

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2010**

ROCHESTER, NEW YORK

Officials 2010

Robert J. Duffy, Mayor

Patricia Malgieri⁽¹⁾
Deputy Mayor

G. Jean Howard⁽³⁾
Chief of Staff

William J. Ansbro
Director of Management & Budget

R. Carlos Carballada
Commissioner of Neighborhood &
Business Development

Tassie R. Demps⁽⁵⁾
Director of Human Resource Management

Jeffrey P. Eichner⁽⁷⁾
Acting Corporation Counsel

Paul M. Holahan
Commissioner of Environmental Services

David T. Moore⁽⁹⁾
Police Chief,
Director of Office of Public Integrity

Charles D. Reaves⁽¹¹⁾
Commissioner of Recreation & Youth Services

James M. Sheppard⁽¹²⁾
Director of Office of Public Integrity,
Police Chief

Donna L. Turner⁽¹⁴⁾
Director of Human Resource Management

Gary Walker
Director of Communications

Thomas S. Richards⁽²⁾
Corporation Counsel, Deputy Mayor

Darryl Porter
Assistant to the Mayor

Luis Burgos⁽⁴⁾
Commissioner of Recreation & Youth Services

John D. Caufield
Fire Chief

Alinda Drury⁽⁶⁾
Director of Special Projects

Richard Hannon⁽⁸⁾
Director of Special Projects

John M. Merklinger
Emergency Communications Center Director

Michael P. Oliveri⁽¹⁰⁾
Acting Director, Human Resource Management

Brian L. Roulin
Director of Finance

Andrew Turner⁽¹³⁾
Chief of Performance Accountability/Customer Satisfaction

Patricia Uttaro
Library Director

- (1) Resigned November 2, 2010.
- (2) Position change as of November 3, 2010.
- (3) Resigned January 15, 2010.
- (4) As of November 18, 2010.
- (5) As of December 2, 2010.
- (6) As of May 17, 2010.
- (7) As of November 3, 2010.

- (8) Retired May 16, 2010.
- (9) Position change as of November 8, 2010.
- (10) May 8, 2010 through December 1, 2010.
- (11) Resigned November 15, 2010.
- (12) Position change as of November 8, 2010.
- (13) As of August 23, 2010.
- (14) Retired May 7, 2010.

Members of Council 2010

Members	Residence
Lovely A. Warren, Esq. President, Councilmember, Northeast District	93 Woodman Park, 14609
Elaine M. Spaul, Esq. Vice President, Councilmember, East District	42 Westminster Road, 14607
Carolee A. Conklin Councilmember-at-Large	310 Exchange Boulevard, Apt. 257, 14608
Matt Haag Councilmember-at-Large	951 Park Avnue, 14610
Adam C. McFadden Councilmember, South District	178 Farragut Street, 14611
Dana K. Miller Councilmember-at-Large	265 Melrose Street, 14619
Jacklyn Ortiz Councilmember-at-Large	45 Ontario Street, 14605
Carla M. Palumbo, Esq. Councilmember, Northwest District	1002 Glide Street, 14606
Loretta C. Scott Councilmember-at-Large	171 Berwick Road, 14609

City Clerk's Office 2010

Daniel B. Karin City Clerk
Hazel L. Washington 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 Legislative Clerk
Darlene Laboy Legislative Clerk

City Council Office 2010

Andrea M. Guzzetta Chief of Staff
Bridget A. Monroe Associate Legislative Analyst
Bridgette Burch White Principal Legislative Communications Assistant
Carmen L. Aponte-Merced Secretary to City Council

Standing Committees of The City Council 2010

Finance
Conklin, Ortiz, Scott

Jobs, Parks & Public Works
Miller, Haag, Scott

Neighborhood & Business Development
Palumbo, Conklin, Miller

Public Safety, Youth & Recreation
McFadden, Haag, Ortiz

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.

ORGANIZATION MEETING
JANUARY 4, 2010
4:00 P.M.

Present - Presiding Officer Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Absent - 0.

The Council Presiding Officer 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.

By Councilmember Palumbo

Resolution No. 2010-1

Resolution For The Nomination And Selection Of A President For The Rochester City Council

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

Section 1. The Council of the City of Rochester nominates and selects Lovely A. Warren as President for the years 2010-11.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Warren

Resolution No. 2010-2

Resolution For The Nomination And Selection Of A Vice President For The Rochester City Council

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

Section 1. The Council of the City of Rochester nominates and selects Elaine M. Spaul as Vice President for the years 2010-11.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Conklin

Resolution No. 2010-3

Resolution For The Selection And Appointment Of The City Clerk

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

Section 1. The Council of the City of Rochester hereby selects and appoints Daniel B. Karin as the City Clerk for the years 2010-11.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Miller

Resolution No. 2010-4

Resolution Adopting The Rules Of Council

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

Section 1. The Council hereby adopts the following Rules of Council, for the years 2010-11.

I. REGULAR MEETINGS - Regular meetings of the Council of the City of Rochester shall be held in the Council Chambers, City Hall, at 8:00 P.M., on the following dates in 2010:

- January 19
- February 16
- March 17
- April 13
- May 11
- June 15
- July 20
- August 17
- September 21
- October 19
- November 16
- December 14

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2011 shall be established in a resolution adopted in 2010. When the date for a regular meeting falls on a legal holiday the meeting shall be held on the following day.

II. SPECIAL MEETINGS - Special meetings may be called at any time by the Mayor, the President of the Council, or any three Councilmembers. The City Clerk shall cause the written notice thereof, specifying the object of the meeting, to be served upon each member personally or to be delivered at the member's usual place of residence at least twenty-four hours before the time fixed for such meeting, except that if such notice is served prior to 5:00 P.M., the time for the special meeting may be fixed at any time after 9:00 A.M. the following day. Councilmembers may waive service of such notice in writing. At such special meeting no business other than that named in the notice of the meeting shall be transacted.

- III. EXECUTIVE MEETINGS - Whenever the Council or a duly constituted committee thereof shall determine to transact business in an executive session, it shall do so in accordance with the provisions of the Open Meetings Law, and the presiding officer shall direct all persons except members and designated officers of the City to withdraw.
- IV. QUORUM - The majority of the Councilmembers shall constitute a quorum; but a smaller number may adjourn from day to day.
- V. PRESIDING OFFICER - The President of the Council, and in the President's absence, the Vice President, shall preside over the meetings of the Council. In the absence of both the President and the Vice President, the City Clerk shall call the meeting to order and the Council shall appoint as presiding officer a President *pro tempore*.
- VI. ORDER OF BUSINESS - The following shall be the order of business at regular meetings:
 - 1. Roll Call.
 - 2. Moment of Silence & Pledge of Allegiance.
 - 3. Approval of the minutes of the preceding meeting or meetings.
 - 4. Communications to the Council from the Mayor, President of the Council, other corporate officers, boards and departments and miscellaneous communications.
 - 5. Presentation and reference of petitions and remonstrances.
 - 6. Public Hearings.
 - 7. Introduction of and action upon local laws, ordinances and resolutions.
 - 8. Reports of standing committees and action thereon.
 - 9. Reports of special committees.
 - 10. Miscellaneous business.
 - 11. Adjournment.
- VII. PERMISSION FOR PERSONS TO SPEAK BEFORE THE COUNCIL - For one hour prior to roll call at the commencement of a Council meeting, the President of the Council may allow any person to speak to the Council upon the following terms and conditions:

- 1. In order to speak, a citizen must notify the Clerk's Office before 6:00 p.m. on Council meeting nights.
- 2. The citizen must specify to the Clerk the subject of his or her remarks.
- 3. The Clerk will prepare two lists of scheduled speakers:
 - A. Those wishing to speak on items which are on the agenda for that Council meeting and which are not the subject of a public hearing.
 - B. All other speakers.
- 4. The lists shall be in the order that citizens notified the Clerk's Office.
- 5. Each speaker will be allotted no less than two (2) minutes and no more than three (3) minutes. The President will divide sixty (60) minutes by the number of speakers on both lists to determine the amount of time allotted to each speaker.
- 6. The President will call the speakers in order as listed on List A, and after completing List A, the speakers on List B, giving each the amount of time determined in paragraph 5 above.
- 7. If there are any speakers on List A not reached by 8:00 p.m., the time for Speak to Council will be extended to allow all speakers on that List to be heard. If there any speakers on List B who have not had the opportunity to speak before the Council Meeting begins, they will be invited either to speak at the conclusion of the Council Meeting or to return to the next Council session when their names will be placed at the top of the appropriate List.
- 8. Speakers must relinquish the podium at the end of their allotted time.
- 9. In the event that the President shall determine that any speaker is violating any of the Rules of Council, the President, in the President's discretion, may cause the meeting to be recessed.

Any person may also speak at meetings of duly constituted committees of the

- Council at the invitation of the Chairperson and upon such terms and conditions as the Chairperson may, from time to time, prescribe.
- VIII. ROLL CALL VOTE - On the passage of every ordinance which is not adopted by unanimous vote, on the passage of any ordinance authorizing the issuance of bonds and notes, on the selection of any officer other than by unanimous vote, and on the enactment of any local law, the individual vote for or against the particular legislation before Council shall be entered in full upon the journal. In the case of an abstention from a vote, any member who abstains from voting shall state publicly the reasons for such abstention: such reasons shall be entered in full upon the journal.
- IX. PRECEDENCE OF MOTIONS - When a question is before the Council no motion shall be entertained except: First, to adjourn; second, to fix the hour of adjournment; third, for the previous question; fourth, to lay on the table; fifth, to postpone indefinitely; sixth, to postpone to a day certain; seventh, to refer; eighth, to amend. These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to vote without debate.
- X. PREVIOUS QUESTION - The previous question shall be put as follows: "Shall the main question be now put?" If this question is decided in the negative, the main question remains before the Council.
- XI. DIVISION OF QUESTIONS - If the question contains two or more divisible propositions, the presiding officer shall, upon the request of any member, divide the same, but a motion to strike out a provision and insert a substitute is not divisible.
- XII. RECONSIDERATION - After the decision of any question, a member who voted in the majority may move its reconsideration at the same or a subsequent meeting. If a motion for reconsideration be lost, it shall not be renewed without unanimous consent of the members present and no question shall a second time be reconsidered without similar unanimous consent. After a local law or ordinance has been signed by the Mayor, or has been presented to the Mayor and more than thirty (30) days have expired, during which time the Mayor neither approved it nor returned it to the Clerk with objections, it shall not be reconsidered, but such local law or ordinance may be repealed, or amended.
- XIII. WITHDRAWAL OF MOTION - Any motion may be withdrawn by the maker before it has been amended or voted upon, but in such case any other member may renew the motion at that time.
- XIV. PROCEDURE ON RESOLUTIONS - All resolutions of the Council shall be adopted by the affirmative vote of a majority of the members present at the meeting at which action is taken thereon. Any member of the Council may introduce a resolution into the Council either (a) at any meeting of the Council, at which time the presiding officer shall refer the resolution to the appropriate standing committee, or (b) at any time until 5:00 p.m. the day before a committee meeting by submitting it to the President of the Council who shall promptly forward it to the Chair of the appropriate standing committee. The Council shall not vote upon any resolution until it has been discharged from one or more standing committees pursuant to Section XVII of these rules, provided, however, that the Council may vote upon a resolution without reference to or discharge from a standing committee if it is accompanied by a statement of necessity of immediate passage signed by the Mayor or the President of Council, or these rules are suspended as provided herein.
- XV. PROCEDURE ON LOCAL LAWS AND ORDINANCES -- All legislative acts of the Council shall be by local law or ordinance adopted by the affirmative vote of five members of the Council, unless otherwise expressly required by law.
- Any member of the Council or the Mayor may introduce a Local Law or Ordinance into the Council. Such proposed legislation shall be submitted to the President of the Council. Proposed legislation submitted to the President of the Council by any Councilmember or the Mayor shall be deemed introduced into the Council on the day the President forwards it to the City Clerk who shall note on the copy the date of its introduction and its sequential introductory number.
- Proposed legislation shall be similarly distributed to Councilmembers on "Agenda Day" which shall be at least nineteen (19) days prior to the date of the Council meeting at which it is scheduled to be considered. During the week following Agenda Day, additional legislation may be submitted to the President of Council for distribution to the appropriate committee(s) at the discretion of the President.

