injured firefighters was \$100,000 each year. With increases in the cost of drugs, the amount for 2007 is estimated to be slightly over \$100,000.

The proposed agreement provides for prices equal to 85% of the average wholesale price (AWP) plus \$2.75 for brand named drugs, and 80% of the AWP plus \$2.50 for generic drugs. Wegmans has provided this service since 1983.

The current agreement expires on October 31, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-428
(Int. No. 476)

Establishing Maximum Compensation For An Agreement For The Provision Of Prescription Medication For Injured City Firefighters

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$408,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Wegmans Food and Pharmacy for the provision of prescription medication for injured City Firefighters for a term of two years, with two one-year renewal options. Said amount shall be funded from the 2007-08 and subsequent Budgets of the Rochester Fire Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-429
Re: Medical Services - Uniformed
Employees - Strong Occupational
and Environmental Medicine

Transmitted herewith for your approval is legislation authorizing an agreement with Strong Occupational and Environmental Medicine for medical examinations and occupational medical services for sworn employees and disabled retirees of the Police and Fire Departments. The term of this contract will be for two years beginning January 1, 2008 with renewal options for two additional one-year periods.

These services will include, but are not limited to:

- Pre-employment medical examinations and assessments
- Evaluation, treatment (acute care and emergency care), and case management for on-duty injuries and illnesses
- Return to work and/or fitness for duty examinations for off-duty injuries or illnesses
- Fitness-for-duty examinations
- Required miscellaneous examinations and immunizations
- Provision of referrals to specialists as needed
- Provision of the services of a Medical Review Officer
- Other care and/or examinations as deemed appropriate

The agreement shall provide for all regular medical services and for additional special services, the fees for which shall be established in the agreement and which shall not exceed funds available in the annual budgets for the Fire Department and Police Department for this purpose. There is no base contract; this is a fee-for-service contract. The current contract with Dr. Boris Shmigel of Rochester General Hospital has been in effect since January 1, 2003 and will expire on December 31, 2007. Fees paid directly to Dr. Shmigel over the past two fiscal years were \$177,111.96 and \$192,087.32, respectively.

Upon solicitation of bids for these services, four firms responded - Finger Lakes Occupational Health Services, Dr. Boris Shmigel, Strong Occupational and Environmental Medicine, and Workfit Medical. A cross-departmental committee reviewed submissions to provide a recommendation as to which firm could provide the services most efficiently, objectively, and cost-effectively.

The committee unanimously recommended Strong Occupational and Environmental Medicine to be the City's medical services provider for uniformed personnel. A list of services and fees is attached. Strong Occupational and Environmental Medicine is also the current provider of medical services for the City's civilian employees.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-153

Ordinance No. 2007-429
(Int. No. 486)

Authorizing An Agreement For Medical Services For Sworn Employees And Disabled Retirees Of The Police And Fire Departments

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Strong Occupational and Environmental Medicine for medical services for sworn employees and disabled retirees of the Roch-

ester Police and Fire Departments for a term not to exceed two (2) years, with an option to renew for two (2) additional one-year periods. The agreement shall provide for all regular medical services and for additional special services, the fees for which shall be established in the agreement and which shall not exceed funds available in the annual budgets for the Rochester Police and Fire Departments and in Undistributed Expense for this purpose.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-25
Re: Resolution - New York State Shared
Municipal Services Grant Program

Transmitted herewith for your approval is a resolution supporting an application by the lead applicant, Monroe County, for funding from the New York State Shared Municipal Services Grant Program to implement new Police Mobile Data Technology capabilities. The initial grant application under this Mobile Data Technology Project (Phase I) will be for the acquisition and implementation of Automated Vehicle Location technology (AVL) in police vehicles.

AVL is a global positioning technology that will provide constant information on the location of police vehicles to the Rochester Police Department (RPD) and the Emergency Communications Center (9-1-1). Phase I of this implementation will allow the 9-1-1 Center to use this information for dispatching officers with the goal of reducing response times. Phase II will be funded by the City at a later time to provide fleet management capability using AVL data. This will enable RPD to establish specific geographical and time-based coverage guidelines for RPD vehicles and to measure, by vehicle, how well these guidelines are attained. Over time, this should allow RPD to enhance patrol boundaries and routings for their vehicles based on shifting crime patterns.

The Shared Municipal Services Incentive Program (SMSI) was established by the New York State Department of State to provide technical assistance and competitive grants to two or more units of local government for the development of projects that will achieve savings and improve municipal efficiency through shared services, cooperative agreements, mergers, consolidations and dissolutions.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-25
(Int. No. 493)

Resolution Supporting And Authorizing Participation In The Shared Municipal Services Grant Program For The Police Mobile Data Technology Project

WHEREAS, the County of Monroe has been designated as the lead applicant in seeking funding

through the Shared Municipal Services Grant Program to implement the Police Mobile Data Technology Project-Automated Vehicle Location (AVL) Technology; and

WHEREAS, the City of Rochester is desirous of participating in this Project with the County and of obtaining the AVL Technology for its police vehicles,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, as follows:

Section 1. The City of Rochester hereby supports the application by the County through the Shared Municipal Services Grant Program for funding for the Police Mobile Data Technology Project-AVL Technology. The City intends to be an active participant in this collaborative effort to increase the speed and amount of information available to law enforcement officers in vehicles in order to promote work efficiencies and more informed decision-making.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember McFadden moved to discharge Introductory Nos. 430 and 449 from Committee.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

The transmittal letter and legislation for Int. No. 430 appear in their original form on page 348 of the current Council Proceedings.

Ordinance No. 2007-430
(Int. No. 430)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

Passed unanimously.

The transmittal letter and legislation for Int. No. 449 appear in their original form on page 349 of the current Council Proceedings.

Ordinance No. 2007-431
(Int. No. 449)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Police Consulting Services

Passed unanimously.

By Councilmember Pritchard
November 20, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 477 - Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

Int. No. 479 - Authorizing An Agreement For Operation Of The Plymouth Avenue Parking Lot

Int. No. 480 - Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services And Amending The 2007-08 Budget

The Jobs, Economic Development & Center City Committee recommends for Consideration the following entitled legislation:

Int. No. 478 - Resolution Approving Relocation To The Genesee County Empire Zone

Int. No. 481 - Authorizing Amendatory 1999-2000, 2001-02, 2004-05 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing Agreements For Business Programs

Int. No. 491 - Authorizing The Acquisition By Negotiation Or Condemnation Of The Midtown Plaza Parcels To Further The Midtown Urban Renewal Plan And Center City Master Plan

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Gladys Santiago
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-432
Re: Downtown Holiday Shopper and Special Event Free Parking Program

Transmitted herewith for your approval is legislation authorizing "Holiday Shopper and Special Events" free parking in the downtown area from November 23, 2007 through January 1, 2008.

This program was reintroduced in 2006 after a thirteen-year absence. The program authorizes free parking in selected municipal parking garages during the holiday season on weekends and weekday evenings (after 6:00 p.m.) when retail stores are open and special events are scheduled. This program will apply to the following garages:

Court Street	Genesee Crossroads
High Falls	Midtown
Sister Cities	Washington Square
South Avenue	

The East End Garage, which is operated by the Cultural Center Commission, offers free evening and weekend parking on a year-round basis, so visitors will be able to find free evening and weekend parking in eight downtown garages.

Projected revenue loss for this program, based on 2006 results, is \$53,000.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2007-432
(Int. No. 477)

Authorizing A Holiday Shopper And Special Events Free Parking Program At Municipal Parking Garages

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the rates for parking in municipal parking garages as established in Section 111-119 of the Municipal Code, the Municipal Parking Coordinator is hereby authorized to establish a Holiday Shopper and Special Events Free Parking Program in the Court Street, Genesee Crossroads, High Falls, Midtown, Sister Cities, Washington Square and South Avenue Parking Garages. The free parking may be allowed weekday evenings after 6:00 P.M. and all day on Saturday and Sunday, from November 23, 2007 through January 1, 2008.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-433
Re: Agreement - Operation of Plymouth Avenue Parking Lot

Transmitted herewith for your approval is legislation authorizing an agreement with Ampco System Parking, Cleveland, Ohio for operation of the Plymouth Avenue Parking Lot located at 116 West Main Street. The Plymouth Avenue Lot, which contains 221 parking spaces, is currently operated by Allpro Parking LLC, under an agreement authorized by City Council in November 2003. The agreement expires on November 30, 2007.

Requests for proposals for the Plymouth Avenue Lot were issued September 20, 2007. Proposals were received from: Allpro Parking LLC, Buffalo; Ampco System Parking, Cleveland; and Central Parking System, Nashville, Tennessee, DBA Allright New York Parking Inc.

Municipal Parking Division staff reviewed proposals using six evaluation criteria; Ampco System Parking received the highest ratings. Ampco System Parking recently assumed management of the Sister Cities Parking Garage.

The current annual financial return to the city for this lot is \$85,585. The proposals received offered the following returns: AllPro - \$109,200; Ampco - \$108,144; Central - \$80,000. The difference in financial return between the two highest rated operators was not considered significant enough to outweigh the strengths shown by Ampco in other rating areas.

The new agreement will have an initial term of two years with a provision for two one-year renewals. Rate changes for this lot are being adjusted, based on market rates, as follows:

	<u>Previous</u>	<u>Adjusted</u>
Daily maximum	\$ 3.00	\$ 3.50
Monthly	\$55.00	\$62.00
Special events	\$ 2.00	\$ 4.00

The City will reserve the right to terminate the agreement in the event that the Rochester City Council determines that all or a portion of the lot is required for any development purpose.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-433
(Int. No. 479)

Authorizing An Agreement For Operation Of The Plymouth Avenue Parking Lot

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Ampco System Parking for the operation and maintenance of the Plymouth Avenue Parking Lot for a period of two years, with an option to renew for two additional one-year periods. The agreement shall provide for termination in the event that the lot is required for development purposes.

Section 2. The agreement shall obligate Ampco System Parking to pay to the City the sum of \$108,144 annually.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-434
Re: Agreement - Appraisal of
Midtown Plaza

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Midland Appraisal Associates, Inc., 673 Panorama Trail West, Rochester, NY 14625, for appraisal of the Midtown Plaza properties; and amending the 2007-08 Budget of the Economic Development Department by transferring \$20,000 from Contingency to fund the agreement.

The Rochester Urban Renewal Agency proposes to acquire the Midtown properties through negotiation or Eminent Domain. An appraisal is required in order to establish the purchase price to be paid by the Agency.

Midland completed an appraisal on the properties for the City in 2000 and therefore has unique knowledge and qualifications allowing Midland to complete the new appraisal in a timely manner. For this reason, Midland was the only firm considered for this appraisal service.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-434
(Int. No. 480)

Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Midland Appraisal Associates, Inc. for appraisal services for the Midtown Plaza properties. Said amount shall be funded from the 2007-08 Budget of the Economic Development Department.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$20,000 from the Contingency Allocation to the Economic Development Department to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-26
Re: Addison Precision Manufacturing -
Empire Zone

Transmitted herewith for your approval is legislation approving the relocation request of Addison Precision Manufacturing. The company will be relocating from 500 Avis Street in the City to Apple Tree Corporate Park, a New York State Empire Zone, in the Town of Bergen, Genesee County.

Addison Precision Manufacturing has outgrown their current facility. The company considered several locations within the city including the Abex Building on Mt Read Blvd, the C&M Forwarding facility on Oak Street, the Alkron Building on Emerson Street and the former CVC Building on Lee Road, but were unable to find a suitable location within the city that fit their business needs. The company chose the fifteen-acre site in Bergen because it offered ample land to accommodate a new 75,000 square foot facility with room for future expansion and, more importantly, offered low cost municipal power. The company is a large consumer of electricity and the municipal power rate will result in nearly a 50% savings over what they are currently paying on Avis Street. Their new location in Bergen is located within the Genesee County Empire Zone.

Addison Precision Manufacturing would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. However, Section 959 (a) (iii) of the NYS law only allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ if the "shift of operations" is approved by the municipality from which the company relocated.

As required by law, where the shift is from an area in a different municipality into another municipality's EZ, a public hearing must be held by the municipality from which the company is moving, and the local governing body of that municipality must approve, by resolution, the shift of operations. If the relocation procedure does not occur, the company will not qualify for EZ benefits.

Companies relocating to the City Empire Zone from other municipalities go through the same relocation procedures stated above so that they would qualify for EZ benefits in the city. To date, 430 full time and 150 part time jobs have relocated to the City; 328 full time jobs have relocated to other municipalities.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-26
(Int. No. 478)

Resolution Approving Relocation To The Genesee County Empire Zone

WHEREAS, Addison Precision Manufacturing (the "Company"), a manufacturer of precision machined components with offices at 500 Avis Street in the City of Rochester will be relocating to the Apple Tree Park in the Town of Bergen, and

WHEREAS, the Company employs 60 people, including 3 residents of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when they outgrew their current facility at 500 Avis Street. Addison Precision Manufacturing considered several locations within the city of Rochester, but was unable to find a suitable location within the City that fit its business needs, and

WHEREAS, Rochester City Council has heard public comments that extraordinary circumstances existed to warrant the relocation of the company to the Genesee County Empire Zone at a public hearing on November 20, 2007 at City Hall, 30 Church Street, Rochester, New York 14614,

NOW, THEREFORE BE IT RESOLVED, that the Rochester City Council consents to the relocation of Addison Precision Manufacturing from the City of Rochester to the Genesee County Empire Zone in the Town of Bergen.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-435
Re: Amending Consolidated Community Development Plans - Business Assistance Programs

Transmitted herewith for your approval is legislation amending various Community Development Plans to consolidate unused funds and appropriating those funds for use with certain business assistance programs.

Community Development Plans will be amended by transferring funds within the Promoting Economic Stability Allocation as follows:

<u>Plan Year</u>	<u>Amount</u>
<u>From</u>	<u>To</u>
1999-2000	\$ 25,476
MESBIC	
Main Street Assistance	
2001-02	31,599
MESBIC	
Main Street Assistance	
2001-02	93,401
MESBIC	
Targeted Business Assistance	
2004-05	5,000
High Technology Rochester	
Main Street Assistance	
2004-05	10,000
High Technology Rochester	
EDD Financial Assistance	
2004-05	37,925
Technical Assistance	
Main Street Assistance	
2005-06	<u>90,000</u>
Technical Assistance	
EDD Financial Assistance	
Total	\$293,401

This legislation will also appropriate funds and authorize any necessary agreements for the following programs:

Main Street Assistance	\$100,000
Targeted Business Assistance	93,401
EDD Financial Assistance	<u>100,000</u>
Total	\$293,401

Unencumbered funds, which were identified from the above sources, have not been used for their initial purposes. In order to provide additional funds for business grant and loan programs, the funds will be transferred and utilized under the guidelines of the approved programs.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-435
(Int. No. 481)

Authorizing Amendatory 1999-2000, 2001-02, 2004-05 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing Agreements For Business Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 1999-2000 Community Development Program Plan whereby within the Promoting Economic Stability allocation the sum of \$25,476 shall be transferred from the Minority Enterprise Business Development Corporation Account to a new Main Street Assistance Program Account. Ordinance No. 1999-217, relating to Business Programs, is hereby amended by reducing the amount authorized and appropriated therein for the Minority Enterprise Business Development Corporation Program by the sum of \$25,476,

which amount is transferred and reappropriated herein.

Section 2. The Council hereby approves an amendment to the 2001-02 Community Development Program Plan whereby within the Promoting Economic Stability Allocation the sum of \$31,599 shall be transferred from the Minority Enterprise Business Development Corporation Account to the Main Street Assistance Program Account, and \$93,401 shall be transferred from the Minority Enterprise Business Development Corporation Account to a new Targeted Business Assistance Program Account. Ordinance No. 2001-191, relating to Business Programs, is hereby amended by reducing the amount authorized and appropriated therein for the Minority Enterprise Business Development Corporation Program by the sum of \$125,000, which amount is transferred and reappropriated herein.

Section 3. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Promoting Economic Stability allocation the sum of \$5,000 shall be transferred from the High Technology of Rochester Account to a new Main Street Assistance Program Account, and \$10,000 shall be transferred from the High Technology of Rochester Account to a new EDD Financial Assistance Program Account. Ordinance No. 2004-191, relating to Business Programs, is hereby amended by reducing the amount authorized and appropriated therein for the High Technology of Rochester Program by the sum of \$15,000, which amount is transferred and reappropriated herein.

Section 4. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Promoting Economic Stability allocation the sum of \$37,925 shall be transferred from the Technical Assistance Services Program Account to a new Main Street Assistance Program Account. Ordinance No. 2004-191, relating to Business Programs, is hereby amended by reducing the amount authorized and appropriated therein for the Technical Assistance Services Program by the sum of \$37,925, which amount is transferred and reappropriated herein.

Section 5. The Council hereby approves an amendment to the 2005-06 Community Development Program Plan whereby within the Promoting Economic Stability allocation the sum of \$90,000 shall be transferred from the Technical Assistance Services Program Account to a new EDD Financial Assistance Program Account. Ordinance No. 2005-154, relating to Business Programs, is hereby amended by reducing the amount authorized and appropriated therein for the Technical Assistance Services Program by the sum of \$90,000, which amount is transferred and reappropriated herein.

Section 6. There is hereby appropriated from the Promoting Economic Stability allocation of the 1999-2000 Community Development Program the sum of \$25,476, from the Promoting Economic Stability allocation of the 2001-02 Community Development Program the sum of \$125,000, from the Promoting Economic Stability allocation of the 2004-05 Community Development Program the sum of \$52,925, and from the Promoting Economic Stability allocation of the 2005-06 Community Development Program the sum of \$90,000, or so much thereof as may be necessary, to fund the following programs in the following amounts:

Main Street Assistance Program	\$100,000
Targeted Business Assistance Program	93,401
EDD Financial Assistance Program	100,000

Section 7. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

Section 8. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 9. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Pritchard moved to return Introductory No. 491 to Committee.

The motion was seconded by Councilmember Warren.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 491
Re: Midtown Plaza Revitalization Project

Transmitted herewith for your approval is legislation related to the Midtown Plaza Revitalization Project. This legislation will authorize the acquisition, by negotiation or condemnation, of four Midtown Plaza properties in downtown Rochester. The properties are included in the Midtown Urban Renewal District approved by City Council on March 20, 2007 in Ordinance No. 2007-92. The acquisition will further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan.

The Midtown Plaza Revitalization Project includes the acquisition, proposed demolition and subsequent sale or lease for redevelopment of the properties. The Midtown Plaza site consists of 8.6 acres with 1.4 million square feet of commercial space. Midtown Plaza has been in major decline with significant loss of businesses for over two decades and is currently 85% vacant. Midtown Plaza has become a major economic liability to Rochester's Center City and the source of significant blight which has negatively impacted the surrounding area.

A cost analysis was completed, and revealed that the cost of rehabbing Midtown Plaza would far exceed the cost associated with its demolition and subsequent redevelopment. As a result of this analysis, the decision was made to pursue the demolition and redevelopment of Midtown Plaza.

In order to make the redevelopment of Midtown Plaza feasible, it has been determined that the public sector must complete the land assembly, which includes acquisition, relocation, demolition, and asbestos abatement. The City will acquire the properties from the current owner. Funding for the asbestos abatement and demolition will be provided by New York State.

Once land assembly is completed, a portion of the site will be sold or leased to PAETEC Holding Corp. for the development of PAETEC's world headquarters. The remaining property will be disposed of in accordance with a development plan to be produced.

The City will relocate present occupants of properties to be acquired following the Rules and Regulations Governing Relocation Payments for Property Appropriated by the City for Non-Federally Assisted Projects, as adopted by City Council on December 17, 2002, in Resolution No. 2002-25. Federal funding is not being used for this redevelopment project. Therefore, a preliminary Anti-Displacement and Relocation Plan is not required. The City expects to utilize a consultant to provide relocation cost estimates and relocation services for the property tenants.

The properties to be acquired are as follows:

<u>Address</u>	<u>Reputed Owner</u>	<u>SBL No.</u>
	<u>Type</u>	
285 East Main Street	Midtown Rochester Properties LLC	121.24-1-8.1
	Commercial	
18-26 South Clinton Avenue	Midtown Rochester Properties LLC	121.24-1-28
	Commercial	
32-58 South Clinton Avenue	Midtown Rochester Properties LLC	121.24-1-29
	Commercial	
100 South Clinton Avenue	Midtown Rochester Properties LLC	121.24-1-24.1
	Commercial	

The properties will be acquired through negotiation or for their highest approved appraisal in accordance with the Eminent Domain Procedure Law. The appraisals are being prepared by Midland Appraisal Associates, Inc. and are expected to be completed within 2 weeks.

Funding for the acquisition and relocation is currently being identified and will be finalized when the amounts are known. The legislation will have to be amended before adoption to include the amounts and sources of funds.

SEQR review has been completed for the acquisition of the properties and a negative declaration was issued on January 10, 2007. Additional SEQR review for the proposed demolition and subsequent redevelopment will be required.

A public hearing regarding the property condemnation is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 491

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF THE MIDTOWN PLAZA PARCELS TO FURTHER THE MIDTOWN URBAN RENEWAL PLAN AND CENTER CITY MASTER PLAN

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the acquisition of the Midtown Plaza properties, consisting of 285 East Main Street, SBL #121.24-1-8.1; 18-26 South Clinton Avenue, SBL #121.24-1-28; 32-58 South Clinton Avenue, SBL #121.24-1-29; and 100 South Clinton Avenue, SBL #121.24-1-24.1, from the current owner Midtown Rochester Properties LLC, to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan.

Section 2. In the event said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Miller
November 20, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 466 - Cancellation Of Taxes And Charges

Int. No. 467 - Authorizing Collections Agreements For The Parking/Municipal Code Violations Bureau

Int. No. 468 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 469 - Establishing Maximum Compensation For An Agreement For A Public Safety Dashboard/Data Warehouse Environment

Int. No. 471 - Resolution Approving A Reappointment To The Board Of Assessment Review

Int. No. 472 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 489 - Amending Ordinances And The 2007-08 Budget And Authorizing Agreements For The Rochester After School Academy I Program

The Finance & Public Services Committee recommends for consideration the following entitled legislation:

Int. No. 470 - Authorizing An Amendatory 2007-08 Emergency Shelter Grant Program And Authorizing An Agreement For The Nielsen House Project

The following entitled legislation is being held in Committee:

Int. No. 490 - Amending The 2007-08 Budget To Fund The Zero Tolerance Initiative

Respectfully submitted,
 Dana K. Miller
 Carolee A. Conklin
 Lovely A. Warren
 Lois J. Giess
 Gladys Santiago
 FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-436
 Re: Cancellation or Refund of
 Erroneous Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$25,226.96.

Two properties had total taxes cancelled in the amount of \$22,750.00 or 90.18% of the total. The properties recently transferred and the code violations were attributed to the former owners.

One property had total taxes cancelled in the amount of \$1,000.00 or 3.96% of the total. The property owner was not given the opportunity for administrative review of the code violation charges. Other code violation charges against the property had been adjudicated.

One property had total taxes cancelled in the amount of \$1,476.96 or 5.86% of the total. This property qualified for an Enhanced STAR and Senior Citizens exemption for the 2007 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2007-08 will be \$118,737.38.

	<u>Accounts</u>	<u>Amounts</u>
City Council	18	\$ 95,298.04
Administrative	71	23,439.34
Total	89	\$118,737.38

These cancellations represent .051% of the taxes receivable as of July 1, 2007.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2007-436
 (Int. No. 466)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

- (A) Ownership of these properties has transferred. The code violation charges associated with the properties were issued against the former owner.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
090.730-0003-054	H	2007	\$ 8,000.00
338 Lakeview Pk.		2008	9,550.00
106.750-0001-050	NH	2006	4,400.00
895 E. Main St.		2007	800.00
			<u>22,750.00</u>

(B) This property owner was not given the opportunity for administrative review of the code violation charges.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
106.280-0001-079	H	2007	1,000.00
232 Fernwood Ave.			

(C) This property qualified for an Enhanced STAR and Senior Citizens exemption for the 2007 Final Assessment Roll.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
105.470-0001-035	H	2008	1,476.96
321 Sunset St.			
Grand Total			\$25,226.96

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2007-437
 Re: Agreements - Parking Violations
 Summonses Collection

Transmitted herewith for your approval is legislation authorizing three-year agreements with the Credit Bureau of Rochester (CBR), 19 Prince Street, Rochester, and Mercantile Adjustment Bureau (MAB), 40 West Avenue, Rochester, for the collection of unpaid parking violations summonses. The cost of these services will be financed from the collection revenues.

All parking violation summonses that remain unpaid 90 days after issuance become, by default, civil judgments. Since 1979, the collection of these judgments has been assigned to private companies. Agreements with such companies were most recently authorized by the City Council in November 2004, and will expire on December 31, 2007.

In September, the Department of Finance solicited proposals for the provision of collection services after that date. Three proposals were submitted in response to this solicitation.

These proposals were evaluated by the Department of Finance, which recommended CBR and MAB, primarily because of their experience, collection performance, and their credit reporting procedures. It is preferable to maintain two agreements due to the volume of work and the competition. CBR and MAB offer the highest return to the City, with fixed rate commissions at 30% and 24% respectively. The third proposal included a 50% commission.

The collection accounts will be assigned to the agencies on a 50/50 basis initially, and depending on collection results, adjusted accordingly, if necessary.

A summary of the performance of the present collection companies from July 1, 2006 through June 1, 2007 is as follows:

	<u>CBR</u>	<u>MCA</u>
Collected	\$744,635	\$701,459
Less commissions	<u>206,877</u>	<u>178,871</u>
Total revenue for the City	\$537,758	\$522,588

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-437
(Int. No. 467)

Authorizing Collections Agreements For The Parking/Municipal Code Violations Bureau

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the Credit Bureau of Rochester and Mercantile Adjustment Bureau for the collection of unpaid parking and Municipal Code violations judgments for a term of three years.

Section 2. The agreements shall authorize the Credit Bureau of Rochester to retain thirty percent (30%) of the amount collected as commission, and the Mercantile Adjustment Bureau to retain twenty-four percent (24%) of the amount collected as commission.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-438
Re: Agreement - Monroe Community College, AmeriCorps Program

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Monroe Community College for continued support of the AmeriCorps Program. The cost will be financed from the Undistributed Allocation of the 2007-08 Budget.

The AmeriCorps program is a Federal community service initiative for individuals aged 17 or older. The

City has participated since the program's inception in 1994. Since then, more than 900 individuals have participated, contributing over 1.2 million hours of service. Participants perform a minimum of 1,700 hours of community service in exchange for a stipend of \$10,900 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward neighborhoods of highest need, with emphasis on initiatives involving children and youth.

The program is administered by Monroe Community College. Local cost-sharing budgeted at \$173,918 in non-federal cash and \$121,561 of in-kind contributions leverages \$445,500 in Federal funds. The annual value to the community of member service hours and additional volunteer hours is in excess of \$1 million.

The program has enrolled 33 individuals this year. City funding supports 12 placements: two with the Police Department's victim Assistance Unit, one with the Police Department youth initiatives, seven in City recreation programs, and two in the Bureau of Neighborhood Initiatives.

Rochester Police Department. Participants' duties enhance the activities of the Victim Assistance Unit by assisting with crisis intervention, short-term counseling and referral, court advocacy and filing requirements; and coordinating the Do the Right Thing and PAL programs.

Department of Recreation and Youth Services. Three participants conduct daily programs at recreation centers. Four members provide support city-wide to youth councils and youth advisors, and conducting activities related to truancy prevention, tutoring, television programming, young entrepreneurs programs, etc.

Bureau of Neighborhood Initiatives. Two members are helping to increase resident involvement with NBN, particularly among under-represented groups such as youth, minorities, and renters.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-154

Ordinance No. 2007-438
(Int. No. 468)

Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Monroe Community College for the continued support of the AmeriCorps Program. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-439
Re: Agreement - Inergex, Inc. - Rochester
by the Numbers Data Management

Transmitted herewith for your approval is legislation establishing \$160,000 as maximum compensation for an agreement with Inergex, Inc., 100 Corporate Woods, Rochester, for services to support aspects of the Rochester by the Numbers (RBN) initiative. The cost of the agreement will be funded from 2007-08 Cash Capital.

Inergex will design, install, and implement a dashboard and data warehouse system for automating the generation, tracking and maintenance of RBN key performance indicators. The goal is to provide both an up-to-date view of performance and the tools to analyze performance trends. A dashboard, along with a data warehouse specific to each department, will provide a valuable performance tracking device.

Inergex will provide this system initially for the Public Safety sector of City services. Once it is implemented, and internal staff gain the necessary skills and expertise, similar systems will be developed across all City departments.

Selection of Inergex, Inc. was based on the firm's unique qualifications, appropriate experience, cost, and ability to meet the timeline of this highly specialized software environment.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-439
(Int. No. 469)

Establishing Maximum Compensation For An Agreement For A Public Safety Dashboard/Data Warehouse Environment

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$160,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Inergex, Inc. for the design, installation and implementation of an automated Public Safety Dashboard/Data Warehouse Environment. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-27
Re: Appointment - Board Of
Assessment Review

Transmitted herewith for your approval is legislation to approve the appointment of the following individual to the Board of Assessment Review for a five-year term through September 30, 2012:

Pamela Robinson
858 Arnett Boulevard
Rochester, NY 14619

Ms. Robinson was appointed in December 2004 to fill the unexpired term of David Huyck. Prior to her appointment, she served for many years as temporary members of the Board of Assessment Review. A copy of her resume is on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-27
(Int. No. 471)

Resolution Approving A Reappointment To The Board Of Assessment Review

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of Pamela Robinson, 858 Arnett Boulevard, Rochester, NY 14619 to the Board of Assessment Review for a term that will expire on September 30, 2012.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-28
Re: Temporary Appointments -
Board of Assessment Review

Transmitted herewith for your approval is legislation appointing the following individuals to serve as temporary members of the Board of Assessment Review:

- | | |
|---|--|
| Terry Clar
25 Amsterdam Road
Rochester, NY 14610 | Peter J. Easterly
65 Beacon Street
Rochester, NY 14607 |
| David Gaylord
92 Croyden Road
Rochester, NY 14610 | Susan L. Hauser
62 Edmonds Street
Rochester, NY 14607 |
| Carl C. Klein
290 Westminster Road
Rochester, NY 14607 | Eileen M. Mance
95 Merriman Street
Rochester, NY 14607 |
| Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619 | |

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that seven panelists will be required for the workload in the coming cycle since that includes a full reevaluation.

The seven temporary members would each serve for one year and would receive the same compensation rate as permanent board members. Hearings will be conducted by panels of three members each, drawn

from the pool of eleven. Each panel would have a minimum of one permanent Board member who would serve as its Chair.

The City successfully utilized three-member assessment review panels during the revaluations of 1984, 1986, 1990, 1996, 2000, and 2004, as well as during the intervening years. As in the past, all panel decisions would be reviewed by the permanent Board in executive session. The Board of Assessment Review would have the option of accepting or modifying a panel's decision or, if necessary, scheduling a second hearing with the property owner and the Assessor to reexamine the facts and testimony.

Approval of the appointments will allow members to receive mandatory training by the County before hearings begin in March. The appointment of additional board members will have no impact on the City's budget.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2007-28
(Int. No. 472)

Resolution Appointing Temporary Members To The Board Of Assessment Review

Section 1. The Council hereby appoints the following persons to serve as temporary members of the Board of Assessment Review during 2008:

Terry Clar 25 Amsterdam Road Rochester, NY 14610	Peter J. Easterly 65 Beacon Street Rochester, NY 14607
--	--

David Gaylord 92 Croyden Road Rochester, NY 14610	Susan L. Hauser 62 Edmonds Street Rochester, NY 14607
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Carl C. Klein 290 Westminster Road Rochester, NY 14607	Eileen M. Mance 95 Merriman Street Rochester, NY 14607
--	--

Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619

Section 2. The temporary members of the Board of Assessment Review shall be compensated in the same amount and manner as permanent Board members.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Miller moved to amend Introductory No. 489.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-440
Re: Amendatory Agreements -
RASA I 21st Century
Community Learning Centers

Transmitted herewith for your approval is legislation amending Ordinance No. 2006-121 and Ordinance No. 2007-19 to reduce unused amounts previously authorized and appropriated for the New York State 21st Century Community Learning Centers Program, RASA (Rochester After School Academy) I, and re-appropriating those funds for use with other programs.

The funds to be reappropriated were originally authorized for use as follows:

<u>Organization</u> <u>Site</u>	<u>Amount</u>
Bureau of Recreation School #28, 39 & Monroe H.S	\$ 34,001
NEAD School #33	21,411
YMCA School #36	7,598
PRYD Edison Tech	9,216
SPCC Frederick Douglass Center for Dispute Settlement	7,867
Wilson Commencement Center for Youth	6,509
East High School	230
Coordinated Care Services, Inc. Consultant	22
Bureau of Youth Services Administration	23,422
	<u>\$110,276</u>

These funds will be re-appropriated, through the following actions:

1. Amend the 2007-08 Budget of the Department of Recreation and Youth Services operating budget by \$33,280 to cover programming at School #28;
2. Authorize agreements for RASA I programs as follows:

<u>Organization</u> <u>Site</u>	<u>Amount</u>
The Center for Youth East High School	\$40,000
Puerto Rican Youth Development Edison Technical High School	\$36,996

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-440
(Int. No. 489, As Amended)

Amending Ordinances And The 2007-08 Budget And Authorizing Agreements For The Rochester After School Academy I Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into the following agreements under the Rochester After School Academy I (RASA I) Program:

<u>Organization Site</u>	<u>Amount</u>
The Center for Youth East High School	\$40,000
Puerto Rican Youth Development Edison Technical High School	36,996

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$76,996, and said amount, or so much thereof as may be necessary, is hereby reappropriated from the New York 21st Century Community Learning Centers Program Funds reduced in Section 3.