Proposed legislation submitted less than twelve (12) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor. Proposed legislation submitted less than five (5) days before the Council Meeting at which it is scheduled to be considered shall be accompanied by a statement of necessity of immediate consideration, stating the nature of the emergency, signed by the Mayor and President of the Council. The Clerk shall keep a file of all proposed legislation until it is voted upon by the Council or until the expiration of each two-year term of Council. A local law or ordinance amended after introduction shall not become a new local law or ordinance unless the presiding officer, or the Council on an appeal from the presiding officer's ruling, rules that the amendment is so substantial as to constitute a new local law or ordinance. The Council shall not vote upon any local law or ordinance until it has been discharged from one or more standing committees of the Council pursuant to Section XVII of these rules, provided, however, that the Council may vote upon proposed legislation without reference to or discharge from a standing committee if:

- a) as to a local law, it is accompanied by a statement of necessity of immediate passage signed by the Mayor, and its adoption is by the affirmative vote of six (6) members of the Council, or
- b) as to an ordinance, (i) it is accompanied by a statement of necessity of immediate passage signed by the Mayor, or (ii) approval to vote upon it is given by six (6) members of the Council.

Whenever a public hearing is required to be held by the Council on an item of proposed legislation, the President may direct the City Clerk to advertise the public hearing in the manner and for the period of time required by law so that such hearing may be held at the next available regularly scheduled or special Council meeting following introduction of the proposed legislation; or if the hearing is to be held before a committee, such hearing shall be advertised so that it may be held at the next available regularly scheduled or special meeting of that committee; unless the Council provides otherwise by resolution.

Whenever the Mayor has disapproved a local law or ordinance and the City

Clerk has presented the local law or ordinance to the Council with the Mayor's objections, the President or any member of Council may move for reconsideration of the same within thirty (30) days.

XVI. CONSTITUTION OF COMMITTEES - The following standing committees shall be appointed by the President of the Council at the organization meeting of the Council:

Finance; Jobs, Parks & Public Works; Neighborhood & Business Development; Public Safety, Youth & Recreation.

The first named member of each committee shall be Chair. The President and the Vice President shall be *ex officio* voting members of all committees.

A change in the personnel of the foregoing committees, including a change in the Chair thereof, may be effected at any time or times at the pleasure of the President of the Council with the concurrence of a majority of the Council, or in any case by a two-thirds vote of the Council. The President shall be empowered to constitute a Committee of the Whole, in place of any standing committee, to consider Mayoral appointments of Department Heads or for other resolutions, local laws, or ordinances considered to be of sufficient importance as to merit such treatment. Discharge from the Committee of the Whole shall fulfill the requirements variously stated in Sections XIV, XV, and XVII, which call for the discharge of any proposed legislation from a standing committee before it can be acted upon by the Council.

XVII. MEETINGS AND PROCEDURES OF STANDING COMMITTEES - A majority of a committee shall constitute a quorum. Each committee shall meet at the call of its Chair or any other two members, upon reasonable notice to all committee members. Regular meetings of the standing committees shall be scheduled no later than five (5) days before the date of a Council meeting.

A committee may hold a public hearing on any proposed legislation referred to it. A committee may amend any proposed legislation referred to it by majority vote of its members taken at a meeting, and if discharged, the Council shall consider the proposed legislation.

In discharging any proposed legislation referred to it, a committee shall specifically recommend the legislation for adoption, rejection or consideration by the Council in a written re-

port signed by a majority of its members attending the committee meeting. Any proposed legislation discharged by a committee shall be placed by the City Clerk on the agenda of the next regular Council meeting, at which the Council shall vote upon each item of proposed legislation separately, a yes vote to indicate adoption of the legislation, and a no vote to indicate rejection of the legislation.

If a committee fails or refuses to discharge any proposed legislation referred to it, it may be discharged on a motion duly seconded by the affirmative vote of a majority of the Council.

- XVIII. ROBERT'S RULES OF ORDER - The rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Council in all cases except as herein provided.
- XIX. SUSPENSION OF RULES - Any rule of the Council, except as otherwise specifically provided in such rule, may be temporarily suspended by a vote of two-thirds of all the members present, unless such rule is prescribed by law.
- XX. AMENDMENT OF RULES - No permanent alteration shall be made in these rules without notice of the proposed change having been given at a previous meeting.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember McFadden

Ordinance No. 2010-1

Designating The Official Newspapers Of The City Of Rochester For The Years 2010-11

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

Section 1. The following newspapers are hereby designated to be the official newspapers of the City of Rochester for the years 2010-11: the *Democrat & Chronicle*, the *Daily Record*, the *Rochester Business Journal*, and *City Newspaper*.

Section 2. The Mayor is hereby authorized to enter into agreements with the publishers of said newspapers whereby said newspapers shall publish and print such materials as shall be delivered to the newspaper by the City Clerk or other authorized officials or employees of the City. In no event shall any designated newspaper have the right to publish all official notices of the City.

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.

The meeting was adjourned at 4:17 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
JANUARY 19, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul, - 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:
 - City Council
 - William F. Sullivan
 - Environmental Services
 - *Edward DeLeon
 - Fire Department
 - *James W. Barnum
 - *Eddie Hammonds, Jr.
 - Police Department
 - *David A. Anne
 - *Jason R. Maitland

*Did not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of December 15, 2009 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 4002-10
 - Public Disclosure - CDBG Participation 4003-10

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

110 signatures against Charlotte Fire House Reduction, presented by Councilmember Palumbo Petition No. 1642

PUBLIC HEARINGS.

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

Authorizing Amendatory 1997-98, 1999-2000, 2000-01, 2001-02 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Urban Agriculture Program Int. No. 6 No speakers.

Approving Changes In The Pavement Width Of Lawrence Street And Anson Place Int. No. 12 No speakers.

Local Improvement Ordinance - Public Art At 657-687 East Avenue As A Part Of The ART-Walk2 Enhancement Project Int. No. 34 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2010-5
Re: Upstate Regional Blueprint Fund

Transmitted herewith for your approval is legislation endorsing the application by 80 South Clinton LLC, developer of the Midtown Tower project, to the Empire State Development Corporation for financial assistance from the Upstate Regional Blueprint Fund.

In October 2009, the City selected a proposal submitted by a partnership comprising Christa Development Companies and Morgan Management to purchase and renovate the Midtown Tower for 186 apartments, 24 condominiums and limited commercial space. Christa and Morgan formed a new company, 80 South Clinton LLC, to undertake the project and, in October, submitted an application to the Blueprint Fund for \$4 million in grant assistance. The State recently announced that \$1.2 million in grant assistance was awarded. These funds will be utilized for the first phase of the project estimated at \$47 million, which includes all the residential units and 12,000 square feet of commercial space.

The developer is considering expanding the commercial portion of the project (Phase II) to include approximately 80,000 square feet of additional commercial and retail leasable space for portion of the former Midtown Plaza buildings directly adjacent to the tower. Development costs for Phase II have been estimated at approximately \$16 million.

The developer has submitted an application for additional funding assistance through the Blueprint program for the Phase II project. Applications are evaluated on a point basis. Additional points are

awarded to applications that include letters of support from the local municipality.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-5
(Int. No. 41)

Resolution Endorsing A Grant Application For Funding From The Upstate Regional Blueprint Fund

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

Section 1. The Council hereby endorses the application by 80 South Clinton LLC, the developer of the Midtown Tower Project, to Empire State Development for funding through the Upstate Regional Blueprint Fund for Phase II of the Project.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
January 19, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing An Amendatory Agreement For Operation Of The Plymouth Avenue Parking Lot

Int. No. 2 - Establishing Maximum Compensation For A Professional Services Agreement For The Electronic Document Management System

Int. No. 26 - Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

Int. No. 27 - Cancellation Of Taxes And Charges

Int. No. 28 - Amending The 2009-10 Budget

Int. No. 30 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For Legal Services And Amending The 2009-10 Budget

Int. No. 36 - Authorizing An Agreement For The City School Facilities Modernization Program

Int. No. 37 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$13,110,000 Bonds Of Said City To Finance

The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Int. No. 38 - Approving The 2009-10 Debt Resolution For The City School District

The following entitled legislation is being held in Committee:

Int. No. 31 - Authorizing Agreements For The Census 2010 Outreach Program And Amending The 2009-10 Budget

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-2
Re: Amendatory Lease Agreement -
Ampco System Parking, Plymouth
Avenue Parking Lot

Transmitted herewith for your approval is legislation authorizing an amendatory lease agreement with Ampco System Parking to reduce annual rent for the Plymouth Avenue Parking Lot located at 116 West Main Street. The original agreement for the lease and operation of the lot was approved in November 2007.

The amendatory agreement will reduce the annual rent amount by a maximum of \$12,500, from \$108,144 to \$95,644, during the first year of the optional renewal period. Ampco has requested that the City allow this reduction in order to cover their rising expenses. The Parking Bureau has reviewed Ampco's revenues and expenses and has found that they are currently operating at a deficit. Ampco's expenses, including their staffing and security costs, are in line with operational expenses in the Rochester area.

The Parking Director is working with Ampco to help reduce their expenses while reviewing the rates currently charged to customers at that lot to see if there is an opportunity to offset this deficit with increased revenues and further expense reductions.

Since the City is currently seeking proposals for development of this site, the future of this parking lot is unknown at this time. Changing operators under these circumstances would not be in the best interest of the City.

All other terms and conditions of the lease will remain in effect including the City's ability to terminate the lease upon sixty days notice.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-2
(Int. No. 1)

Authorizing An Amendatory 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 amendatory agreement with Ampco System Parking for the operation and maintenance of the Plymouth Avenue Parking Lot for the two optional one-year renewal periods. The agreement shall provide for termination upon 60 days notice in the event that the lot is required for development purposes.

Section 2. The amendatory agreement shall obligate Ampco System Parking to pay to the City the sum of \$95,644 during the first renewal year.

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. 2010-3
Re: Agreement - ExtraDev, Document
Management Support and Training

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with ExtraDev, Rochester, for services related to the implementation of an electronic document management system (EDMS) for the Department of Neighborhood and Business Development. The cost of the agreement will be funded from the 2009-10 Cash Capital allocation of the Information Technology Department.

ExtraDev, under a previous agreement, had implemented an EDMS program for the NET Bureau. This agreement will enable the consultant to extend the implementation of the SharePoint EDMS within the new Bureau of Inspection and Compliance Services.

Under the new agreement, ExtraDev will manage and support the SharePoint solution, including phone and on-site support, training and documentation, knowledge transfer to ITD personnel, and provide both user and technical documentation for the solution.

ExtraDev is recommended for these services based on their ability to provide high quality at a fair price, their expertise, experience and success in

providing these services during the EDMS solution development and implementation; they are a New York State contract vendor.

The term of this agreement will be for one year. Using these services on a consultant basis will enable the ITD to determine its long-term staffing needs related to EDMS implementation and management.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-3
(Int. No. 2)

Establishing Maximum Compensation For A Professional Services Agreement For The Electronic Document Management System

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 ExtraDev to support the implementation of the SharePoint Electronic Document Management System for the Department of Neighborhood and Business Development. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-4
Re: Agreement - Environmental Review
Lead Agency

Transmitted herewith for your approval is legislation authorizing an extension of the agreement between the City Council and the Mayor for the coordination of environmental review actions in which both parties are involved.

The requirement for environmental review of certain actions is specified by the New York State Environmental Quality Review Act and Chapter 48 of the City Code. The regulations stipulate that when more than one governmental body is involved in one of these actions, a lead review agency must be designated. Such designation is merely procedural and does not reflect consideration of the actual substance or merits of the action. For all actions, the findings of the lead agency are presented with the proposed legislation (e.g., rezoning request or development proposal).

Beginning in 1987, to avoid delays resulting from the requirement of formal approval by a majority of Council members, Council authorized an agreement that designated the Mayor as lead

agency for all actions in which both parties are involved, unless the Council President otherwise specified. Since then, the Council has periodically authorized the renewal of this agreement, most recently in January 2008.

Under the agreement, for any relevant action, the Mayor will continue to notify the Council that an environmental review is required and will be conducted by the Administration as lead agency. Upon receipt of notification, the President will advise the Council in writing of the proposed action and request comments within 10 days. The President may, within the 10-day period, advise the Mayor that the provisions of the agreement will not apply and that formal consideration of the designation of a lead agency by the Council will instead be required.

The term of the agreement will be two years.

Respectfully submitted,
Robert J. Duffy Lovely A. Warren
Mayor City Council President

Ordinance No. 2010-4
(Int. No. 26)

Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

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

Section 1. The President of the Council is hereby authorized to enter into an extension of the agreement with the Mayor for a term of two years regarding the lead agency for environmental review pursuant to Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Municipal Code for actions which involve discretionary decisions by the City Council and the Mayor.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor and the City Council deem to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-5
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 \$88,147.04.

The owner of 66 Montrose Street purchased the property at a mortgage foreclosure auction on June 1, 2009, with the referee's deed being recorded on

July 2, 2009. Code violations in the amount of \$3,400 attributable to the former owner were added to the July 1, 2009 tax bill, after the time of the auction. Under the judgment of foreclosure, the referee was not responsible for the charges. The purchaser had no knowledge of them at the time of the auction. The property has been brought up to code compliance.

We also recommend cancellation of \$84,747.04 in local works charges for state properties, including the Armory properties. These assessments may not be applied to state properties. The cancellation of these charges on the Armory properties will allow their sale to proceed and properties to be placed on the tax rolls.

If this cancellation is approved, total cancellations thus far for 2009-10 will be \$396,489.04.

	<u>Accounts</u>	<u>Amounts</u>
City Council	44	\$359,441.39
Administrative	<u>104</u>	<u>37,047.65</u>
Total	148	\$396,489.04

These cancellations represent .173 % of the taxes receivable as of July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-1

Ordinance No. 2010-5
(Int. No. 27)

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) One property was purchased in June 2009 from a former owner who had accumulated substantial code violations charges. The current owner was unaware of the charges. The property has been brought up to code compliance. The code violation charges will be reinstated as a judgment against the former owner.

<u>S.B.L. #</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
105.51-3-40	H	2010	<u>\$ 3,400.00</u>
66 Montrose St			
Subtotal			\$ 3,400.00

- (B) Six properties are owned by the State of New York and are set forth in a list on file with the City Clerk. Local works charges had been added to these properties when in fact they should have not. The cancellation of these charges on the State owned Armory

properties will allow their sale to proceed and the properties to be placed on the tax rolls.

Various	<u>\$84,747.04</u>
Grand Total	\$88,147.04

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 Palumbo moved to amend Int. No. 28.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-6
Re: Budget Amendment - Decrease in
State Aid and Reserve for 2% Fund
Court Decision

Transmitted herewith for your approval is legislation amending the 2009-10 Budget to accommodate the decrease in anticipated aid from New York State and a recent court decision regarding the 2% fire insurance fund. This legislation will amend the 2009-10 Budget by:

1. Reducing the state aid estimate by \$922,200 and reducing the combination of departmental appropriations and cash capital to offset the loss of state aid; and
2. Increasing the Undistributed allocation by \$3,878,400 to create a reserve fund in response to the court decision related to the 2% Fund by transferring \$241,000 from the Budget of the Fire Department, transferring \$259,000 from Cash Capital, and increasing revenue estimates by transferring \$3,378,400 from the Insurance Reserve.

State Aid

The national recession has seriously affected State income and sales tax revenues and on October 15, 2009 Governor Paterson proposed a \$5 billion deficit reduction plan to the State legislature to bring State expenditures in line with State revenues. That proposal included a \$7.4 million reduc-

tion in Rochester's Aid Incentive to Municipalities (AIM) funding. The City has developed a contingency plan to address this potential shortfall in revenue.

On December 2, 2009, the state legislature passed a \$2.76 billion deficit reduction plan that included a \$922,200 reduction in the City's AIM funding. The proposed departmental reductions to offset this aid reduction are listed below:

Administration	\$157,500
Environmental Services	327,700
Finance	83,800
Law	17,200
Library Cash Capital	20,900
Neighborhood and Business Development	118,000
Police	100,000
Recreation and Youth Services	34,400
Undistributed	62,700

On December 13, 2009, Governor Paterson announced a statewide delay in cash disbursements. The City's Office of Management and Budget estimates a delay in cash payments of \$3.8 million that were expected in December. Additional AIM reductions and cash delays are still possible.

2% Fund Lawsuit

New York State imposes a 2% tax on premiums collected by out-of-state insurance companies. Commonly called the 2% Fund, the proceeds from the tax are distributed to municipalities throughout the State to benefit firefighters. The City's long-standing practice has been to use its allocation to defray the costs of health care for firefighters. In May 2002, the firefighters union, IAFF, filed a lawsuit challenging that practice.

The state law creating the 2% fund dates to 1849 when the majority of municipal firefighters were volunteers. Since that time, the Rochester Fire Department has changed to a full-time paid professional force with significant benefits; and, the 2% Fund allocation to Rochester has grown to an average of \$650,000 a year. Since 1981, the City has retained the proceeds of the Fund in a separate account and allocated a portion of the Fund to pay for health benefits for the firefighters. The actual annual cost of those benefits is considerably in excess of the amount received by the Fund.

In its lawsuit, the IAFF maintains that since the benefits are now part of its collective bargaining agreement, the firefighters are entitled to both the benefits and to apply the Fund for other unspecified purposes as it may direct. The City maintains that the Fund is being used in accordance with the law. In previous court proceedings, it was sustained through an appeal that the City was the appropriate custodian of the Fund.

The matter was returned to the trial court for a determination of whether the Fund was properly applied and for an accounting of the amount at issue. The court determined that the Fund could not be used in the current manner and directed that

the amount that was used in that manner from 2002 to the present be restored to the Fund with interest at the rate that would have been earned had it been retained in the Fund. No determination was made as to the how the Fund could be used. This court order is the first decision that dealt with how the Fund should be used and determined an amount at issue.

It is the City's intention to appeal this decision and to stay the distribution of the Fund until the appellate process is complete. However, now that there is an order directing that the amount previously allocated to health benefits be restored to the Fund account, the City will comply with that order and will hold all of the Fund in that account until the appellate process is complete. Even if the City is not successful in its appeal, it is unclear how the Fund could be allocated in a manner that complies with the law and the interpretation that was the basis of the existing order.

In order to comply with the trial court order, the City will have to reallocate funds previously dedicated to other purposes, and/or reduce expenses. If the IAFF position is sustained, this impact will continue. In a time of considerable general fiscal stress this has a significant impact on City finances.

The details of the amendment to reserve funds for the lawsuit are as follows:

Expense Reduction:	
Fire Operating	\$ 241,000
Fire Capital	<u>259,000</u>
Subtotal	500,000
Transfer from Insurance Reserve	<u>3,378,400</u>
Total	\$3,878,400

Every effort was made to not affect vital services in developing a plan to offset the loss of state aid and to fund a reserve for the 2% Fund lawsuit. Most of the departmental reductions can be accomplished from the hiring freeze savings, job sharing within and between departments, and eliminating funds budgeted for maintenance of the Culver Road armory. Currently, fifteen full-time positions are targeted to be eliminated. No layoffs are anticipated at this time. Special events will be scaled back and outside sponsorships will be sought.

The reduction in library cash capital reflects a 4% reduction in the purchase of library materials. The fire department reduction reflects accelerating the operational change to a quint/engine delivery system which allows staff reductions and the elimination of a fire truck at the Charlotte and Gardiner Avenue Firehouses. All fifteen fire stations will remain in service. The reduction in Fire cash capital represents the deferral of some fire station improvements and small equipment purchases. Improvements related to safety are funded.