Section 3. Ordinances No. 2006-121 and 2007-19, relating to the Rochester After School Academy (RASA) I Program, are hereby amended by reducing the amounts authorized and appropriated therein from the New York 21st Century Community Learning Centers Program Funds for the following:

<u>Organization Site</u>	<u>Amount</u>
Bureau of Recreation School #28, 39 & Monroe H.S	\$ 34,001
NEAD School #33	21,411
YMCA School #36	7,598
PRYD Edison Tech	9,216
SPCC Frederick Douglass	7,867
Center for Dispute Settlement Wilson Commencement	6,509
Center for Youth East High School	230
Coordinated Care Services, Inc. Consultant	22
Bureau of Youth Services Administration	<u>23,422</u>
Total	<u>\$110,276</u>

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$33,300, which amount is hereby reappropriated from the New York 21st Century Community Learning Centers Program Funds reduced in Section 3 to fund RASA I programming at School #28. The Mayor is hereby authorized to enter into an agreement with Julie Christensen for services for the RASA I programming at School #28. The agreement shall obligate the City to pay an amount not to exceed \$13,500, and said amount, or so much thereof as may be necessary, shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-441
Re: Agreement and Amendment -
Emergency Shelter Grant Program

Transmitted herewith for your approval is legislation related to the shifting of a portion of Emergency Shelter Grant (ESG) Program funds. This legislation will:

1. Amend Ordinance No. 2007-184 to remove Cephas Attica as a program receiving ESG funds in the amount of \$12,000;
2. Establish \$10,000 as maximum compensation for an agreement with Spiritus Christi Prison Outreach, Inc. for the Nielsen House Project; and
3. Amend the 2007-08 Consolidated Community Development Plan to reflect the change in ESG funds from Cephas Attica to the Nielsen House Project.

The Nielsen House Project is a new shelter for men who are exiting prison or the local jail, and are at risk of being homeless and/or becoming re-involved in criminal activity. The facility, scheduled to open in January 2008, will have 12 beds and will serve 72 men per year. It is located at 383 West Avenue, which was previously a group home, and therefore carries all required permits.

Spiritus Christi Prison Outreach, Inc. has successfully operated a similar shelter for women, Jennifer House, which also receives ESG funding from the City.

The distribution of ESG program funds was last approved by Council in June, Ord. 2007-184. Cephas Attica was included and funded at the same level as the prior year. However, due to continuing annual deficits, the agency has ceased operations.

The \$2,000 difference in these actions will remain in the ESG unallocated category pending future requests.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-155

Ordinance No. 2007-441
(Int. No. 470)

Authorizing An Amendatory 2007-08 Emergency Shelter Grant Program And Authorizing An Agreement For The Nielsen House Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2007-08 Community Development Program Plan whereby within the Emergency Shelter Grant Program, the sum of \$12,000 shall be reduced from the Cephas Attica Account and the sum of \$10,000 shall be transferred to a new Spiritus Christi Prison Outreach Account for the Nielsen House Project. Ordinance No. 2007-184, relating to the

2007-08 Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated therein for the Cephias Attica Project by the sum of \$12,000, which amount is transferred and in part reappropriated herein.

Section 2. The Mayor is hereby authorized to enter into an agreement under the 2007-08 Emergency Shelter Grant Program with the Spiritus Christi Prison Outreach, Inc. for the Nielsen House Project.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, is hereby reappropriated from 2007-08 Emergency Shelter Grant Program Funds.

Section 4. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Introductory No. 490 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2007-442
Re: Amending the 2007-08 Budget to
Fund the Zero Tolerance Initiative

Transmitted herewith for your approval is legislation amending the 2007-08 budget of the City of Rochester to fund the Zero Tolerance Initiative. This initiative was undertaken in response to several incidents of violence on City streets. The proposed \$2,500,000 initial funding is through a combination of transfer from Contingency, increased revenue, and departmental expense reductions. I anticipate an additional amendment in December.

At this time the following units will see their budgets increase:

NET (Administration)	\$ 5,400
Pathways to Peace (Administration)	11,400
Undistributed	517,500
Police	<u>1,965,700</u>
Total	\$2,500,000

The amount to be transferred from Contingency is \$500,000. The net increase to the 2007-08 operating budget is estimated at \$510,000. This amount will be funded by the following revenue increases:

Transfer from Forfeiture Fund	\$ 400,000
Cancellation of prior years' encumbrances	<u>110,000</u>
Total new revenue	\$ 510,000

The balance of the overall cost of the initiative will come from the following departmental reductions:

Council and Clerk	\$ 20,500
Mayor's Office	22,600
NET	32,000
Office of Management and Budget	146,400
Human Resource Management	19,800
Communications	49,000
Law	10,000
Information Technology	150,000
Finance	171,100
Community Development	79,000
Economic Development	70,000
Environmental Services	255,800
Police	95,500
Fire	123,300
Library	38,900
Recreation and Youth Services	147,200
Undistributed	<u>58,900</u>
Total Departmental Reductions	\$1,490,000

The above departmental reductions have been approached with the intent of minimizing impacts to service levels. These reductions will be achieved through a combination of cutting a variety of expenses such as travel, training, dues and subscriptions, and professional fees; personnel savings; and postponing the public launch of the 311 One Call to City Hall Initiative until late in the third quarter of our fiscal year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-442
(Int. No. 490)

Amending The 2007-08 Budget To Fund The Zero Tolerance Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$500,000 from the Contingency Account to the Rochester Police Department to fund the Zero Tolerance Initiative.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$400,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the Zero Tolerance Initiative.

Section 3. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$110,000, which amount is hereby appropriated from funds realized from the cancellation of prior years' encumbrances to fund the Zero Tolerance Initiative.

Section 4. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the following:

NET	\$ 5,400
Mayor's Office (Pathways to Peace)	11,400

Undistributed	517,500
Police	<u>955,700</u>
Total	\$1,490,000

Section 5. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by decreasing the revenue estimates and appropriations to the following:

Council and Clerk	\$ 20,500
Mayor's Office	22,600
NET	32,000
Office of Management and Budget	146,400
Human Resource Management	19,800
Communications	49,000
Law	10,000
Information Technology	150,000
Finance	171,100
Community Development	79,000
Economic Development	70,000
Environmental Services	255,800
Police	95,500
Fire	123,300
Library	38,900
Recreation and Youth Services	147,200
Undistributed	<u>58,900</u>
Total departmental reductions	\$1,490,000

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Introductory No. 321 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmember Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Councilmember Miller moved to amend Introductory No. 321 by substituting Introductory No. 321A.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - President Giess - 1.

The transmittal letter and legislation for Int. No. 321 appear in their original form on page 250 of the current Council Proceedings.

TO THE COUNCIL

Ladies and Gentlemen:

*Introductory No. 321A
Re: Ambulance Contract

Transmitted herewith for your approval is a proposed amendment by substitution of Int. 321, Authorizing An Agreement For The Provision Of Emergency Ambulance Services. The proposed amendment will

make the following changes:

Authorize the agreement with Rural/Metro Medical Services (RMMS) instead of Monroe Medi-Trans, Inc. (Monroe);

Reduce the term of the agreement from three years plus two one-year extensions to two years plus two one-year extensions;

Clarify in the agreement that the response time required is 8:00 for Advanced Life Support (ALS) calls and 15:00 for Basic Life Support (BLS) calls, which must be achieved 90% of the time in all ten City Sectors, and that a direct CAD-to-CAD connection must be provided by RMMS;

Include penalty clauses for failure to meet all specific contract requirements.

This amendment comes after an extensive review process by City Council that began in July when Int. 321 was first submitted. The Administration's review committee had compared the proposals of the two firms and had unanimously recommended Monroe to be the vendor. Six of the City Councilmembers had not previously dealt with ambulance legislation, and therefore were not familiar with the complex details involved in the provision of emergency medical services as well as the determination of reasonable standards for such services. While the Council has the highest regard for the expertise and impartiality of the Administration committee, our position requires us to undertake a reasonable process of due diligence. In order to ensure that we had an adequate understanding of these complex issues, Council convened a series of workshops designed to provide sufficient background to enable an informed decision.

Included in this process were the following sessions:

A presentation by Fire Department staff on the basic elements of ambulance services;

A tour of the Emergency Communications Center along with presentations by ECD staff on dispatch protocols and communications technology;

A tour of the facilities of Monroe with a presentation by their staff of their equipment, systems, and processes;

A tour of the facilities of RMMS with a presentation by their staff of their equipment, systems, and processes;

A presentation by a representative of the Commission on the Accreditation of Ambulance Services (CAAS) on standards used in their accreditation process;

A meeting with Dr. Jeremy Cushman, Department of Emergency Medicine at Strong, and the Associate Medical Director of the Monroe-Livingston Regional Medical Advisory Committee to discuss medical standards and outcomes.

Following these meetings, additional sessions were held with representatives of the Administration's review committee, including Chief John Caufield, who had replaced former Chief Floyd Madison since the legislation was originally submitted. The committee provided substantial and detailed responses to a series of questions that Councilmembers had posed. Following the review of this information,

Councilmembers had additional Work Sessions in which the merits of the two proposals were discussed along with the various clarifications that had been requested from both companies.

In brief, the Administration's decision to select Monroe over RMMS was based on three main points:

Monroe agreed to provide a response time of 8:00 ALS and 15:00 BLS vs. RMMS proposal of a response time of 8:59 ALS and 15:59 BLS;

Monroe would provide the required number of new vehicles immediately but RMMS would phase the new equipment over a six-nine month period;

Monroe would provide a CAD-to-CAD communications system immediately while it was alleged that RMMS had not provided such a connection despite the fact that it was required under the terms of the existing agreement.

In reviewing the proposals and the subsequent correspondence submitted by each company to clarify any questions about specific items, Council came to the following conclusions:

1. In our meeting with Dr. Cushman, he indicated that there were no scientific studies that could document improved outcomes for an 8:00 vs. 8:59 ALS and 15:00 vs. 15:59 BLS response time. However, since the Administration committee felt strongly that such a standard could provide better service, especially in the case of cardiovascular incidents, Council will accept the new standard. The RMMS proposal cited their preference that 8:59/15:59 was a more reasonable response standard but did not reject the 8:00/15:00 response time that the City was seeking. In a clarifying letter, that position was made clear. Thus, there was no substantial difference between the two companies in this area.
2. The adoption of a new standard for vehicles, requiring that they be not more than six-years old and have fewer than 300,000 miles also seemed reasonable to the Council. Although RMMS initially suggested a six- to nine-month phase-in of that standard, they also made clear that they could accomplish the goal in a shorter period if required. Thus, there was no substantial difference between the two companies in this area.
3. The Administration's contention that RMMS had failed to adhere to a requirement in the current agreement to provide a direct CAD-to-CAD interface was a matter of concern. If that were the case, Councilmembers asked why there had been no penalties imposed on RMMS for the breach of contract. The Administration pointed out that there had never been penalty clauses in the ambulance contract, which meant that the only possible penalty was termination of the agreement in its entirety. That obviously would be a practical impossibility since it would leave the community without emergency ambulance services. Further, a review of the existing contract indicated that although the CAD-to-CAD requirement had been included in the RFP for the previous agreement, that same language had not been included in the existing agreement. Since RMMS had made the same commitment as Monroe for such an interface in the coming agreement, there was no substantial difference

between the two companies in this area.

Given that Council believes that there is no substantial difference between the proposals of the two companies, other factors were considered in the final decision. Several of those factors tilted toward RMMS. First, RMMS has held the City contract since 1988 and has generally provided excellent service. They are a known quantity and the continuation of their service would provide a seamless transition. They currently are CAAS accredited while Monroe is seeking such accreditation from CAAS. The workforce of RMMS overall shows a greater commitment to diversity and a greater proportion of City residents than Monroe. The staff of RMMS is represented by a recognized labor union, a fact that indicates a commitment to fair labor-management relations. Finally, because of their long experience with the City contract, RMMS is extraordinarily well versed in the nuances of ambulance service in Rochester while Monroe has traditionally built its service experience in suburban and rural areas.

In Monroe's favor, it is a local company, owned by a woman, and more directly committed to Rochester than RMMS, which is a division of a company headquartered in Arizona. Monroe indicated its intention to offer positions to many of the RMMS employees if they were awarded the contract, and they indicated a general willingness to allow their employees to be represented by a labor union. In addition, virtually all the outside experts that the Council consulted indicated that the emergency medical transportation needs of the community would be well served by either company.

On the negative side, Monroe stated in a letter delivered on November 5 that they intended to create "two divisions of a single company." Council would be concerned about having a tiered "separate but equal" ambulance service for the City.

There were comments reported that RMMS might cease local operations if they were not awarded the contract. Such comments had no impact on our ultimate decision. In discussions with Dr. Cushman, Councilmembers had asked whether the community could survive if only one company were in existence. He indicated that with two or three months lead time the existing providers could reconfigure the system to provide unbroken service levels.

Council also examined the option of splitting the contract between the two companies, using the Genesee River as an east-west dividing line. Consultations with both Administration officials and outside experts indicated that the operational implications of such an approach could create significant logistical problems and could result in a reduction in overall service quality. As a result, that option was discarded.

Although it was a difficult and complicated decision, the Council ultimately believes that the upcoming agreement should be awarded to RMMS in the interest of ensuring that the community receives continued excellent service with the least possible disruption.

This decision was not taken lightly and should not be interpreted as a repudiation of the fine work done by the professional staff of the Administration. The Council's review took additional matters into consideration to reach this decision. The reduction of the term of the proposed agreement will ensure that an opportunity continues to exist for other providers to

submit proposals on a regular basis to provide these services to the people of Rochester.

Respectfully submitted,
Dana K. Miller
Chair, Finance & Public Services Committee

*Introductory No. 321A

Authorizing An Agreement For The Provision Of Emergency Ambulance Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Rural/Metro Medical Services for the provision of emergency ambulance services for sick, disabled or injured persons found in the streets or in public places within the City, when the City requests ambulance services or when the City receives a request for ambulance services from a third person, and for standby services at emergency scenes and special events. The agreement shall provide that the rates to be charged to individual payees shall not exceed the applicable Medicare rates for such services. The agreement shall extend for a term of two years, and may be renewed at the option of the City for two additional terms of one year each. The agreement shall provide for both basic life support and advanced life support services, with Rural/Metro Medical Services required to respond in accordance with all laws, ordinances, rules and regulations, including protocols established by the Monroe-Livingston Regional Emergency Medical Advisory Committee or the Regional EMS Medical Advisor. Responses shall be within 8:00 minutes on 90% of the calls for advanced life support service, and within 15:00 minutes on 90% of the calls for basic life support emergency service. Responses shall not vary significantly by time period or between the ten neighborhood sectors of the City.

Section 2. The agreement shall contain appropriate penalty clauses short of termination to enable the City to enforce adherence to all required contract terms and conditions.

Section 4. No fees shall be charged to the City as a result of said agreement.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed by the following votes:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - President Giess - 1.

*Introductory No. 321A was vetoed by the Mayor on December 21, 2007.

The meeting was adjourned at 9:00 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
DECEMBER 18, 2007

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:
DES
*Larry Allen
*Augustine Campana
*Harry C. Folwell, Jr.
*Charles E. Gates
John J. Howland
Raymond G. Morse
*Did not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of November 20, 2007 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:
Administrative Cancellation or Refund of Erroneous Taxes and Charges 3904-7

The Director of Zoning submits a Notice of Environmental Determination 3905-7

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Amending The Official Map By Abandonment Of A Portion Of Adirondack Street From Lyell Avenue To Its Southern End And Authorizing Sale Of Portions Of The Abandonment Area Int. No. 526 No speakers.

Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Atlantic Avenue And Culver Road Int. No. 506 No speakers.

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Clifford Avenue Int. No. 507 No speakers.

Amending The Official Map By Dedicating A Par-

Development Program.

Section 3. The amendatory agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Pursuant to Section 5-8E of the Charter of the City of Rochester, which states: No local law or ordinance passed by the City Council, shall be deemed adopted without approval by the Mayor before the first day of January of any even-numbered year, if the time for approval of said local law or ordinance by the Mayor has not expired before said first day of January.

The mayor did not approve Introductory No. 541.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
December 18, 2007

To the Council:

The Housing & Community Development Committee recommends for adoption the following entitled legislation:

Int. No. 494 - Authorizing The Sale Of Real Estate

Int. No. 495 - Approving Granting Of Easement At 320.5 Denise Road

Int. No. 496 - Amending Ordinances No. 2006-278, 2007-244, 2007-340 And 2007-325, Relating To The Sale And Acquisition Of Real Estate

Int. No. 498 - Authorizing Extension Of Agreements For The Asset Control Area Program

Int. No. 499 - Authorizing The Acquisition Of 18 Lamont Place

Int. No. 500 - Resolution Memorializing Harrison Street As Joseph F. Jeffries Boulevard

Int. No. 501 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,769,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing The Design Of And The Construction Of Renovations To The Thomas P. Ryan, Jr. Community Center And Library As Part Of The Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition And Renovations Project

Int. No. 502 - Amending The 2007-08 Budget For The Thomas P. Ryan, Jr. Community Center And Library

Int. No. 534 - Resolution Authorizing An Agreement With Xian Yang, Shaanxi Province, People's Republic Of China For Establishment Of A Sister Cities Relationship

Int. No. 540 - Approving the Sale Of Parcels For the Charlotte Square Project

The Housing & Community Development Committee recommends for consideration the following entitled legislation:

Int. No. 524 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Canalside Business Center As Planned Development District #9

Int. No. 525 - Changing the Zoning Classification Of 1555 And 1651 Lyell Avenue, 295, 303, 309, 315, 319 And 325 Adirondack Street And 270 Alvanar Road From M-1 Industrial To PD#9 - Canalside Business Center

Int. No. 526 - Amending The Official Map By Abandonment Of A Portion Of Adirondack Street From Lyell Avenue To Its Southern End And Authorizing Sale Of Portions Of The Abandonment Area

The following entitled legislation is being held in committee:

Int. No. 497 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Respectfully submitted,
Carolee A. Conklin
John F. Lightfoot (Voted against Int. No. 540)
Lovely A. Warren
Lois J. Giess
HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-444,
Ordinance No. 2007-445 and
Ordinance No. 2007-446

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of eighteen properties, the granting of an easement to an adjacent property owner, and amending prior ordinances relating to the sale of real estate. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

Property Sales

The first eleven properties were sold at the August, 2007 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing. The next five properties are vacant lots that were sold through a sealed bid process to the adjoining property owners. The purchasers will combine the parcels with their adjoining properties. The next two properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Easement

This legislation will also approve the granting of a permanent easement over a portion of the City-owned property located at 320.5 Denise Road. The easement will comprise an area of approximately 28' x 177' and will be granted to the adjoining owner at 322 Denise Road in order to provide access to the rear of their property.

Amendments

In previous months, City Council approved the sale of four structures that adjoin City-owned vacant lots that were created by recent demolitions. In order to diminish the number of surplus lots, the Division of Real Estate requests that the following ordinances be amended to authorize the sale of vacant lots to the purchasers of the adjoining structures. In each of the transactions, two parcels will be combined into a single parcel.

Ordinance No. 2006-278, which authorized the sale of 107 Avenue A to St. Christophi Acer, will be amended to include the sale of the vacant lot at 101-103 Avenue A.

Ordinance No. 2006-278, which authorized the sale of 11 Earl Street to Jessie Lyn Gayden, will be amended to include the sale of the east half of the vacant lot at 15-17 Earl Street.

Ordinance No. 2007-340, which authorized the sale of 4 Mt. Pleasant Park to Victoria Gregory and Susan E. Mihalyi, will be amended to include the sale of the south half of the vacant lot at 2 Mt. Pleasant Park.

Ordinance No. 2007-375, which authorized the sale of 1120 Clifford Avenue to Joyce A. Scott, will be amended to include the sale of 1126 Clifford Avenue.

Finally, the Economic Development Department requests that Ordinance No. 2007-244 be amended. The ordinance authorized the acquisition of several properties from the Rochester Urban Renewal Agency, some of which were specified to be dedicated as rights-of-way. After further review, it has been determined that not all may be needed for rights-of-way. This amendment will include the option of selling those properties to the owners of adjacent properties.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-156

Councilmember Conklin moved to amend Introductory No. 494.

The motion was seconded by Councilmember Lightfoot.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Ordinance No. 2007-444
(Int. No. 494, As Amended)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels of improved property by regular auction:

Address S.B.L.#	Lot Size Purchaser	Legal Use	Price
[233 Columbia Ave 120.68-3-59	40x115 Beverly McMillon]	1 Family	\$15,100
25 Friederich Pk 106.24-3-4.1	52x65 Johnnie Lee Coley	1 Family	3,100
116-124 Hayward Ave 106.67-1-52 &53	40x130 Antoni Eckmair & Matthew Hottois	1 Family	9,900
726-728 Jay St 105.82-1-12	31x120 Amos Postwaite	1 Family	1,200
813 Jay St 105.81-3-10	31x150 Amos Postwaite	1 Family	3,200
30 Kohlman St 091.78-3-15	37x142 Charles Hopkins Jr.	1 Family	2,000
63 Montrose St 105.59-2-18	50x115 Billy Day	1 Family	7,900
215 Roycroft Dr 091.82-2-18	35x74 John Mathis	1 Family	2,400
86 Shelter St 120.75-3-61	36x101 Billy Day	1 Family	6,800
32-34 Weld St 106.65-3-56	30x133 Billy Day	1 Family	4,200
68-70 York St 120.42-2-75	46x100 Gregory & Beth Gissendanner	4 Family	31,000

Section 2. The Council hereby approves the sale of the following parcels of vacant land with proposal by sealed bid:

Address S.B.L.#	Lot Size Purchaser	Price
548 Avenue D 091.79-4-24	42x104 Samath Va & Ponee Chom	\$500
16-18 Englert St 106.43-4-13.1	76x145 Jose A. Oquendo	450
35 Sixth St 106.60-2-70	40x120 Maggie Irons	50
608-610 Tremont St 120.51-3-72.1	89x85 Christal L. Cox	50
152 & 156 York St 120.34-2-88&89	68x253 Monica Stella Yakymovitch	150

Section 3. The Council hereby approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
855 Clifford Ave 106.33-1-52	56x124* William B. Johnson	6944±
61 Eiffel Pl 091.80-4-50	35x140 Flora C. Cotto	4900

*Irregular

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these

charges have been included in the purchase price.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

Ordinance No. 2007-445
(Int. No. 495)

Approving Granting Of Easement At 320.5 Denise Road

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the granting of a permanent easement of approximately 28 feet by 177 feet to Patricia Parkhurst over property owned by the City at 320.5 Denise Road to allow access to the rear of the adjoining property at 322 Denise Road.

Section 2. The property owner shall be obligated to pay the City the sum of \$225 for the easement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-446
(Int. No. 496)

Amending Ordinances No. 2006-278, 2007-244, 2007-340 And 2007-325, Relating To The Sale And Acquisition Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2006-278, relating to the sale of real estate, is hereby amended by including the sale of the vacant lot at 101-103 Avenue A with the sale of 107 Avenue A and amending the name of the purchaser to St. Christophi Acer, as approved in Section 1.

Section 2. Ordinance No. 2006-278, relating to the sale of real estate, is hereby amended by including the sale of the easterly half of the vacant lot at 15-17 Earl Street with the sale of 11 Earl Street to Jessie Lyn Gayden, as approved in Section 1.

Section 3. Ordinance No. 2007-244, relating to the acquisition of real estate from the Rochester Urban Renewal Agency, is hereby amended by authorizing the parcels to be acquired in Section 1(a) to be conveyed to adjacent owners or to be dedicated as rights-of-way.

Section 4. Ordinance No. 2007-340, relating to the sale of real estate, is hereby amended by including the sale of the southerly half of the vacant lot at 2 Mt. Pleasant Park with the sale of 4 Mt. Pleasant Park to Victoria C. Gregory and Susan E. Mihalyi, as approved in Section 1.

Section 5. Ordinance No. 2007-375, relating to the sale of real estate, is hereby amended by including the sale of the vacant lot at 1126 Clifford Avenue with the sale of 1120 Clifford Avenue to Joyce Scott, as approved in Section 1.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-447
Re: Asset Control Area Program

Transmitted herewith for your approval is legislation related to the continuation of the Asset Control Area Program. The following legislation is requested:

1. Approval of the updated Business Plan for the program, which is on file with the City Clerk;
2. Extension of agreements with the United States Department of Housing and Urban Development (HUD), the Rochester Housing Development Fund Corporation (RHDFC) and the Greater Rochester Housing Development (GRHP) through December 31, 2009; and
3. Appropriation of funds as follows to operate the program:
 - a. \$200,000 from ACA program funds for the associated loss reserve account based on an estimated 25 Track 2 properties to be acquired during the term of this agreement; and
 - b. \$33,000 from ACA program funds to finance the agreement with the Greater Rochester Housing Partnership for the construction management services related to the acquisition of an estimated 25 Track 2 properties acquired during the term of this agreement.

The ACA program is a national HUD program that allows local government and not-for-profit developers to purchase the inventory of HUD-owned residential properties at a discount in designated areas. The discount allows the City to acquire properties at lower prices and reduce the amount of subsidy required for rehabilitation of each property, thus maximizing the number of vacant homes that can be addressed. Since the program began in 2004, 301 properties have entered the ACA system. Currently, 247 properties have been sold to owner-occupant buyers with the remaining properties in various stages of development. The City's ACA program has received excellent program compliance reviews conducted by independent auditors, Ghenene & Associates of Silver Springs, Maryland, through a contract with HUD.

GRHP and the RHDFC are separate incorporated entities with separate functions. The GRHP serves as a construction lender (bank) for development of each property and provides staff for both entities. The RHDFC is a corporation that serves as owner during each development project. The two entities are necessary in order to leverage private funding and mitigate liability. The loss reserve account model allows acquisition and construction financing from GRHP to be unsecured thus allowing the transfer of title for each property to the RHDFC to occur without the creation of costly lien documents and separate filings.

The GRHP will continue to provide construction management services for development of ACA Track 2 properties. RHDFC and GRHP will continue to manage and administer the loss reserve account used to offset development costs of ACA properties reha-

bilitated through Track 2.

As a condition of the HUD/ACA agreement, the City must purchase all single-family properties regardless of condition or functional obsolescence that may affect marketability. Once acquired, each property must be fully rehabilitated and sold to owner-occupant, first-time homebuyers. The Rochester housing market consists of an older housing stock and, in most cases, the development of each property requires subsidy. In order to maximize the impact of subsidy, two development tracks were created.

Track 1

Also known as Home Rochester, Track 1 is the City's longstanding acquisition-rehabilitation program through which the majority of properties acquired through the ACA are rehabilitated. Federal and State subsidies are used to offset development costs, and nine (9) local not-for-profit development organizations provide construction management services. Buyers of Home Rochester properties are required to have incomes at or below 80% of Area Median Income and must agree to live in the property for a minimum of 10 years. Properties must have off-street parking and at least three bedrooms. Data from the 206 properties already developed show the average subsidy required for each house to be \$34,759 and the average sale price to the final buyer to be \$57,891.

Track 2

Track 2 consists of properties that have fewer than three bedrooms, lack off-street parking or have a functional obsolescence that makes the ten-year occupancy requirement unreasonable. The subsidy required to cover costs for this development track is funded through limited ACA program funds that carry less restrictive income limits of 115% AMI and a three-year occupancy requirement. Construction management services are provided by GRHP staff. Approximately 41 properties have been acquired and designated to Track 2 since January 2004. Data from the development of these properties projects the average per-property subsidy to be approximately \$8,300 and an average sale price to the final buyer to be \$57,740.

The two Track arrangement has proven to be efficient and cost effective for the City in meeting HUD requirements. Properties rehabilitated through both development tracks are acquired by the City from HUD and then transferred to the RHDFC for rehabilitation and sale.

Funds appropriated through this legislation pertain only to properties developed through Track 2.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-447
(Int. No. 498)

Authorizing Extension Of Agreements For The Asset Control Area Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an extension of the agreement with the United States Department of Housing and Urban Development (HUD) for continued City participation in the

Asset Control Area (ACA) Program through December 31, 2009.

Section 2. The Council hereby approves the ACA Business Plan for the acquisition of residential real estate from HUD and further approves the resale of said real estate to the Rochester Housing Development Fund Corporation or eligible purchasers through the ACA Program without further Council approval.

Section 3. The Council hereby further approves the cancellation of outstanding City taxes and other charges against said parcels, upon their acquisition from HUD and extending through the date of their resale by the City.

Section 4. The Mayor is hereby further authorized to enter into the extension of agreements with the Rochester Housing Development Fund Corporation (RHDFC) and the Greater Rochester Housing Partnership, Inc. to permit the continued acquisition and development of ACA properties and the administration and management of a loss reserve account to offset expenses incurred through the development of those properties acquired through December 31, 2009.

Section 5. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$200,000 for the loss reserve account, and said amount, or so much thereof as may be necessary, is hereby appropriated from the ACA Program Account.

Section 6. The Mayor is hereby further authorized to enter into an extension of the agreement with the Greater Rochester Housing Partnership, Inc. for construction management services for the ACA Program for properties acquired through December 31, 2009.

Section 7. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$33,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the ACA Program Account.

Section 8. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 9. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-448
Re: Challenged Streets Initiative

Transmitted herewith for your approval is legislation authorizing the acquisition by negotiation of 18 LaMont Place as part of the Challenged Streets Initiative. Pertinent information regarding this property is as follows:

Property address: 18 Lamont Place
Reputed owner: Haroon Padela, Badrun Padela
Type: 1-family
Acquisition amount: \$6,000

The acquisition amount was established through an independent appraisal prepared by Midland Appraisal Associates. The property is vacant; therefore, no relocation estimates are required. A total cost of \$7,000 is requested to cover the acquisition and closing costs

for the property.

The Challenged Streets Program is a neighborhood improvement project offered through NET. The goal of the program is to invest resources in targeted neighborhoods that meet the following criteria: the neighborhood must be of specific concern to residents, have an abundance of vacant and blighted properties and associated public safety issues, and have current development plans in close proximity. Funding is to be used for the acquisition, rehabilitation and demolition of blighted properties. The LaMont neighborhood, located in the northeast section of the city, was selected to receive funding in the amount of \$200,000.

The specific streets identified for the project area include: Webster Crescent, LaMont Place, and Diamond Place. Northeast Area Development (NEAD), a participating neighborhood agency, obtained a planning grant from The Enterprise Foundation to conceptualize a housing plan for the area. The completed document will soon be available. During this planning effort, it was decided to address as much existing blight as possible by acquiring and demolishing privately-held residential and/or commercial buildings. It was perceived that this preliminary work would be necessary to prepare for the end goal of constructing new housing. A total of thirteen properties have been identified for this purpose; 18 LaMont Place is the first to be acquired.

This project is part of the 2003-04 Capital Improvement Program and will be funded from 2003-04 Cash Capital (Challenged Streets allocation).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-448
(Int. No. 499)

Authorizing The Acquisition Of 18 Lamont Place

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of 18 Lamont Place, SBL #107.53-1-53, for the sum of \$6,000 from reputed owners Haroon and Badrun Padela as a part of the Challenged Streets Initiative. Said amount, and necessary closing costs, shall be funded from the 2003-04 Cash Capital allocation.

Section 2. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-29
Re: Harrison Street Memorialization

Transmitted herewith for your approval is legislation memorializing, as Joseph S. Jeffries Boulevard, Harrison Street for its entirety, from Ormond Street to Hudson Avenue.

The memorialization is intended to honor the late Elder Joseph S. Jeffries, who dedicated forty years of service to the Fifteenth Tabernacle, Church of God & Saints of Christ and to the Rochester community. The memorialization was requested by members of the Church, located at 19 Harrison Street, as an alternative to renaming the street.

The memorialization was presented to the Planning Commission on January 8, 2007. The Commission held an informational meeting on January 8, 2007; there was 1 speaker and 15 members of the congregation attending, all of whom supported the memorialization. The Commission recommended by a vote of 6-0-0, that the memorialization be approved.

If the memorialization is approved, signs will be installed under the street name signs at the intersections of Ormond Street and Hudson Avenue. The cost of the signs will be paid by the applicants.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment AG-157

Resolution No. 2007-29
(Int. No. 500)

Resolution Memorializing Harrison Street As Joseph F. Jeffries Boulevard

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the memorialization of Harrison Street, from Ormond Street to Hudson Avenue, as Joseph F. Jeffries Boulevard. However, to avoid any confusion and to limit any possible disruption of commerce, the memorialization called for pursuant to this resolution shall be one of ceremonial nature and the official name of such street shall not be changed as a result of this resolution. The Commissioner of Environmental Services shall provide for the installation of signs signifying the ceremonial name. The cost of the signs shall be paid for by the applicants for the memorialization.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-449 and
Ordinance No. 2007-450
Re: Financing for Thomas P. Ryan
Community Center and Library

Transmitted herewith for your approval is legislation related to finalizing the financing package for the City portion of funding for the Thomas P. Ryan Community Center and Library. This legislation will:

1. Authorize the issuance of \$1,236,000 (general debt) and \$533,000 (Library debt) in Bonds and appropriate the proceeds therein to partially fund

the City contribution to the project. The general debt was planned for in the 2001-02 (\$387,000), 2005-06 (\$542,000) and 2006-07 (\$307,000) Capital Improvement Plans. The Library debt was planned for in the 2006-07 CIP; and

- Amend the 2007-08 Budget by including \$1,018,300 of funds from the Rundel Library Foundation in the Cash Capital allocation and appropriating those funds for the Ryan Center.