City Council will be advised of any further fiscal impacts proposed additional adjustments, if required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-6
(Int. No. 28, As Amended)

Amending The 2009-10 Budget

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by decreasing revenue estimates from state aid and the following appropriations by the sum of \$922,200:

Administration	\$157,500
Environmental Services	327,700
Finance	83,800
Law	17,200
Library Cash Capital	20,900
Neighborhood and Business Development	118,000
Police	100,000
Recreation and Youth Services	34,400
Undistributed	62,700

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by [transferring the sum of \$241,000 from the Fire Department and \$259,000 from the Cash Capital allocation to Undistributed Expense, and by] increasing the revenue estimates and appropriations to Undistributed Expense by the sum of \$(3,378,400) 2,878,400, which amount is hereby appropriated from the Insurance Reserve Fund. Said amount[s] shall be used to establish a reserve to fund the 2% Fund as a result of a lawsuit brought by The Rochester Firefighters, Inc., Local 1071.

Section 3. This ordinance shall take effect immediately.

Bracket material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-7
Re: Amendatory Agreements - Legal Services

Transmitted herewith for your approval is legislation amending the 2009-10 Budget by transferring \$30,000 from Contingency to the Law Department, and authorizing amendatory agreements with the following firms:

1. Woods Oviatt Gilman LLP for continued legal representation of the City in administrative and judicial proceedings arising out of incidents that occurred on South Goodman Street on June 1, 2007, for an additional

\$30,000 to be funded from the 2009-10 Budget of the Law Department;

2. Geiger & Rothenberg for continued legal representation of the City and the City Council in an Article 78 challenge by Monroe Ambulance against the decision to award the City ambulance contract to Rural/Metro Medical Services, for an additional \$5,000 to be funded from the 2008-09 Budget of the City Council in a year end encumbrance for this purpose.

The agreement with Woods Oviatt Gilman LLP provides for William Bauer to represent the City in administrative and judicial proceedings at an hourly rate of \$275. This amendatory agreement will increase the total amount authorized for this purpose to \$80,000. The original agreement for \$10,000 was amended through Ordinance No. 2008-252 which authorized an additional \$40,000. The City entered into an initial agreement in the amount of \$10,000 for these services, and \$40,000 was authorized in Ordinance No. 2008-252. Outside counsel is required because of a conflict; the Law Department is already defending the City in lawsuits commenced as a result of these incidents.

The agreement with Geiger & Rothenberg provides for David Rothenberg to represent the City and the City Council at an hourly rate of \$275. This amendatory agreement will increase the total amount authorized for this purpose to \$60,000. The City entered into an initial agreement in the amount of \$10,000 for these services, \$30,000 was authorized in Ordinance No. 2008-40 and \$15,000 in Ordinance No. 2008-184. Outside counsel is required for this matter because of a possible conflict involving the Law Department. The case is awaiting dismissal and this is anticipated to be the final authorization necessary for this purpose.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-7
(Int. No. 30)

Establishing Maximum Compensation For Amendatory Professional Services Agreements For Legal Services And Amending The 2009-10 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 an amendatory professional services agreement between the City and Woods Oviatt Gilman LLP for legal representation of the City. The agreement may extend for the duration of the legal proceedings. Said amount shall be funded from the 2009-10 Budget of the Law Department.

Section 2. Ordinance No. 2009-188, the 2009-10 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 Law Department to fund the legal services.

Section 3. The sum of \$5,000, 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 Geiger & Rothenberg for legal representation of the City and City Council. The agreement may extend for the duration of the legal proceedings. Said amount shall be funded from the 2008-09 Budget of the City Council.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-8
Re: Agreement - Rochester City School District, Facilities Modernization Program

Transmitted herewith for your approval is legislation authorizing a three-party agreement among the City, Rochester City School District (RCSD), and Rochester Joint Schools Construction Board (RJSCB) regarding roles and responsibilities for the District's Facilities Modernization Program. Such an agreement is required so that the agency responsibilities, delegation of authority, and fiscal responsibilities of each entity is clear prior to incurring any contractual obligations or debt for the program.

In Chapter 416 of the laws of 2007, New York State authorized additional financial assistance to the RCSD in the form of increased Building Aid that will cover the amortization of increased debt required to modernize City school buildings. Authority was provided for thirteen schools to be improved at a cost of approximately \$335 million. The State created a new entity, the RJSCB, to oversee and manage the construction projects. Members of the RJSCB were appointed by the Mayor and Superintendent of Schools, and that Board is currently working toward implementation of their responsibilities.

The State legislation will provide reimbursement for a substantial percentage of the program costs. However, it is clear that there will be a "local share" required for costs that are not deemed eligible by the State; based on past experience, that percentage could range from 5-25% of the cost for each building project.

The City Administration and City Council have both been involved in the planning that resulted in the State legislation that created this program. From the outset, we have been very supportive of the initiative to improve school facilities, but we have also stated clearly that the "local share" would be the responsibility of the District and that the City would require an agreement to that effect

prior to the initiation of the program. Section 9 of the proposed agreement addresses that issue.

The remainder of the proposed agreement addresses the relationship between the RCSD and the RJSCB and provides confirmation of the agency relationship among the three parties as provided in the State law. The RJSCB and the Board of Education approved this agreement on January 6 and January 7, 2010 respectively.

Respectfully submitted,
Robert J. Duffy Lovely A. Warren
Mayor City Council President

Ordinance No. 2010-8
(Int. No. 36)

Authorizing An Agreement For The City School Facilities Modernization Program

WHEREAS, the State Legislature enacted the City of Rochester and the Board of Education of the City School District of the City of Rochester School Facilities Modernization Program Act, Chapter 416 of the Laws of 2007 of the State of New York ("the Act"), in order to provide the City of Rochester ("City") and the Rochester City School District ("District") with increased flexibility to meet the needs of the District's school children by providing alternative financing mechanisms for the reconstruction of up to thirteen school buildings in the District; and

WHEREAS, the Act creates the Rochester Joint Schools Construction Board ("RJSCB") and designates the RJSCB as agent for the City, the District, or both; and

WHEREAS, the Act authorizes the RJSCB to enter into a cooperative agreement with the City and the District to carry out the purposes of the Act, and the Rochester School Facilities Modernization Program ("FMP"); and

WHEREAS, the parties wish to enter into this cooperative agreement in order to clarify, among other things, the agency arrangement and the delegation of authority between the City and the District, on the one hand, and the RJSCB, on the other, as well as their respective obligations and expectations to achieve the purposes of the Act.

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

Section 1. The Mayor and the President of the City Council be, and hereby are, authorized to execute the Cooperative Agreement by and between the City, the District and the RJSCB, substantially in the form on file with the City Clerk. Pursuant to the agreement, the local share of the FMP shall be the responsibility of the RCSD.

Section 2. The Mayor shall have the power to effectuate and implement the provisions of the Cooperative Agreement on behalf of the City.

Section 3. This ordinance shall take effect

immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-9 and
Resolution No. 2010-6
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 \$13,110,000 as the maximum amount of debt to be authorized on behalf of the District during the 2009-10; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to making capital improvements to existing school buildings in the School District.

At its meeting of November 19, 2009, 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 2009-10, the City School District will redeem \$13,110,000 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 2009-10 CIP bond request for Long-Term Facility Improvements and New Construction is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-2

Ordinance No. 2010-9
(Int. No. 37)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$13,110,000 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 \$13,110,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$13,110,000 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 \$13,110,000 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 \$13,110,000. 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 Section 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.

Passed unanimously.

Resolution No. 2010-6
(Int. No. 38)

Approving The 2009-10 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 2009-10 to \$13,110,000, which is less than the amount of debt to be redeemed in fiscal year 2009-10.

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 unanimously.

Councilmember Conklin moved to discharge Int. No. 31 from Committee.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-10
Re: Agreements and Budget
Amendments - Census 2010
Outreach Program

Transmitted herewith for your approval is legisla-
tion related to the City's Census 2010 Outreach
Program. This legislation will:

1. Authorize an agreement with the New York State Department of State for the receipt and use of a \$90,633 grant for census activities;
2. Establish \$38,000 as maximum compensation for an agreement with Catholic Family Center (CFC) to conduct the direct outreach activities to the City's immigrant and refugee population in census tracts that have been identified as "hard to count" tracts. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development; and
3. Amend the 2009-10 Budget of the Neighborhood and Business Development by transferring \$8,400 from Contingency, and including \$29,600 from the grant, for a total of \$38,000 to fund the agreement with CFC;
4. Amend the 2009-10 Budget of the Bureau of Communications by transferring \$75,000 from Contingency, and including \$61,000 from the grant to fund media and promotional campaign activities.

National Census Day is April 1, 2010. In order to minimize any possible undercount in the 2010 federal census, the City will engage in direct outreach activities to the City's refugee and immigrant populations, and a citywide awareness campaign.

The CFC was chosen to provide this outreach because of their extensive work with the City's refugee and immigrant populations. The agency is regularly selected to work with special needs refugee groups including Amerasians, Guantanamo Cubans, Kosovars, Sudanese "Lost Boys", and Somali Bantus. To date, CFC has resettled over 9,100 refugees, and offers interpreting and translating services in over 34 languages.

The media campaign and promotional materials will be developed in-house. Budget summaries for the outreach activities and the media/promotional campaign are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-3

Ordinance No. 2010-10
(Int. No. 31)

Authorizing Agreements For The Census

2010 Outreach Program And Amending The 2009-10 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 Census 2010 Outreach Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Catholic Family Center for outreach activities for the Census 2010 Outreach Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$38,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

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

Section 5. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Neighborhood and Business Development by the sum of \$29,600 and to the Bureau of Communications by the sum of \$61,000, which amounts are hereby appropriated from the funds to be received through the grant agreement authorized herein. The 2009-10 Budget is hereby further amended by transferring the sum of \$8,400 from the Contingency allocation to the Department of Neighborhood and Business Development and \$75,000 from the Contingency allocation to the Bureau of Communications to fund the Census 2010 Outreach Program.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
January 19, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 3 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 4 - Resolution Approving Appointment And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 5 - Appropriation Of Funds For Smoke And Carbon Monoxide Detectors

Int. No. 24 - Resolution Approving An Ap-

pointment To The Rochester Economic Development Corporation

Int. No. 39 - Resolution Endorsing Grant Applications For The New York Main Street Program

Int. No. 40 - Resolution Approving Appointment To The Examining Board of Plumbers

The following entitled legislation is being held in Committee:

Int. No. 6 - Authorizing Amendatory 1997-98, 1999-2000, 2000-01, 2001-02 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Urban Agriculture Program

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-11
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of seven 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 Bureau of Inspection and Compliance Services 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 home being sold to the former owner. The buyer will be required to renew the Certificate of Occupancy.