The City has committed to providing \$6.2 million toward the project. To date, \$2,568,700 has been authorized in CDBG funds (Ordinance No. 2006-226). The remaining \$3,631,300 will be funded as follows:

\$595,300	2000-01 Cash Capital
\$100,000	2005-06 Cash Capital (Library)
\$1,236,000	Bonds (general debt)
\$300,000	Bonds (Library debt)
\$1,400,000	Rundel Library Foundation

The Rundel Library Foundation, to date, has raised \$1,166,954 as follows:

\$98,723	Federal Department of Justice Grant*
\$50,000	New York State Dormitory Capital Project*
\$554,731	New York State Library Construction Grant
\$150,000	Gleason Foundation
\$100,000	Xerox Corporation
\$100,000	The Daisy Marquis Jones Foundation
\$10,000	M & T Bank
\$5,000	RG&E
\$98,500	Individual Donors

* Funds appropriated by Ordinance # 2007-455.

It is fully anticipated that the Foundation will raise the remaining \$233,046 of their commitment. However, in order to allow the project to go forward, this amount may be covered initially from the bonds issued herein, and the remaining contributions will be used to eliminate any portion of debt used from the bonds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-449
(Int. No. 501)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,769,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing The Design Of And The Construction Of Renovations To The Thomas P. Ryan, Jr. Community Center And Library As Part Of The Thomas P. Ryan, Jr. Community Center/ Audubon School No. 33 Addition And Renovations Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of planning and implementing the design of and the construction of and construction management services for renovations to

the Thomas P. Ryan, Jr. Community Center and Library as a part of the Thomas P. Ryan, Jr. Community Center/Audubon School No. 33 Addition and Renovations Project (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,200,000. The plan of financing includes the issuance of \$1,769,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,862,300 in current City funds, \$2,568,700 in Community Development Block Grant Funds appropriated in Ordinance No. 2006-226, and the levy and collection of an ad valorem tax on all taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,769,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,769,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00a.11(a) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein autho-

rized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The proceeds of these bonds shall be appropriated to pay the cost of such purpose on the condition subsequent that State aid paid to the City or the City School District with respect to such bonds applied solely to meet debt service on such bonds shall not invalidate any obligations issued pursuant to this ordinance or any appropriation of proceeds of such bonds made pursuant to this ordinance.

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

Ordinance No. 2007-450
(Int. No. 502)

Amending The 2007-08 Budget For The Thomas P. Ryan, Jr. Community Center And Library

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$1,018,300, which amount is hereby appropriated from funds from the Rundel Library Foundation to fund the Thomas P. Ryan, Jr. Community Center and Library.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-30
Re: Sister Cities Agreement
with Xianyang, China

Transmitted herewith for your approval is legislation authorizing an agreement for establishment of a Sister Cities' relationship between Rochester and Xianyang, Shaanxi Province, People's Republic of China.

For many years, various citizens, organizations, and businesses have desired to establish a Sister Cities' relationship between Rochester and a city in China. Since 2004, local residents and elected officials have been reviewing the potential of such a relationship with Xianyang, Shaanxi Province, China. Mayor William A. Johnson, Jr., City Council President Lois J. Giess, City Councilmember Carolee A. Conklin and others visited Xian Yang in April 2005 to learn about the city; Mayor Johnson and Xianyang Mayor Zhang Li Yong signed a memorandum of intent to develop a Sister Cities' relationship. In November 2005, the Board of Trustees of International Sister Cities of Rochester, the umbrella organization for Rochester's 50-year-old, ten-sister cities program of citizen diplomacy, established a "Xianyang-Rochester Friendship Committee" to explore and develop a program that could serve as the basis for a long-term, mutually beneficial sister cities relationship. In January 2006, Xianyang's new mayor, Junchang Qian, led a return delegation to Rochester and met Rochester's new mayor Robert J. Duffy.

Xianyang is a city of five million, located in Shaanxi Province in north central China. The Wei River, a tributary of the Yellow River, flows through its center. Established more than 3,000 years ago, it was the capital city of the first Chinese emperor. Xianyang has a diverse mix of industry and institutions of art, culture, and higher education. Lying in a region of abundant soft coal heavily used by its industries, it faces serious pollution control challenges that provide an immediate opportunity for technical exchanges with Rochester. It is served by the international airport of nearby Xian, likewise a former capital and home to the tombs of the famed terra cotta warriors. The airport connects with 79 other major domestic and international cities, facilitating development of industrial and commercial enterprises.

Subsequent visits have included one by nine Xianyang high school students and three adult chaperones who visited in September 2007, staying in local homes. Other activities being explored include Webcam conferences, pen-pal relationships, and exchanges involving local pollution abatement professionals and museum collections.

Based upon these visits and other exchanges of information, in November 2007 the ISCOR Board of Trustees evaluated a formal sister cities proposal of the Xianyang-Rochester Friendship Committee. The ISCOR Board recommends that City Council approve establishment of the relationship with Xianyang, making it Rochester's eleventh sister city.

If the proposed sister cities relationship is approved, the mayors of Rochester and Xianyang will enter a formal Sister Cities' agreement.

Respectfully submitted,
Robert J. Duffy Lois J. Giess
Mayor President

Resolution No. 2007-30
(Int. No. 534)

Resolution Authorizing An Agreement With Xianyang, Shaanxi Province, People's Republic Of

China, For Establishment Of A Sister Cities Relationship

WHEREAS, residents and elected officials in and around the City of Rochester, in the State of New York, and the Country of the United States, and residents and elected officials in and around the City of Xianyang, in Shaanxi Province, in the Country of the People's Republic of China, have expressed a common desire to develop a permanent relationship between the two cities in the areas of education, medicine, economics, technology, and culture; and,

WHEREAS, it is expected that this relationship will include educational, medical, economic, technical, and cultural exchanges that will result in better understanding and appreciation of the cultures of the respective communities by their citizens; and,

WHEREAS, it is expected that this relationship will provide many other beneficial results and be advantageous to the residents of both Rochester and Xianyang;

WHEREAS, the Board of Trustees of International Sister Cities of Rochester has endorsed the formation of a formal Sister Cities' relationship with Xianyang;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized and encouraged to enter into an agreement with the City of Xianyang for the establishment of a Sister Cities' relationship.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-451
Re: Charlotte Square

Transmitted herewith for your approval is legislation relating to the sale of vacant land on Charlotte Street for development as Charlotte Square. This legislation will:

1. Authorize the sale of seven parcels of vacant land at 14-16, 26, 28-30, 32-34, 36, 42, and 48-58 Charlotte Street to Charlotte Street, LLC (members David Christa, Frank Christa), for the proposed development of Charlotte Square, at its appraised value of \$240,000;
2. Authorize an exclusive option to Charlotte Street, LLC, to purchase City-owned vacant land at 80 Charlotte Street at its appraised value of \$160,000; and
3. Establish \$50,000 as maximum compensation for an agreement with Charlotte Street, LLC as partial reimbursement for remedial measures required by the Corrective Action Plan to be prepared for the site. The cost of this agreement will be funded from Bond Ordinance 2002-266, which was appropriated in August 2002 for the East End Project, including any necessary environmental remediation.

The property to be sold consists of approximately 1.11

acres of vacant land located on the north side of Charlotte Street between Scio Street and Pitkin Street. The City issued a Request for Proposal in the Spring of 2005 regarding the development of this property. Responses were received from Charlotte Street, LLC and from Graywood Properties.

Charlotte Street, LLC was selected after Graywood dropped out of negotiations. The purchaser will construct a minimum of 40 condominium owner-occupant units on this site. It is anticipated that construction will begin within a year of Council approval.

The sale price of \$240,000 was established by an independent real estate appraisal prepared by Kevin L. Bruckner, MAI. This sale price may be reduced by the Director of Real Estate for costs of environmental and/or geotechnical remediation as required for the construction of the project. Such consideration will be contingent on expert cost estimates agreed to by both the City and Charlotte Street, LLC.

The sale is contingent upon approval of a PILOT through the Choice Program, a COMIDA Downtown Tax Abatement plan. This program was authorized by City Council in May 2007.

Additional terms of the sale include the City's granting of conditional indemnification to the purchaser and all subsequent owners of the condominium units to be constructed. The City's indemnification is contingent upon the purchaser's implementation of the requirements of the environmental Corrective Action Plan (CAP) for this site that was approved by the NYSDEC and the Monroe County Department of Health. The purchaser will also be responsible for continuing any institutional and/or engineering controls required by any regulatory agency involved in the project, such as the New York State Department of Environmental Conservation and the Monroe County Department of Health.

Also, the City will reimburse to the purchaser, up to 50% of the cost, not to exceed \$50,000, for installation of a vapor barrier, one of the remedial measures required by the CAP. This legislation also authorizes the granting of an exclusive option to Charlotte Street, LLC to purchase an additional .78 acre parcel of vacant land located at 80 Charlotte Street. This parcel has an appraised value of \$160,000. This value can also be reduced by environmental or geotechnical remediation costs. The option will expire on June 30, 2009.

All other terms and conditions as deemed necessary by the Mayor are also hereby authorized.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-451
(Int. No. 540)

Approving The Sale Of Parcels For The Charlotte Square Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcels to Charlotte Square, LLC for the sum of \$240,000 for the construction of condominium housing units:

<u>Address</u>	<u>S.B.L.#</u>
14-16 Charlotte Street	106.81-2-36.1
26 Charlotte Street	106.81-2-39
28-30 Charlotte Street	106.81-2-40
32-34 Charlotte Street	106.81-2-41
36 Charlotte Street	106.81-2-42
42 Charlotte Street	106.81-2-43
48-58 Charlotte Street	106.81-2-45.1

Section 2. The Council hereby further approves the grant of an option to Charlotte Square, LLC to purchase the parcel at 80 Charlotte Street, SBL #106.81-2-47.1, for the sum of \$160,000 for the construction of condominium housing units. The option shall expire on June 30, 2009.

Section 3. The Council hereby further authorizes environmental indemnification of Charlotte Square, LLC and all purchasers of the condominium units to be constructed on the parcels regarding hazardous substances and non-hazardous industrial waste, contingent upon the purchasers' adherence to the Corrective Action Plan approved by the New York State Department of Environmental Conservation and the Monroe County Department of Health for the parcels. The City shall reimburse Charlotte Square, LLC for environmental remediation of the parcels in an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, shall be funded from Bond Ordinance No. 2002-266.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to effectuate this project. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. The sales shall be contingent upon the purchaser obtaining a payment in lieu of tax agreement for the parcels through the Choice Program of the County of Monroe Industrial Development Agency (COMIDA).

Section 6. The purchase prices may be reduced by the Director of Real Estate by the cost of environmental and/or geotechnical remediation performed by the purchaser.

Section 7. City taxes and other City charges, except water charges, against said parcels are hereby cancelled up to the day of closing for the reason that the City has agreed to convey said parcels free of City tax liens and other charges.

Section 8. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 524,
Introductory No. 525 and
Re: Ordinance No. 2007-452,
Planned Development District #9 -
Canalside Business Center

Transmitted herewith for your approval is legislation relating to the creation of Planned Development District #9 (PD #9) in order to facilitate the reuse and potential redevelopment of the former Valeo facility and site at 1555 Lyell Avenue and additional lands on Adirondack Street and Alvanar Road. Creating this new district requires the following legislation:

1. Amend the Zoning Map by rezoning the properties at 1555 Lyell Avenue, 295, 303, 309, 315, 319 and 325 Adirondack Street and 270 Alvanar Road from M-1 Industrial to a Planned Development District (PD#9) Canalside Business Center;
2. Amend the Zoning Text by adding the PD#9 Canalside Business Center development concept regulations;
3. Amend the Official Map by abandoning Adirondack Street extending from Lyell Avenue southerly for a distance of 383 feet; and
4. Approve the sale of portions of the former Adirondack Street right-of-way to Maguire Family Properties Inc. for \$20,000.

The proposed PD #9 encompasses approximately 123 acres of land located on the south side of Lyell Avenue, bounded by I-490 to the South, the Erie Canal to the west and Rochester and Southern Railroad to the east. The intent of the PD #9 is to utilize the entirety of the subject parcel for mixed use commercial, retail and industrial purposes.

The existing properties, owned by Maguire Family Properties Inc., are currently zoned M-1 Industrial District, which limits new commercial development. The planned development designation is recommended since there is ample land area to support both industrial and commercial development, with certain areas of the site (e.g., those fronting on Lyell Avenue) being more appropriate for commercial redevelopment. The planned development regulations will ensure sufficient flexibility in redeveloping the site.

The PD#9 will be divided into four sub-areas.

Sub-Area 1 is approximately 98 acres and is comprised of the existing structure and related parking, and will permit both adaptive reuse opportunities within the existing structure as well as new construction that will allow uses similar to those currently permitted in the M-1 district, and specially permitted in the C-3 district.

Sub-Area 2 and Sub-Area 3 are located along the Lyell Avenue frontage. Sub-Area 2 is approximately 5 acres and may be developed with smaller scale retail and/or goods and service operations and drive-through uses.

Sub-Area 3 is a 20-acre area within a designated Empire Zone which may be developed with either a large-scale retail/warehouse use or with any of the permitted uses listed in Sub-Area 1 and Sub-Area 2 to allow for the market to determine its redevelopment.

Sub-Area 4 is a 5-acre area adjacent to the Erie Canal and will be developed in accordance with the Local Waterfront Revitalization Program (LWRP).

The project includes the proposed abandonment of Adirondack Street extending from Lyell Avenue to

its southerly end. The abandonment was referred to the necessary agencies for comment. Existing utilities must be abandoned or protected by easements. A number of conditions have been recommended by the City Engineer.

The City of Rochester owns the Fee Title to areas of the Adirondack right-of-way. An independent appraisal conducted by Midland Appraisal Associates determined the market value at \$20,000. These areas of the right-of-way will be sold to Maguire Family Properties Inc. in conjunction with the abandonment of Adirondack Street.

The Planning Commission held an informational hearing on November 19, 2007. There were two speakers in support of the proposal and no speakers in opposition. By a vote of 5-0-0, the Commission recommended approval. Information pertaining to that meeting is attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, The Director of Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-158

Councilmember Conklin moved to amend Introductory No. 524.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Introductory No. 524, As Amended

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Canalside Business Center As Planned Development District #9

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by adding the Development Concept Plan for the Canalside Business Center to read in its entirety as follows and by designating the Canalside Business Center as Planned Development District #9 - Canalside Business Center:

PLANNED DEVELOPMENT DISTRICT #9
Canalside Business Center
1555 Lyell Avenue

§ 1. Purpose.

The intent of the Planned Development District #9

(PD#9), Canalside Business Center, is to allow for the flexibility in establishing mixed-use commercial, retail and industrial purposes, and to provide for the orderly growth and development of the site with future adaptive uses, as described herein, to those that may be conducted within the existing structures or any expansion thereof. Significant architectural, site and wayfinding improvements will increase the overall aesthetic value of the property.

The proposed PD#9 encompasses approximately 123.0 acres of land located on the south side of Lyell Avenue, bordered by I-490 to the South, the Erie Canal to the west and Rochester and Southern Railroad to the east. There is an existing 1.5 million square foot manufacturing facility on the site that was previously utilized for the manufacturing and distribution of automotive parts.

The proposed PD#9 will be divided into three (3) areas for development and redevelopment, and one (1) area that is currently undeveloped adjacent to the Erie Canal.

The primary area, Sub-Area 1, is approximately 98 acres and consists of the existing industrial/manufacturing facility located at the rear of the site. This area will allow for adaptive reuse opportunities that can contribute to the District character and offer a diversity of goods and services.

Sub-Area 2 involves redevelopment of approximately 5 acres of land between Gloster Road and Adirondack Street, having approximately 450 linear feet of frontage on Lyell Avenue. This area is proposed to be redeveloped as mixed-commercial, servicing both the surrounding community and the employees within the onsite facilities.

Sub-Area 3 is approximately 20 acres and is located in the northeast portion of the site with approximately 760 linear feet of frontage on Lyell Avenue. The proposed redevelopment in this portion of the property is proposed for a large-scale commercial/retail building with associated parking and infrastructure. Flexibility in the regulations for Sub-Area 3 also provides for potential development for light industrial and manufacturing.

Sub-Area 4 is approximately 5 acres and is located at the southwest portion of the site adjacent to the Erie Canal. This area is currently undeveloped and includes a large stand of mature trees and vegetation. [This area will be maintained or developed only in accordance with the] Development within this area shall be consistent with the Local Waterfront Revitalization Program (LWRP).

§ 2. Permitted Uses and Structures.

- A. The following uses are permitted in Sub-Area 1 when located in an enclosed building:
- (1) Animal daycare.
 - (2) Animal hospitals and kennels.
 - (3) Auto-related uses, including car washes, vehicle service stations, vehicle sales, vehicle rental services, vehicle repair stations including commercial vehicle repair, and vehicle sales accessory to vehicle repair stations, subject to additional require-

- ments for specified uses in Article XVIII, provided no storage of unlicensed, partially dismantled or wrecked vehicles occur on site.
- (4) Bar, cocktail lounge and tavern including outdoor seating/assembly areas.
 - (5) Community centers.
 - (6) Corporate headquarters, regional headquarters and administrative offices.
 - (7) Day care centers, subject to additional requirements for specified uses in §120-135.
 - (8) Drive-throughs, subject to additional requirements for specified uses in §120-136.
 - (9) Food processing.
 - (10) Health clubs.
 - (11) Live entertainment.
 - (12) Manufacturing uses, high-tech or light industrial when conducted within an enclosed building.
 - (13) Motels and hotels.
 - (14) Offices or clinics.
 - (15) Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products.
 - (16) Public and semipublic uses, including but not limited to schools, library, police stations and fire stations.
 - (17) Public utilities, subject to additional requirements for specified uses in §120-144.
 - (18) Recycle centers, subject to additional requirements for specified uses in §120-145.
 - (19) Research laboratories including testing facilities.
 - (20) Retail sales and service.
 - (21) Technical and vocational schools.
 - (22) Warehouse and distribution facilities.
- B. The following uses are permitted in Sub-Area 2 when located in an enclosed building:
- (1) Bar, restaurant, cocktail lounge and tavern, including outdoor seating/assembly areas.
 - (2) Day care centers, subject to additional requirements for specified uses in §120-135.
 - (3) Drive-throughs, subject to additional requirements for specified uses in §120-136.
 - (4) Office.
 - (5) Public and semi-public uses, including, but not limited to schools, library, police stations and fire stations.
 - (6) Retail sales and service.
 - (7) Restaurants and banquet facilities, including outdoor seating/assembly and drive-throughs, subject to additional requirements for specified uses in §120-136.
- C. The following uses are permitted in Sub-Area 3 when located in an enclosed building:
- (1) Any permitted use in Sub-Area 1 and 2.
- D. The following uses are permitted in Sub-Area 4:
- (1) Any use permitted in the O-S Open Space District set forth in Section 120-89 of the Zoning Code.
- § 3. Special Permit Uses.
- A. The following uses are allowed as special permit uses in Sub-Area 1:
- (1) Amusement Centers.
 - (2) Entertainment uses, parks, playgrounds, stadiums, and outdoor recreation.
 - (3) Outdoor storage and/or sales of construction materials, equipment and vehicles, subject to requirements applying to all districts in §120-175, and shall be regulated in the same manner as the M-I district.
 - (4) Truck centers, subject to additional requirements for specified uses in §120-150.
 - (5) Vehicle sales, subject to additional requirements for specified uses in §120-153.
 - (6) Waste stations, subject to additional requirements for specified uses in §120-155.
- B. The following uses are allowed as special permit uses in Sub-Area 2:
- (1) Live entertainment.
- C. The following uses are allowed as special permit uses in Sub-Area 4:
- (1) Any permitted use in Sub-Area 1 (except auto-related uses, drive-throughs and production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products) subject to the following:

- (a) All operations except outdoor seating, recreational and water uses shall be conducted in a completely enclosed building.
- (b) Outdoor storage shall be prohibited.
- (c) Any façade facing the Canal shall have an active building elevation.

§ 4. Lot, Area and Yard Requirements.

- A. The following lot, area and yard requirements shall apply to the PD#9:
 - (1) Lot Frontage Requirements - N/A.
 - (2) Lot Area Requirements - N/A.
 - (3) Site Coverage Requirements - N/A.
 - (4) Yard Requirements for buildings in Sub-Area 2 and Sub-Area 3:
 - (a) Front Yard Setback - zero (0) feet minimum, one hundred (100) feet maximum.
 - (5) Yard Requirements for all buildings and accessory uses in Sub-Area 4 (except pedestrian, waterfront access and water related uses):
 - (a) Setback from the Canal - 75 feet. Structures in excess of 20 feet shall provide 75 feet plus one (1) foot for each foot over 20 feet in height.

§ 5. Bulk Requirements.

- A. The following requirements shall apply to new construction in Sub-Area 2 and Sub-Area 3:
 - (1) Minimum Building Height - 18 feet.

§ 6. Off-Street Parking, Loading and Access Requirements.

- A. Parking.
 - (1) Parking for uses within the PD#9 may be located anywhere within the District.
 - (2) Proposals for development that provide parking in excess of the required parking as specified in § 120-173 of the Zoning Code shall be accompanied by a Parking Demand Analysis.
 - (3) Parking shall comply with the parking lot design and maintenance standards set forth in Zoning Code § 120-173F(2) and (3).
 - (4) A proposed drive aisle along the Lyell Avenue frontage of Sub-Area 2 and Sub-Area 3 is subject to Site Plan Review approval by the Director of Zoning and may encroach within the building setback area.

B. Loading.

- (1) Loading shall comply with the requirements set forth in Zoning Code §120-172.

C. Access.

- (1) The intent of this Planned Development District is to provide coordinated circulation and access patterns for the overall development site. Therefore, no additional curb-cuts to Lyell Avenue will be permitted as redevelopment opportunities progress for Sub-Areas 1, 2 and 3.

§ 7. Accessory Uses And Structures.

- A. The following uses are permitted accessory uses in Sub-Area 1 and Sub-Area 3:
 - (1) Defined outdoor storage areas or materials stored in containers accessory to a permitted use established within an enclosed building.
 - (2) Outdoor activity areas accessory to the following uses:
 - (a) Animal daycare, hospitals and kennels.
 - (b) Community Centers.
 - (c) Health Clubs.
 - (d) Retail sales and service.
 - (e) Technical and vocational schools.
 - (f) Bar, restaurant, cocktail lounge, tavern and banquet facilities.

§ 8. Personal Wireless Telecommunications Facilities (PWTF).

- A. Personal wireless telecommunications facilities are permitted in the Planned Development District #9 in accordance with § 120-143 of the Zoning Code as follows:
 - (1) Personal wireless telecommunications facilities in Sub-Area 1 shall be regulated in the same manner as in the M-1 district, except that a Special Permit shall be required for towers exceeding 100 feet in height.
 - (2) Personal wireless telecommunications facilities shall be prohibited in Sub-Area 2, [and] Sub-Area 3 and Sub-Area 4.
 - [(3) Personal wireless telecommunications facilities in Sub-Area 4 shall be regulated in the same manner as in the O-S district.]

§ 9. Signs.

- A. A Sign Program shall be developed for Sub-Area 1, which will include building identification, wayfinding, and kiosk signage for the entire Canalside Business Center. The

Sign Program is subject to Site Plan Review approval by the Director of Zoning.

- B. Signs in Sub-Area 2 and 3:
 - (1) A maximum of 50 square feet of signage per lot including:
 - (a) Attached signs that include 0.5 square feet in area for every foot of building frontage; and/or
 - (b) One (1) detached monument style structure no greater than 6 feet in height.
 - (2) Setbacks from the principal street or drive shall be a minimum of 10 feet.
 - (3) Materials of all proposed signage shall match the principle structure for which it applies, and shall be coordinated to compliment the signage found throughout the PD #9.
 - (4) A Sign Program may be developed for Sub-Area 2 and Sub-Area 3, and is subject to Site Plan Review approval by the Director of Zoning.

§ 10. Additional Regulations.

- A. Development and redevelopment in PD#9 is subject to the City-Wide Design Guidelines and Standards (Article XIX), and is equivalent to the C-3 and M-1 districts, except:
 - (1) § 120-158B, Building entrances.
- B. The PD #9 is subject to Requirements Applying to All Districts (Article XX), except:
 - (1) § 120-172, Loading.
 - (2) § 120-173, Parking.
 - (3) § 120-175, Outdoor storage, except accessory to a specially permitted use.
 - (4) § 120-177, Signage.
- C. Planned Development District #9 is subject to the requirements set forth in Article XVII of the City Zoning Code regarding Planned Development Districts.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Pursuant to Section 5-8E of the Charter of the City of Rochester, which states: No local law or ordinance passed by the City Council, shall be deemed adopted without approval by the Mayor before the first day of January of any even-numbered year, if the time for approval of said local law or ordinance by the Mayor has not expired before said first day of January.

The mayor did not approve Introductory No. 524.

The item was reintroduced in January, 2008 to satisfy public hearing requirements.

Introductory No. 525

Changing The Zoning Classification Of 1555 And 1651 Lyell Avenue, 295, 303, 309, 315, 319 And 325 Adirondack Street And 270 Alvanar Road From M-1 Industrial To PD #9 - Canalside Business Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 1555 and 1651 Lyell Avenue, 295, 303, 309, 315, 319 and 325 Adirondack Street and 270 Alvanar Road, from M-1 Industrial to PD #9 - Canalside Business Center:

All that tract or parcel of land, being on the south side of Lyell Avenue, situate in the City of Rochester, County of Monroe and State of New York, more particularly known and described as follows:

Beginning at a point being the intersection of the centerline of Lyell Avenue and the centerline of Gates Street;

Thence (1) south 00°-17'-05" east along the centerline of Gates Street a distance of 238.00 feet to a point;

Thence (2) north 89°-55'-55" east a distance of 297.97 feet to a point;

Thence (3) south 00°-24'-05" east a distance of 2,220.87 feet to a point;

Thence (4) south 89°-56'-35" west along the northerly highway boundary line of the Western Expressway Interstate 490 a distance of 2,021.19 feet to a point;

Thence (5) north 68°-59'-34" west continuing along said northerly highway boundary line a distance of 322.17 feet to a point;

Thence (6) north 14°-19'-10" west along the lands of the New York State Barge Canal a distance of 924.86 feet to a point;

Thence (7) north 76°-09'-45" east a distance of 285.00 feet to the centerline of Alvanar Road;

Thence (8) north 13°-50'-15" west along the centerline of Alvanar Road a distance of 449.13 feet to a point;

Thence (9) north 89°-56'-50" east a distance of 176.92 feet to a point;

Thence (10) north 00°-15'-30" west a distance of 160.00 feet to a point;

Thence (11) south 89°-56'-50" west a distance of 215.60 feet to the centerline of Alvanar Road;

Thence (12) north 13°-50'-15" west along the centerline of Alvanar Road a distance of 438.59 feet to a point;

Thence (13) north 89°-56'-50" east a distance

of 453.11 feet to the centerline of Harcourt Road;

Thence (14) north 00°-05'-34" west along the centerline of Harcourt Road a distance of 13.08 feet to a point;

Thence (15) north 89°-56'-51" east a distance of 125.00 feet to a point;

Thence (16) north 00°-05'-35" west a distance of 40.00 feet to a point;

Thence (17) north 89°-56'-51" east a distance of 100.00 feet to a point;

Thence (18) south 00°-05'-35" east a distance of 120.00 feet to a point;

Thence (19) north 89°-56'-50" east a distance of 275.00 feet to the centerline of Gloster Road;

Thence (20) north 00°-05'-34" west along the centerline of Gloster Road a distance of 423.67 feet to the centerline of Lyell Avenue;

Thence (21) south 89°-53'-45" east along the centerline of Lyell Avenue a distance of 119.07 feet to an angle point;

Thence (22) north 89°-55'-55" east continuing along said centerline a distance of 1,139.37 feet to the point of beginning.

Parcel contains 5,477,818 square feet which equals 125.754 acres as measured to centerline.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Pursuant to Section 5-8E of the Charter of the City of Rochester, which states; No local law or ordinance passed by the City Council, shall be deemed adopted without approval by the Mayor before the first day of January of any even-numbered year, if the time for approval of said local law or ordinance by the Mayor has not expired before said first day of January.

The mayor did not approve Introductory No. 525.

The item was reintroduced in January, 2008 to satisfy public hearing requirements.

Ordinance No. 2007-452
(Int. No. 526)

Amending The Official Map By Abandonment Of A Portion Of Adirondack Street From Lyell Avenue To Its Southern End And Authorizing Sale Of Portions Of The Abandonment Area

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Adirondack Street from Lyell Avenue to its southern end:

All that tract or parcel of land, being that portion of Adirondack Street south of Lyell Avenue, situ-

ate in the City of Rochester, County of Monroe and State of New York, more particularly known and described as follows:

Beginning at a point being the intersection of the southerly highway boundary line of Lyell Avenue (variable width) and the easterly highway boundary line of Adirondack Street (50 feet wide);

Thence (1) south 00°-17'-05" east along the easterly highway boundary line of Adirondack Street a distance of 383.36 feet to a point;

Thence (2) north 89°-55'-55" west along the termination of said Adirondack Street a distance of 50.00 feet to a point;

Thence (3) north 00°-17'-05" west along the westerly highway boundary line of said Adirondack Street a distance of 383.36 feet to a point;

Thence (4) south 89°-55'-55" east a distance of 50.00 feet to the point of beginning.

Parcel contains 19,167.6 square feet which equals 0.440 acres.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of November 19, 2007.

Section 3. Upon abandonment of said street, the Council hereby approves the sale of the City-owned portions of the abandonment area to Maguire Family Properties Inc. for the sum of \$20,000.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 497 from Committee.

The motion was seconded by Councilmember Stevenson.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Douglas, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-453
Re: Lease - 1015 Thomas Avenue

Transmitted herewith for your approval is legislation authorizing a one-year lease agreement with Voyager Boat Sales, Inc. for the continued use of City-owned property at 1015 Thomas Avenue.

Voyager has leased this area from the City for more than thirty years. The current lease expires on December 31, 2007. The new lease will commence January 1, 2008 and expire on December 31, 2008.

The monthly rental amount will be \$2,200 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-159

Ordinance No. 2007-453
(Int. No. 497)

Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the continued lease of 1015 Thomas Avenue for one year. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent in the amount of \$26,400, payable in monthly amounts of \$2,200.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
December 18, 2007

To the Council:

The Parks, Public Works & The Environment Committee recommends for adoption the following entitled legislation:

Int. No. 503 - Authorizing An Amendatory Agreement For Design Services For Durand Eastman Park Beach Improvements

Int. No. 504 - Authorizing Applications And Agreements For Grant Funds, As Amended

Int. No. 505 - Authorizing An Amendatory Agreement For The Supply Of Electricity To City Facilities

The Parks, Public Works & The Environment Committee recommends for consideration the following entitled legislation:

Int. No. 506 - Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Atlantic Avenue And Culver Road

Int. No. 507 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Clifford Avenue

Int. No. 508 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Genesee Street And Seward Street

Int. No. 509 - Approving Increases In The Pavement Width Of Bremen Street, Buonomo Street, Dunn Street And Roser Street

Int. No. 510 - Authorizing The Acquisition By Negotiation Or Condemnation Of A *De Minimus* Parcel At 1370 Hudson Avenue For Street Purposes

Int. No. 511 - Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To The Corner Of Hudson Avenue And Dunn Street

Int. No. 512 - Approving Increases In The Pavement Width Of Rosalind Street

Respectfully submitted,
Robert J. Stevenson
John F. Lightfoot
William F. Pritchard
Lois J. Giess
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-454
Re: Durand Eastman Park Beach

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Lu Engineers for services related to the Durand Eastman Park Beach Improvements Project. The amendatory agreement provides for design, bid and award of the construction contracts and construction phase design services related to design and construction of the Phase One Water Quality Improvements. The cost of this amendatory agreement, \$210,000, will be financed from 2007-08 Cash Capital.

Lu Engineers completed the Durand Eastman Park Beach Master Plan, as authorized by Council in November 2006, at a cost of \$140,000.

The purpose of the project is to implement recommendations of the Durand Eastman Park Beach Master Plan to design and construct improvements to the two stream outlets which are most critical to the day-to-day water quality at the beach, and therefore its suitability for ongoing operation as a public bathing beach. The improvements are expected to increase the number of days the beach will be available for public swimming.

Design of the project is scheduled to be completed in Fall 2008, with construction beginning in Spring 2009. Total cost of Phase One is estimated at \$1.5 million.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-454
(Int. No. 503)

Authorizing An Amendatory Agreement For Design Services For Durand Eastman Park Beach Improvements

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$210,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lu Engi-

neers for the design, bid and award of construction contracts, and construction phase design services related to the Durand Eastman Park Beach Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-455
Re: New York State Local Waterfront
Revitalization Program Grants

Transmitted herewith for your approval is legislation authorizing applications to and agreements with the New York State Department of State for grants through the Local Waterfront Revitalization Program (LWRP) to partially finance five projects as described below. The Local Waterfront Revitalization Grant Program provides up to 50% of the cost of a project and applications are due by December 7, 2007.

Local Waterfront Revitalization Program Update Study. The LWRP Update Study project, administered by the Department of Community Development, is scheduled to begin in 2008 and to be completed by 2009. The study will update the City's existing Local Waterfront Revitalization Plan which will continue to make the City eligible for future LWRP funding from New York State. The application requests financial assistance in the amount of \$50,000, and the local matching share in the project will be provided by DCD Planning staff in-kind services.

The Erie-Lackawana Railroad Bridge Rails-to-Trails Pedestrian Bridge Project. This project, administered by the Department of Environmental Services, is scheduled to begin in 2008 and to be completed by 2010. The project involves the design and construction of the Erie-Lackawana Railroad bridge as a pedestrian connector between the University of Rochester and the Plymouth/Exchange (PLEX) neighborhood. The bridge will facilitate the redevelopment of the Vacuum Oil Brownfield site immediately north of the bridge on the west side of the Genesee River. The application requests financial assistance in the amount of \$600,000 and the local matching share is being requested in the 2009-2013 Capital Improvement Program.

The River Street Extension Trail and "Green Street" Project. This project, administered by the Department of Environmental Services, is scheduled to begin in 2008 and to be completed by 2010. The project involves the construction of a trail and "green street" component along the River Street Extension (between Latta Road and Portside Drive on the Port site). A trail connector to an overlook on the Genesee River just north of Pelican Marina will also be constructed as part of the project. The "green street" will use special drainage features and native vegetation to collect and disperse storm water from the River Street Extension and trail. Other green street features may be constructed as more is learned about green streets. The application requests financial assistance in the amount of \$250,000 and the local matching share is requested in the 2009-13 Capital Improvement Program.

The Lake Avenue to Lighthouse Trail/Overlook Project. This project, administered by the Department of Environmental Services, is scheduled to begin in 2008 and to be completed by 2009. The project involves the design, construction, and land or easement purchase for a bike/pedestrian trail between Lake Avenue and the historic Charlotte-Genesee Lighthouse. The application requests financial assistance in the amount of \$125,000 and the local matching share is requested in the 2009-2013 Capital Improvement Program.

The Restoration of the Mary Jemison and Erie Harbor Kiosks Project. This is a partnership project with Corn Hill Waterfront and Navigation Foundation (also known as Corn Hill Navigation). Non-profit groups, such as Corn Hill Navigation, Inc., are eligible for LWRP funds; however, their grants must be submitted by a local government sponsor. Corn Hill Navigation is requesting \$25,000 to implement a restoration project for the *Mary Jemison* canal boat and will finance the local match with a \$25,000 grant from the Rochester Area Foundation. The \$75,000 Erie Harbor canal-side directional signage and information kiosks component of the grant will be administered by the City. The project will direct boaters using the Erie Canal to Brooks Landing and Corn Hill Landing (Erie Harbor) and to available City docks, services and attractions. A series of canal-side gateway signs on an existing pedestrian bridge, directional signs, and identification signs at Brooks Landing and Corn Hill Landing will be designed and constructed, and an information kiosk/ticketing booth will be provided at Corn Hill Landing. The local match for this component will be provided by the City from funds requested in the 2009-2013 Capital Improvement Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-160

Ordinance No. 2007-455
(Int. No. 504, As Amended)

Authorizing Applications And Agreements For Grant Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the New York State Department of State under the Local Waterfront Revitalization Program for funding for the following Projects:

The Local Waterfront Revitalization Program Update Study;

The Erie-Lackawanna Railroad Bridge Rails-to-Trails Pedestrian Bridge project;

The River Street Extension Trail and "Green Street" project ;

The Lake Avenue to Lighthouse Trail/Overlook project; and

Restoration of the *Mary Jemison* canal boat operated by Corn Hill Navigation, Inc., and Erie Harbor canal-side directional signage/information kiosks project; and

Genesee Valley Park West Master Plan; and

Rehabilitation of former Charlotte Customs House as the Charlotte Village and Transportation Museum.

Section 2. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-456
Re: Amendatory Agreement -
Constellation NewEnergy, Inc.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Constellation NewEnergy, Inc. for the continued supply of electricity to all City facilities, including street lighting accounts, public libraries, the Blue Cross Arena and the Rochester Riverside Convention Center. The original agreement, authorized by City Council in September 2005, will expire in January 2008.

Constellation NewEnergy was selected in 2005 through a request for proposal process. The RFP was issued to eighteen energy service providers; a team of City staff selected three finalists for the interview process. Constellation NewEnergy was recommended based on the price package offered, the experience that Constellation has dealing with large municipal customers (including the cities of Baltimore and Boston), the visible role the company has in our community as evidenced by its recent purchase of the Ginna Power Plant, and its commitment to the continued development of green initiatives.

The proposed amendment will extend the original agreement until January 2011, and will specify that, at minimum, 25% of the City's load volume at all locations will be filled by green energy (i.e., renewable sources) throughout the term of the agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-456
(Int. No. 505)

Authorizing An Amendatory Agreement For The Supply Of Electricity To City Facilities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Constellation NewEnergy, Inc. for the supply of electricity, as a commodity, to all City facilities, including street lighting accounts, public libraries, the Blue Cross Arena at the War Memorial and the Rochester Riverside Convention Center, for a term of three years.

Section 2. The agreement may obligate the City to initially pay a variable rate for the electricity, but the

Mayor is authorized to exercise an option for a fixed rate at any time. The agreement shall provide that 25% of the City's load volume at all locations shall be filled by green energy throughout the term of the amendatory agreement. Funding shall be provided from the 2007-08 and subsequent City budgets, contingent upon approval of subsequent budgets.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-457,
Ordinance No. 2007-458 and
Ordinance No. 2007-459
Re: Official Map Amendments - Atlantic
Avenue, Clifford Avenue, and Genesee
Street Public Improvement Projects

Transmitted herewith for your approval is legislation amending the Official Map to accommodate construction of three public improvement projects.

Three map amendments are proposed in connection with the Atlantic Avenue Improvement Project. The amendments provide for the improved turning radius installed at south west corner of Atlantic Avenue and Culver Road, the new sidewalk ramp at the north-west corner of Atlantic Avenue and Culver Road, and the new recessed parking area along Culver Road. The affected properties, whose acquisition was authorized by Council in June 2006, include portions of 625 Culver Road, 605-625 Culver Road, and 645 Culver Road.

The proposed map amendment on Clifford Avenue at the southeast corner of Joseph Avenue is related to the Joseph Avenue Improvement Project and will accommodate realignment of the Clifford Avenue - Joseph Avenue intersection to remove the offset of Clifford Avenue that currently exists. This is City-owned property.

The proposed map amendment on Genesee Street is related to the Brooks Village/Genesee Street Enhancement Project and will accommodate the installation of a new sidewalk ramp at the northeast corner of Genesee Street and Seward Street. The property, located at 844 Genesee Street, was acquired as per authorization by Council in June 2007.

The Official Map Amendments were presented to the City Planning Commission on November 19, 2007. The minutes of that meeting are attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-457
(Int. No. 506)

Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To Atlantic Avenue And Culver Road

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to Atlantic Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the westerly line of Culver Road and the southerly line of Atlantic Avenue;

- Thence 1) Southwesterly along the Westerly line of Culver Road on a bearing of S 20°24'20" W a distance of 28.17 feet (8.586 meters) to a point;
- Thence 2) Northwesterly through the lands of PSB, LTD. (reputed owner) on a bearing of N 38°53'16" W a distance of 27.99 feet (8.531 meters) to a point;
- Thence 3) Westerly continuing through the lands of PSB, LTD. (reputed owner) on a bearing of S 86°53'10" W a distance of 119.91 feet (36.549 meters) to a point;
- Thence 4) Westerly continuing through the lands of PSB, LTD. (reputed owner) on a bearing of N 89°41'04" W a distance of 52.17 feet (15.901 meters) to a point on the southerly line of Atlantic Avenue;
- Thence 5) Easterly along the southerly line of Atlantic Avenue on a bearing of N 86°53'10" E a distance of 199.59 feet (60.835 meters) more or less to the point or place of beginning.

And being 837± square feet (77.8± square meters).

Being part of the same premises acquired by PSB, LTD. by a deed recorded in the Monroe County Clerk's Office on June 30th, 1992 and filed in Liber 8223 of deeds at page 166.

Subject to any easements or encumbrances existing or of record.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to Culver Road:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point in the westerly line of Culver Road 28.17 feet (8.586 meters) southwest-erly of its intersection with the southerly line of Atlantic Avenue;

- Thence 1) Northwesterly through the lands of

PSB, LTD. (reputed owner) on a bearing of N 38°53'16" W a distance of 5.82 feet (1.773 meters) to a point;

- Thence 2) Southwesterly through the lands of PSB, LTD. (reputed owner) on a bearing of S 20°24'20" W a distance of 259.80 feet (79.187 meters) to a point;
- Thence 3) Southeasterly continuing through the lands of PSB, LTD. (reputed owner) on a bearing of S 69°35'41" E a distance of 5.00 feet (1.524 meters) to a point on the westerly line of Culver Road;
- Thence 4) Northeasterly along the westerly line of Culver Road on a bearing of N 20°24'20" E a distance of 256.83 feet (78.282 meters) more or less to the point or place of beginning.

And being 1,292± square feet (120.0± square meters).

Being part of the same premises acquired by PSB, LTD. by a deed recorded in the Monroe County Clerk's Office on June 30th, 1992 and filed in Liber 8223 of deeds at page 166.

Subject to any easements or encumbrances existing or of record.

Section 3. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to the corner of Atlantic Avenue and Culver Road:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the westerly line of Culver Road and the northerly line of Atlantic Avenue;

- Thence 1) Westerly along the Northerly line of Atlantic Avenue on a bearing of S 86°53'10" W a distance of 20.00 feet (6.096 meters) to a point;
- Thence 2) Northeasterly through the lands of Khalid Yaqoob (reputed owner) on a bearing of N 66°06'25" E a distance of 25.75 feet (7.847 meters) to a point on the westerly line of Culver Road;
- Thence 3) Southwesterly along the westerly line of Culver Road on a bearing of S 20°54'35" W a distance of 10.00 feet (3.048 meters) more or less to the point or place of beginning.

And being 91± square feet (8.5± square meters).

Being part of the same premises acquired by Khalid Yaqoob by a deed recorded in the Monroe County Clerk's Office on Jan. 14th, 2000 and filed in Liber

9264 of deeds at page 227.

Subject to any easements or encumbrances existing or of record.

Section 4. This ordinance shall take effect upon acquisition by the City of the parcels to be dedicated.

Passed unanimously.

Ordinance No. 2007-458
(Int. No. 507)

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To Clifford Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to Clifford Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, bounded and described as follows:

Beginning at a point on the southeast intersection between the southerly right-of-way line of Clifford Avenue (50' wide) and the easterly right-of-way line of Joseph Avenue (66' wide);

1. Thence, N87°06'39"E on said existing southerly right-of-way line of Clifford Avenue, a distance of 121.35' to a point,
2. Thence, S02°19'23"E through the lands now or formerly of the City of Rochester, a distance of 2.05' to a point,
3. Thence S84°38'57"W through the lands now or formerly of the City of Rochester, a distance of 108.48' to a point,
4. Thence, S43°01'40"W through the lands now or formerly of the City of Rochester, a distance of 18.45' to a point on the easterly right-of-way line of Joseph Avenue,
5. Thence, N01°58'20"W on said existing easterly right-of-way line of Joseph Avenue, a distance of 19.54' to the Point of Beginning.

Said parcel contains 269.9 square feet, more or less.

Section 2. This ordinance shall take effect upon acquisition by the City of the parcel to be dedicated.

Passed unanimously.

Ordinance No. 2007-459
(Int. No. 508)

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Genesee Street And Seward Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Of-

ficial Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to the corner of Genesee Street and Seward Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, and State of New York, bounded and described as follows:

Beginning at a point on the northeast intersection between the easterly right of way line of Genesee Street (66' wide) and the northerly right of way line of Seward Street (50' wide);

Thence, northerly on said easterly right of way line of Genesee Street, a distance of 5.00 feet to a point,

Thence, southeasterly, through the lands now or formerly of Quality Home Furnishings LLC, a distance of 7.06 feet to a point on said northerly right of way line of Seward Street,

Thence, southwesterly on said northerly right of way line, a distance of 7.00 feet to the Point of Beginning.

Said parcel contains 16 square feet, more or less.

Section 2. This ordinance shall take effect upon acquisition by the City of the parcel to be dedicated.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-460,
Ordinance No. 2007-461 and
Ordinance No. 2007-462

Re: Bremen Street, Buonomo Street,
Dunn Street and Roser Street
Improvement Project

Transmitted herewith for your approval is legislation related to the Bremen Street Group Street Improvement Project. This legislation will:

1. Authorize the following pavement width changes:
 - a. An increase in pavement width of four feet on Bremen Street, from 20 feet to 24 feet, beginning at Norton Street, northerly to the North End; and
 - b. An increase in pavement width of four feet on Buonomo Street, from 20 feet to 24 feet, beginning at Northlane Drive, easterly to Baird Street; and
 - c. An increase in pavement width of four feet on Dunn Street, from 20 feet to 24 feet, beginning at Hudson Avenue, easterly to Northlane Drive; and
 - d. An increase in pavement width of four feet on Roser Street, from 20 feet to 24 feet, beginning at Nester Street, northerly to the North End;
2. Authorize acquisition, by negotiation or condemnation, of a *de minimus* parcel at 1370 Hudson Avenue;

- 3. Amend the Official Map by dedicating public right-of-way from two properties.

Besides the pavement width changes, this project includes reconstruction/rehabilitation of the pavement in select areas, installation of new curbs, driveway aprons, replacement of sidewalks as needed, catch basins, street lighting upgrades as required, topsoil and seed for all of the streets.

The proposed acquisition of the parcel at 1370 Hudson Avenue will provide improved accessibility to Dunn Street. The \$100 value of the 12.5 square foot property was established by an independent appraisal performed by Robert Pogel, SRPA. The total acquisition costs, including closing costs, will not exceed \$1,000 and will be financed from 2007-08 Cash Capital.

The City currently has an existing highway easement at 1358 Hudson Avenue, which will also be dedicated as additional right of way for improved accessibility to Dunn Street. The associated Official Map Amendment was presented to the City Planning Commission on November 21, 2007. The minutes and decision (5-0 to approve) from that meeting are attached.

The project is being designed by City staff. It is anticipated that design work will be completed in Spring 2008 and construction will begin in Summer 2008 with substantial completion by Spring 2009.

A public informational meeting was held on November 1, 2007. The meeting minutes are attached. The pavement width changes were presented for endorsement at the November 20, 2007 Traffic Control Board meeting.

A public hearing on the pavement width changes and the official map amendment are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-162

Ordinance No. 2007-460
(Int. No. 509)

Approving Increases In The Pavement Width Of Bremen Street, Buonomo Street, Dunn Street And Roser Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 4 feet in the pavement width of Bremen Street, from 20 feet to 24 feet, from Norton Street northerly to its north end, as part of the Bremen Street, Buonomo Street, Dunn Street and Roser Street Improvement Project.

Section 2. The Council hereby approves an increase of 4 feet in the pavement width of Buonomo Street, from 20 feet to 24 feet, from Northlane Drive easterly to Baird Street, as part of the Bremen Street, Buonomo Street, Dunn Street and Roser Street Improvement Project.

Section 3. The Council hereby approves an increase of 4 feet in the pavement width of Dunn Street, from 20 feet to 24 feet, from Hudson Avenue easterly to Northlane Drive, as part of the Bremen Street,

Buonomo Street, Dunn Street and Roser Street Improvement Project.

Section 4. The Council hereby approves an increase of 4 feet in the pavement width of Roser Street, from 20 feet to 24 feet, from Nester Street northerly to its north end, as part of the Bremen Street, Buonomo Street, Dunn Street and Roser Street Improvement Project.

Section 5. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-461
(Int. No. 510)

Authorizing The Acquisition By Negotiation Or Condemnation Of A De Minimis Parcel At 1370 Hudson Avenue For Street Purposes

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of a *de minimis* parcel of approximately 12.5 square feet at 1370 Hudson Avenue, SBL #91.49-01-071, currently owned by Frank Trybalski, for \$100, to be dedicated to street purposes and added to the northeast corner of Hudson Avenue and Dunn Street.

Section 2. The acquisition and necessary closing costs shall be funded from the 2007-08 Cash Capital allocation.

Section 3. In the event that said parcel cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-462
(Int. No. 511)

Amending The Official Map By Dedicating Parcels To Street Purposes And Adding Said Parcels To The Corner Of Hudson Avenue And Dunn Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to the corner of Hudson Avenue and Dunn Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 34 of the O.B. Staub Tract, and more particularly bounded and described as follows:

Beginning at the intersection of the southerly

ROW line of Dunn Street (42.68' ROW) and the easterly ROW line of Hudson Avenue (66' ROW); thence

- 1) N 86°41'38" E, along said southerly ROW line of Dunn Street, a distance of 5.00 feet to a point; thence
- 2) S 41°44'23" W, through said Lot 34 and lands of Salvatore M. Tottobene Jr., a distance of 7.08 feet to the said easterly ROW line of Hudson Ave; thence
- 3) N 3°12'53" W, along said easterly ROW line of Hudson Avenue, a distance of 5.00 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 12.5± square feet to be dedicated for highway purposes. Subject to covenants, easements or restrictions of record, if any.

Being part of the same premises conveyed to Salvatore M. Tottobene Jr., by a deed dated December 15, 1993 and filed in the Monroe County Clerk's Office in Liber 8420, Page 205.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described property to street purposes and adding said property to the corner of Hudson Avenue and Dunn Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, being part of Lot 3 of the O.B. Staub Tract, and more particularly bounded and described as follows:

Beginning at the intersection of the northerly ROW line of Dunn Street (42.68' ROW) and the easterly ROW line of Hudson Avenue (66' ROW); thence

- 1) N 3°12'53" W, along said easterly ROW line of Hudson Avenue, a distance of 5.00 feet to a point; thence
- 2) S 48°15'38" E, through said Lot 3 and lands of Frank J. Trybalski, a distance of 7.06 feet to the said northerly ROW line of Dunn Street; thence
- 3) S 86°41'38" W, along said northerly ROW line of Dunn Street, a distance of 5.00 feet to the said easterly ROW line of Hudson Avenue and to the Point or Place of Beginning.

Hereby intending to describe a parcel of land containing 12.5± square feet to be dedicated for highway purposes. Subject to covenants, easements or restrictions of record, if any.

Being part of the same premises conveyed to Frank J. Trybalski, by a deed dated March 13, 2001 and filed in the Monroe County Clerk's Office in Liber 9432, Page 303.

Section 3. This ordinance shall take effect upon acquisition by the City of the parcels to be dedicated.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-463
Re: Rosalind Street Improvement Project

Transmitted herewith for your approval is legislation authorizing the increase in pavement width of two feet on Rosalind Street, from 18 feet to 20 feet, beginning at Westfield Street, easterly to Genesee Park Boulevard.

The proposed pavement width changes will be accomplished within the existing right-of-way.

Besides the pavement width changes, this project includes installation of new curbs, driveway aprons, replacement of sidewalks as needed, catch basins, topsoil and seed.

The project is being designed by City staff. It is anticipated that the design will be completed in Winter 2007/2008 and construction will begin in Spring 2008.

A public information meeting was held November 15, 2007. The meeting minutes are attached. The pavement width changes were presented for endorsement at the November 20, 2007 Traffic Control Board meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-163

Ordinance No. 2007-463
(Int. No. 512)

Approving Increases In The Pavement Width Of Rosalind Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an increase of 2 feet in the pavement width of Rosalind Street, from 18 feet to 20 feet, from Westfield Street easterly to Genesee Park Boulevard, as part of the Hillendale Street and Rosalind Street Improvement Project.

Section 2. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
December 18, 2007

To the Council:

The Finance & Public Services Committee recommends for adoption the following entitled legislation:

Int. No. 514 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 515 - Establishing Maximum Compensa-

tion For A Professional Services Agreement For An Organizational Study

Int. No. 516 - Amending The 2007-08 Budget To Fund Inspectors For The Presidential Primary Election

Int. No. 527 - Amending The 2007-08 Budget To Transfer Funds From Contingency For Wage Increases

Int. No. 528 - Establishing A Policy On Public Art For The City Of Rochester

Int. No. 530 - Authorizing An Agreement Relating To Reimbursement For School Resource Officers

Int. No. 532 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Federal Lobbying Services

The following entitled legislation is being held in Committee:

Int. No. 513 - Cancellation Of Taxes And Charges

Int. No. 529 - Amending The 2007-08 Budget For The Zero Tolerance Initiative

Respectfully submitted,
Dana K. Miller
Carolee A. Conklin
Lovely A. Warren
Lois J. Giess
FINANCE & PUBLIC SERVICES COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-464
Re: Authorization - Tax Cancellations and Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous *ad valorem* taxes, charges and fees during 2008.

Each year, approximately 63,000 tax bills are issued by the City. In the current fiscal year, 2007-08, these bills contained City and School taxes, charges and fees totaling \$204,938,064. Of this amount, taxes and charges totaling \$1,472,299, 0.72%, of the total levy, were determined to be erroneous and were subsequently canceled. These cancellations involved 442 accounts or 0.71% of the total number.

Pursuant to Section 556 of the N.Y.S. Real Property Tax Law, the City Council is required to approve all cancellations. However, the provisions of Chapter 383 of the Laws of 1984, allow the Council to delegate to the Director of Finance the authority to approve such cancellations, under certain conditions. This delegation of administrative cancellations has been approved by Council since 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on March 20, 2007. To date, for calendar year 2007, the Director of Finance has authorized cancellations totaling \$110,448.25 for 327 accounts.

Reapproval of this delegation of authority is requested for 2008. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to apply:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-464
(Int. No. 514)

Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less;
- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month; and
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-465
Re: Agreement - Center for Governmental Research - Consolidation of City Services

Transmitted herewith for your approval is legislation establishing \$32,000 as maximum compensation for an agreement with the Center for Governmental Research for an assessment of organizational options for the delivery of certain services currently provided by the City's Departments of Economic Development and Community Development, and the Neighborhood Empowerment Team Office. The cost of this agreement will be funded from the Undistributed allocation of the 2007-08 Budget.

CGR will conduct a study evaluating several organizational options, including the merging of the departments. Major components of the study will include background and best practice research, best practice case studies, budget analysis, and interviews with both internal and external stakeholders.

CGR will provide a written summary of their findings and an initial assessment of up to three possible service models. The summary will include discussion of the benefits of each proposed service model for the City as well as for the community and neighborhoods.

It is anticipated that the report will be completed by July 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-465
(Int. No. 515)

Establishing Maximum Compensation For A Professional Services Agreement For An Organizational Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$32,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Governmental Research for an assessment of the organizational options for delivery of services currently provided by the Economic Development Department, Community Development Department and Neighborhood Empowerment Team. Said amount shall be funded from the 2007-08 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2007-466
Re: Budget Amendment: Presidential Primary

Transmitted herewith for your approval is a budget amendment appropriating \$98,700 in anticipated revenue from Monroe County to the budget of the City Council/City Clerk to fund the cost of election inspectors for the Presidential Primary Election.

As you are aware, the City Clerk in each municipality is responsible for the compensation of election inspectors within that jurisdiction. When the 2007-08 Budget was adopted, there had not been a final decision about the date on which the Presidential Primary Election for the year 2008 would be held. In the past, dates for such primaries have ranged from March through September. Accordingly, it was uncertain whether the election would be held in the current fiscal year or the next one. The date has now been set for February 5, 2008.

Provision has traditionally been made in the Contingency account to ensure that adequate funds are available for this purpose should they be required. How-

ever, since Monroe County now reimburses municipalities for the cost of election inspectors, the funds will be appropriated directly from that source. The proposed amendment will enable the Clerk to fulfill his responsibilities for the election.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2007-466
(Int. No. 516)

Amending The 2007-08 Budget To Fund Inspectors For The Presidential Primary

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ord. No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing revenue estimates and appropriations to the City Council/City Clerk by the sum of \$98,700, which amount is hereby appropriated from funds to be received from Monroe County to provide funding for election inspectors for the Presidential Primary Election.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-467
Re: Amending the 2007-08 Budget -
Contract Settlements With the
Locust Club and International
Union of Operating Engineers

Transmitted herewith for your approval is legislation amending the 2007-08 Budget of the City of Rochester by transferring a total of \$6,274,800 from Contingency to fund contract settlements with the Locust Club and with the International Union of Operating Engineers. The transfers will be made as follows:

<u>Amount</u>	<u>Budget Purpose</u>
\$5,017,500	Rochester Police Dept. RPD wage increases
1,221,700	Undistributed RPD benefits
30,000	Dept. of Environmental Services Operating Engrs. wage increases
<u>5,600</u>	Undistributed Operating Engineers benefits
\$6,274,800	

The Locust Club settlement was the result of binding arbitration and provided for the following wage increases:

<u>Effective Date</u>	<u>Percent Increase</u>
July 1, 2005	2%
January 1, 2006	1%
July 1, 2006	2%
January 1, 2007	1%
July 1, 2007	2%
January 1, 2008	2%

The Locust Club contract expires on June 30, 2008.

The contract with the International Union of Operating Engineers was negotiated and signed in June 2007. It provides for a 2.9% wage increase each July 1 from 2006 through 2009. The contract expires June 30, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-467
(Int. No. 527)

Amending The 2007-08 Budget To Transfer Funds From Contingency For Wage Increases

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$5,017,500 from the Contingency allocation to the Rochester Police Department, and the sum of \$1,221,700 from the Contingency allocation to Undistributed Expense, to fund salary and wage increases resulting from the Locust Club Arbitration Award.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency allocation to the Department of Environmental Services, and the sum of \$5,600 from the Contingency allocation to Undistributed Expense, to fund salary and wage increases resulting from the contract settlement with the International Union of Operating Engineers.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-468
Re: City Arts Policy

Transmitted herewith for your approval is legislation amending the City Charter and adopting a resolution to establish a formal Arts Policy for the City of Rochester. While the City has a statement of commitment to the arts in the Comprehensive Plan, there is no written policy regarding how the City manages or develops its inventory of art, or how City funds are disbursed to support the arts. Also, City Council President Lois Giess has long advocated for a formal policy regarding the funding of public art.

An interdepartmental team of City staff was convened in February 2007 to address this need and to develop a policy that would establish both a percent-for-art program and a process for the equitable distribution of City funds to support cultural programs and events. The team researched the practices of many mid-size and large cities to determine practices that would best fit the needs of Rochester and its arts and culture community. The components of this policy include:

1% for Public Art

The proposed legislation will establish a fund for pub-

lic art installations through the capital improvement program. For capital projects whose total cost includes \$1,000,000 or more in City funds, 1% of that cost shall be added to the total to fund artwork to be included as an integral part of the project.

While there will be consideration given to architectural enhancements as fulfilling the required 1% for art, in any one year, a minimum of 25% of the fund will be used on permanent works of art for display in the public realm. Proposals must specify installation and maintenance requirements.

The Department of Environmental Services will administer the solicitation, review and selection process for such works of art. All projects under the 1% for Art program will be reviewed by the City's Project Review Committee, which will in turn provide a recommendation for City Council approval. For the review of projects related to Public Art, three members of the arts community will be added to the PRC.

Competitive Funding for Cultural Programs and Events

It has been the practice of the City in past years to fund a variety of cultural programs and events, such as Juneteenth, Latino Day, and Culture Builds Communities. However, there was no standard City-wide process used to distribute funds nor a standard procedure to evaluate eligibility. The Arts Policy Team has recommended an application and review process to be administered in one to four grant cycles per year, using funds set aside for this purpose as part of the annual budget.

The Department of Recreation and Youth Services will administer this program using a review committee of City staff who will provide recommendations on awards. An annual report will be submitted to City Council for review.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-468
(Int. No. 528)

Establishing A Policy On Public Art For The City Of Rochester

WHEREAS, in the adoption of its Comprehensive Plan, the City of Rochester has stated "it is the policy of our city to support and promote arts and cultural events, activities and institutions in a way that establishes our city as a world-class cultural center, contributes to our community's life, vitality and growth and promotes citizen and business partnerships in using those resources to create economic development and pride," and

WHEREAS, municipalities that have established public art funding programs have demonstrated its effectiveness in supporting the goals stated above, and

WHEREAS, the City government has a long established record of support for the arts, ranging from annual support of cultural institutions such as the Rochester Philharmonic Orchestra to support of specific ongoing events such as the Rochester International Jazz Festival and the Rochester MusicFest, and

WHEREAS, the City has espoused the goal of a more beautiful city through the use of high-quality

architecture and special facade treatments for public structures that have been erected by and through government expenditures, and

WHEREAS, the promotion of the arts in Rochester is a critical part of community and economic development, requiring careful attention by City government and our public and private sector partners to generate community growth through the arts, and

WHEREAS, the adoption of a formal program that dedicates an amount equal to 1% of City capital expenditures for the inclusion of public art is an appropriate and affordable policy that would continue and expand the City's commitment to enhancing the public realm and supporting the local arts community, and

WHEREAS, in concert with the City's commitment to public art, it is appropriate for the City government to encourage those who are making significant capital expenditures on new construction to make a similar contribution to the creation of public art, and

WHEREAS, the consolidation of the various applications for City support of arts and cultural activities through a single funding process would add both transparency and accountability to such funding decisions,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Rochester as follows:

Section 1. Beginning in 2009-10, the City of Rochester will allocate, for projects that involve the expenditure of \$1,000,000 or more in City funds (after all Federal and State reimbursements are considered), 1% of the City funding for public art in projects that meet any of the following criteria:

- The new construction or the major renovation/restoration of a City-owned structure. In the case of historic restoration projects, the incremental cost of the historic materials shall count towards the 1% allocation.
- The reconstruction by the City of an arterial or collector street.
- The development of a major project not involving a structure but with the expenditure of \$1,000,000 or more in City funds.

Section 2. In the presentation of the City's annual Capital Improvement Program (CIP), each project that is programmed in 2009-10 and thereafter that meets one or more of the above criteria shall include an amount equal to 1% of the amount of the planned City funding for a public art component in said project, and said amount shall be specified in the description of each such project.

Section 3. All public art funded through the 1% program shall be subject to review by the City's Project Review Committee. Project descriptions shall specify construction, installation, and maintenance requirements.

Section 4. Certain architectural enhancements to a project will be eligible to fulfill the 1% requirement. However, a minimum of 25% of the total fund in any one year shall be used for public art installations.

Section 5. The City shall encourage additional

contributions to public art in significant capital projects undertaken by the other public and private entities in the City. The Mayor shall create mechanisms for communicating and encouraging such support through the City's permitting processes.

Section 6. The Mayor shall create an equitable administrative process for the review of applications for competitive funding for arts and cultural activities, to be administered by the Department of Recreation and Youth Services, using between one and four cycles per year, as deemed appropriate, and identifying in each annual City Budget the total amount to be made available to fund such activities. A report shall be submitted to the City Council each year summarizing the total expenditures for operating support for arts and culture and the recipients of such support.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-469
Re: Agreement - RCSD - School
Resource Officers

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District for the receipt and use of \$1,100,000 to reimburse the cost of providing sworn City of Rochester police personnel to serve as School Resource Officers in Rochester City School District schools. The Rochester City School District agreed to this reimbursement during the development of the 2007-08 City budget process.

Police Officers have been assigned to District schools as School Resource Officers since 1999 to assist in maintaining a safe school environment. Some of their duties include functioning as role models for students, providing police presence, and handling calls for service that originate within the school setting.

The cost of these positions was primarily covered by a federal grant from the Community Oriented Policing Services (COPS) in School program initially awarded in April 1999. This program was designed to enable communities to hire new police officers and encourage working relationships between police and schools, thus bringing the principles and philosophy of community policing directly into the school environment. The percentage of reimbursement from the grant decreased over the term of the program until the last reimbursement to the City was received in 2002-03. A condition of the grant program was that the City was obligated to retain the additional positions for at least one year after the expiration of the grant and be responsible for 100% of the cost. The City has funded 100% of the cost of these positions since that time.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-469
(Int. No. 530)

Authorizing An Agreement Relating To Reimbursement For School Resource Officers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Ordinance No. 2007-470
(Int. No. 532)

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester City School District for funding to reimburse the City in the amount of \$1,100,000 for School Resource Officers placed in City Schools.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-470
Re: Agreement - The Ferguson Group -
Federal Lobbying Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with The Ferguson Group, LLC, Washington, D.C., for continued federal lobbying services for the City. This amendment will increase maximum compensation to the consultant by \$60,000 and extend the contract to June 15, 2008. This additional cost will be financed from the 2007-08 Budget of the Mayor's Office.

The original agreement was authorized by Council in December 2006 for a one-year term at a cost of \$120,000.

The Ferguson Group (TFG) will continue to provide the following services:

- Work on a regular basis with the City's Congressional delegation and maintain relationships with other appropriate members of Congress;
- Arrange meetings for City officials with Washington leaders;
- Create and implement federal legislative, regulatory, and appropriation strategies on behalf of the City;
- Provide information to the City concerning: Federal legislation affecting Rochester; testimony from legislative hearings; federal regulations; and
- Provide general direction and guidance on legislative and regulatory matters.

In 2007, through the work of TFG, Rochester was designated to receive \$100,000 in funding for restoration of Mt. Hope Cemetery and \$156,000 for the City's lead hazard prevention program. TFG also worked to ensure that several key projects for the City were included in appropriations bills. Most significantly, as part of the Water Resources Development Act, a \$10 million authorization has been included for the Port of Rochester Waterfront Revitalization Project.

Respectfully submitted,
Robert J. Duffy
Mayor

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Federal Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Ferguson Group LLC for the provision of Federal lobbying services. Said amount shall be funded from the 2007-08 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 513 from Committee.

Motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-471
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$14,750.00.

Three properties had total taxes cancelled in the amount of \$14,750.00 or 100.00% of the total. The properties recently transferred and the code violations were attributed to the former owners. If this cancellation is approved, total cancellations thus far for 2007-08 will be \$135,081.85.

	<u>Accounts</u>	<u>Amounts</u>
City Council	21	\$110,048.04
Administrative	<u>76</u>	<u>25,033.81</u>
Total	97	\$135,081.85

These cancellations represent .058% of the taxes receivable as of July 1, 2007.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-164

Ordinance No. 2007-471
(Int. No. 513)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

(A) Ownership of these properties has transferred. The code violation charges associated with the properties were issued against the former owner.