The next two properties are buildable vacant lots being sold to the adjoining owners. The first property is being purchased by the Rochester Housing Authority (RHA). RHA plans to demolish the existing structure (former fire house) and construct a three-story building which will house a community center and two floors of offices above the community center. The next property is being sold to the adjoining owner who will combine the parcel with their adjoining property.

The last four 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.

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,176.

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. AJ-4

Ordinance No. 2010-11
(Int. No. 3, 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 negotiated sale of the following parcel of improved property:

Address: 431 Champlain St
S.B.L.#: 120.59-2-65
Lot size: 33x141
Legal use: 1 Family
Price: \$4,923
Purchaser: Myron Moxley

Section 2. The Council hereby approves the negotiated sale of the following parcel[s] of buildable vacant land:

Table with 3 columns: Address, Lot Size, Price. Rows include 632 S. Plymouth Ave, 121.61-2-27, 1092 Clifford Ave, and 106.34-1-66.

[*Principals: Carol Schwartz, Chairperson; Doreatha Gayden, Vice Chair; Maudine Brown-Long, Commissioner; Rev. Richard Douglass, Commissioner; Florine Cummings, Commissioner; Richard Vega, Commissioner; Hilda Rosario-Escher, Commissioner; Anthony DiBiase, Executive Director]

Section 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Table with 3 columns: Address, Lot Size, Sq. Ft. Rows include W/H 23 Petrel St, E/H 23 Petrel St, and 72 Lowell St.

47 Lincoln St 36x103 3,708
106.41-3-40 Edward Brown

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.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-7
Re: Appointments - Downtown
Enhancement District Advisory Committee

Transmitted herewith for your approval is legislation confirming the reappointment of four members and the appointment of one new member to the Downtown Enhancement District Advisory Committee. The committee, established by City Council in 1989, is responsible for monitoring the performance of district services; reviewing the annual budget for the district prepared by the Mayor; and recommending a budget to City Council.

The District includes all properties within the boundaries of Plymouth Avenue, Chestnut Street, Broad Street, and Church Street, Bragdon Place, and Pleasant Street. It also includes properties connected to Main Street by an enclosed skyway. The area is further defined as two zones - Zone 1, the core area, includes all properties fronting on Main Street between Plymouth Avenue and Chestnut Street, or are connected to Main Street by an enclosed skyway; Zone 2 includes all remaining properties.

The District Advisory Committee has eleven members, six of whom represent property owners and tenants within the district. Membership is intended to fairly represent large and small properties, owners and tenants, and Zone 1 and Zone 2 properties. The following members, whose terms expire on December 31, 2009, are nominated for re-appointment:

<u>Name</u>	<u>Affiliation</u>	<u>Address</u>
Robert C. Tait	Broadstone Real Estate, LLC	140 Clinton Square, 14604
Louis Nau	Canandaigua National Bank	45 E. Main St., 14604
Robert Scott Grippo	Genesee Management, Inc.	25 Franklin St., Ste. 1122, 14604

Mark Stevens
S. B. Ashley
600 Powers Building, 14614

James Brown, representing the Rochester Riverside Convention Center, is being appointed to replace William Kablack, who is no longer employed by the Convention Center.

The new terms for all five individuals will extend to December 31, 2011. Summary biographies for all five members are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-5

Resolution No. 2010-7
(Int. No. 4)

Resolution Approving Appointment And Reappointments To The Downtown Enhancement District Advisory Committee

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

Section 1. The Council hereby approves the appointment of the following person to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
James Brown	Rochester Riverside Convention Center	12/31/11

Mr. Brown shall replace William Kablack.

Section 2. The Council hereby approves the reappointment of the following persons to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Robert C. Tait	Broadstone Real Estate, LLC	12/31/11
Louis Nau	Canandaigua National Bank	12/31/11
Robert Scott Grippo	Genesee Management, Inc.	12/31/11
Mark Stevens	S. B. Ashley	12/31/11

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-12
Re: Consolidated Community
Development Plan Appropriation -

Smoke Detector Installation Program

Transmitted herewith for your approval is legislation appropriating \$50,000 from the General Community Needs allocation of the 2009-10 Consolidated Community Development Plan for the purchase of smoke and carbon monoxide detectors and replacement batteries.

The Rochester Fire Department will provide and install free smoke and carbon monoxide detectors to low and moderate income families living in residential properties. The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations. Over 70% of structure fires occur in residential properties.

In 2009, the RFD Smoke Detector Installation Program installed 1,910 smoke detectors and 734 carbon monoxide detectors in residential properties throughout the city. As an additional effort to educate residents, firefighters performed 265 home safety surveys and provided assistance in developing Home Escape Plans as a voluntary component of the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-12
(Int. No. 5)

Appropriation Of Funds For Smoke And Carbon Monoxide Detectors

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

Section 1. The sum of \$50,000 is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program, or so much thereof as may be necessary, to fund the purchase and installation of smoke and carbon monoxide detectors.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-8
Re: REDCO Member Appointment

Transmitted herewith for your approval is legislation confirming the appointment of Council Vice President Elaine Spaul as a Member of the Rochester Economic Development Corporation. Ms. Spaul will replace Bill Pritchard, the former Vice President of City Council, who has retired from City Council. Her term will extend to June 30, 2011.

Respectfully submitted,

Robert J. Duffy
Mayor

Resolution No. 2010-8
(Int. No. 24)

Resolution Approving An Appointment 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 of Council Vice President Elaine Spaul as a Member of the Rochester Economic Development Corporation (REDCO), to replace former Councilmember William Pritchard, for a term which shall expire on June 30, 2011.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Palumbo moved to amend Int. No. 39.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-9
Re: New York Main Street Program

Transmitted herewith for your approval is legislation endorsing the applications of the Sector 4 CDC, the North Clinton Avenue Business Association/Ibero American Development Corporation, South Wedge Planning Committee and the Hudson Avenue Business Association/Group 14621 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 \$500,000 to be applied to one of four program objectives: façade 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:

Thurston Road, North Clinton Avenue and Hudson Avenue.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-9
(Int. No. 39, As Amended)

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 Sector 4 Community Development Corporation, the North Clinton Avenue Business Association/Ibero American Development Corporation, the South Wedge Planning Committee, the South East Area Coalition, Inc., and the Hudson Avenue Business Association/Group 14621 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.

Underlined material added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-10
Re: Appointment - Examining Board of Plumbers

Transmitted herewith for your approval is legislation confirming the appointment of William S. Kurtz, 18 Summers Street, Livonia, NY to the Examining Board of Plumbers. Mr. Kurtz, a master plumber, will fill the vacancy created by the resignation of Erich Postler, effective December 31, 2009. Mr. Kurtz's term will extend to December 31, 2012.

By law, board membership must include two employing or master plumbers and one journeyman plumber with no less than ten years' experience. Mr. Kurtz's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-10
(Int. No. 40)

Resolution Approving Appointment To The Examining Board Of Plumbers

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

Section 1. The Council hereby approves the appointment of William S. Kurtz, 18 Summers Street, Livonia, NY to the Examining Board of Plumbers for a term which shall expire on December 31, 2012. Mr. Kurtz shall replace Erich K. Postler.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 6
Re: Agreement - Sustainable Intelligence, LLC, Study of Urban Agriculture; Amending the Consolidated Community Development Plan

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Sustainable Intelligence, LLC Linden Oaks, Rochester, for services related to "Project Green" and amending the Consolidated Community Development Plan to provide funds for the agreement. The Consolidated Plan amendments will transfer a total of \$60,000 into a new Urban Agriculture account as follows:

<u>Year</u>	<u>Transfer from</u> <u>Transfer to</u>	<u>Amount</u>
1997-98	Slater's raiders Urban Agriculture	\$ 3,945
1999-00	Slater's raiders Urban Agriculture	3,556
2000-01	Slater's raiders Urban Agriculture	7,661
2001-02	Neighbors Building Neighborhoods Urban Agriculture	5,721
2005-06	Sector funding initiative Urban Agriculture	20,000
2005-06	Mini-grant program Urban Agriculture	19,117

Project Green is the Administration's policy document on matching Rochester's built environment footprint for existing and future population needs. Currently, Rochester is facing its highest vacancy rate in history. Surplus housing stock and infrastructure need to be removed so that policies and programs aimed at attracting more people back to Rochester's core communities can succeed. New strategies need to be explored that can utilize

vacant land, abandoned structures, and underutilized property.

The consultant will conduct an analysis and feasibility study of urban agriculture and community gardens for the City of Rochester focusing on neighborhood revitalization and economic development. The project includes employment opportunities for youth and immigrant populations.

A Request for Proposal (RFP) was released on September 8, 2009 and directly forwarded to over thirty-five (35) urban agriculture and community garden advocates/stakeholders. Proposals were received from two firms - Sustainable Intelligence LLC and Bergmann Associates. The Bureau of Planning and Zoning selected Sustainable Intelligence LLC based on their qualifications, assigned personnel, overall familiarity and expertise with the scope of the proposal, in addition to the City's funding the consultant is bringing a matching funds commitment of \$60,000: \$40,000 from Foodlink and \$20,000 from Hillside.

A public hearing is required for the Consolidated Plan amendments.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 6

AUTHORIZING AMENDATORY 1997-98, 1999-2000, 2000-01, 2001-02 AND 2005-06 COMMUNITY DEVELOPMENT PROGRAM PLANS, AMENDING ORDINANCES AND AUTHORIZING AN AGREEMENT FOR THE URBAN AGRICULTURE PROGRAM

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

Section 1. The Council hereby approves amendments to the 1997-98, 1999-2000, 2000-01, 2001-02 and 2005-06 Community Development Program Plans whereby, within the Supporting Neighbors Building Neighborhoods allocations, the sum of \$3,945 is transferred from the Slater's Raiders Program Account in 1997-98, \$3,556 from the Slater's Raiders Program Account in 1999-2000, \$7,661 from the Slater's Raiders Program Account in 2000-01 and \$5,721 from the Neighbors Building Neighborhoods Account in 2001-02; and within the Other Programs allocations in 2005-06 the sum of \$20,000 from the Sector Funding Initiative Account and \$19,117 from the Mini-Grant Program Account, to new accounts within the Supporting Neighbors Building Neighborhoods allocations for the Urban Agriculture Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with Sustainable Intelligence, LLC for an analysis and feasibility study of urban agriculture and community gardens in the City.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed

\$60,000, and of said amount, or so much thereof as may be necessary, the following amounts are hereby appropriated from the Supporting Neighbors Building Neighborhoods allocations of the following Community Development Programs: \$3,945 from 1997-98, \$3,556 from 1999-2000, \$7,661 from 2000-01, \$5,721 from 2001-02 and \$39,117 from 2005-06.