<u>S.B.L.#</u>	<u>Class</u> Transfer <u>Date</u>	<u>Address</u> Tax <u>Year</u>	<u>Amount</u> <u>Cancelled</u>
105.820-0003-065	H 5/3/06	344 Child St. 2007	\$ 1,800.00
135.270-0001-065	H 6/23/06	5-7 Sawyer St. 2007	2,100.00
135.490-0002-028	H 7/19/07	84 Winbourne Rd. 2007 2008	6,200.00 <u>4,650.00</u>
Grand Total			\$14,750.00

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 529 from Committee.

Motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2007-472
Re: Budget Amendment - Zero
Tolerance Initiative

Transmitted herewith for your approval is legislation related to an additional \$1,568,700 to continue funding the Zero Tolerance Initiative. The Police Department Budget will be increased by \$1,180,700 to cover overtime wages, and will be funded from the following sources:

<u>Source</u>	<u>Amount</u>
Transfer from Contingency	\$ 500,000
Transfer from Undistributed	180,000
Anticipated new revenue from parking and moving violations	500,000
Donations to the Zero Tolerance Initiative	<u>700</u>
Total increase to RPD	1,180,700
Benefits	<u>388,000</u>
Total	\$1,568,700

The associated \$388,000 in benefits costs will be funded from the Undistributed allocation of the 2007-

08 Budget. These funds, including the \$180,000 being transferred to the RPD, are available from the redistribution of funds within the allocation, which include: a \$100,000 reduction in training, a savings of \$218,000 from early payment of the retirement bill to the state retirement system, and \$250,000 in health insurance savings due to the hiring freeze.

It is anticipated that the Zero Tolerance Initiative will continue to be funded until the Police Recruit class of August 2007 is available for Patrol. It is likely that an additional budget amendment will be required in March 2008. These funds will be available through use of reprogrammed Community Development Block Grant funds, savings from the hiring freeze, and other efficiencies and consolidations.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-165

Ordinance No. 2007-472
(Int. No. 529)

Amending The 2007-08 Budget For The Zero Tolerance Initiative

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended to fund the Zero Tolerance Initiative by transferring the sum of \$500,000 from the Contingency allocation and the sum of \$180,000 from Undistributed Expense to the Rochester Police Department; and by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$500,700, of which amount \$500,000 is hereby appropriated from anticipated increases in revenues from parking and moving violations and \$700 is hereby appropriated from donations.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

By Councilmember McFadden
December 18, 2007

To the Council:

The Public Safety Committee recommends for adoption the following entitled legislation:

Int. No. 517 - Local Law Amending The City Charter With Respect To Criminal History Record Checks To Be Conducted In Connection With Employment Of Firefighters

Int. No. 518 - Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Emergency Telephone Notification System Services

Respectfully submitted,

Adam C. McFadden
Dana K. Miller
Robert J. Stevenson
Lois J. Giess
PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 16
Re: Fingerprint Background Screening -
Firefighter Candidates

Transmitted herewith for your approval is legislation authorizing mandatory fingerprinting of firefighter candidates, and authorizing an agreement with the New York State Division of Criminal Justice Services to process the fingerprints to screen for any associated criminal record or driving violations. Currently, candidates for both the Police and Emergency Communications Departments are required by New York State to provide fingerprints for processing by the DCJS.

Firefighters are in daily contact with citizens who are at their most vulnerable. It is imperative that the Department be assured that there is nothing in a candidate's background that would jeopardize the public's trust.

The annual cost of fingerprint processing for firefighter candidates will be approximately \$2,500 (25 candidates; \$100 per screening) and will be financed from the Undistributed allocation of the annual Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 16
(Int. No. 517)

Local Law Amending The City Charter With Respect To Criminal History Record Checks To Be Conducted In Connection With Employment Of Firefighters

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding thereto the following new Section 8B-6:

Section 8B-6. Criminal history record checks in connection with employment of firefighters.

Applicants for employment as firefighters shall be required to have a fingerprint impression of fingers and thumbs on both hands taken by the City. Such fingerprints and the required fee shall be forwarded to the New York State Division of Criminal Justice Services for a criminal history records check and the Mayor is authorized to enter into an agreement for such purpose. The information secured as a result of said records check shall be reviewed by the Fire Chief, Director of Human Resource Management, and the Corporation Counsel, or their designees, for recommendation to the Civil Service Commission. If a prospective firefighter has been convicted of a felony and/or a

misdeemeanor, any decision regarding such prospective firefighter's fitness for a position must be made upon a review of the factors contained in New York State Correction Law §§751-753.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-473
Re: Agreement - Emergency Telephone
Notification System

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum annual compensation for an agreement with Sam Asher Computing Services, Inc., 3300 Monroe Avenue, Rochester 14618, for emergency telephone notification system services for the Emergency Communications Department (ECD). The cost of this agreement will be reimbursed by funds from Monroe County (through the 9-1-1 Operating Agreement, authorized in 1994 and amended in 2007) which will be included in the annual budgets of ECD. The agreement will be for one year, with the option of two one-year renewals.

The Emergency Telephone Notification System will enable the Emergency Communications Department to assist law enforcement, fire, and EMS agencies by quickly providing warnings and emergency instructions to large groups of people in the immediate area of a critical incident via telephone. The system will make up to three attempts to reach each telephone number within the selected group, and will leave messages on answering machines. Calling campaigns will include both listed and unlisted telephone numbers, and both residential and business telephone numbers.

A Request for Proposal was mailed to twenty potential vendors and posted on the National Emergency Number Association website. Of the three proposals received, Sam Asher Computing Services offered the most-compliant and least expensive proposal for the services requested.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-473
(Int. No. 518)

Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Emergency Telephone Notification System Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Sam Asher Computing Services, Inc. for emergency telephone notification system services for the 911 Emergency Communications Center for a term of one year, with two additional one-year renewal options. Said amount shall be funded from the 2007-08 and subsequent Budgets of the Emergency Communications Department.

ment, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Pritchard
December 18, 2007

To the Council:

The Jobs, Economic Development & Center City Committee recommends for adoption the following entitled legislation:

Int. No. 519 - Resolution Approving Appointments To The Rochester Economic Development Corporation

Int. No. 520 - Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 521 - Authorizing Agreements For Funding For Special Events And Amending The 2007-08 Budget, As Amended

Int. No. 522 - Appropriating Funds And Authorizing Agreements For An Arts & Culture Marketing Campaign

Int. No. 523 - Authorizing A Residential Parking Program In The High Falls Garage For 2008

Int. No. 531 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 533 - Authorizing An Agreement For Economic Development Support

The Jobs, Economic Development & Center City Committee recommends for consideration the following entitled legislation:

Int. No. 535 - Determinations And Findings Relating To The Acquisition Of The Midtown Plaza Properties

Int. No. 536 - Establishing Maximum Compensation For A Professional Services Agreement For Relocation Of Midtown Plaza Tenants And Amending The 2007-08 Budget

Int. No. 537 - Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services And Amending The 2007-08 Budget

Int. No. 538 - Authorizing An Agreement For Funding For Master Planning Of The Midtown Plaza Area

Int. No. 539 - Amending The 2007-08 Community Development Block Grant And Approving A Section 108 Business Loan And A Brownfields Economic Development Initiative Grant For The Midtown Plaza Revitalization Project

Int. No. 491 - Authorizing The Acquisition By Negotiation Or Condemnation Of The Midtown Plaza Parcels To Further The Midtown Urban Renewal Plan And Center City Master Plan

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Dana K. Miller
Lois J. Giess (Did not vote on Int. Nos. 519, 520, 521, 522, 523, 531 and 533)
JOBS, ECONOMIC DEVELOPMENT & CENTER CITY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2007-31
Re: REDCO Member Appointments

Transmitted herewith for your approval is legislation confirming the appointment of Members of Rochester Economic Development Corporation. REDCO's by-laws provide for 25 Members, five of whom are City officials as ex-officio Members - Mayor, City Council President, Commissioner of Economic Development, Deputy Commissioner of Economic Development, and Director of Finance. The following 20 individuals are recommended for appointment:

Robert D. Baden
President, Rochester Software Associates
James Costanza
President, Costanza Enterprises, Inc.
Sergio Esteban, P.E.
President/CEO, LaBella Associates, P.C.
James M. Genthner
Executive Vice President, EPIC Advisors, Inc.
Karen Noble Hanson
Director of Finance, Episcopal Diocese
Randolph B. Henderson
CEO, Henderson Automotive Family
Barbara J. Jones
Retired Vice President/Region Manager, J.P. Morgan Chase Bank
Wayne LeChase
CEO/Managing Partner - LeChase Construction Services, LLC
Patricia Malgieri
Deputy Mayor, City of Rochester
Jeffrey McFadden
President, Rogers Machine Tool Corp.
Richard Mueller
Administrative Vice President, M&T Bank
William F. Pritchard
Member-at-Large, Rochester City Council
Gary J. Bonadonna, Jr.
Political Director, UNITE HERE/Rochester Regional Joint Board
David Rodriguez
Chief Financial Officer, GE/MDS, Inc.
Ruth H. Scott
CEO, Scott Associates
Emilio Serrano
Retired President/CEO, Ibero-American Investors Corporation
Mark Siwec
Realtor, ReMax Realty Group
Julio Vazquez
Commissioner of Community Development, City of Rochester
Gerry Ward
President, Brewer & Newell Printing
David A. Young, Jr.
Business Mgr., Int'l Brotherhood of Electrical Workers, LU #86

Mr. Siwec, and Mr. Ward are new to REDCO and

are filling vacant positions. Two other new members are Mr. Young and Mr. Bonadonna. Mr. Young is replacing Dan Conte who has resigned from REDCO; Mr. Bonadonna is replacing Michael Roberts who has resigned from REDCO. Resumes for all four new members are on file with the City Clerk for review.

The terms of all Members will extend through June 30, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2007-31
(Int. No. 519)

Resolution Approving Appointments To The Rochester Economic Development Corporation

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment or reappointment of the following members of the Rochester Economic Development Corporation (REDCO) for terms which shall expire on June 30, 2009:

Robert D. Baden
President, Rochester Software Associates

Gary Bonadonna, Jr.
Political Director,
UNITE HERE/Rochester Regional Joint Board

James Costanza
President, Costanza Enterprises, Inc.

Sergio Esteban, P.E.
President/CEO, LaBella Associates, P.C.

James M. Genthner
Executive Vice President, EPIC Advisors, Inc.

Karen Noble Hanson
Director of Finance,
Episcopal Diocese of Rochester

Randolph B. Henderson
CEO, Henderson Automotive Family

Barbara J. Jones
Retired Vice President & Region Manager,
J.P. Morgan Chase Bank

Wayne LeChase
CEO/Managing Partner,
LeChase Construction Services, LLC

Patricia Malgieri
Deputy Mayor, City of Rochester

Jeffrey McFadden
President,
Rogers Associates Machine Tool Corporation

Richard Mueller
Administrative Vice President, M&T Bank

William F. Pritchard
City Councilmember, City of Rochester

David Rodriguez
Chief Financial Officer, GE/MDS, Inc.

Ruth H. Scott
Chief Executive Officer, Scott Associates

Emilio Serrano
Retired President & Chief Executive Officer,
Ibero American Investors Corp.

Mark Siwec
Realtor, ReMax Realty Group

Julio Vazquez
Commissioner of Community Development,
City of Rochester

Gerald P. Ward
President, Brewer & Newell Printing

David A. Young, Jr.
Business Manager, IBEW, Local #86

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-474
Re: Agreement - RPO, Musical Services

Transmitted herewith for your approval is legislation authorizing \$75,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, for various musical services. The cost of the agreement will be financed from the 2007-08 Budget of the Department of Recreation and Youth Services.

The RPO will provide two full orchestra concerts and six ensemble concerts to be performed as part of the neighborhood concert series. They will also provide a session of classical music education to every third grade classroom in the City School District.

The full orchestra concerts will be similar to those provided annually since 1987 under comparable agreements. The ensemble concerts will be similar to the 2007 series, which took place in neighborhoods throughout the city as part of the 2007 summer performing arts season. The education curriculum will be developed by ensemble members and music and classroom teachers; thirty educational presentations will be provided to approximately 5,000 students enrolled in grade three.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-474
(Int. No. 520)

Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Philharmonic Orchestra for two full orchestra public concerts, music education in City schools and six en-

semble public concerts. Said amount shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-475
Re: NYS Grant for Holiday Events
and Film Festivals

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Office of Parks, Recreation and Historic Preservation, for the receipt and use of a \$65,000 grant. This legislation will also:

1. Amend the 2007-08 Budget of the Department of Recreation and Youth Services to include \$15,000 of the grant to fund City-produced holiday events;
2. Authorize an agreement with Picture Fest, International for their use of \$25,000 of the grant to support the 2008 High Falls Film Festival; and
3. Authorize an agreement with ImageOut for their use of \$25,000 of the grant to support the 2007 Image Out Film Festival.

The City-produced holiday events include the 2007 Holiday Concerts at Midtown Plaza during the month of December; Historic High Falls events on December 29 and 30; and the New Year's Eve celebration, produced by the City's DRYs Special Events Office.

This \$65,000 grant was included in the 2007-08 New York State Budget through the efforts of Senator Joseph E. Robach.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-475
(Int. No. 521, As Amended)

Authorizing Agreements For Funding For Special Events And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the State of New York Office of Parks, Recreation and Historic Preservation for grants for the 2007 Image Out Film Festival, 2008 High Falls Film Festival and City sponsored holiday events during December, 2007.

Section 2. The Mayor is hereby further authorized to enter into an agreement with ImageOut for funding for the 2007 Image Out Film Festival.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, [is hereby appropriated from the funds to be received under the grant agreements authorized

herein] shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 4. The Mayor is hereby further authorized to enter into an agreement with Picture Fest, International for funding for the 2008 High Falls Film Festival.

Section 5. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, [is hereby appropriated from the funds to be received under the grant agreements authorized herein] shall be funded from the 2007-08 Budget of the Department of Recreation and Youth Services.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$[15,000] 65,000, which amount is hereby appropriated from the funds to be received under the grant agreements authorized herein to fund the 2007 Image Out Film Festival, 2008 High Falls Film Festival and City sponsored holiday events during December, 2007.

Section 8. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-476
Re: Arts & Culture Marketing Campaign

Transmitted herewith for your approval is legislation appropriating \$100,000 from the Fund for the City's Future for an Arts & Culture Marketing Campaign. The campaign will focus on the quality of life in Rochester and is intended to benefit the City's goal of economic development. The Fund for the City's Future was established for this purpose by City Council Resolution No. 96-19.

In late summer 2006, the City convened Rochester's arts and cultural leaders to determine how best to capitalize on the area's cultural assets to drive economic development in Rochester. The group unanimously agreed to accept the services of Jack Krashauer and Frontline, a local advertising agency, to develop a campaign focusing on Rochester's world-class offerings in the visual and performing arts, and its several cultural institutions and museums.

The \$100,000 from the City will be used as seed money to attract additional investment from other sources including, but not limited to, Monroe County, private investment and Rochester arts and cultural institutions. The campaign funds will be used as follows: 40% for business print (e.g., Rochester Business Journal, regional editions of Time and Newsweek magazines), 40% for billboards and movie screens, and 20% for general print media (*Democrat & Chronicle*, *City Newspaper*, *Rochester Magazine*).

To date, the Seneca Park Zoo, Rochester Museum & Science Center, GEVA, RPO, George Eastman House, Strong National Museum of Play and WXXI have committed a combined match of \$102,182 toward the campaign by utilizing the logo and message on letter-head, web-site, e-mail blasts, brochures, specialty print, television, radio, newspaper and magazine advertising.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-476
(Int. No. 522)

Appropriating Funds And Authorizing Agreements For An Arts & Culture Marketing Campaign

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Fund for the City's Future the sum of \$100,000, or so much thereof as may be necessary, to fund an Arts & Culture Marketing Campaign focusing on the quality of life in Rochester.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the campaign.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-477
Re: Establishing a Residential Parking Program at High Falls Garage

Transmitted herewith for your approval is legislation authorizing the Coordinator of Municipal Parking to establish a monthly residential parking program at High Falls Garage, and establishing the fee for such parking at \$30 per month. This program will be piloted for one year, at which time it will be evaluated before it is continued.

With the current (Parry Building) and future (Mills at High Falls and Parazin Building) development of residential units in the High Falls District and 113-173 State Street, there is a need to establish a rate for monthly residential parking in the High Falls Garage.

The High Falls Garage has a total of 750 parking spaces, 325 of which are currently used by monthly parkers. It is anticipated that six spots would be needed in the next six months for residents of the Parry Building. Additional residences at Parazin Building and at the Mills at High Falls will increase the demand for monthly residential parking in the area.

Those requesting a monthly residential parking pass would be required to provide proof of residency in the High Falls District or in nearby areas as illustrated on the attached map.

The new rate would take effect January 1, 2008 at the High Falls Garage.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-166

Ordinance No. 2007-477
(Int. No. 523)

Authorizing A Residential Parking Program In The High Falls Garage For 2008

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Notwithstanding the provisions of Section 111-119 of the Municipal Code establishing the fees for use of parking garages, the Municipal Parking Coordinator, with the approval of the Mayor, is hereby authorized to establish a residential parking program at the High Falls Garage whereby area residents shall be able to park in the garage for the monthly rate of \$30. The Municipal Parking Coordinator is further authorized to establish rules and regulations to govern such residential parking and eligibility therefor.

Section 2. This ordinance shall be in effect for calendar year 2008.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-478
Re: Agreement - Up All Night, Party in the Park Concert Series

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Up All Night (principal: Gerard Fisher), 111 East Avenue, for booking national and regional artists for the 2008 "Party in the Park" concert series. The cost of this agreement is the same as 2007, and will be financed from the Rochester Events Network trust fund (\$76,000) and the 2008-09 Budget of the Department of Recreation and Youth Services (\$24,000).

The concert series will be presented on ten consecutive Thursday evenings from June 5 through August 7. The concert series is moving from the High Falls festival site due to a major construction project at the High Falls site by RG&E; the new location is yet to be determined. For each concert, Up All Night will provide artists for all opening and national headline acts. It will also provide a production manager and hospitality for the artists.

The concerts in the 2007 series attracted approximately 40,000 people total, which was an increase in attendance of 15% from 2006. As in the last eight years, this agreement includes a revenue-sharing component providing the City with at least 25% of net food and beverage sales during the concerts. In 2007, a total of \$20,475 in revenue was received by the City, a 57% increase from 2006.

Up All Night produces more than 250 events each year. Because it is able to offer multiple events to performers, it typically is able to negotiate lower fees

than the City usually obtained. This leverage in booking saves the City an estimated \$30,000 in talent fees.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-478
(Int. No. 531)

Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Up All Night for talent booking services for the "Party in the Park" concert series. Of said amount, \$76,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$24,000 shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services, contingent upon approval of said budget. The agreement shall also provide Up All Night exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for 25% of the net revenue from the food and beverage sales.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-479
Re: Agreement - Greater Rochester
Enterprise - Economic Development
Services

Transmitted herewith for your approval is legislation appropriating funds and authorizing an agreement with Greater Rochester Enterprise (GRE) for one year support of its economic development efforts. The cost of the agreement will be \$50,000 and will be funded from City's Fund for the Future.

GRE was formed in 2001 as a regional economic development organization supported by a team of private and public sector leaders dedicated to improving economic performance in the greater Rochester region. GRE's primary focus can be found in the following areas: marketing our region as a competitive, high profile region for business development and growth, facilitate access to state and local economic development programs, attract new businesses to our region, and provide assistance with business retention and expansion for those who request this assistance.

The organization is governed by a Board of Directors comprised of major investors in GRE, including the City of Rochester. The City is also represented on the Executive Committee along with representatives of the County, Rochester Business Alliance, and other lead investors.

The City has been a supporter of GRE for the last five years at a cost of \$50,000 per year. The original

authorization for support was by Ordinance 2002-239.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2007-479
(Int. No. 533)

Authorizing An Agreement For Economic Development Support

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Greater Rochester Enterprise for support of its economic development efforts for one year.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$50,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Fund for the City's Future.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2007-480,
Ordinance No. 2007-481,
Ordinance No. 2007-482,
Ordinance No. 2007-483 and
Ordinance No. 2007-284

Re: Midtown Plaza Revitalization Project

Transmitted herewith for your approval is legislation related to the Midtown Plaza Revitalization Project. This legislation will:

1. Make the determinations and findings for acquisition of 285 E. Main St., 18-26 S. Clinton Ave., 32-58 S. Clinton Ave. and 100 S. Clinton Ave., known as Midtown Plaza;
2. Authorize acquisition, by negotiation or condemnation, of four Midtown Plaza properties;
3. Establish \$255,100 for an agreement with Flaum Management, Inc. and R.K. Hite & Co., Inc., for the provision of relocation planning and advisory services for Midtown Plaza tenants;
4. Establish \$25,000 as maximum compensation for an agreement with Bruckner, Tillett, Rossi, Cahill & Associates, 110 Linden Oaks, Rochester, 14625, for appraisal of the Midtown Plaza properties;
5. Amend the 2007-08 budget by transferring \$255,100 from Contingency to Cash Capital to fund the relocation planning and advisory services agreement;
6. Amend the 2007-08 Budget of the Economic Development Department by transferring

\$25,000 from Contingency to fund the appraisal agreement;

7. Authorize an agreement with New York State Urban Development Corporation d/b/a Empire State Development Corporation for receipt and use of a grant, not to exceed \$750,000, for master planning for the Midtown area; and
8. Amend the Consolidated Community Development Program/2007-08 Annual Action Plan to allow the submission of applications to the U.S. Department of Housing and Urban Development for a Section 108 Loan of up to \$3,000,000, and for a Brownfield Economic Development Initiative (BEDI) Grant of \$2,000,000 for acquisition and relocation activities.

The Midtown Plaza Revitalization Project includes the acquisition, demolition and subsequent sale or lease for redevelopment of the properties. The site consists of 8.6 acres with 1.4 million square feet of commercial space. The Plaza has been in major decline with significant loss of businesses for over two decades and is currently 85% vacant. Midtown Plaza has become a major economic liability to Rochester's Center City and the source of significant blight which has negatively impacted the surrounding area.

An analysis revealed that the cost of rehabbing Midtown Plaza would far exceed the costs of demolition and redevelopment. Even if completed, the rehabbing of the existing buildings would result in a marginally marketable project. As a result of this analysis, the decision was made to pursue the demolition and redevelopment of Midtown Plaza.

In order to make the redevelopment of Midtown Plaza feasible, it has been determined that the public sector must complete the land assembly, which includes acquisition, relocation, demolition and asbestos abatement. Funding for the asbestos abatement and demolition will be provided by New York State.

The properties are included in the Midtown Urban Renewal District approved by City Council in March 2007. The acquisition will further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan.

Once land assembly is completed, a portion of the site will be sold or leased to PAETEC Holding Corp. for the development of PAETEC's world headquarters. The remaining property will be disposed of in accordance with a Development Plan for future mixed-use development that will be completed within the next year in response to the request for proposal discussed below.

Midtown Plaza is comprised of four parcels. The properties to be acquired are as follows:

<u>Address</u>	<u>Reputed Owner</u>	<u>Type</u>
285 East Main Street	Midtown Rochester Properties LLC	Commercial
18-26 South Clinton Avenue	Midtown Rochester Properties LLC	Commercial
32-58 South Clinton Avenue	Midtown Rochester Properties LLC	Commercial

100 South Clinton Avenue
Midtown Rochester Properties LLC
Commercial

The properties will be acquired through negotiation or for their highest approved appraisal in accordance with the Eminent Domain Procedure Law. Because Federal funds may be used for some aspects of the project in the future, Federal requirements for eminent domain and relocation will be applied. This requires the preparation of two appraisals; the City will offer to pay the higher of the two values. The appraisal process is expected to be completed in January, at which time a plan for funding the acquisition will be presented to Council before the eminent domain proceeding is commenced.

A public hearing was held on November 13, 2007 pursuant to Eminent Domain Procedure Law. The hearing was held open until December 13, 2007 allowing for the submission of written comments. Based on the comments presented at the public hearing, the following determinations and findings are proposed:

1. Project description: The acquisitions include the specified four full properties for redevelopment.
2. Project purpose: The acquisition will eliminate blighted structures and permit the subsequent redevelopment of the properties, create and retain local jobs, enhance the economic vitality of Rochester's Center City District, expand the City's tax base, create new residential opportunities for downtown living, and improve pedestrian and traffic circulation in the area.
3. Project effect: The acquisition of the properties will have no significant adverse effect on the environment and, indeed, will assist in the revitalization of the Center City District.

The City issued a request for proposals on November 20, 2007 for consultant services relating to the relocation of the Midtown Plaza businesses. Two proposals were received: from Flaum Management Company, Inc. in conjunction with R.K. Hite & Co., Inc., and from Moore Corporate Real Estate, Inc.

The City will contract with Flaum Management and R.K. Hite to provide an estimate of the cost of all relocation benefits, and for the provision of relocation planning and advisory services for the approximately 49 tenants that currently occupy the properties to be acquired. Included in the total cost of the agreement is \$30,200 for the subcontracting of appraisal services for the valuation of tenant-owned improvements.

Relocations will comply with the following Federal regulations:

1. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as implemented in Title 49, Code of Federal Regulations (CFR), Part 24, as amended, entitled "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs" (URA);
2. HUD Handbook 1378; and
3. Title 17 NYCRR Part 101.

The primary tasks that will be undertaken by the con-

sultant include:

1. Preparation of preliminary estimates of anticipated costs and expenses for Midtown businesses to be used for a funding plan for relocation (to be completed prior to the January 15, 2008 City Council meeting);
2. Relocation planning and identification of benefits available to Midtown tenants for relocation;
3. Issuance of all necessary relocation notices;
4. Provision of relocation assistance advisory services;
5. Coordination of relocation activities; and
6. Processing of all claims for relocation payments.

Three firms were invited to submit proposals to provide appraisals for the Midtown Plaza properties. The request stipulated that the appraisal report be completed by January 14, 2008. Bruckner, Tillett, Rossi, Cahill & Associates is the only firm able to meet this schedule.

Empire State Development Corporation has approved a \$750,000 grant for master planning and State Environmental Quality Review Act (SEQRA) assistance for the project. In anticipation of receiving the grant funds, an RFP was issued for the master planning/SEQRA activities. Proposals will be submitted on December 21, 2007, and approval of the consultant team agreement will be considered at the January 15, 2008 City Council Meeting.

The U.S. Department of Housing and Urban Development (HUD) is currently accepting applications for Section 108 loan and BEDI grant assistance. The application deadline for HUD assistance is December 28, 2007. City Council authorization to amend the Consolidated Community Development Program is required in order to submit applications for the funding. The BEDI grant request must be submitted in conjunction with Section 108 Loan application. The City will request up to \$3 million in Section 108 loan funds and \$2 million in BEDI grant funds. The funds will be utilized to reimburse the City acquisition of the properties and to fund relocation activities. Repayment of the Section 108 loan will be accomplished from proceeds realized through future sales of the Midtown properties. If the City's application for the BEDI grant is not approved, the City will not proceed with the Section 108 funding. Approval of the applications are not expected until spring 2008, at which time City Council authorization will be required to enter into the loan and grant agreements.

A public hearing is required to amend the Consolidated Community Development Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AG-167

Ordinance No. 2007-480
(Int. No. 535)

Determinations And Findings Relating To The Acquisition Of The Midtown Plaza Properties

WHEREAS, the City of Rochester proposes to acquire the Midtown Plaza properties, and

WHEREAS, the Council of the City of Rochester held a public hearing on November 20, 2007 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of these parcels, and allowed written comments to be received from the property owner by December 13, 2007. No objections have been raised to the acquisition,

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of the Midtown Plaza properties:

Project Location: The City proposes the public acquisition of the Midtown Plaza properties, constituting a 1.4 million square foot mixed-use, office and retail complex covering approximately 8.6 acres, centrally located in downtown Rochester, and known as 285 East Main Street, SBL #121.24-1-8.1; 18-26 South Clinton Avenue, SBL #121.24-1-28; 32-58 South Clinton Avenue, SBL #121.24-1-29; and 100 South Clinton Avenue, SBL #121.24-1-24.1. The current owner is Midtown Rochester Properties LLC.

Public purpose:

The public purpose behind the acquisition is the removal of the blighted Midtown Plaza properties and the subsequent redevelopment of the properties for office use and mixed-use development. The property is currently 85% vacant. In spring 2007 a major office tenant relocated to another property. This has left the property with over 1 million square feet of vacant office and retail space. Compounding the problem for revitalization of Midtown is the fact that most of the structures contain significant asbestos contamination. Remediation of the asbestos has been estimated at over \$40 million. A building assessment concluded that most all of the building systems (heating, air conditioning, electrical, elevators, etc.) are original systems installed over 45 years ago, and are in dire need of upgrades and replacement. The inefficient building configurations and floor sizes have made it a challenge to attract the types of anchor tenants needed to revitalize the aging complex. Just to the east of the Midtown Plaza is the East End District. The East End has experienced significant private sector investment over the past 15 years, including The Sagamore on East, Chevy Place, Eastman Living Center, Symphony Terrace and several other residential and mixed-use projects. The growth of the East End and influx of private investment has not been realized west of Chestnut Street in the Midtown Plaza area. The Plaza is located in the heart of Rochester's downtown area and has now become a major liability relative to the vitality of Rochester's Center City. It continues to be the source of significant blight which negatively impacts the surrounding Center City community.

Midtown Plaza requires a complete overhaul to become an attractive Center City property. The costs to simply renovate the property "as-is", including environmental abatement, to a condition where prospective tenants could begin additional investment improvements required to occupy the buildings, have been estimated at \$141 million. These costs exceed the possible costs associated

with its demolition and subsequent redevelopment. As a result of this analysis, the demolition of, rather than the redevelopment of, Midtown Plaza is being pursued.

In order to redevelop the Midtown Plaza properties, public sector intervention is required. Redevelopment of the properties is feasible if the public sector can assemble the land. Upon acquisition of the properties by the City, New York State funding will be provided for demolition and asbestos abatement. Once the land assembly is completed and ready for development, the site will be available for private development of an office building and for mixed-use development.

The goals of the project are consistent with the goals and objectives of the Center City Master Plan and the Midtown Urban Renewal District Plan. Implementation of the proposed project will benefit the City by:

1. Eliminating substandard and deteriorated structures and other blighting influences in the Center City.
2. Promoting significant new office and mixed-use development within the core of the Center City, thereby revitalizing and promoting additional private investment in the area.
3. Expanding the City's tax base.
4. Creating additional jobs in the Center City and additional Center City residents and customers for Center City businesses.

General Effect:

The acquisition will ultimately allow for the demolition with State funding of the mostly vacant, substandard and deteriorated structures which currently are blighting influences in the center of downtown. The properties will then be redeveloped for office and mixed-use development. This will result in an increase in the tax base, the creation of new jobs, and the addition of Center City residents and customers for Center City businesses. A SEQR negative declaration has been prepared for the acquisition of the Midtown parcels by the City and asbestos abatement in accordance with local, state and federal regulations. Prior to demolition or new construction on the parcels, a full review under SEQR shall be initiated.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-481
(Int. No. 536)

Establishing Maximum Compensation For A Professional Services Agreement For Relocation Of Midtown Plaza Tenants And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$255,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Flaum Management, Inc.

and R.K. Hite & Co., Inc. for relocation planning and advisory services for Midtown Plaza tenants as a part of the Midtown Plaza Revitalization Project. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$255,100 from the Contingency allocation to the Cash Capital allocation to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Conklin, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 8.

Nays - Councilmember Lightfoot - 1.

Ordinance No. 2007-482
(Int. No. 537)

Establishing Maximum Compensation For A Professional Services Agreement For Appraisal Services And Amending The 2007-08 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services for the Midtown Plaza properties. Said amount shall be funded from the 2007-08 Budget of the Economic Development Department.

Section 2. Ordinance No. 2007-222, the 2007-08 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency allocation to the Economic Development Department to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2007-483
(Int. No. 538)

Authorizing An Agreement For Funding For Master Planning Of The Midtown Plaza Area

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Urban Development Corporation d/b/a Empire State Development Corporation for funding for redevelopment planning and State Environmental Quality Review Act (SEQRA) assistance for the Midtown Plaza Revitalization Project.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

diately.

SPECIAL MEETING
DECEMBER 26, 2007

Passed unanimously.

Ordinance No. 2007-484
(Int. No. 539)

Amending The 2007-08 Community Development Block Grant And Approving A Section 108 Business Loan And A Brownfields Economic Development Initiative Grant For The Midtown Plaza Revitalization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves an amendment to the 2007-08 Community Development Program Plan to add Section 108 Loan authority in the amount of \$3,000,000 and Brownfields Economic Development Initiative Grant authority in the amount of \$2,000,000 for the Midtown Plaza Revitalization Project.

Section 2. The Council hereby approves a Section 108 Loan in the amount of \$3,000,000 and a Brownfields Economic Development Initiative Grant in the amount of \$2,000,000 for the Midtown Plaza Revitalization Project, and said amounts, or so much thereof as may be approved, are hereby appropriated for this purpose.

Section 3. The Mayor is hereby authorized to submit applications to and enter into Section 108 Loan and Brownfields Economic Development Initiative Grant Agreements with the Department of Housing and Urban Development, and to execute such other agreements or instruments as may be necessary to effectuate the 108 Loan and Brownfields Economic Development Initiative Grant Programs.

Section 4. The application, agreements, and other instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 491 was introduced November 20, 2007, and appears in its original form with its transmittal letter on page 377 of the current Council Proceedings.

Ordinance No. 2007-485
(Int. No. 491)

Authorizing The Acquisition By Negotiation Or Condemnation Of The Midtown Plaza Parcels To Further The Midtown Urban Renewal Plan And Center City Master Plan

Passed unanimously.