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

Section 5. The following ordinances are hereby amended by reducing the amounts authorized and appropriated therein as follows, which amounts are transferred and reappropriated herein:

<u>Ordinance No.</u>	<u>Amount</u>	<u>Purpose</u>
2008-347	\$15,162	Slater's Raiders for Peace
2002-285	5,721	Neighbors Building Neighborhoods
2005-379	20,000	Sector Funding Initiative (Sector 10)

Section 6. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Miller
January 19, 2010

To the Council:

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

Int. No. 7 - Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Cleanup Of The Former Emerson Street Landfill

Int. No. 8 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$540,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The Former Emerson Street Landfill In The City

Int. No. 9 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Lawn Street Public Improvement Project

Int. No. 10 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Genesee Crossroads Garage Structural Repairs Project

Int. No. 11 - Authorizing An Agreement For The Ridgeway Avenue Transportation Improvement Project

Int. No. 25 - Authorizing Agreements For Mechanical, Electrical And Plumbing Engineering

Services For Building Renovation Projects

Int. No. 29 - Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Revitalization Project

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

Int. No. 12 - Approving Changes In The Pavement Width Of Lawrence Street And Anson Place

Int. No. 32 - Authorizing The Acquisition Of Easements For The University Avenue Improvement And ARTWalk2 Enhancement Projects

Int. No. 33 - Authorizing Agreements For Public Art For The ARTWalk2 Enhancement Project

Int. No. 34 - Local Improvement Ordinance - Public Art At 657-687 East Avenue As A Part Of The ARTWalk2 Enhancement Project

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-13 and
Ordinance No. 2010-14
Re: Agreement - LaBella Associates,
P.C., Former Emerson Street
Landfill Environmental Investigation
And Mitigation

Transmitted herewith for your approval is legislation establishing \$539,500 as maximum compensation for an agreement with LaBella Associates, P.C. to complete environmental services at the former Emerson Street Landfill, and authorizing the issuance of bonds totaling \$540,000 and the appropriation of the proceeds thereof to finance the cost of the agreement.

The former landfill is located on Emerson Street, and is bounded by Lexington Avenue, Lee Road, Ferraro Street, and Colfax Street. It consists of seven City-owned and 37 privately-owned parcels with an area of approximately 250 acres. Most of the parcels are developed. From the early 1930's through 1971, the site was the City's waste incineration facility, with ash residue deposited on site. New York State purchased the site in 1970, closed the landfill in 1971, and developed it as an industrial park. Edison Technical High School was also constructed on the site.

While the majority of materials at the site are solid waste, a limited amount of hazardous waste has been found, resulting in a portion of the site being listed on the New York State Registry of Inactive

Hazardous Waste Disposal Sites. Previous City and State investigations identified soil and groundwater contamination and landfill gas containing methane in some locations. Since 1992, the City has performed several cleanup and mitigation projects in response to the investigation results.

Recent New York State regulations regarding volatile organic compounds require the City to complete additional environmental investigation, assessments, corrective actions, and potential remedial or mitigation measures, including a soil vapor intrusion assessment.

LaBella will develop the required project work plan to be submitted to the State for review and approval. Their work will include a building inventory assessment, limited groundwater sampling, public records review, and a listing of any properties that may be at risk for vapor intrusion. LaBella will complete initial vapor intrusion sampling and analysis where possible, and evaluate potential mitigation, remedial alternatives, and costs of any needed actions. If mitigation is required, LaBella will be responsible for the design, installation, documentation, initial start-up, operation, and monitoring of any systems.

A request for proposal for these services was issued to seven firms; responses were received from Stantec Consulting Services, Lu Engineers, O'Brien & Gere, and LaBella Associates. LaBella is recommended based on the quality of its proposal, cost, experience with similar projects, and the proposed project team.

At the beginning of the project the City will contact each property owner to provide information about the FESL, describe the planned investigation, and request owner participation in the investigation project. The City and LaBella team will work with FESL property owners on approaches toward access, consultant personnel, the level and type of investigation, mitigation approaches if needed, and the scheduling of work. Key objectives will be to ensure that project activities are compatible with property owner needs while still accomplishing the requirements of the City's order on consent with the NYSDEC.

Also, as part of the soil vapor intrusion (SVI) project, the LaBella project team will assist the City in the development of a technical assistance program for property owners and businesses located on the site. Property owners will be offered technical assistance and professional services related to the assessment, investigation, and if required, mitigation of landfill gas and vapor intrusion conditions derived from the FESL. LaBella will serve as the program coordinator for the assistance program. Their responsibilities will include the management of investigation and technical services, outreach to property owners and public information, retaining and coordinating the services of the team of qualified subconsultants and subcontractors, and assisting the City with arranging access for property owners that participate in the project.

The cost of the agreement includes a 20% contingency. This agreement will have a term of one year with provisions for three one-year renewals. Adjustment to the specific unit prices during the third and fourth year will be permitted subject to the City's approval. Initial investigation phases are expected to require up to two years to complete. Depending on results and remedial actions, additional funding may be required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-6

Ordinance No. 2010-13
(Int. No. 7)

Establishing Maximum Compensation For A Professional Services Agreement For The Environmental Cleanup Of The Former Emerson Street Landfill

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

Section 1. The sum of \$539,500, 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 LaBella Associates, P.C. to complete soil vapor and landfill gas assessment services for the former Emerson Street Landfill. The agreement shall extend for a term of one year, with options to renew for three additional one-year terms. Unit prices may be adjusted during the last two renewal terms with the approval of the City's designated agent. 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. 2010-14
(Int. No. 8)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$540,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up Of The Former Emerson Street Landfill 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 the "City"), is hereby authorized to finance the cost of the environmental investigation, mitigation and interim remedial services for the former Emerson Street Landfill in the City (the "Site"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$540,000, and said amount is hereby appropriated therefor. The plan of financing includes the issu-

ance of \$540,000 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 \$540,000 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 \$540,000. 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.6-e of the 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 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 from 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. 2010-15
Re: Agreement Amendment -
Dewberry-Goodkind, Inc., Lawn
Street Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Dewberry-Goodkind, Inc., for additional design services related to the Lawn Street Improvement Project. Maximum compensation of \$102,000 was authorized by Ordinance No. 2007-347. This amendment will increase compensation by \$5,600 for a total of \$107,600. The additional cost will be financed from the 2004-05 Cash Capital allocation of the Department of Environmental Services.

The overall project has involved several aspects of street reconstruction, a change in traffic flow, construction of ADA-compliant sidewalk ramps, and the analysis for repair or removal of an existing areaway.

Additional design services are required for structural analysis of the areaway roof at 50 Chestnut Plaza, preparation of a conceptual layout of parking areas to determine if pavement widenings are acceptable, and additional information to be supplied to the Health Department to assist in their review of plans for the water mains within the

project area.

Construction has been ongoing since fall 2009; completion is scheduled for summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-15
(Int. No. 9)

Establishing Maximum Compensation For An Amendatory 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 \$5,600, 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 Dewberry, Inc. for engineering planning and design services for the Lawn Street Public Improvement Project. 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. 2010-16
Re: Amendatory Agreement -
Herrick-Saylor Engineering,
Crossroads Garage Structural
Repair Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Herrick-Saylor Engineers, Pittsford, for additional resident project representation and construction administration services for the Crossroads Garage Structural Repair Project. The original agreement for \$205,824 was authorized in August 2008 (Ordinance No. 2008-301). This amendment will increase maximum compensation by \$74,176 to a total of \$280,000. The additional cost will be financed from debt authorized by Ordinance 2009-284.

The original agreement provided for full-time resident project representation services (40 hours per week) for a project construction period of 180 days. During project design, unforeseen conditions expanded the scope of the project and the subsequent construction period was expanded to 270 days, necessitating additional services from the consultant.

Construction of the project is underway and is anticipated to be completed in August 2010.

Respectfully submitted,

Robert J. Duffy
Mayor

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-16
(Int. No. 10)

Attachment No. AJ-7

**Establishing Maximum Compensation For
An Amendatory Professional Services Agree-
ment For The Genesee Crossroads Garage
Structural Repairs Project**

Ordinance No. 2010-17
(Int. No. 11)

**Authorizing An Agreement For The Ridge-
way Avenue Transportation Improvement Pro-
ject**

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 \$74,176, 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 Herrick-Saylor Engineers, P.C. for design and
construction administration services for the Gene-
see Crossroads Garage Structural Repairs Project.
The agreement may extend until three (3) months
after completion of a two-year guarantee inspec-
tion of the project. Said amount shall be funded
from Bond Ordinance No. 2009-284.

Section 1. The Mayor is hereby authorized to
enter into an agreement with Rochester & Southern
Railroad, Inc. for engineering design services for
the Ridgeway Avenue Transportation Improve-
ment Project (Ramona Street - Minder Street).

Section 2. This ordinance shall take effect
immediately.

Section 2. The agreement shall obligate the
City to pay an amount not to exceed \$25,000, and
of said amount, or so much thereof as may be
necessary, \$20,000 is hereby appropriated from
anticipated reimbursements from the Federal
Highway Administration and \$5,000 shall be
funded from the 2008-09 Cash Capital allocation.

Passed unanimously.

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

TO THE COUNCIL
Ladies and Gentlemen:

Section 4. This ordinance shall take effect
immediately.

Ordinance No. 2010-17
Re: Ridgeway Avenue Transportation
Improvement Project (Ramona
Street - Minder Street)

Passed unanimously.

Transmitted herewith for your approval is legisla-
tion establishing \$25,000 as maximum compensa-
tion for an agreement with Rochester & Southern
Railroad, Inc., for engineering design services for a
portion of the Ridgeway Avenue Improvement
Project, and appropriating \$20,000 in anticipated
Federal Highway Administration reimbursements
to partially fund the agreement. The remaining
\$5,000 will be funded from the 2008-09 Cash
Capital allocation of the Department of Environ-
mental Services.

TO THE COUNCIL
Ladies and Gentlemen:

The Ridgeway Avenue Improvement Project is a
federal aid project administered by the City. Pre-
vious Council actions include authorizing a design
agreement with Stantec Consulting Services and
appropriating reimbursements from the Federal
Highway Administration (May 2008); and author-
izing additional federal appropriations and a design
agreement with CSX Transportation (October
2008).

Ordinance No. 2010-18
Re: Agreements - Mechanical, Electrical,
Plumbing Engineering Services

The agreement with Rochester & Southern Rail-
road and additional Federal appropriations are
required at this time to provide for engineering
design services for the Rochester & Southern
Railroad at-grade crossings on Ridgeway Avenue.

Transmitted herewith for your approval is legisla-
tion authorizing agreements with the following
firms for the provision of mechanical, electrical
and plumbing engineering services related to
building renovation projects or other capital pro-
jects for the Department of Environmental Serv-
ices, Bureau of Architecture and Engineering:

Design of the project is currently underway, and is
anticipated to be completed in 2010.