The meeting was adjourned at 9:15 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

Present - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

Councilmember Miller moved to reconsider Introductory No. 321A.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Conklin, Lightfoot, McFadden, Miller, Pritchard, Santiago, Stevenson, Warren - 9.

Nays - None - 0.

Introductory No. 321A was introduced November 20, 2007, and appears in its original form with its transmittal letter on page 385 of the current Council Proceedings.

Ordinance No. 2007-542
(Int. No. 321A)

Authorizing An Agreement For The Provision Of Emergency Ambulance Services

Passed unanimously.

Meeting was adjourned at 5:15 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2007**

Held April 11, 2006

Int. No. 96 - Amending The Municipal Code With Respect To Professional Licensing Fees - Finance & Public Services Committee

Held July 18, 2006

Int. No. 260 - Amending Ordinance No. 2003-347, Relating To Apprenticeship Programs For Certain Public Works Contracts, As Amended - Jobs, Economic Development & Center City Committee

Held December 19, 2006

Int. No. 427 - Resolution Approving Procurement Process Contacts Policy - Finance & Public Services Committee

Int. No. 446 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$54,000 Bonds Of Said City To Finance The Additional Cost Of Preparation Of A Master Plan For Development At The Port Of Rochester - Parks, Public Works & The Environment Committee

March 20, 2007

Int. No. 103 - Amending The Municipal Code With Respect To Search Warrants - Public Safety Committee

April 17, 2007

Int. No. 143 - Authorizing A Grant Agreement For Backup Generators For Fire Stations - Public Safety Committee

May 15, 2007

Int. No. 169 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Genesee Street And Seward Street - Housing & Community Development Committee

September 19, 2007

Int. No. 380 - Establishing Maximum Compensation For A Professional Services Agreement For The River Street Parking Lot Improvements Project - Parks, Public Works & The Environment Committee

October 16, 2007

Int. No. 431 - Authorizing An Agreement For The 2008 Twilight Criterium And Amending The 2007-08 Budget - Jobs, Economic Development & Center City Committee

Int. No. 445 - Establishing Maximum Compensation For A Professional Services Agreement For Executive Support Staff Training - Finance & Public Services Committee

Int. No. 446 - Establishing Maximum Compensation For A Professional Services Agreement For Lean Six Sigma Training - Finance & Public Services Committee

INDEX 2007 ABBREVIATIONS

Acq. - Acquire, Acquisition	Int. - Introductory, Introduced
Adpt. - Adopt	L.I.O. - Local Improvement Ordinance
Agree. - Agreement	L.L. - Local Law
Amend. - Amending, Amendment	Lftd. - Lifted
Appl. - Application	Litig. - Litigation
Approp. - Appropriate, Appropriating	Max. - Maximum
Appnt(s). - Appoint, Appointment(s)	Mgr. - Manager
Assist. - Assistance	Mun. - Municipal
Auth. - Authorize, Authority	NET - Neighborhood Empowerment Team
Bldg. - Building	Ofc. - Office
Cert. - Certified	Off. - Official
CHDO - Community Housing Development Organization	Ord. - Ordinance
Class. - Classification	Pav. - Pavement
Comm. - Commission, Committee, Community, Commercial	Pk. - Park
Comp. - Compensation	Proj. - Project
Conserv. - Conservation	Pssd. - Passed
Constr. - Construction	Pub. - Public
Ctr. - Center	Purch. - Purchase
Decr. - Decrease	R.E. - Real Estate
Dedica. - Dedicate	R.O.W. - Right-of-Way
Demon. - Demonstration	Rec. - Recreation
Designa. - Designate	Rehab. - Rehabilitation
Dev. - Development	Rej. - Reject
Erron. - Erroneous	Renew. - Renewal
Est(s). - Estimate(s)	Resi. - Residential
Ext. - Extension	Reso. - Resolution
Facil. - Facilities	Rev. - Revenue
FY - Fiscal Year	Roch. - Rochester
Gar. - Garage	Svs. - Services
H.R. - Home Rule	Tbld. - Tabled
Hear. - Hearing	Tr. - Transmittal
Incr. - Increase	Var. - Various
Indus. - Industrial	Wid. - Width
	Zon. - Zoning

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CSXT, INC.

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CATHOLIC CHARITIES, INC.

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2005-44, Tr. letter, 28, Pssd., 28

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

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Auth. agree. relating to 2007 Summer of Opportunity Program, Tr. letter, 197, Pssd., 198

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CENTER CITY ZONING DISTRICT

Reso. in support of COMIDA downtown tax abatement program for owner-occupied housing, Tr. letter, 166, Adpt., 167

CENTER FOR DISPUTE SETTLEMENT

Establishing max. comp. for professional svcs. agree. for Teen Court Program and amend. 2006-07 Budget, Tr. letter, 21, Pssd., 22

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 218, Pssd., 218

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CENTER FOR GOVERNMENTAL RESEARCH, INC.

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CENTER FOR IMPROVEMENT IN CHILD CARING

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CENTER FOR YOUTH SERVICES

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

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Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

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Auth. agree. for Charlotte Community Improvement Proj. as part of Sector Targeted Initiative Program, Tr. letter, 58, Pssd., 59

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Approving sale of parcels for Charlotte Sq. Proj., Tr. letter, 396, Pssd., 397

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Establishing max. comp. for agree. for management training, Tr. letter, 118, Pssd., 119

Auth. application and agree. for 2007 Summer

Food Service Program for Children, Tr. letter, 119, Pssd., 120

Establishing max. comp. for professional svcs. agree. for computer training, Tr. letter, 158, Pssd., 158

Bond ord. auth. issuance of \$22,972,600 bonds to finance cost of planning and implementing design and constr. of renovations to Audubon School No. 33 as part of Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Addition and Renovations Proj., Tr. letter, 173, Pssd., 174

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Auth. agree. for Hillside Work Scholarship Connection Program, Tr. letter, 316, Pssd., 316

Auth. agree. for Clinton-Baden Community Ctr., Tr. letter, 343, Pssd., 343

Auth. agree. for Pre-K transportation and amend. 2007-08 Budget, Tr. letter, 344, Pssd., 345

Bond ord. auth. issuance of \$1,769,000 bonds to finance cost of planning and implementing design of and constr. of renovations to Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Addition and Renovations Proj., Tr. letter, 393, Pssd., 395

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CIVIC HOUSING DEVELOPMENT FUND COMPANY, INC.

Approving property tax exemption, auth. in-lieu-of-tax agree. and extending reversionary rights for Fernwood Park, Ramona Park and Norton Village Apts., Tr. letter, 239, Pssd., 239

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Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 381, Adpt., 382

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CLARK PATTERSON ASSOCIATES

Establishing max. comp. for professional svcs. agree. for Main and Goodman Traffic Study, Tr. letter, 310, Pssd., 310

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Establishing max. comp. for professional svcs. agree. for grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 146, Pssd., 147

CLIFFORD AVENUE

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Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

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Amend. 2005-06 Consolidated Community Dev. Plan by transferring funds to Industrial Loan Program, approp. funds and approving agree., Tr. letter, 6, Pub. hear., 1, Pssd., 7

Amend. 1997, 1998, 1999, 2000, 2001, 2002 and 2005-06 Emergency Shelter Grant Programs and corresponding ord. and Consolidated Comm. Dev. Plans by transferring unexpended funds to fund the 2006-07 Emergency Shelter Grant Program, Tr. letter, 65, Pub. hear., 55, Pssd., 66

Auth. amend. 2006-07 Community Dev. Program Plan and amend. 2002-03, 2004-05, 2005-06 and 2006-07 HOME Program plans to provide loans for Roch. Housing Dev. Fund Corp., Tr. letter, 99, Pub. hear., 95, Pssd., 100

Auth. amend. 2001-02 Community Dev. Program Plan and Ord. No. 2002-285 to provide funds for Business Assn. Support Program, Tr. letter, 165, Pub. hear., 128, Pssd., 166

Approving Consolidated Community Dev. Plan/2007-08 Annual Action Plan, Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 171

Auth. submission of Consolidated Community Dev. Plan/2007-08 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pssd., 172

Auth. submission of Section 108 Loan appl. and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

Auth. submission of Section 108 Loan application and approving Section 108 Neighborhood Stabilization and Improvement Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

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Auth. amend. 2003-04, 2004-05 and 2005-06 Community Dev. Program Plans and ord. and auth. agree. for Residential Assistance Program, Tr. letter, 185, Pub. hear., 173, Pssd., 186

Auth. amend. 2002-03 Community Dev. Program and Ord. No. 2004-238 to provide funds for Business Assn. Support Program, Tr. letter, 239, Pub. hear., 226, Pssd., 240

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Auth. amend. 2003-04 HOME Program and 2004-05 Community Dev. Program Plans, amend. Ord. No. 2005-254 and auth. agree. for Residential Assist. Program, Tr. letter, 266, Pub. hear., 260, Pssd., 267

Auth. amend. 2004-05 Comm. Dev. Program Plan and auth. agree. for Creating Assets, Savings and Hope Program, Tr. letter, 334, Pub. hear., 329, Pssd., 335

Auth. amend. 2000-01, 2001-02 and 2004-05 Community Dev. Program Plans and auth. loan agree. for Mills at High Falls Proj., Tr. letter, 350, Pub. hear., 329, Pssd., 352

Auth. amend. 1997-98, 1998-99, 2000-01, 2001-02 and 2003-04 Community Dev. Program Plans, amend. Ord. and auth. loan agree. for JOSANA Rental Proj., Tr. letter, 361, Pub. hear., 356, Pssd., 363

Auth. amend. 1999-2000, 2001-02, 2004-05 and 2005-06 Community Dev. Program Plans, amend. Ord. and auth. agree. for Business Programs, Tr. letter, 376, Pub. hear., 356, Pssd., 377

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

Auth. agree. relating to 2007 Summer of Opportunity Program, Tr. letter, 197, Pssd., 198

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 198, Pssd., 199

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Establishing max. comp. for professional svcs. agree. for computer training, Tr. letter, 158, Pssd.,

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- Establishing max. comp. for professional svcs. agree. for Police Dept. Data Ctr., Tr. letter, 290, Pssd., 290
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- Establishing max. annual comp. for professional svcs. agree. for 911 Ctr. Emergency Telephone Notification System svcs., Tr. letter, 416, Pssd., 417

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- Auth. submission of Section 108 Loan appl. and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172
- Auth. submission of Section 108 Loan application and approving Section 108 Neighborhood Stabilization and Improvement Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172
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CONTE, DANIEL E.

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- Auth. agree. for Biz Kid\$ Program, Tr. letter, 121, Pssd., 121
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Auth. applications and agree. for grant funds, Tr. letter, 404, Pssd., 405

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Establishing max. comp. for professional svcs. agree. for Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 192

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Establishing max. comp. for amend. professional svcs. agree. for cathodic protection program for water system, Tr. letter, 308, Pssd., 309

COSTANZA, JAMES

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Auth. amend. 2004-05 Comm. Dev. Program Plan and auth. agree. for Creating Assets, Savings and Hope Program, Tr. letter, 334, Pub. hear., 329, Pssd., 335

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Reso. approving appts. to Electrical Examining Board, Tr. letter, 59, Adpt., 60

CRESTWOOD CHILDREN'S CENTER

Auth. agree. for human svcs. program, Tr. letter, 314, Pssd., 315

CRIME

Auth. application and agree. for STOP Violence Against Women Program, Tr. letter, 20, Pssd., 20

Auth. agree. for video surveillance system grants and amend. 2006-07 Budget, Tr. letter, 21, Pssd., 21

Establishing max. comp. for professional svcs. agree. for Teen Court Program and amend. 2006-07 Budget, Tr. letter, 21, Pssd., 22

Auth. agree. for Anti-Gang Pilot Program, Tr. letter, 22, Pssd., 22

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Establishing max. comp. for professional svcs. agree. for Lawn St. Public Improvement Proj., Tr. letter, 307, Pssd., 307

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Establishing max. comp. for professional svcs. agree. for "Bands On The Bricks" concerts, Tr. letter, 124, Pssd., 125

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Establishing max. comp. for professional svcs. agree. for Crossroads Garage HVAC System Optimization Proj., Tr. letter, 256, Pssd., 257

Auth. agree. and approp. funds for S. Clinton Ave. and Mt. Hope Ave. Enhancement Projects, Tr. letter, 339, Pssd., 340

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Establishing max. comp. for professional svcs. agree. for design svcs. for backup generators for fire stations and approp. funds, Tr. letter, 160, Pssd., 161

Establishing max. comp. for professional svcs. agree. for plumbing study at Chestnut St. Firehouse, Tr. letter, 161, Pssd., 161

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Amend. bond ord. 2004-37 and 2005-411 relating to reconstruction of Fire facilities, Tr. letter, 291, Pssd., 291

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Establishing max. comp. for amend. professional svcs. agree. for expert medical svcs. and amend. Ord. No. 2007-156, Tr. letter, 289, Pssd., 289

FLAUM MANAGEMENT, INC.

Establishing max. comp. for professional svcs. agree. for relocation of Midtown Plaza tenants and

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FREDERICK DOUGLASS RESOURCE CENTER

Auth. agree. for Frederick Douglass Resource Ctr. and amending 2007-08 Budget, Tr. letter, 333, Pssd., 334

FREEDOM SCHOOL SUMMER PROGRAM

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GALLAGHER BASSETT SERVICES, INC.

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GARTNER, INC.

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Establishing max. comp. for professional svcs. agree. for design svcs. for backup generators for fire stations and approp. funds, Tr. letter, 160, Pssd., 161

GENESEE BROOKS LLC

Auth. sale of parcels in Brooks Landing Urban Renewal Proj., acq. parking rights and repealing Ord. No. 2005-389, Tr. letter, 304, Pub. hear., 297, Pssd., 305

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GENESEE LAND TRUST, INC.

Auth. agree. for El Camino Trail Gateway Proj. of Sector Targeted Initiative Program, Tr. letter, 58, Pssd., 59

Auth. agree. and approp. funds for El Camino: Butterhole-Seneca Park Trail, Tr. letter, 246, Held, 246, Pssd., 312

GENESEE STREET

Approving changes in pavement width of Genesee St. between Brooks Ave. and Cottage St., Tr. letter, 139, Pub. hear., 127, Held, 141, Pssd., 183

Bond ord. auth. issuance of \$438,000 bonds to finance cost of constr. of certain street related improvements for Brooks Village/Genesee St. Enhancement Proj., Tr. letter, 139, Held, 142, Pssd., 184

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Auth. submission of Consolidated Community Dev. Plan/2007-08 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pssd., 172

Auth. submission of Section 108 Loan appl. and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

Auth. submission of Section 108 Loan application and approving Section 108 Neighborhood Stabilization and Improvement Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

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Amend. 2007-08 Budget in regard to Downtown City Living Program - \$5,000, Tr. letter, 204, Pssd., 204

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Acq. of former Heritage Charter School parcels for Roch. City School District, Tr. letter, 285, Pssd., 287

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Bond ord. auth. issuance of \$1,446,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Glide St. (Lyell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 115

Bond Ord. auth. issuance of \$340,500 bonds to finance reconstruction of various water mains related to Glide St. (Lyell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 116

Bond Ord. auth. issuance of \$97,500 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Glide St. (Lyell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 117

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Approving modification of deed restriction at 160 Gould St., Tr. letter, 273, Pssd., 273

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Auth. loan and grant for redevelopment of 206-208 Mill St., Tr. letter, 25, Pssd., 26

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Auth. application and agree. for State Urban Area Supplemental Program grant and amend. 2006-07 Budget, Tr. letter, 51, Pssd., 53

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Reso. endorsing grant application for NY Main Street Program, Tr. letter, 98, Adpt., 98

Auth. grant agree. with Quad A For Kids and amend. 2006-07 Budget, Tr. letter, 120, Pssd., 121

Auth. grant agree. for backup generators for fire stations, Tr. letter, 124, Held, 124

Auth. agree. for play apparatus at Maplewood Park, Tr. letter, 146, Pssd., 146

Auth. submission of Consolidated Community Dev. Plan/2007-08 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pssd., 172

Auth. submission of Section 108 Loan appl. and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

Auth. submission of Section 108 Loan application and approving Section 108 Neighborhood Stabilization and Improvement Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

Auth. grant application and agree. for City Hall stonework restoration, Tr. letter, 188, Pssd., 189

Auth. agree. for funding for 2007 Justice Assistance Grant Program, Tr. letter, 219, Pssd., 219

Auth. agree. and approp. funds for El Camino: Butterhole-Seneca Park Trail, Tr. letter, 246, Held, 246, Pssd., 312

Approving mini-grant program, Tr. letter, 263, Pssd., 264

Auth. agree. and amend. 2007-08 Budget for youth svcs., Tr. letter, 290, Pssd., 290

Auth. application and agree. for funding for truancy program and amend. 2007-08 Budget, Tr. letter, 291, Pssd., 292

Auth. application and agree. for grant under Restore NY Communities Initiative Program, Tr. letter, 302, Pub. hear., 297, Pssd., 303

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Amend. 2007-08 Community Dev. Block Grant and approving Section 108 Business Loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 421, Pub. hear., 388, Pssd., 425

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GREATER ROCHESTER HOUSING PARTNERSHIP, INC.

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 233, Pssd., 233

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Establishing max. comp. for professional svcs. agree. for Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 73

Bond ord. auth. issuance of \$1,606,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 74

Bond ord. auth. issuance of \$321,000 bonds to finance reconstruction of various water mains related to Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 75

Bond ord. auth. issuance of \$75,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 76

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Amend. 2007-08 Budget in regard to Recycling Education Program - \$30,000, Tr. letter, 204, Pssd., 205

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GROUP 14621 COMMUNITY ASSOCIATION

Auth. amend. 2003-04, 2004-05 and 2005-06 Community Dev. Program Plans and ord. and auth. agree. for Residential Assistance Program, Tr. letter, 185, Pub. hear., 173, Pssd., 186

Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

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Establishing max. comp. for professional svcs. agree. for Office of Emergency Communications HVAC Improvement Proj., Tr. letter, 252, Pssd., 253

Establishing max. comp. for professional svcs. agree. for Crossroads Garage HVAC System Optimization Proj., Tr. letter, 256, Pssd., 257

Establishing max. comp. for professional svcs. agree. for Central Vehicle Maint. Facility HVAC Replacement and Heat Recovery Upgrades Proj., Tr. letter, 274, Pssd., 275

Bond ord. auth. issuance of \$477,000 bonds to finance cost of planning and implementing Central Vehicle Maint. Facility HVAC Replacement and Heat Recovery Upgrades Proj., Tr. letter, 274, Pssd., 276

HAMILTON, RICHARD L.

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HARRISON STREET

Reso. memorializing Harrison St. as Joseph F. Jeffries Blvd., Tr. letter, 393, Adpt., 393

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Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 381, Adpt., 382

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Amend. 2007-08 Budget in regard to Health Fair in Sector 4, Tr. letter, 208, Pssd., 208

HECLA ALLEY

Amend. Official Map by renaming Hecla Alley as Veterans Place, Tr. letter, 144, Pub. hear., 128, Pssd., 145

HEMLOCK LAKE

Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 113, Failed, 113, Reconsidered and Pssd., 167

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HENDERSON, RANDOLPH B.

Reso. approving appts. to Roch. Economic Dev. Corp., Tr. letter, 417, Adpt., 418

HENDRICK, COLLEEN, DANCE THEATER

Auth. agree. for human svcs. program, Tr. letter, 314, Pssd., 315

HERONS BEND PRODUCTIONS

Establishing max. comp. for professional svcs. agree. for design svcs. for Roch. Heritage Trail Proj.,

Tr. letter, 368, Pssd., 368

HERRICK-SAYLOR ENGINEERS, P.C.

Establishing max. comp. for professional svcs. agree. for Rundel Library Structural Repair Proj., Tr. letter, 279, Pssd., 279

HICKORY STREET

Changing zoning class. of 105 and 107 Hickory St. from R-2 Medium Density Residential to C-2 Community Ctr., Tr. letter, 7, Pub. hear., 1, Pssd., 8

HIGH FALLS

Bond Ord. auth. issuance of \$200,000 bonds to finance cost of implementing site improvements to High Falls Festival Site, Tr. letter, 108, Pssd., 109

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Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 223, Pssd., 223

Establishing max. comp. for amend. professional svcs. agree. for High Falls Centers, Tr. letter, 258, Pssd., 258

Auth. lease agree. for Triphammer Grill, Tr. letter, 320, Pssd., 320

Establishing max. comp. for agree. for High Falls Festival Site maintenance svcs., Tr. letter, 350, Pssd., 350

Auth. amend. 2000-01, 2001-02 and 2004-05 Community Dev. Program Plans and auth. loan agree. for Mills at High Falls Proj., Tr. letter, 350, Pub. hear., 329, Pssd., 352

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mills at High Falls Proj., Tr. letter, 350, Pssd., 352

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Auth. tax delinquency and Section 108 loan installment agree. with High Falls Brewing Co., LLC, Tr. letter, 295, Pssd., 296

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Auth. residential parking program in High Falls Garage for 2008, Tr. letter, 420, Pssd., 420

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Changing zoning class. of portion of 1100 S. Goodman St., as subdivided and combined with 117-125 Highland Parkway, from Institutional Planned Dev. (IPD)-Colgate Roch. Divinity School, to R-1 Low Density Residential, Tr. letter, 8, Pub. hear., 1, Pssd., 9

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HILLSIDE CHILDREN'S CENTER

Auth. amend. professional svcs. agree. for curfew ctr. and amend. 2006-07 Budget, Tr. letter, 22, Pssd., 23

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

Auth. ext. of professional svcs. agree. for Curfew Ctr., Tr. letter, 292, Pssd., 293

Auth. agree. for Hillside Work Scholarship Connection Program, Tr. letter, 316, Pssd., 316

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HINMAN STRAUB, PC

Establishing max. comp. for professional svcs. agree. for state lobbying svcs., Tr. letter, 43, Pssd., 44

HITE, R.K., & CO., INC.

Establishing max. comp. for professional svcs. agree. for relocation of Midtown Plaza tenants and amend. 2007-08 Budget, Tr. letter, 421, Pssd., 424

HOME PROGRAM

Auth. amend. 2006-07 Community Dev. Program Plan and amend. 2002-03, 2004-05, 2005-06 and 2006-07 HOME Program plans to provide loans for Roch. Housing Dev. Fund Corp., Tr. letter, 99, Pub. hear., 95, Pssd., 100

Auth. amend. 2003-04 HOME Program and 2004-05 Community Dev. Program Plans, amend. Ord. No. 2005-254 and auth. agree. for Residential Assist. Program, Tr. letter, 266, Pub. hear., 260, Pssd., 267

HOME ROCHESTER PROGRAM

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HOMEBUYER ASSISTANCE PROGRAM

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Approving property tax exemption and auth. in-lieu-of-tax agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 9, Pssd., 10

Approving loan agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 9, Pssd., 10

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2005-44, Tr. letter, 28, Pssd., 28

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Auth. agree. for continuation of Fair Housing Enforcement Proj., Tr. letter, 96, Pssd., 97

Auth. amend. 2006-07 Community Dev. Program Plan and amend. 2002-03, 2004-05, 2005-06 and 2006-07 HOME Program plans to provide loans for Roch. Housing Dev. Fund Corp., Tr. letter, 99, Pub. hear., 95, Pssd., 100

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Amend. Ord. No. 2006-39 to extend date for acq. of Urban Park Apts. to qualify for tax exemption, Tr. letter, 177, Pssd., 178

Amend. Ord. No. 2007-9 with respect to tax exemption for Mildred Johnson Estates Affordable Housing Proj. and Ord. No. 2003-28 with respect to Providence Housing Dev. Corp. Rental Proj., Tr. letter, 177, Pssd., 178

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

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Auth. agree. for homebuyer training svcs., Tr. letter, 230, Pssd., 231

Auth. agree. for Mortgage Default Resolution Program, Tr. letter, 230, Pssd., 231

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 231, Pssd., 232

Auth. agree. with NeighborWorks Roch. for Revolving Loan Fund Program, Tr. letter, 232, Pssd., 232

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 233, Pssd., 233

Auth. agree. with Enterprise Community Partners for housing svcs., Tr. letter, 233, Pssd., 234

Auth. agree. for Home Roch. Program, Tr. letter, 234, Pssd., 235

Auth. agree. for Home Room Program, Tr. letter, 235, Pssd., 236

Auth. agree. for housing dev. svcs., Tr. letter, 236, Pssd., 237; Tr. letter, 237, Pssd., 237

Approp. funds and auth. agree. for CHDO housing dev. and operating assistance., Tr. letter, 237, Pssd., 238

Approving property tax exemption, auth. in-lieu-of-tax agree. and extending reversionary rights for Fernwood Park, Ramona Park and Norton Village Apts., Tr. letter, 239, Pssd., 239

Auth. amend. agree. for predatory lending prevention svcs., Tr. letter, 263, Pssd., 263

Approving property tax exemption and auth. in-lieu-of-tax agree. for South Wedge Housing Dev. Fund Co., Inc., Tr. letter, 265, Pssd., 265

Auth. amend. 2003-04 HOME Program and 2004-05 Community Dev. Program Plans, amend. Ord. No. 2005-254 and auth. agree. for Residential Assist. Program, Tr. letter, 266, Pub. hear., 260, Pssd., 267

Auth. sale of real estate for Olean & Kennedy Revitalization Proj., Tr. letter, 331, Pssd., 332

Approving property tax exemption and auth. in-lieu-of-tax agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 331, Pssd., 333

Approving property tax exemption and auth. in-lieu-of-tax agree. for Ridgeview Special Needs Apts. Proj., Tr. letter, 357, Pssd., 357

Auth. agree. for predatory lending prevention svcs., Tr. letter, 357, Pssd., 358

Auth. sale of real estate for JOSANA Rental Proj., Tr. letter, 361, Pssd., 362

Auth. amend. 1997-98, 1998-99, 2000-01, 2001-02 and 2003-04 Community Dev. Program Plans, amend. Ord. and auth. loan agree. for JOSANA Rental Proj., Tr. letter, 361, Pub. hear., 356, Pssd., 363

Approving property tax exemption and auth. in-lieu-of-tax agree. for JOSANA Rental Proj. and amend. Ord. No. 2007-260, Tr. letter, 361, Pssd., 364

Auth. agree. for Fair Housing Lending Monitoring Svcs., Tr. letter, 364, Pssd., 365

Auth. amend. 2007-08 Emergency Shelter Grant Program and auth. agree. for Nielsen House Proj., Tr. letter, 383, Pub. hear., 356, Pssd., 384

Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

Auth. ext. of agree. for Asset Control Area Program, Tr. letter, 391, Pssd., 392

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Auth. agree. for Mortgage Default Resolution Program, Tr. letter, 230, Pssd., 231

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 231, Pssd., 232

Auth. agree. for predatory lending prevention svcs., Tr. letter, 357, Pssd., 358

HOUSING DEVELOPMENT SERVICES

Auth. agree. for housing dev. svcs., Tr. letter, 236, Pssd., 237; Tr. letter, 237, Pssd., 238

Approp. funds and auth. agree. for CHDO housing dev. and operating assistance., Tr. letter, 237, Pssd., 238

HOUSING MARKET STUDY

Establishing max. comp. for amend. professional svcs. agree. for continuation of Housing Market Study, Tr. letter, 177, Pssd., 177

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Auth. agree. for Housing Opportunities for Persons With AIDS Program and amend. Ord. No. 2005-44, Tr. letter, 28, Pssd., 28

HOUSING OPPORTUNITIES, INC.

Auth. agree. for housing dev. svcs., Tr. letter, 236, Pssd., 237

HUDSON AVENUE

Auth. settlement of claims and reacquisition of 45-65 Hudson Ave., Tr. letter, 176, Pssd., 177

Auth. acq. by negotiation or condemnation of a de minimus parcel at 1370 Hudson Ave. for street purposes, Tr. letter, 407, Pssd., 408

Amend. Official Map by dedicating parcels to street purposes and adding said parcels to corner of Hudson Ave. and Dunn St., Tr. letter, 407, Pub. hear., 388, Pssd., 409

HUMAN RESOURCE DIRECTOR

Local Law amend. City Charter with respect to Dir. of Human Resource Management, Tr. letter, 47, Pssd., 49

HUMAN SERVICES PROGRAMS

Auth. agree. for Human Svcs. Programs, Tr. letter, 247, Pssd., 248; Tr. letter, 314, Pssd., 315

HUNT ENGINEERS, ARCHITECTS & LAND SURVEYORS, P.C.

Establishing max. comp. for professional svcs. agree. for Brooks Ave. Improvement Proj., Tr. letter, 307, Pssd., 308

HUNTINGTON PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

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IBC ENGINEERING P.C.

Establishing max. comp. for professional svcs. agree. for plumbing study at Chestnut St. Firehouse, Tr. letter, 161, Pssd., 161

Establishing max. comp. for professional svcs. agree. for Chestnut St. Firehouse Mechanical System Replacement Proj., Tr. letter, 371, Pssd., 371

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Auth. agree. relating to 2007 Summer of Opportunity Program, Tr. letter, 197, Pssd., 198

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Auth. agree. for El Camino Trail Gateway Proj. of Sector Targeted Initiative Program, Tr. letter, 58, Pssd., 59

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Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 342, Pssd., 342

IMAGEOUT

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 321, Pssd., 321

Auth. agree. for funding for special events and amend. 2007-08 Budget, Tr. letter, 419, Pssd., 419

INERSEX, INC.

Establishing max. comp. for agree. for Public Safety Dashboard/Data Warehouse Environment, Tr. letter, 381, Pssd., 381

INFORMATION TECHNOLOGY DEPARTMENT

Local Law amend. City Charter with respect to creation of Information Technology Dept., Tr. letter, 157, Pssd., 157

INFORMATION TECHNOLOGY SERVICES

Establishing max comp. for professional svcs. agree. for information technology svcs., Tr. letter, 81, Pssd., 82

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Establishing max. comp. for professional svcs. agree. for Thurston Rd. revitalization, Tr. letter, 179, Pssd., 179

INNER LOOP

Establishing max. comp. for professional svcs. agree. for Inner Loop East Traffic/Scoping Study, Tr. letter, 102, Pssd., 103

INSPECTION SERVICES

Establishing max. comp. for professional svcs. agree. for inspection svcs. for demolition of Old Mortimer St. Garage, Tr. letter, 25, Pssd., 25

Establishing max. comp. for amend. professional svcs. agree. for inspection svcs. for demolition of Old Mortimer St. Garage, Tr. letter, 349, Pssd., 350

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Establishing max. comp. for professional svcs. agree. for administration of General Liability Insurance Program, Tr. letter, 156, Pssd., 157
Auth. application and agree. for funding under Shared Mun. Svcs. Program, Tr. letter, 316, Pssd., 316

INSURANCE FRAUD

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2006-07 Budget, Tr. letter, 51, Pssd., 51

INTERFACE STUDIO, LLC

Establishing max. comp. for amend. professional svcs. agree. for continuation of Housing Market Study, Tr. letter, 177, Pssd., 177

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IRONDEQUOIT, TOWN OF

Auth. agree. with Town of Irondequoit for police svcs. to Shumway Marina, Tr. letter, 291, Pssd., 291

-J-**J. MARTIN SOLUTIONS, INC.**

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 348, Held, 348, Pssd., 373

JAY HAGUE PROPERTIES, LLC

Auth. lease agree. and purchase option for portion of 1030 Jay St., Tr. letter, 87, Pssd., 88

JAY STREET

Amend. Ord. No. 2005-208 relating to sale of real estate, Tr. letter, 2, Pssd., 11
Auth. lease agree. and purchase option for portion of 1030 Jay St., Tr. letter, 87, Pssd., 88

JEFFRIES, DONALD E.

Reso. approving appts. to Cultural Ctr. Commission, Tr. letter, 222, Adpt., 222

JEFFRIES, JOSEPH F.

Reso. memorializing Harrison St. as Joseph F. Jeffries Blvd., Tr. letter, 393, Adpt., 393

JENTONS, FREDERICK

Reso. approving reappointments to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 65, Adpt., 65

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JOHNSON, CORY

Auth. agree. for Youth Violence Strike Force and amend. 2007-08 Budget, Tr. letter, 370, Pssd., 371

JOHNSON, MILDRED, ESTATES

See "Mildred Johnson Estates"

JONES, BARBARA J.

Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Auth., Tr. letter, 80, Adpt., 80

Reso. approving appts. to Roch. Economic Dev. Corp., Tr. letter, 417, Adpt., 418

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Auth. sale of real estate for JOSANA Rental Proj., Tr. letter, 361, Pssd., 362
Auth. amend. 1997-98, 1998-99, 2000-01, 2001-02 and 2003-04 Community Dev. Program Plans, amend. Ord. and auth. loan agree. for JOSANA Rental Proj., Tr. letter, 361, Pub. hear., 356, Pssd., 363
Approving property tax exemption and auth. in-lieu-of-tax agree. for JOSANA Rental Proj. and amend. Ord. No. 2007-260, Tr. letter, 361, Pssd., 364

JOSEPH AVENUE

Approving changes in pavement width of Kelly St. and Joseph Ave. as part of Joseph Ave. (Ward St. to Upper Falls Blvd. and Clifford Ave. to Ave. D) Improvement Proj., Tr. letter, 190, Pub. hear., 173, Pssd., 192

Establishing max. comp. for professional svcs. agree. for Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 192

Bond ord. auth. issuance of \$2,693,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 193

Bond ord. auth. issuance of \$1,007,000 bonds to finance reconstruction of various water mains related to Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 194

Bond ord. auth. issuance of \$185,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 195

L.I.O. - Areaway and window well abandonments as part of Joseph Ave. Improvement Proj., Tr. letter, 190, Pub. hear., 173, Pssd., 195

JUNIOR ACHIEVEMENT

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 82, Pssd., 82

JUNIOR RECREATION LEADER 2 PROGRAM

Establishing max. comp. for professional svcs. agree. for Jr. Rec. Leader 2 Program and amend. 2006-07 Budget, Tr. letter, 14, Pssd., 14

JUNK DEALERS/JUNKYARD OPERATORS

Amend. Mun. Code with respect to junkyard operators, junk dealers and scrap processors, Tr. letter, 131, Pssd., 135

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Auth. agree. for funding for 2007 Justice Assistance Grant Program, Tr. letter, 219, Pssd., 219

-K-**KELLY STREET**

Approving changes in pavement width of Kelly St. and Joseph Ave. as part of Joseph Ave. (Ward St. to Upper Falls Blvd. and Clifford Ave. to Ave. D) Improvement Proj., Tr. letter, 190, Pub. hear., 173, Pssd., 192

KHALID, YAQOOB

Accepting donation of easement for Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 369, Pssd., 369

L.I.O. - Upgrading of landscape features at 645-655 Culver Rd. as part of Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr.

letter, 369, Pub. hear., 356, Pssd., 370

KIDTECH PROGRAM

Auth. agree. for Human Svs. Programs, Tr. letter, 247, Pssd., 248

KLEIN, CARL C.