- | <u>Firm</u> | <u>Address</u> |
|---------------------------------------|---|
| M/E Engineering, P.C. | 150 North Chestnut Street, Rochester 14604 |
| LaBella Associates, P.C. | 300 State Street, Suite 201, Rochester 14614 |
| Lakeside Engineering, P.C. | 333 Andrews Street, Rochester 14604 |
| Pathfinder Engineers & Architects LLP | 134 South Fitzhugh Street, Rochester 14608 |
| Q-Tech Engineering, P.C. | 317 West Commercial Street,
East Rochester 14445 |

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 projects.

Similar agreements have been in place since 2005 for services which include: mechanical system evaluations of existing facilities as requested by the City; design services including preparation of contract documents for contracted maintenance work and providing inspection of that work during construction; and commissioning of systems after construction completion.

In November 2009, a request for proposals was sent directly to twelve firms and was posted on the City's web site. Thirteen firms responded: CHA, Clark Patterson Lee, EI Team Inc., Erdman Anthony, IBC Engineering, KCI Engineering of New York, P.C., M/E Engineering, P.C., LaBella Associates, P.C., Lakeside Engineering, P.C., Pathfinder Engineers & Architects LLP, Q-Tech Engineering, P.C., Stantec Consulting Services Inc., and Wyffels Engineering PLLC.

The five firms selected 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 said services to be provided at specified unit prices. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-18
(Int. No. 25)

Authorizing Agreements For Mechanical, Electrical And Plumbing Engineering Services For Building Renovation Projects

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 mechanical, electrical and plumbing engineering services required for building renovation or capital projects as required by the City:

Organization
Address

M/E Engineering, P.C.
150 North Chestnut Street, Rochester 14604
LaBella Associates, P.C.
300 State Street, Suite 201, Rochester 14614

Lakeside Engineering, P.C.
333 Andrews Street, Rochester 14604
Pathfinder Engineers & Architects LLP
134 South Fitzhugh Street, Rochester 14608
Q-Tech Engineering, P.C.
317 West Commercial Street,
East Rochester 14445

Section 2. The agreements shall extend for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which 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. 2010-19
Re: Agreement - LaBella Associates,
P.C., Midtown Revitalization
Project - Site Development

Transmitted herewith for your approval is legislation establishing \$950,000 as maximum compensation for an agreement with LaBella Associates, P.C., Rochester, to provide scoping and preliminary design services for site redevelopment for the Midtown Revitalization Project, and appropriating \$950,000 in Federal Omnibus Appropriation funds to finance the agreement.

The Midtown Revitalization project includes site acquisition, hazardous material abatement, demolition, site redevelopment, and sale or lease of parcels of this 8.6 acre Center City site. Ordinance No. 2008-25 authorized LaBella Associates to provide master planning and facilitation of the State Environmental Quality Review process. That work has allowed the New York State Empire State Development Corporation to progress the hazardous materials abatement and demolition phases.

This new agreement with LaBella Associates will provide for scoping and preliminary design services of the project's public streets and infrastructure, which will result in a re-subdivision of the site into development parcels. The scoping phase will establish criteria required to coordinate the site redevelopment phase with the pending demolition phase. The preliminary design services will result in a site plan for review under the City's land subdivision regulations. Authorization for final design services for the site redevelopment by Council will be sought at a later date.

Qualifications were solicited from all fifteen pre-approved firms on the NYSDOT Region 4 Local Design Service Agreement list. In addition to

LaBella, responses were received from Bergmann Associates P.C., Clark Patterson Lee, Dewberry Inc., Erdman Anthony, FRA Engineering P.C., and Stantec Consulting Services. Based on a review of the qualifications and their approach to the project, LaBella Associates was selected.

Through the efforts of Congresswoman Louise Slaughter, the 2008-09 Federal Omnibus Appropriations Act provided \$950,000 for the Midtown Site Development Project. The funds require no local matching share and may be used for any purposes related to the project.

Scoping phase services will begin in early 2010; preliminary design phase services are expected to be completed in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-19
(Int. No. 29)

Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Revitalization Project

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

Section 1. The sum of \$950,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with LaBella Associates, P.C. for scoping and preliminary design services for site redevelopment for the Midtown Revitalization Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount is hereby appropriated from Federal Omnibus Appropriations Act Funds for the Midtown Revitalization Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-20
Re: Lawrence Street Group Improvement Project

Transmitted herewith for your approval is legislation authorizing the following pavement width changes within the Lawrence Street Group Improvement Project:

1. An increase of six feet in pavement width on Lawrence Street from 20 feet to 26 feet, beginning at Shuart Street northerly for 200' then tapering to 23' wide for the remaining 145' to Charlotte Street, and;
2. An increase of 10 feet in pavement width on

Anson Place from 20 feet to 30 feet, beginning at the former Dryer Alley northerly for 185', then decreasing to 26 feet wide for 280', then tapering back to match the existing 20' wide pavement at East Avenue.

Comprised in this project are Lawrence Street (East Avenue to Charlotte Street), Anson Place (East Avenue to Dryer Alley) and Charlotte Street (Union Street to Alexander Street). Improvements will include reconstruction and rehabilitation of the pavement; installation of new curbs; new water mains and services on Anson and Charlotte Streets, driveway aprons, and catch basins; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed. Project design will be provided by the City's Department of Environmental Services, Bureau of Architecture and Engineering.

The increased width on Lawrence Street will allow for more maneuvering room for delivery vehicles as well as staging areas for livery as requested by the Rochester Police Department. The increased width on Anson Place will allow for additional maneuvering room as well as additional parking. There are no proposed changes to the layout of curbs and sidewalks on Charlotte Street.

The construction cost estimate, including resident project representation and construction contingency, is \$1,166,000. It is anticipated design will be completed in spring 2010; construction is projected to begin in summer 2010, with substantial completion by fall 2010.

The proposed changes were presented to the Upper East End Association meeting on October 14, 2009; meeting minutes are attached. The pavement width changes were endorsed at the December 15, 2009 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-8

Ordinance No. 2010-20
(Int. No. 12)

Approving Changes In The Pavement Width Of Lawrence Street And Anson Place

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

Section 1. The Council hereby approves an increase of 6 feet, from 20 feet to 26 feet, in the pavement width of Lawrence Street, beginning at Shuart Street northerly for 200 feet, then tapering to 23 feet wide for the remaining 145 feet to Charlotte Street, as a part of the Lawrence Street Group Improvement Project.

Section 2. The Council hereby further approves

an increase of 10 feet, from 20 feet to 30 feet, in the pavement width of Anson Place, beginning at the former Dryer Alley northerly for 185 feet, then decreasing to 26 feet wide for 280 feet, then tapering to match the existing 20 foot width at East Avenue, as a part of the Lawrence Street Group Improvement Project.

Section 3. 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 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-21,
Ordinance No. 2010-22 and
Local Improvement Ordinance No. 1611
Re: Agreements and Easements -
University Avenue Improvement
And ARTWalk2 Enhancement
Project - ARRA

Transmitted herewith for your approval is legislation authorizing agreements and easements related to the University Avenue Improvement and ARTWalk2 Enhancement Project. This legislation will:

1. Authorize the donation or acquisition of four permanent easements and three temporary easements, as illustrated in the table below, to provide for public art installations;
2. Authorize an agreement with New York State for receipt and use of a \$250,000 New York State Economic Development Capital Assistance Program (NYSEDCP) grant to finance portions of the project. The grant was secured through the efforts of Senator Joseph Robach;
3. Establish \$150,000 as maximum compensation for an agreement with Cliff Garten Studio, Venice, CA for the creation and installation of a sculpture on North Goodman Street at Village Gate. This agreement will be funded from previously appropriated American Recovery and Reinvestment Act (ARRA) funds (Ordinance No. 2009-156);
4. Establish \$150,000 as maximum compensation for an agreement with Adam Frank Incorporated, Brooklyn, NY for the creation and installation of a sculpture on University Avenue at Visual Studies Workshop. This agreement will be funded from previously appropriated ARRA funds (Ordinance No. 2009-156);
5. Establish \$359,000 as maximum compensation for up to 65 additional artist agreements for art work to be installed on various sites as

part of the project. These agreements will be funded from the ARRA funds and the NYSEDCP funds appropriated herein;

6. Establish a local improvement ordinance that will allow for the installation of artwork at the Rochester Museum and Science Center (RMSC), and will:
 - a. Appropriate \$100,000 from the Local Improvement Fund and the subsequent assessment of this amount against the benefited property, 657-687 East Avenue, to replenish the fund to finance the cost of the local enhancement improvement; and
 - b. Authorize an agreement with RMSC for the implementation and maintenance of improvements as part of the project and assumption of the local enhancement assessment against 657-687 East Avenue; and
7. Establish \$100,000 as maximum compensation for an agreement with Living Lenses, Berkeley, CA for the creation and installation of a sculpture at 657-687 East Avenue (RMSC).

The University Avenue Improvement and ART-Walk2 Enhancement Project details have been presented to Council in transmittal letters accompanying Ordinance Nos. 2009-156, 2009-386 and 2009-433. In December 2009, a portion of the permanent and temporary easements and associated agreements were authorized as part of the streetscape improvements and various public art installations. The current legislation includes the following easements:

<u>Owner</u>	<u>Address</u>	<u>Sq. Ft.</u>	<u>Value</u>	<u>Easement Type</u>
Univ. of Rochester	500 University Ave.	3,101		permanent (2)
		38,948	\$155,000 (combined)	
Univ. of Rochester	500 University Ave.	4,642		temporary (3)
		4,973		
		4,820	\$5,100 (combined)	
Stern Family	274-302 N. Goodman			permanent
	658			donation
North 277 Ltd. Part.	277 N. Goodman			permanent
	352			donation

The University of Rochester's Memorial Art Gallery, as a City partner in the project, is commissioning privately-funded art, at a minimum \$1,000,000, to be installed on the easements. They will also be removing sections of the fence currently surrounding gallery grounds to allow for public access. The University Avenue easements are necessary to accomplish this partnering. The easements on North Goodman Street may be nec-

essary for installation of sculpture in the vicinity of Village Gate.

The total acquisition and necessary closing costs for the seven easements will not exceed \$163,000 and will be funded from (ARRA) funds appropriated in Ordinance No. 2009-156.

The two major art works - a light sculpture at Village Gate and a visual media sculpture at Visual Studies Workshop - are funded by ARRA grants. Open calls for these works were issued by the project team and distributed locally and nationally. Seventy-four artists responded to the former; and 32 to the latter. A nine-member jury was selected for each project. Each jury was composed of three art/design professionals, two professional artists, and one member each from the Bergmann design team, ARTWalk of Rochester, the City, and the Neighborhood of the Arts.