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 381, Adpt., 382

KLOS, LLOYD E., HISTORICAL FUND

Appropriating funds for Roch. Heritage Trail Proj., Tr. letter, 145, Pssd., 146

KNICKERBOCKER STREET

L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

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LABELLA ASSOCIATES, P.C.

Establishing max. comp. for professional svcs. agree. for environmental cleanup of 935 W. Broad St., Tr. letter, 12, Pssd., 13

Auth. agree. for Brownfield Assistance Program, Tr. letter, 68, Pssd., 69

Establishing max. comp. for amend. professional svcs. agree. for parks and rec. ctr. improvements, Tr. letter, 109, Pssd., 110

Establishing max. comp. for professional svcs. agree. for bridge and structural engineering svcs., Tr. letter, 112, Pssd., 112

Establishing max. comp. for professional svcs. agree. for City Hall HVAC piping replacement, Tr. letter, 189, Pssd., 189

Establishing max. comp. for professional svcs. agree. for Central Vehicle Maint. Facility HVAC Replacement and Heat Recovery Upgrades Proj., Tr. letter, 274, Pssd., 275

Establishing max. comp. for professional svcs. agree. for Culver Rd. Improvement Proj., Tr. letter, 338, Pssd., 338

LABOR RELATIONS SERVICES

Establishing max. comp. for amend. professional svcs. agree. for labor relations svcs. and amend. Ord. No. 2006-385, Tr. letter, 16, Pssd., 17

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 348, Held, 348, Pssd., 373

LABURNUM CRESCENT

Approving changes in pavement width of Monroe Ave. and Laburnum Crescent, Tr. letter, 150, Pub. hear., 128, Pssd., 152

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L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

LAGAN TECHNOLOGIES, INC.

Establishing max. comp. for professional svcs. agree. for 311 "One Call To City Hall" initiative, Tr. letter, 200, Pssd., 201

Establishing max. comp. for amend. professional svcs. agree. for 311 "One Call to City Hall" Initiative, Tr. letter, 344, Pssd., 344

LAKE AVENUE

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 152, Pub. hear., 128, Pssd., 153

LAKE AVENUE TO LIGHTHOUSE TRAIL/OVERLOOK PROJECT

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L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

LAMONT PLACE

Auth. acq. of 18 Lamont Place, Tr. letter, 392, Pssd., 393

LANDLORD AND TENANT SERVICES

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 231, Pssd., 232

LANDMARK SOCIETY OF WESTERN NEW YORK, INC.

Auth. agree. for Home Room Program, Tr. letter, 235, Pssd., 236

LANDSCAPE ARCHITECTURE

Establishing max. comp. for professional svcs. agree. for Trinidad St. Parking Lot Improvements Proj., Tr. letter, 306, Pssd., 307

Establishing max. comp. for professional svcs. agree. for River St. Parking Lot Improvement Proj., Tr. letter, 313, Held, 313

LANDSMAN DEVELOPMENT CORPORATION

Auth. sale of parcels on Galusha St., Tr. letter, 130, Pssd., 130

LASER SHOWS

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 223, Pssd., 223

LAW ENFORCEMENT PSYCHOLOGICAL ASSOCIATES

Establishing max. comp. for professional svcs. agree. for psychological evaluation svcs. for Emergency Communications Dept., Tr. letter, 217, Pssd., 218

LAWN STREET

Establishing max. comp. for professional svcs. agree. for Lawn St. Public Improvement Proj., Tr. letter, 307, Pssd., 307

LEaD

Establishing max. comp. for professional svcs. agree. for executive support staff training, Tr. letter, 345, Held, 346

LEAD PAINT/POISONING

Auth. agree. for lead poisoning prevention svcs., Tr. letter, 29, Pssd., 30

Approp. funds for Lead-Based Paint Hazard Control/Reduction Programs, Tr. letter, 57, Pssd., 57

Auth. agree. for Get the Lead Out Program, Tr. letter, 232, Pssd., 233

Amend. Article III, Lead-Based Paint Poisoning Prevention, of Chapter 90 of Mun. Code. No. letter, 240, Held, 241, Pssd., 274

Auth. application and agree. for Lead Safe Homes Program, Tr. letter, 301, Pssd., 301

Auth. agree. for Proactive Property Management Program and amend. 2007-08 Budget and Ord. No. 2007-305, Tr. letter, 301, Pssd., 302

Auth. agree. for funding under 2007 Lead-Based

Paint Hazard Control Grant Program, Tr. letter, 360, Pssd., 361

LEAD SAFE HOMES PROGRAM

Auth. application and agree. for Lead Safe Homes Program, Tr. letter, 301, Pssd., 301

LEADER PROFESSIONAL SERVICES, INC.

Auth. agree. for Brownfield Assistance Program, Tr. letter, 68, Pssd., 69

LEADER'S INSTITUTE

Auth. agree. for Human Svs. Programs, Tr. letter, 247, Pssd., 248

LEADERSHIP ACADEMY

Establishing max. comp. for agree. for management training, Tr. letter, 118, Pssd., 119

LEAN SIX SIGMA TRAINING

Establishing max. comp. for professional svcs. agree. for Lean Six Sigma training, Tr. letter, 346, Held, 346

LEARN TO SWIM PROGRAM

Auth. grant agree. with Quad A For Kids and amend. 2006-07 Budget, Tr. letter, 120, Pssd., 121

LEASE AGREEMENTS

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 30, Pssd., 30

Auth. agree. with Roch. & Monroe County Employees Federal Credit Union for lease of commercial space in Sister Cities Parking Garage, Tr. letter, 55, Pssd., 55

Auth. lease agree. and purchase option for portion of 1030 Jay St., Tr. letter, 87, Pssd., 88

Approving lease for parking for No. 22 School, Tr. letter, 175, Pssd., 176

Acceptance of and auth. agree. for lease of 242 W. Main St., Tr. letter, 285, Pssd., 287

Auth. amend. lease with City School District for parking lots, Tr. letter, 285, Pssd., 287

Auth. lease agree. for lease of parking lot at 61 North Chestnut St., Tr. letter, 293, Pssd., 294

Auth. lease agree. for Tripphammer Grill, Tr. letter, 320, Pssd., 320

Auth. sub-lease agree. for space in Area A NET Office, Tr. letter, 331, Pssd., 331

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 402, Pssd., 403

LECHASE, WAYNE

Reso. approving appts. to Roch. Economic Dev. Corp., Tr. letter, 417, Adpt., 418

LEGAL AID SOCIETY OF ROCHESTER, INC.

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 231, Pssd., 232

LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.

Auth. agree. for continuation of Fair Housing Enforcement Proj., Tr. letter, 96, Pssd., 97

Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 231, Pssd., 232

LEGAL SERVICES

Establishing max. comp. for professional svcs. agree. for appraisal and legal svcs., Tr. letter, 155, Pssd., 156

Auth. agree. for bond counsel svcs., Tr. letter, 288, Pssd., 288

Establishing max. comp. for amend. professional svcs. agree. for expert medical svcs. and

amend. Ord. No. 2007-156, Tr. letter, 289, Pssd., 289

LIBRARY

Acceptance of library grants and amend. 2006-07 Budget, Tr. letter, 3, Pssd., 4

Auth. agree. and amend. 2006-07 Budget of Library, Tr. letter, 98, Pssd., 98

Bond Ord. auth. issuance of \$964,000 bonds to finance cost of planning and implementing repairs to Rundel Memorial Bldg. of Roch. Public Library, Tr. letter, 103, Pssd., 105

Auth. agree. and approp. of Library funds, Tr. letter, 103, Pssd., 106

Amend. 2006-07 Budget for Roch. Public Library, Tr. letter, 178, Pssd., 179

Amend. 2007-08 Budget in regard to Sully Branch Library - \$2,000, Tr. letter, 207, Pssd., 207

Establishing max. comp. for professional svcs. agree. for Rundel Library Structural Repair Proj., Tr. letter, 279, Pssd., 279

Amend. 2007-08 Budget for Thomas P. Ryan, Jr. Community Ctr. and Library, Tr. letter, 393, Pssd., 395

LIFESPAN

Auth. agree. for Aging In Place Home Modification Program, Tr. letter, 97, Pssd., 98

LIGHTFOOT, JOHN F., COUNCILMEMBER

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Amend. 2007-08 Budget in regard to exercise equip. - \$5,000, Tr. letter, 203, Pssd., 203

Amend. proposed 2007-08 Budget in regard to Roch. Against Illegal Narcotics - \$10,000, Tr. letter, 203, Pssd., 203

Amend. 2007-08 Budget in regard to Health Fair in Sector 4, Tr. letter, 208, Pssd., 208

LIGHTING

Agreeing to maintain, repair and energize highway lighting system on or along Mt. Read Blvd., Tr. letter, 149, Pssd., 150

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 152, Pub. hear., 128, Pssd., 153

Establishing max. comp. for professional svcs. agree. for sound and lighting svcs., Tr. letter, 223, Pssd., 224

Amend. 2006-07 Budget for enhanced street lighting on Main St., Tr. letter, 257, Pssd., 257

LIGHTSCAPE MEDIA CORPORATION

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 223, Pssd., 223

LLOYD E. KLOS HISTORICAL FUND

Appropriating funds for Roch. Heritage Trail Proj., Tr. letter, 145, Pssd., 146

LOANS

Approving loan agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 9, Pssd., 10

Auth. loan and grant for redevelopment of 206-

208 Mill St., Tr. letter, 25, Pssd., 26

Auth. amend. 2006-07 Community Dev. Program Plan and amend. 2002-03, 2004-05, 2005-06 and 2006-07 HOME Program plans to provide loans for Roch. Housing Dev. Fund Corp., Tr. letter, 99, Pub. hear., 95, Pssd., 100

Auth. submission of Section 108 Loan appl. and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

Auth. submission of Section 108 Loan application and approving Section 108 Neighborhood Stabilization and Improvement Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

Auth. agree. with NeighborWorks Roch. for Revolving Loan Fund Program, Tr. letter, 232, Pssd., 232

Auth. tax delinquency and Section 108 loan installment agree. with High Falls Brewing Co., LLC, Tr. letter, 295, Pssd., 296

Auth. amend. 2000-01, 2001-02 and 2004-05 Community Dev. Program Plans and auth. loan agree. for Mills at High Falls Proj., Tr. letter, 350, Pub. hear., 329, Pssd., 352

Auth. amend. 1997-98, 1998-99, 2000-01, 2001-02 and 2003-04 Community Dev. Program Plans, amend. Ord. and auth. loan agree. for JOSANA Rental Proj., Tr. letter, 361, Pub. hear., 356, Pssd., 363

Amend. 2007-08 Community Dev. Block Grant and approving Section 108 Business Loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 421, Pub. hear., 388, Pssd., 425

LOBBYING SERVICES

Establishing max. comp. for professional svcs. agree. for state lobbying svcs., Tr. letter, 43, Pssd., 44

Establishing max. comp. for amend professional svcs. agree. for federal lobbying svcs., Tr. letter, 414, Pssd., 414

LOCAL IMPROVEMENT ORDINANCE

1565 - L.I.O. - Upgrading of landscape features as part of Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 37, Pssd., 42

1566 - L.I.O. - Snow removal at Public Mkt., Tr. letter, 76, Pub. hear., 55, Pssd., 77

1567 - L.I.O. - Security at Public Mkt., Tr. letter, 76, Pub. hear., 55, Pssd., 77

1568 - L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

1569 - L.I.O. - Areaway repair at 673 Glide St. as part of Glide St. Improvement Proj., Tr. letter, 113, Pub. hear. 95, Pssd., 117

1570 - L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 138, Pub. hear., 127, Pssd., 139

1571 - L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District and auth. agree., Tr. letter, 139, Pub. hear., 127, Pssd., 139

1572 - L.I.O. - Establishing cost of special work and svcs. related to Merchants/Winton Open Space District, Tr. letter, 142, Pub. hear., 127, Pssd., 143

1573 - L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 152, Pub. hear., 128, Pssd., 153

1574 - L.I.O. - Establishing operating and maintenance costs of Special Assessment Districts for streetscape enhancements, Tr. letter, 152, Pub. hear., 128, Pssd., 153

1575 - L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 163, Pub. hear., 128, Pssd., 164

1576 - L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 164, Pub. hear., 128, Pssd., 164

1577 - L.I.O. - Establishing cost of special work and svcs. related to Downtown Special Svcs. (previously known as Downtown Guides) and auth. agree., Tr. letter, 164, Pub. hear., 128, Pssd., 165

1578 - L.I.O. - Areaway and window well abandonments as part of Joseph Ave. Improvement Proj., Tr. letter, 190, Pub. hear., 173, Pssd., 195

1579 - L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2007 and expiring June 30, 2008, Tr. letter, 208, Pssd., 212

1580 - Amend. L.I.O. No. 1569 - areaway abandonments at 673 Glide St. as part of Glide St. Improvement Proj., Tr. letter, 312, Pub. hear., 297, Pssd., 313

1581 - L.I.O. - Upgrading of landscape features at 645-655 Culver Rd. as part of Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 369, Pub. hear., 356, Pssd., 370

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1 - Local Law adding Quality Containment Svcs. Inc. facilities to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 24, Pssd., 24

2 - Local Law amending City Charter with respect to Chief Information Officer, Tr. letter, 47, Pssd., 49

3 - Local Law amend. City Charter with respect to Office of Public Integrity, Tr. letter, 47, Pssd., 49

4 - Local Law amend. City Charter with respect to units in Office of the Mayor, Tr. letter, 47, Pssd., 49

5 - Local Law amend. City Charter with respect to Dir. of Human Resource Management, Tr. letter, 47, Pssd., 49

6 - Local Law amend. City Charter with respect to Emergency Communications Center Dir., Tr. letter, 47, Pssd., 49

7 - Local Law amend. City Charter with respect to actions to restrain nuisances, Tr. letter, 47, Pssd., 50

8 - Local Law amending City Charter with respect to financial disclosure statements, Tr. letter, 47, Held, 48, Pssd., 84

9 - Local Law adding Carestream Health, Inc. facilities to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 89, Pssd., 90

10 - Local Law amend. City Charter with respect to creation of Information Technology Dept., Tr. letter, 157, Pssd., 157

11 - Local Law amend. City Charter with respect to maintenance of parks, Tr. letter, 208, Pssd., 213

12 - Local Law adding Gold Pride Press, Inc. facilities to City of Rochester Empire Zone as regionally significant proj., Tr. letter, 220, Pssd., 220

13 - Local Law adding GE MDS, LLC facilities to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 220, Pssd., 221

14 - Local Law amend. City Charter with respect to Executive Deputy Chief of Police, Tr. letter, 354, Pssd., 354

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16 - Local Law amend. City Charter with respect to criminal history record checks to be conducted in connection with employment of firefighters, Tr. letter, 416, Pssd., 416

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LU ENGINEERS

Auth. agree. for Brownfield Assistance Program, Tr. letter, 68, Pssd., 69

Establishing max. comp. for amend. professional svcs. agree. for environmental cleanup of 415 Orchard St. and 354 Whitney St. and approp. funds, Tr. letter, 310, Pssd., 311

Auth. amend. agree. for design svcs. for Durand Eastman Park Beach improvements, Tr. letter, 403, Pssd., 404

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Establishing max. comp. for amend. professional svcs. agree. for audit svcs. for Federal Aid proj. and amend. Ord. No. 2005-325, Tr. letter, 367, Pssd., 368

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L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 152, Pub. hear., 128, Pssd., 153

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MSB PARKING

Auth. agree. for vehicle registration data for Parking and Mun. Code Violations Bur., Tr. letter, 159, Pssd., 160

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Establishing max. comp. for professional svcs. agree. for Main and Goodman Traffic Study, Tr. letter, 310, Pssd., 310

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L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 164, Pub. hear., 128, Pssd., 164

MALCOLM PIRNIE, INC.

Auth. ext. of professional svcs. agree. for water hydraulic model, Tr. letter, 67, Pssd., 68

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Establishing max. comp. for agree. for management training, Tr. letter, 118, Pssd., 119

MANCE, EILEEN M.

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MANHATTAN SQUARE PARK

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Establishing max. comp. for amend. professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 306, Pssd., 306

MANKOWSKI, DAVID

Auth. sale of real estate through Investor Bulk Sale Program, Tr. letter, 135, Pssd., 138

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Auth. agree. for play apparatus at Maplewood Park, Tr. letter, 146, Pssd., 146

Auth. sub-lease agree. for space in Area A NET Office, Tr. letter, 331, Pssd., 331

MAPLEWOOD PARK

Auth. agree. for play apparatus at Maplewood Park, Tr. letter, 146, Pssd., 146

MARCOR REMEDIATION, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 11, Pssd., 12

MARIA STREET

Auth. sale of real estate for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 9, Pssd., 10

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Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

MARKETVIEW HEIGHTS ASSOCIATION

Auth. amend. 2003-04, 2004-05 and 2005-06 Community Dev. Program Plans and ord. and auth. agree. for Residential Assistance Program, Tr. letter, 185, Pub. hear., 173, Pssd., 186

Auth. amend. 2003-04 HOME Program and 2004-05 Community Dev. Program Plans, amend. Ord. No. 2005-254 and auth. agree. for Residential Assist. Program, Tr. letter, 266, Pub. hear., 260, Pssd., 267

MARSH USA INC.

Establishing max. comp. for professional svcs. agree. for audit svcs. for Workers' Comp. Program, Tr. letter, 44, Pssd., 45

MARTIN, J., SOLUTIONS, INC.

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 348, Held, 348, Pssd., 373

MARY JEMISON

Auth. applications and agree. for grant funds, Tr. letter, 404, Pssd., 405

MATERIALS TESTING

Auth. agree. for materials testing svcs., Tr. letter, 110, Pssd., 111

MAUSER, RICHARD ALFRED, ARCHITECTS

Establishing max. comp. for professional svcs. agree. for design svcs. for NET offices improvements, Tr. letter, 130, Pssd., 131

MAYER, DAVID, ASSOCIATES

Establishing max. comp. for professional svcs. agree. for 311 implementation svcs., Tr. letter, 200, Pssd., 201

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MCFADDEN, ADAM C., COUNCILMEMBER

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Amend. proposed 2007-08 Budget in regard to Summer Arts Program - \$5,000, Tr. letter, 205, Pssd., 205

Amend. 2007-08 Budget in regard to Youth Life-line Foundation - \$5,000, Tr. letter, 207, Pssd., 207

Amend. 2007-08 Budget in regard to Roch. Fatherhood Resource Initiative - \$2,000, Tr. letter, 207, Pssd., 208

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MCFADDEN, PAUL

Establishing max. comp. for amend. professional svcs. agree. for youth svcs., Tr. letter, 201, Pssd., 202

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Establishing max. comp. for professional svcs. agree. for Central Vehicle Maint. Facility HVAC Replacement and Heat Recovery Upgrades Proj., Tr. letter, 274, Pssd., 275

MEDICAL SERVICES

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MERCADO, CARLOS H., JR.

Reso. approving appt. to Board of Assessment Review, Tr. letter, 15, Adpt., 15

MERCANTILE ADJUSTMENT BUREAU

Auth. collections agree. for Parking/Mun. Code Violations Bur., Tr. letter, 379, Pssd., 380

MERCHANTS/WINTON OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to Merchants/Winton Open Space District, Tr. letter, 142, Pub. hear., 127, Pssd., 143

MERCY RESIDENTIAL

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METRO COUNCIL FOR TEEN POTENTIAL

Auth. agree. relating to 2007 Summer of Opportunity Program, Tr. letter, 197, Pssd., 198

Auth. agree. for human svcs. program, Tr. letter, 314, Pssd., 315

Auth. agree. for Substance Abuse Prevention Program, Tr. letter, 342, Pssd., 342

METROPOLITAN MEDICAL RESPONSE SYSTEM

Auth. application and agree. for Metropolitan Medical Response System Program grant and amend. 2006-07 Budget, Tr. letter, 51, Pssd., 52

METZGER, BERNARD

Reso. approving reappointments to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 65, Adpt., 65

MIDLAND APPRAISAL ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 113, Failed, 113, Reconsidered and Pssd., 167; Tr. letter, 315, Pssd., 316

Establishing max. comp. for professional svcs. agree. for appraisal and legal svcs., Tr. letter, 155, Pssd., 156

Establishing max. comp. for professional svcs. agree. for appraisal svcs. and amend. 2007-08 Budget, Tr. letter, 375, Pssd., 375

MID-TOWN ATHLETIC CLUB, LLC

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Mid-Town Athletic Club as Planned Dev. District #8 - Mid-Town Athletic Club, Tr. letter, 267, Pub. hear., 260, Pssd., 271

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Amend. Official Map by abandonment of portion of Gould St. and auth. sale of abandonment area and release of easement, Tr. letter, 267, Pub. hear., 260, Pssd., 273

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Auth. Holiday Shopper and Special Events Free Parking Program at municipal parking garages, Tr. letter, 374, Pssd., 374

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Changing zoning class. of Midtown Plaza parcels at 233-247 E. Main St., 249-253 E. Main St., 255-257 E. Main St., 285 E. Main St., 18-26 S. Clinton Ave., 32-58 S. Clinton Ave., 100 S. Clinton Ave., 27-33 Chestnut St., 35 Chestnut St., 41 Chestnut St., 45-51 Chestnut St., 65-67 Chestnut St., 88-94 Elm St., 89-95 Elm St., 6 Atlas St. and 45 Euclid St. from Center City District-Tower District (CCD-T) to Midtown Urban Renewal District, Tr. letter, 90, Pub. hear., 56, Pssd., 94

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Auth. acq. by negotiation or condemnation of Midtown Plaza parcels to further Midtown Urban Renewal Plan and Center City Master Plan, Tr. letter, 377, Pub. hear., 355, Held, 378, Pssd., 425

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Establishing max. comp. for professional svcs. agree. for appraisal svcs. and amend. 2007-08 Budget, Tr. letter, 421, Pssd., 424

Auth. agree. for funding for master planning of Midtown Plaza area, Tr. letter, 421, Pssd., 425

Amend. 2007-08 Community Dev. Block Grant and approving Section 108 Business Loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 421, Pub. hear., 388, Pssd., 425

MIDTOWN ROCHESTER PARKING, LLC

Auth. agree. for operation of Midtown Parking Garage, Tr. letter, 222, Pssd., 223

MIDTOWN URBAN RENEWAL PROJECT

Approving Urban Renewal Plan for Midtown Urban Renewal Proj., Tr. letter, 90, Pub. hear., 56, Pssd., 93

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Changing zoning class. of Midtown Plaza parcels at 233-247 E. Main St., 249-253 E. Main St.,

255-257 E. Main St., 285 E. Main St., 18-26 S. Clinton Ave., 32-58 S. Clinton Ave., 100 S. Clinton Ave., 27-33 Chestnut St., 35 Chestnut St., 41 Chestnut St., 45-51 Chestnut St., 65-67 Chestnut St., 88-94 Elm St., 89-95 Elm St., 6 Atlas St. and 45 Euclid St. from Center City District-Tower District (CCD-T) to Midtown Urban Renewal District, Tr. letter, 90, Pub. hear., 56, Pssd., 94

Auth. acq. by negotiation or condemnation of Midtown Plaza parcels to further Midtown Urban Renewal Plan and Center City Master Plan, Tr. letter, 377, Pub. hear., 355, Held, 378, Pssd., 425

MILDRED JOHNSON ESTATES

Auth. sale of real estate for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 9, Pssd., 10

Approving property tax exemption and auth. lieu-of-tax agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 9, Pssd., 10

Approving loan agree. for Mildred Johnson Estates Affordable Housing Proj., Tr. letter, 9, Pssd., 10

Amend. Ord. No. 2007-9 with respect to tax exemption for Mildred Johnson Estates Affordable Housing Proj. and Ord. No. 2003-28 with respect to Providence Housing Dev. Corp. Rental Proj., Tr. letter, 177, Pssd., 178

MILL STREET

Auth. loan and grant for redevelopment of 206-208 Mill St., Tr. letter, 25, Pssd., 26

Approving increase in pav. width of Mill St. for recessed parking, Tr. letter, 352, Pub. hear., 329, Pssd., 353

MILLER, DANA K., COUNCILMEMBER

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Amend. proposed 2007-08 Budget in regard to Roch. Against Illegal Narcotics - \$10,000, Tr. letter, 203, Pssd., 203

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Auth. amend. 2000-01, 2001-02 and 2004-05 Community Dev. Program Plans and auth. loan agree. for Mills at High Falls Proj., Tr. letter, 350, Pub. hear., 329, Pssd., 352

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mills at High Falls. Proj., Tr. letter, 350, Pssd., 352

MINI-GRANT PROGRAM

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MONROE #2-ORLEANS BOCES

Establishing max. comp. for amend. professional svcs. agree. for expert medical svcs. and amend. Ord. No. 2007-156, Tr. letter, 289, Pssd., 289

MONROE AMBULANCE

See "Monroe Medi-Trans Inc."

MONROE AVENUE

L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 138, Pub. hear., 127, Pssd., 139

Approving changes in pavement width of Monroe Ave. and Laburnum Crescent, Tr. letter, 150, Pub. hear., 128, Pssd., 152

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 152, Pub. hear., 128, Pssd., 153

MONROE COMMUNITY COLLEGE

Auth. agree. relating to 2007 Summer of Opportunity Program, Tr. letter, 197, Pssd., 198

Establishing max. comp. for professional svcs. agree. for Lean Six Sigma training, Tr. letter, 346, Held, 346

Establishing max. comp. for agree. for AmeriCorps Program, Tr. letter, 380, Pssd., 380

MONROE COUNTY

Auth. application and agree. for State Urban Area Supplemental Program grant and amend. 2006-07 Budget, Tr. letter, 51, Pssd., 53

Auth. agree. with County of Monroe for funding for police programs, Tr. letter, 122, Pssd., 123

Auth. agree. with County of Monroe for continuation of Emergency Communications Ctr., Tr. letter, 216, Pssd., 217

Auth. agree. with County of Monroe for funding for Police programs, Tr. letter, 218, Pssd., 219

Auth. agree. with County of Monroe for Tobacco Sales Enforcement Program, Tr. letter, 318, Pssd., 318

Auth. agree. for Work Experience Program, Tr. letter, 344, Pssd., 344

Auth. agree. for continuation of Youth Violence Strike Force and amend. 2007-08 Budget, Tr. letter, 347, Pssd., 348

Reso. supporting and auth. participation in Shared Mun. Svcs. Grant Program for Police Mobile Data Technology Proj., Tr. letter, 373, Pssd., 373

MONROE COUNTY BROADCASTING CO., LTD.

Establishing max. comp. for agree. for 2007 MusicFest concert and amend. 2006-07 Budget, Tr. letter, 125, Pssd., 126

MONROE COUNTY DEPARTMENT OF PUBLIC HEALTH

Auth. agree. with County of Monroe for operation of Durand Eastman Beach, Tr. letter, 190, Pssd., 190

MONROE, COUNTY OF, INDUSTRIAL DEVELOPMENT AGENCY

Reso. in support of COMIDA downtown tax abatement program for owner-occupied housing, Tr. letter, 166, Adpt., 167

MONROE COUNTY SOIL AND WATER CONSERVATION DISTRICT

Auth. agree. and approp. funds for Turning Point Park Rain Garden, Tr. letter, 145, Pssd., 146

MONROE COUNTY WATER AUTHORITY

Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs., Tr. letter, 68, Pssd., 68

Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs. and amend. Ord. No. 2007-166, Tr. letter, 309, Pssd., 310

MONROE MEDI-TRANS INC.

Auth. agree. for provision of emergency ambulance svcs., Tr. letter, 250, Held, 251

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Auth. amend. 2003-04, 2004-05 and 2005-06 Community Dev. Program Plans and ord. and auth. agree. for Residential Assistance Program, Tr. letter, 185, Pub. hear., 173, Pssd., 186

Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

MORTGAGE DEFAULT RESOLUTION PROGRAM

Auth. agree. for Mortgage Default Resolution Program, Tr. letter, 230, Pssd., 231

MORTIMER STREET GARAGE

Establishing max. comp. for professional svcs. agree. for inspection svcs. for demolition of Old Mortimer St. Garage, Tr. letter, 25, Pssd., 25

Establishing max. comp. for amend. agree. for operation of South Ave. Garage, Tr. letter, 321, Pssd., 322

Establishing max. comp. for amend. professional svcs. agree. for inspection svcs. for demolition of Old Mortimer St. Garage, Tr. letter, 349, Pssd., 350

MOTOR VEHICLE THEFT

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2006-07 Budget, Tr. letter, 51, Pssd., 51

Amend. Chapter 111 of Mun. Code, Traffic Ordinance, with respect to redemption of stolen motor vehicles, Tr. letter, 208, Pssd., 213

MT. HOPE AVENUE

Auth. agree. and approp. funds for S. Clinton Ave. and Mt. Hope Ave. Enhancement Projects, Tr. letter, 339, Pssd., 340

MT. HOPE CEMETERY

Bond ord. auth. issuance of \$205,000 bonds to finance cost of planning and implementing repairs to Mt. Hope Gatehouse in Mt. Hope Cemetery, Tr. letter, 148, Pssd., 149

Approp. funds for Mt. Hope Gatehouse Roof Replacement Proj., Tr. letter, 148, Pssd., 149

MT. READ BOULEVARD

Agreeing to maintain, repair and energize high-

way lighting system on or along Mt. Read Blvd., Tr. letter, 149, Pssd., 150

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Reso. approving reappointments to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 65, Adpt., 65

MUCH MUCH MORE ENTERTAINMENT, LLC

Establishing max. comp. for professional svcs. agree. for continuation of "Greta Program", Tr. letter, 337, Pssd., 338

MUELLER, RICHARD

Reso. approving appts. to Roch. Economic Dev. Corp., Tr. letter, 417, Adpt., 418

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Amend. Mun. Code with respect to real estate, Tr. letter, 4, Pssd., 6

Extending effective date of Ord. No. 2006-246 establishing nighttime curfew for minors, Tr. letter, 22, Pssd., 24

Amend. Mun. Code with respect to abatement of code violations, Tr. letter, 47, Pssd., 50

Amend. Chapter 39 of Mun. Code, Bldg. Code, Tr. letter, 60, Pssd., 65

Amend. Mun. Code with respect to search warrants, Tr. letter, 84, Held, 87

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Midtown Urban Renewal Proj., Tr. letter, 90, Pub. hear., 56, Pssd., 94

Amend. Mun. code with respect to wholesale water rates, Tr. letter, 111, Pssd., 111

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Amend. Mun. Code with respect to junkyard operators, junk dealers and scrap processors, Tr. letter, 131, Pssd., 135

Amend. Mun. Code with respect to refuse fees, Tr. letter, 208, Pssd., 212

Amend. Mun. Code with respect to water rates, Tr. letter, 208, Pssd., 213

Amend. Chapter 111 of Mun. Code, Traffic Ordinance, with respect to redemption of stolen motor vehicles, Tr. letter, 208, Pssd., 213

Amend. Article III, Lead-Based Paint Poisoning Prevention, of Chapter 90 of Mun. Code, Tr. letter, 240, Held, 241, Pssd., 274

Amend. Mun. Code with respect to permit fees, Tr. letter, 264, Pssd., 265

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Mid-Town Athletic Club as Planned Dev. District #8 - Mid-Town Athletic Club, Tr. letter, 267, Pub. hear., 260, Pssd., 271

Auth. agree. for Proactive Property Management Program and amend. 2007-08 Budget and Ord. No. 2007-305, Tr. letter, 301, Pssd., 302

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Driving Park Urban Renewal Proj., Tr. letter, 322, Pub. hear., 297, Pssd., 326

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Canalside Business Ctr. as Planned Dev. District #9, Tr. letter, 397, Pssd., 401

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Establishing max. comp. for agree. for Roch. International Jazz Festival and amend. 2006-07 Budget, Tr. letter, 53, Pssd., 54

Establishing max. comp. for professional svcs. agree. for "Bands On The Bricks" concerts, Tr. letter, 124, Pssd., 125

Establishing max. comp. for agree. for 2007 MusicFest concert and amend. 2006-07 Budget, Tr. letter, 125, Pssd., 126

Establishing max. comp. for amend. professional svcs. agree. for "Party in the Park" concerts, Tr. letter, 258, Pssd., 260

Establishing max. comp. for professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 418, Pssd., 419

Establishing max. comp. for professional svcs. agree. for "Party in the Park" concerts, Tr. letter, 420, Pssd., 421

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NET

See "Neighborhood Empowerment Team"

NY ENVIRONMENTAL TECHNOLOGIES, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 11, Pssd., 12

NAPIER ENTERPRISES, LLC

Auth. sale of real estate through Investor Bulk Sale Program, Tr. letter, 135, Pssd., 138

NAZARETH COLLEGE

Auth. agree. for Youth Voice One Vision and amend. 2007-08 Budget, Tr. letter, 314, Pssd., 314

NEIGHBORHOOD EMPOWERMENT TEAM

Approving lease for office space for Swillburg Neighborhood Assn., Tr. letter, 30, Pssd., 30

Establishing max. comp. for professional svcs. agree. for design svcs. for NET offices improvements, Tr. letter, 130, Pssd., 131

Bond ord. auth. issuance of \$233,000 bonds to finance cost of planning and implementing repairs to Lyell and Norton NET office bldgs., Tr. letter, 130, Pssd., 131

Auth. sub-lease agree. for space in Area A NET Office, Tr. letter, 331, Pssd., 331

NEIGHBORHOOD IMPROVEMENT PROGRAM

Auth. agree. for Neighborhood Improvement Program, Tr. letter, 238, Held, 238, Pssd., 266

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Auth. amend. 2001-02 Community Dev. Program Plan and Ord. No. 2002-285 to provide funds for Business Assn. Support Program, Tr. letter, 165, Pub. hear., 128, Pssd., 166

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Auth. agree. and approp. funds for Field St. Traffic Calming Proj. and amend. Ord. No. 2007-354, Tr. letter, 339, Pssd., 339

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Auth. lease agree. for lease of parking lot at 61 North Chestnut St., Tr. letter, 293, Pssd., 294

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Bond ord. auth. issuance of \$362,000 bonds to finance cost of improvements to Genesee Valley Park and along public easements as part of Brooks Landing Revitalization Proj., Tr. letter, 179, Pssd., 180

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Establishing max. comp. for amend. professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 306, Pssd., 306

Establishing max. comp. for professional svcs. agree. for Genesee Valley Pool and Ice Rink Bldg. Mechanical Equipment Upgrades Proj., Tr. letter, 365, Pssd., 366

Establishing max. comp. for professional svcs. agree. for design svcs. for Olmsted Parks System Interpretive Signage Proj., Tr. letter, 368, Pssd., 369

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Auth. ext. of professional svcs. agree. for water hydraulic model, Tr. letter, 67, Pssd., 68

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Auth. agree. with County of Monroe for funding for police programs, Tr. letter, 122, Pssd., 123

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Auth. agree. with County of Monroe for funding for Police programs, Tr. letter, 218, Pssd., 219

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ROSER STREET

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ROYLESTON ROAD

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RURAL/METRO MEDICAL SERVICES

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RUSTICCIA, CRAIG

Auth. sale of 56 Stutson St., Tr. letter, 360, Pssd., 360

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SJB SERVICES, INC.

Auth. agree. for materials testing svcs., Tr. letter, 110, Pssd., 111

SMG

Establishing max. comp. for professional svcs. agree. for Ribbin' on the River Rib Festival, Tr. letter, 259, Pssd., 259

ST. MARTIN'S PLACE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

ST. PAUL STREET

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Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

SAM ASHER COMPUTING SERVICES, INC.

Establishing max. annual comp. for professional svcs. agree. for 911 Ctr. Emergency Telephone Notification System svcs., Tr. letter, 416, Pssd., 417

SANTIAGO, GLADYS, VICE PRESIDENT

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SCHOOLS

See "City School District"

SCHROEDER, JACK A.

Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Auth., Tr. letter, 80, Adpt., 80

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Reso. approving appts. to Roch. Economic Dev. Corp., Tr. letter, 417, Adpt., 418

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Amend. 2007-08 Community Dev. Block Grant and approving Section 108 Business Loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 421, Pub. hear., 388, Pssd., 425

SECTOR TARGETED INITIATIVE PROGRAM

Auth. agree. for Charlotte Community Improvement Proj. as part of Sector Targeted Initiative Program, Tr. letter, 58, Pssd., 59

Auth. agree. for El Camino Trail Gateway Proj. of Sector Targeted Initiative Program, Tr. letter, 58, Pssd., 59

SECURITY

Auth. application and agree. for Buffer Zone Protection Program grant and amend. 2006-07 Budget, Tr. letter, 51, Pssd., 52

Establishing max. comp. for amend. professional svcs. agree. for water system security study, Tr. letter, 67, Pssd., 67

L.I.O. - Security at Public Mkt., Tr. letter, 76,

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 Establishing max. comp. for amend. professional svcs. agree. for Emergency Communications Ctr. security system, Tr. letter, 123, Pssd., 124
 Establishing max. comp. for professional svcs. agree. for design svcs. for backup generators for fire stations and approp. funds, Tr. letter, 160, Pssd., 161

SEIDEN WAYNE, LLC

Auth. agree. for bond counsel svcs., Tr. letter, 288, Pssd., 288

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

Auth. appl. and agree. for Selective Traffic Enforcement Program and amend. 2006-07 Budget, Tr. letter, 20, Pssd., 21

SENECA AVENUE

Establishing max. comp. for professional svcs. agree. for environmental investigation of 24 Seneca Ave., Tr. letter, 281, Pssd., 282

SENECA PARKWAY

L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

SERRANO, EMILIO

Reso. approving appts. to Roch. Economic Dev. Corp., Tr. letter, 417, Adpt., 418

SEWARD STREET

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to corner of Genesee St. and Seward St., Tr. letter, 139, Pub. hear., 127, Held, 142

Amend. Official Map by dedicating a parcel to street purposes and adding said parcel to corner of Genesee St. and Seward St., Tr. letter, 405, Pub. hear., 387, Pssd., 407

SEWERS

Bond ord. auth. issuance of \$74,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 37, Pssd., 41

Bond ord. auth. issuance of \$75,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 76

Bond Ord. auth. issuance of \$340,500 bonds to finance reconstruction of various water mains related to Glide St. (Lyell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 116

Bond ord. auth. issuance of \$185,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 195

Bond ord. auth. issuance of \$386,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to 2007 Street Improvement Program, Tr. letter, 242, Pssd., 245

SHARED MUNICIPAL SERVICES PROGRAM

Auth. application and agree. for funding under Shared Mun. Svcs. Program, Tr. letter, 316, Pssd., 316

Reso. supporting and auth. participation in Shared Mun. Svcs. Grant Program for Police Mobile Data Technology Proj., Tr. letter, 373, Pssd., 373

SHUMWAY MARINA

Auth. agree. with Town of Irondequoit for police svcs. to Shumway Marina, Tr. letter, 291, Pssd., 291

SIBLEY PLACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

SIDEWALKS

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2007 and expiring June 30, 2008, Tr. letter, 208, Pssd., 212

SIGNAGE

Establishing max. comp. for professional svcs. agree. for design svcs. for Olmsted Parks System Interpretive Signage Proj., Tr. letter, 368, Pssd., 369
 Auth. applications and agree. for grant funds, Tr. letter, 404, Pssd., 405

SIMMONS, KEITH

Auth. amend. agree. for Roch. After School Academy Program, Tr. letter, 120, Pssd., 120

SIMPLEXGRINNELL LP

Establishing max. comp. for amend. professional svcs. agree. for Emergency Communications Ctr. security system, Tr. letter, 123, Pssd., 124

SISTER CITIES

Reso. auth. agree. with XianYang, Shaanxi Province, People's Republic of China, establishment of Sister Cities relationship, Tr. letter, 395, Adpt., 396

SISTER CITIES PARKING GARAGE

Auth. agree. with Roch. & Monroe County Employees Federal Credit Union for lease of commercial space in Sister Cities Parking Garage, Tr. letter, 55, Pssd., 55

Auth. agree. for operation of Sister Cities Parking Garage, Tr. letter, 294, Pssd., 295

Auth. Holiday Shopper and Special Events Free Parking Program at municipal parking garages, Tr. letter, 374, Pssd., 374

SISTERS TOGETHER ACHIEVING RESULTS

Auth. agree. for Human Svcs. Programs, Tr. letter, 247, Pssd., 248

SIWIEC, MARK

Reso. approving appts. to Roch. Economic Dev. Corp., Tr. letter, 417, Adpt., 418

SMITH STREET

Establishing max. comp. for professional svcs. agree. for Smith St. Bridge Rehab. Proj. and approp. funds, Tr. letter, 280, Pssd., 281

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SNOW REMOVAL

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L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2007 and expiring June 30, 2008, Tr. letter, 208, Pssd., 212

Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 337, Pssd., 337

SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program, Tr. letter, 82, Pssd., 82

Auth. agree. relating to Roch. After School Academy I Program and amend. 2007-08 Budget, Tr. letter, 248, Pssd., 249

Auth. agree. for human svcs. program, Tr. letter, 314, Pssd., 315

Amend. Ord. and 2007-08 Budget and auth. agree. for Roch. After School Academy I Program, Tr. letter, 382, Pssd., 383

SOFTBALL

Establishing max. comp. for professional svcs. agree. for adult softball program, Tr. letter, 16, Pssd., 16

SOFTWARE

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SOJOURNER HOUSE

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

SOUND SERVICES

Establishing max. comp. for professional svcs. agree. for sound and lighting svcs., Tr. letter, 223, Pssd., 224

SOUTH AVENUE

Auth. agree. for rehab. of 250 South Ave., Tr. letter, 28, Pssd., 28

L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 138, Pub. hear., 127, Pssd., 139

SOUTH AVENUE/ALEXANDER STREET OPEN SPACE DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District and auth. agree., Tr. letter, 139, Pub. hear., 127, Pssd., 139

SOUTH AVENUE PARKING GARAGE

Establishing max. comp. for amend. professional svcs. agree. for South Ave. Garage Rehab. Proj. and approp. funds, Tr. letter, 256, Pssd., 256

Establishing max. comp. for amend. agree. for operation of South Ave. Garage, Tr. letter, 321, Pssd., 322

Auth. Holiday Shopper and Special Events Free Parking Program at municipal parking garages, Tr. letter, 374, Pssd., 374

SOUTH AVENUE HOLLY WATER MAIN EXTENSION PUBLIC IMPROVEMENT PROJECT

Establishing max. comp. for professional svcs. agree. for South Ave. Holly Water Main Ext. Public Improvement Proj., Tr. letter, 277, Pssd., 277

Bond ord. auth. issuance of \$300,000 bonds to finance constr. of var. water mains related to South Ave. Holly Water Main Ext. Public Improvement Proj., Tr. letter, 277, Pssd., 278

SOUTH CLINTON AVENUE

Auth. agree. and approp. funds for S. Clinton Ave. and Mt. Hope Ave. Enhancement Projects, Tr. letter, 339, Pssd., 340

SOUTH EAST AREA COALITION

Auth. amend. 2003-04, 2004-05 and 2005-06 Community Dev. Program Plans and ord. and auth.

agree. for Residential Assistance Program, Tr. letter, 185, Pub. hear., 173, Pssd., 186

Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

SOUTH GOODMAN STREET

Changing zoning class. of portion of 1100 S. Goodman St., as subdivided and combined with 117-125 Highland Parkway, from Institutional Planned Dev. (IPD)-Colgate Roch. Divinity School, to R-1 Low Density Residential, Tr. letter, 8, Pub. hear., 1, Pssd., 9

SOUTH PLYMOUTH AVENUE

Changing zoning class. of 1218-1300 S. Plymouth Ave. from R-1 Low Density Residential to R-3 High Density Residential and auth. sale of 1236, 1256 and 1294 S. Plymouth Ave., Tr. letter, 100, Pub. hear., 95, Pssd., 101

SOUTH WEDGE HOUSING DEVELOPMENT FUND COMPANY, INC.

Approving property tax exemption and auth. in-lieu-of-tax agree. for South Wedge Housing Dev. Fund Co., Inc., Tr. letter, 265, Pssd., 265

SOUTH WEDGE PLANNING COMMITTEE

Reso. endorsing grant application for NY Main Street Program, Tr. letter, 98, Adpt., 98

L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District and auth. agree., Tr. letter, 139, Pub. hear., 127, Pssd., 139

Auth. amend. 2003-04, 2004-05 and 2005-06 Community Dev. Program Plans and ord. and auth. agree. for Residential Assistance Program, Tr. letter, 185, Pub. hear., 173, Pssd., 186

Auth. amendatory agree. for Residential Assistance Program, Tr. letter, 388, Pssd., 389

SOUTHWEST AREA NEIGHBORHOOD ASSOCIATION

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 198, Pssd., 199

Auth. agree. for Neighborhood Improvement Program, Tr. letter, 238, Held, 238, Pssd., 266

SPECIAL ASSESSMENT DISTRICTS

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 152, Pub. hear., 128, Pssd., 153

L.I.O. - Establishing operating and maintenance costs of Special Assessment Districts for streetscape enhancements, Tr. letter, 152, Pub. hear., 128, Pssd., 153

SPECIAL SERVICES DISTRICT

L.I.O. - Establishing cost of special work and svcs. related to Downtown Special Svcs. (previously known as Downtown Guides) and auth. agree., Tr. letter, 164, Pub. hear., 128, Pssd., 165

SPEX, LLC

Approval of option for sale of land in 14621 Industrial Park to Spex, LLC, Tr. letter, 257, Pssd., 258

SPIKER, LAUREN

Establishing max. comp. for professional svcs. agree. for executive support staff training, Tr. letter, 345, Held, 346

SPIRITUS CHRISTI

Auth. agree. for Emergency Shelter Grant Program, Tr. letter, 181, Pssd., 182

Auth. amend. 2007-08 Emergency Shelter Grant Program and auth. agree. for Nielsen House Proj., Tr. letter, 383, Pub. hear., 356, Pssd., 384

STANELY, V.J., INC.

Auth. settlement of claims and reacquisition of 45-65 Hudson Ave., Tr. letter, 176, Pssd., 177

STANTEC CONSULTING SERVICES, INC.

Auth. agree. for Brownfield Assistance Program, Tr. letter, 68, Pssd., 69

Establishing max. comp. for professional svcs. agree. and approp. funds for Norton St. (Portland Ave. to East City Line) Improvement Proj., Tr. letter, 70, Pssd., 72

Establishing max. comp. for professional svcs. agree. for Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 73

Establishing max. comp. for professional svcs. agree. for Inner Loop East Traffic/Scoping Study, Tr. letter, 102, Pssd., 103

Establishing max. comp. for amend. professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 306, Pssd., 306

STATE UNIVERSITY OF NEW YORK AT GENESEO

Amend. Ord. No. 2006-121 and 2006-122 and 2006-07 Budget, approp. funds and auth. agree. for Roch. After School Academy Program, Tr. letter, 17, Pssd., 18

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 198, Pssd., 199

STATE URBAN AREA SUPPLEMENTAL PROGRAM

Auth. application and agree. for State Urban Area Supplemental Program grant and amend. 2006-07 Budget, Tr. letter, 51, Pssd., 53

STATIONARY ENGINEERS AND REFRIGERATION OPERATORS, BOARD OF

Reso. approving reappointments to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 65, Adpt., 65

STEEL TECH

Auth. sale of portion of former railroad right-of-way, Tr. letter, 320, Pssd., 320

STEVENSON, ROBERT J., COUNCILMEMBER

Presentation of petition regarding change in Public Law 230, p. 95

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Amend. 2007-08 Budget in regard to Recycling Education Program - \$30,000, Tr. letter, 204, Pssd., 205

Amend. proposed 2007-08 Budget in regard to PAC-TAC - \$5,000, Tr. letter, 206, Pssd., 206

Amend. 2007-08 Budget in regard to Roch. Fatherhood Resource Initiative - \$2,000, Tr. letter, 207, Pssd., 208

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STIEWE, WILLIAM R.

Reso. approving appts. to Electrical Examining Board, Tr. letter, 59, Adpt., 60

STOPDWI PROGRAM

Auth. agree. with County of Monroe for funding for police programs, Tr. letter, 122, Pssd., 123

STOP VIOLENCE AGAINST WOMEN PROGRAM

Auth. application and agree. for STOP Violence Against Women Program, Tr. letter, 20, Pssd., 20

STREET MALLS

L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

STREETS

Approving increase in pav. width of Royleston Rd. between Merchants Rd. and N. Winton Rd., Tr. letter, 36, Pub. hear., 26, Pssd., 37

Bond ord. auth. issuance of \$685,000 bonds to finance cost constr. and reconstruction of certain streets as part of Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 37, Pssd., 39

Accepting donation of easements for Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 37, Pssd., 41

Auth. agree. and approp. funds for Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) and Delray Rd. Improvement Proj., Tr. letter, 37, Pssd., 41

Approving increase in pav. width of Delray Rd. between Atlantic Ave. and Drexmore Rd., Tr. letter, 37, Pub. hear., 26, Pssd., 42

Bond ord. auth. issuance of \$1,160,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Norton St. (Portland Ave. to East City Line) Improvement Proj., Tr. letter, 70, Pssd., 71

Establishing max. comp. for professional svcs. agree. and approp. funds for Norton St. (Portland Ave. to East City Line) Improvement Proj., Tr. letter, 70, Pssd., 72

Establishing max. comp. for professional svcs. agree. for Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 73

Bond ord. auth. issuance of \$1,606,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 74

Bond ord. auth. issuance of \$321,000 bonds to finance reconstruction of various water mains related to Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 75

Bond ord. auth. issuance of \$75,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 76

Establishing max. comp. for professional svcs. agree. for Inner Loop East Traffic/Scoping Study, Tr. letter, 102, Pssd., 103

Establishing max. comp. for professional svcs. agree. for Glide St. (Lyell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 114

Bond ord. auth. issuance of \$1,446,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Glide St. (Lyell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 115

Bond Ord. auth. issuance of \$340,500 bonds to finance reconstruction of various water mains related to Glide St. (Lyell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 116

Bond Ord. auth. issuance of \$97,500 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Glide St. (Luell Ave. to Emerson St.) Improvement Proj., Tr. letter, 113, Pssd., 117

Approving changes in pavement width of Genesee St. between Brooks Ave. and Cottage St., Tr. letter, 139, Pub. hear., 127, Held, 141, Pssd., 183

Bond ord. auth. issuance of \$438,000 bonds to finance cost of constr. of certain street related improvements for Brooks Village/Genesee St. Enhancement Proj., Tr. letter, 139, Held, 142, Pssd., 184

Auth. acq. by negotiation or condemnation of de minimus parcel at 844 Genesee St. for street purposes, Tr. letter, 139, Held, 142, Pssd., 185

Amend. official map by dedicating parcel to street purposes and adding said parcel to corner of Genesee St. and Seward St., Tr. letter, 139, Pub. hear., 127, Held, 142

Amend. official map by renaming Hecla Alley as Veterans Place, Tr. letter, 144, Pub. hear., 128, Pssd., 145

Approving changes in pavement width of Monroe Ave. and Laburnum Crescent, Tr. letter, 150, Pub. hear., 128, Pssd., 152

Approving changes in pavement width of Kelly St. and Joseph Ave. as part of Joseph Ave. (Ward St. to Upper Falls Blvd. and Clifford Ave. to Ave. D) Improvement Proj., Tr. letter, 190, Pub. hear., 173, Pssd., 192

Establishing max. comp. for professional svcs. agree. for Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 192

Bond ord. auth. issuance of \$2,693,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 193

L.I.O. - Areaway and window well abandonments as part of Joseph Ave. Improvement Proj., Tr. letter, 190, Pub. hear., 173, Pssd., 195

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2007 and expiring June 30, 2008, Tr. letter, 208, Pssd., 212

Bond ord. auth. issuance of \$7,298,000 bonds to finance reconstruction of certain streets related to 2007 Street Improvement Program, Tr. letter, 242, Pssd., 243

Bond ord. auth. issuance of \$700,000 bonds to finance constr. of various water mains related to 2007 Street Improvement Program, Tr. letter, 242, Pssd., 244

Bond ord. auth. issuance of \$386,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to 2007 Street Improvement Program, Tr. letter, 242, Pssd., 245

Approving increase in pavement width of Cayuga St. east of Gregory St., Tr. letter, 245, Pub. hear., 226, Pssd., 245

Amend. 2006-07 Budget for enhanced street lighting on Main St., Tr. letter, 257, Pssd., 257

Approving changes in pav. width of Webster Ave. for Thomas P. Ryan, Jr. Comm. Ctr., Tr. letter, 267, Pub. hear., 260, Pssd., 267

Amend. Official Map by abandonment of portion of Gould St. and auth. sale of abandonment area and release of easement, Tr. letter, 267, Pub. hear., 260, Pssd., 273

Auth participation in University Ave. Improvements and ARTWalk II Enhancements Proj., Tr. letter, 278, Pssd., 279

Establishing max. comp. for professional svcs. agree. for University Ave. Improvements and

ARTWalk II Enhancement Proj., Tr. letter, 278, Pssd., 279

Establishing max. comp. for professional svcs. agree. for Smith St. Bridge Rehab. Proj. and approp. funds, Tr. letter, 280, Pssd., 281

Bond ord. auth. issuance of \$256,000 bonds to finance cost of reconstruction of Smith St. Bridge, Tr. letter, 280, Pssd., 281

Establishing max. comp. for professional svcs. agree. for Lawn St. Public Improvement Proj., Tr. letter, 307, Pssd., 307

Establishing max. comp. for professional svcs. agree. for Brooks Ave. Improvement Proj., Tr. letter, 307, Pssd., 308

Approving participation in E. Henrietta Rd. (NYS Route 15A) Reconstruction Proj., Tr. letter, 308, Pssd., 308

Amend. L.I.O. No. 1569 - areaway abandonments at 673 Glide St. as part of Glide St. Improvement Proj., Tr. letter, 312, Pub. hear., 297, Pssd., 313

Auth. acq. of parcel for W. Ridge Rd. Improvement Proj., Tr. letter, 336, Pssd., 337

Establishing max. comp. for professional svcs. agree. for Culver Rd. Improvement Proj., Tr. letter, 338, Pssd., 338

Establishing max. comp. for professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 338, Pssd., 338

Auth. agree. and approp. funds for Field St. Traffic Calming Proj. and amend. Ord. No. 2007-354, Tr. letter, 339, Pssd., 339

Auth. agree. and approp. funds for S. Clinton Ave. and Mt. Hope Ave. Enhancement Projects, Tr. letter, 339, Pssd., 340

Approving increase in pav. width of Norton St. for recessed parking and amend. Ord. No. 2006-73, Tr. letter, 340, Pub. hear., 329, Pssd., 340

Approving tapered decrease in pav. width of Exchange Blvd., Tr. letter, 340, Pub. hear., 329, Pssd., 341

Approving increase in pav. width of Mill St. for recessed parking, Tr. letter, 352, Pub. hear., 329, Pssd., 353

Accepting donation of easement for Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 369, Pssd., 369

L.I.O. - Upgrading of landscape features at 645-655 Culver Rd. as part of Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 369, Pub. hear., 356, Pssd., 370

Amend. Official Map by abandonment of portion of Adirondack St. from Luell Ave. to its southern end and auth. sale of portions of abandonment area, Tr. letter, 397, Pub. hear., 387, Pssd., 402

Amend. Official Map by dedicating parcels to street purposes and adding said parcels to Atlantic Ave. and Culver Rd., Tr. letter, 405, Pub. hear., 387, Pssd., 407

Amend. Official Map by dedicating parcel to street purposes and adding said parcel to Clifford Ave., Tr. letter, 405, Pub. hear., 387, Pssd., 407

Amend. Official Map by dedicating a parcel to street purposes and adding said parcel to corner of Genesee St. and Seward St., Tr. letter, 405, Pub. hear., 387, Pssd., 407

Approving increases in pav. width of Bremen St., Buonomo St., Dunn St. and Roser St., Tr. letter, 407, Pub. hear., 388, Pssd., 408

Auth. acq. by negotiation or condemnation of a de minimus parcel at 1370 Hudson Ave. for street purposes, Tr. letter, 407, Pssd., 408

Amend. Official Map by dedicating parcels to street purposes and adding said parcels to corner of Hudson Ave. and Dunn St., Tr. letter, 407, Pub.

hear., 388, Pssd., 409
 Approving increases in pav. width of Rosalind St., Tr. letter, 409, Pub. hear., 388, Pssd., 409

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Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for W. Main St. Streetscape Proj., Tr. letter, 35, Pssd., 36
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THOMAS P. RYAN, JR. COMMUNITY CENTER

Bond ord. auth. issuance of \$22,972,600 bonds to finance cost of planning and implementing design and constr. of renovations to Audubon School No. 33 as part of Thomas P. Ryan, Jr. Community Ctr./Audubon School No. 33 Addition and Renovations Proj., Tr. letter, 173, Pssd., 174

Approving changes in pav. width of Webster Ave. for Thomas P. Ryan, Jr. Community Ctr., Tr. letter, 267, Pub. hear., 260, Pssd., 267

Auth. agree. for funding for Thomas P. Ryan Community Ctr. and amend. 2007-08 Budget, Tr. letter, 356, Pssd., 357

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Auth. agree. for funding for Brooks Landing Revitalization Proj., Tr. letter, 179, Pssd., 181

Auth. agree. and approp. funds for El Camino: Butterhole-Seneca Park Trail, Tr. letter, 246, Held, 246, Pssd., 312

Auth. agree. and approp. funds for Field St. Traffic Calming Proj. and amend. Ord. No. 2007-354, Tr. letter, 339, Pssd., 339

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Establishing max. comp. for professional svcs. agree. for executive support staff training, Tr. letter, 345, Held, 346

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Auth. lease agree. for Triphammer Grill, Tr. letter, 320, Pssd., 320

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TRUANCY PROGRAM

Auth. application and agree. for funding for truancy program and amend. 2007-08 Budget, Tr. letter, 291, Pssd., 292

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Auth. grant agree. for backup generators for fire stations, Tr. letter, 124, Held, 124

Establishing max. comp. for professional svcs. agree. for design svcs. for backup generators for fire stations and approp. funds, Tr. letter, 160, Pssd., 161

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Auth. submission of Consolidated Community Dev. Plan/2007-08 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pssd., 172

Auth. submission of Section 108 Loan appl. and approving Section 108 Business Loan Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

Auth. submission of Section 108 Loan application and approving Section 108 Neighborhood Stabilization and Improvement Program and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 168 and 170, Pub. hear., 168, Pssd., 172

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URBAN RENEWAL

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Approving acq. of parcels from Roch. Urban Renewal Agency, Tr. letter, 228, Pssd., 229

Approving donation of former Hilton St. to Roch. Urban Renewal Agency, Tr. letter, 228, Pssd., 229

Designating area to be known as Driving Park Urban Renewal District, Tr. letter, 295, Pssd., 295

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Changing zoning class. of 373-375 Driving Park Ave. from C-2 Community Ctr. to Driving Park Urban Renewal District, Tr. letter, 322, Pub. hear., 297, Pssd., 327

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VETERANS PLACE

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Auth. agree. relating to 2007 Summer of Opportunity Program, Tr. letter, 197, Pssd., 198

VOYAGER BOAT SALES, INC.

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 402, Pssd., 403

VOYAGER SYSTEMS, INC.

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Approving wage and salary increases for employees of Roch. Housing Authority, Tr. letter, 289, Pssd., 289

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Amend. 2007-08 Budget in regard to Graffiti Removal - \$35,000, Tr. letter, 202, Pssd., 202

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Establishing max. comp. for amend. professional svcs. agree. for police consulting svcs., Tr. letter, 349, Held, 349, Pssd., 373

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Auth. Holiday Shopper and Special Events Free Parking Program at municipal parking garages, Tr. letter, 374, Pssd., 374

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Bond ord. auth. issuance of \$554,000 bonds to finance reconstruction of various water mains related to Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 37, Pssd., 40

Establishing max. comp. for amend. professional svcs. agree. for water system security study, Tr. letter, 67, Pssd., 67

Auth. ext. of professional svcs. agree. for water hydraulic model, Tr. letter, 67, Pssd., 68

Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs., Tr. letter, 68, Pssd., 68

Bond ord. auth. issuance of \$706,000 bonds to finance reconstruction of various water mains related to Norton St. (Portland Ave. to East City Line) Improvement Proj., Tr. letter, 70, Pssd., 72

Bond ord. auth. issuance of \$321,000 bonds to

finance reconstruction of various water mains related to Gregory St. (Mt. Hope Ave. to S. Clinton Ave.) Public Improvement Proj., Tr. letter, 72, Pssd., 75

Amend. Mun. code with respect to wholesale water rates, Tr. letter, 111, Pssd., 111

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Bond ord. auth. issuance of \$2,076,000 bonds to finance reconstruction of various water mains related to 2007 Water Main Extension and Improvements Program, Tr. letter, 147, Pssd., 148

Bond ord. auth. issuance of \$1,007,000 bonds to finance reconstruction of various water mains related to Joseph Ave. Improvement Proj., Tr. letter, 190, Pssd., 194

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Establishing max. comp. for professional svcs. agree. for South Ave. Holly Water Main Ext. Public Improvement Proj., Tr. letter, 277, Pssd., 277

Bond ord. auth. issuance of \$300,000 bonds to finance constr. of var. water mains related to South Ave. Holly Water Main Ext. Public Improvement Proj., Tr. letter, 277, Pssd., 278

Establishing max. comp. for amend. professional svcs. agree. for cathodic protection program for water system, Tr. letter, 308, Pssd., 309

Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs. and amend. Ord. No. 2007-166, Tr. letter, 309, Pssd., 310

Establishing max. comp. for agree. for surveying svcs., Tr. letter, 366, Pssd., 366

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Designating area to be known as Driving Park Urban Renewal District, Tr. letter, 295, Pssd., 295

Establishing max. comp. for agree. for provision of prescription medication for injured City Firefighters, Tr. letter, 372, Pssd., 372

WERNER PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2007-08, Tr. letter, 77, Pub. hear., 55, Pssd., 78

WEST BROAD STREET

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Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs. for W. Main St. Streetscape Proj., Tr. letter, 35, Pssd., 36

Bond ord. auth. issuance of \$910,000 principal amount of bonds to finance cost of constr. of certain street related improvements for W. Main St. Streetscape Proj., Tr. letter, 35, Pssd., 36

Accepting donation of easement for W. Main St. Streetscape Proj., Tr. letter, 189, Pssd., 190

Approving donation of former Hilton St. to Roch. Urban Renewal Agency, Tr. letter, 228, Pssd., 229

WEST RIDGE ROAD

Auth. acq. of parcel for W. Ridge Rd. Improvement Proj., Tr. letter, 336, Pssd., 337

WHITNEY STREET

Establishing max. comp. for amend. professional svcs. agree. for environmental cleanup of 415 Orchard St. and 354 Whitney St. and approp. funds, Tr. letter, 310, Pssd., 311

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Amend. Ord. No. 2006-39 to extend date for acq. of Urban Park Apts. to qualify for tax exemption, Tr. letter, 177, Pssd., 178

Amend. Ord. No. 2007-9 with respect to tax exemption for Mildred Johnson Estates Affordable Housing Proj. and Ord. No. 2003-28 with respect to Providence Housing Dev. Corp. Rental Proj., Tr. letter, 177, Pssd., 178

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Establishing max. comp. for amend. professional svcs. agree. for labor relations svcs. and amend. Ord. No. 2006-385, Tr. letter, 16, Pssd., 17

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WORK EXPERIENCE PROGRAM

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Establishing max. comp. for professional svcs.

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Establishing max. comp. for professional svcs. agree. for administration of City's Workers' Comp. Program, Tr. letter, 156, Pssd., 156

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Auth. agree. relating to Roch. After School Academy I Program and amend. 2007-08 Budget, Tr. letter, 248, Pssd., 249

Amend. Ord. and 2007-08 Budget and auth. agree. for Roch. After School Academy I Program, Tr. letter, 382, Pssd., 383

YWCA OF ROCHESTER AND MONROE COUNTY

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 82, Pssd., 82

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Auth. agree. for Adolescent Parenthood Proj., Tr. letter, 201, Pssd., 201

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Auth. agree. for Human Svcs. Programs, Tr. letter, 247, Pssd., 248

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Changing zoning class. of portion of 1100 S. Goodman St., as subdivided and combined with 117-125 Highland Parkway, from Institutional Planned Dev. (IPD)-Colgate Roch. Divinity School, to R-1 Low Density Residential, Tr. letter, 8, Pub. hear., 1, Pssd., 9

Changing zoning class. of Midtown Plaza parcels at 233-247 E. Main St., 249-253 E. Main St., 255-257 E. Main St., 285 E. Main St., 18-26 S. Clinton Ave., 32-58 S. Clinton Ave., 100 S. Clinton Ave., 27-33 Chestnut St., 35 Chestnut St., 41 Chestnut St., 45-51 Chestnut St., 65-67 Chestnut St., 88-94 Elm St., 89-95 Elm St., 6 Atlas St. and 45 Euclid St. from Center City District-Tower District (CCD-T) to Midtown Urban Renewal District, Tr. letter, 90, Pub. hear., 56, Pssd., 94

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Changing zoning class. of 200 East Highland Dr. from C-2 Community Ctr., 44-178 Gould St. from R-1 Low Density Residential, and portions of 2085 East Ave. from R-3 High Density Residential, to PD #8 - Mid-Town Athletic Club, Tr. letter, 267, Pub. hear., 260, Pssd., 272

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Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Midtown Urban Renewal Proj., Tr. letter, 90, Pub. hear., 56, Pssd., 94

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Mid-Town Athletic Club as Planned Dev. District #8 - Mid-Town Athletic Club, Tr. letter, 267, Pub. hear., 260, Pssd., 271

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding zoning regulations for Driving Park Urban Renewal Proj., Tr. letter, 322, Pub. hear., 297, Pssd., 326

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Canalside Business Ctr. as Planned Dev. District #9, Tr. letter, 397, Pssd., 401

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