The juries for each of these sculptures evaluated all proposals, and selected three finalists and several alternates each. The juries then interviewed each of the finalists via video conferencing. The juries selected Cliff Garten Studio for the light sculpture near Village Gate and Adam Frank, Inc. for the media sculpture near Visual Studies Workshop. The agreements with both of these artists will be financed with the previously appropriated ARRA funds.

Up to sixty-five additional artist agreements, totaling \$359,000, will be executed as part of the project. The art being commissioned through these agreements will include an aesthetic bike rack, a number of artist-designed benches and artist-designed seating, an artist-designed bus shelter, mosaic light poles, painted utility boxes, revolving art pieces, specialty pavement designs by artists, artistic signs and posts, guerilla art and temporary art during construction. Most of these commissions will be selected by community juries using the selection process which has traditionally been used by ARTWalk of Rochester, Inc.

The ARTWalk of Rochester, Inc. selection process generally entails advertisement of proposal requests via their website, ARTWalk's e-mail distribution list, postcard, flyers and social networking sites. Once proposals are received by the project team, they will be displayed for a period of time to solicit public feedback. Community juries will then directly select artists in some cases or, in other cases, the juries will shortlist several artists and request the shortlisted artists to prepare scale models of their art. The juries will then select the artists after judging the models. It is expected that a majority of the artists selected using this process will be local and regional artists; however, that choice will be up to the consensus of the individual juries.

The RMSC requested that the ARTWalk2 project extend to the front of the museum and the planetarium on East Avenue. RMSC is undertaking a fundraising campaign to finance a science- or technology-based artwork to be located on East Avenue. Since the fundraising effort is not yet

complete, the City will execute an agreement with Living Lenses, the artist selected by the RMSC art selection team. The \$100,000 cost of that agreement will be paid from the Local Improvement Fund and RMSC has agreed to replenish the fund in three equal, annual installments at 1% above the City's most recent long-term borrowing rate, beginning with the City tax bill for 2011-12.

New York State Senator Joseph Robach has secured a \$250,000 NYS Economic Development Capital Assistance Program (NYSEDCP) grant for a pocket park to be located on the University Towers site. The pocket park will be financed by a combination of the NYSEDCP grant and previously appropriated ARRA funds.

Plans which depict the numerous elements of the University Avenue Improvement and ARTWalk2 Enhancement Project are on file with the City Clerk. Those plans were developed by the project design team and are based in part upon input and consensus developed over a period of months through many public interactive workshops and design sessions.

A public hearing is required for the local enhancement assessment.

It is anticipated that construction will begin in June 2010 and will be substantially completed by fall 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-9

Ordinance No. 2010-21
(Int. No. 32)

Authorizing The Acquisition Of Easements For The University Avenue Improvement And ARTWalk2 Enhancement Projects

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

Section 1. The Council hereby approves the acquisition of, or accepts the donation of, permanent easements over the following parcels for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u> <u>Address</u>	<u>S.F.</u> <u>SBL No.</u>	<u>Appraised</u> <u>Value</u>
University of Rochester 500 University Avenue	3,101 106.83-1-46.3	
University of Rochester 500 University Avenue	38,948 106.83-1-46.3	\$155,750

Gary I. & Marcia Stern LP 658
274-302 North
Goodman Street 106.84-1-10
Donation

North 227 LP 352
227 North Goodman St. 106.83-1-25
Donation

Section 2. The Council hereby further approves the acquisition of temporary easements over the following parcels for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u> <u>Address</u>	<u>S.F.</u> <u>SBL No.</u>	<u>Appraised Value</u>
University of Rochester 500 University Avenue	4,642 106.83-1-46.3	
University of Rochester 500 University Avenue	4,973 106.83-1-46.3	
University of Rochester 500 University Avenue	4,820 106.83-1-46.3	\$5,100

Section 3. The acquisitions shall obligate the City to pay an amount not to exceed \$160,850, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-22
(Int. No. 33)

Authorizing Agreements For Public Art For The ARTWalk2 Enhancement 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 a professional services agreement between the City and Cliff Garten Studio for public art for the ARTWalk2 Enhancement Project. Said amount shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 2. The sum of \$150,000, 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 Adam Frank Incorporated for public art for the ARTWalk2 Enhancement Project. Said amount shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 3. The sum of \$359,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for additional professional services agreements between the City and artists for public art for the ARTWalk2 Enhancement Project. Of said amount, \$284,000 shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156 and \$75,000 shall be funded from the appropriation made in Section 6.

Section 4. 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 Living Lenses for public art at 657-687 East Avenue for the ARTWalk2 Enhancement Project. Said amount shall be funded from a local improvement ordinance adopted for this purpose.

Section 5. The Mayor is hereby authorized to enter into an agreement with New York State for funding under the Economic Development Capital Assistance Program for the ARTWalk2 Enhancement Project. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. The sum of \$250,000 is hereby appropriated from Economic Development Capital Assistance Program funds to be received through the agreement authorized in Section 5 to fund the ARTWalk2 Enhancement Project.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1611
(Int. No. 34)

Local Improvement Ordinance - Public Art At 657-687 East Avenue As A Part Of The ARTWalk2 Enhancement Project

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

Section 1. As part of the ARTWalk2 Enhancement Project, the Council hereby authorizes special treatment of the parcel at 657-687 East Avenue in the form of the installation of public art on said parcel, 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: 657-687 East Avenue
SBL No.: 121.35-1-56
Owner: City of Rochester
Amount: \$100,000

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 \$100,000, 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 beginning with the 2011-12 tax bill, and shall be due in three installments.

Section 6. The total cost of said improvements and work, up to \$100,000, 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. The Mayor is hereby authorized to enter into an agreement with the Rochester Museum and Science Center (RMSC) for the implementation and maintenance of improvements as part of the ARTWalk2 Enhancement Project and whereby RMSC shall agree to pay to the City the local improvement charges assessed herein. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
January 19, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 13 - Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2009-10 Budget

Int. No. 14 - Authorizing An Application And Agreement For The Juvenile Accountability Conferencing Program

Int. No. 15 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 16 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2009-10 Budget

Int. No. 17 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Fitness And Nutrition Classes

Int. No. 18 - Authorizing An Agreement For The Pillars Of Hope Program

Int. No. 19 - Authorizing An Agreement For An After-School Program Grant And Amending The 2009-10 Budget

Int. No. 20 - Authorizing An Agreement For A Grant For The Rochester Public Market And Amending The 2009-10 Budget

Int. No. 21 - Amending The 2009-10 Budget For The Purchase Of Leaf Blowers

Int. No. 22 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The North Street Recreation Center In The City

Int. No. 23 - Authorizing An Agreement For A Grant For The North Street Recreation Center And Amending The 2009-10 Budget

The following entitled legislation is being held in Committee:

Int. No. 35 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program And Amending The 2009-10 Budget

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-23,
Ordinance No. 2010-24 and
Ordinance No. 2010-25
Re: Police Grants, NYS Division of
Criminal Justice Services

Transmitted herewith for your approval is legislation authorizing applications and agreements with the New York State Division of Criminal Justice Services (DCJS) for the receipt and use of grants totaling \$122,260, under the following programs:

Motor Vehicle Theft and Insurance Fraud Prevention Program (MVTIFP) April 1 - December 31, 2010

MVTIFP provides \$36,000 for the reduction of auto theft and insurance fraud and supports Police Department deployment in high theft areas and increased investigations of insurance fraud. The grant also will be used to train police officers in

specialized anti-theft techniques and technology. The previous MVTIFP award was authorized by City Council in January 2009. During the last grant period, there were over 1,990 investigations of auto theft opened, with over 600 arrests made and over \$6,000,000 in stolen vehicles recovered. No local match is required for this grant.

An amendment to the 2009-10 Budget of the Police Department of \$4,600 is required to reflect the prorated amount of the grant for this fiscal year. The remaining funds will be appropriated in the 2010-11 Budget of the Police Department.

Juvenile Accountability Block Grant (JABG) January 1 - December 31, 2010

JABG provides \$14,052 under the Balanced and Restorative Justice program and will be used to continue the Juvenile Accountability Conferencing (JAC) program. The program evaluates juvenile offenders for eligibility for diversion, and enables the juveniles to make amends to the victim and the community. This is the 12th year of JABG funding. The recidivism rate for the most recent grant period, during which over 100 youth participated, is approximately 10% - one of the lowest in the country. The grant and required 10% local match were anticipated in the 2009-10 budget, thus no budget amendment is required.

Stop Violence Against Women Act (VAWA) January 1 - December 31, 2010

The VAWA award of \$71,208 is an increase of approximately 3% over last year. The program helps ensure the immediate safety of victims of domestic violence and helps them find safe housing. Services include contacting victims prior to the arraignment of the perpetrators, and offering legal advocacy and follow-up services to ensure their continued safety. Over 500 domestic violence victims in high-risk targeted police patrol areas and over 150 domestic violence victims who are identified by reviewing Domestic Violence Incident Reports have been helped during the past year. The funding partially reimburses the cost of three counselors and support costs in the Family and Victim Services Section of the Police Department. This is the City's 11th year of funding. The funding under this program was anticipated in the 2009-10 Budget, thus no budget amendment is needed. No local match is required for this grant in the new term. This recurring VAWA funding is in addition to the one-time Recovery Act VAWA funding that was authorized in December 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-23
(Int. No. 13)

Authorizing An Application And Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2009-10 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 Motor Vehicle Theft and Insurance Fraud Prevention Program.

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

Section 3. Ordinance No. 2008-188, the 2009-10 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 \$4,600, 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.

Ordinance No. 2010-24
(Int. No. 14)

Authorizing An Application And Agreement For The Juvenile Accountability Conferencing 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 under the Juvenile Accountability Block Grant (JABG) for the 2010 Juvenile Accountability Conferencing (JAC) 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.

Ordinance No. 2010-25
(Int. No. 15)

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 2010 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. 2010-26
Re: Governor's Traffic Safety Committee,
Selective Traffic Enforcement
Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Governor's Traffic Safety Committee (GTSC) for application for and receipt of a \$38,290 grant under the Selective Traffic Enforcement Program (STEP) Aggressive Driving Program; and amending the 2009-10 Police Department Budget by \$26,700. This reflects the appropriation of a prorated portion of the new award. The remainder will be appropriated in the 2010-11 Budget.

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. The funds will be used to reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents. Grant funds will also be used for the purchase of two Laser RADAR speed detection units.

During the previous funding period, 1,052 citations were issued to motorists for infractions related to unsafe or aggressive driving. This is the eighth year of GTSC funding to the City under this program and covers the period October 1, 2009 through September 30, 2010. A grant for the STEP program was most recently approved January 2009 under Ordinance No. 2009-25.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-26
(Int. No. 16)

Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2009-10 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 Enforce-

ment Program (STEP).

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$26,700, 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. 2010-27
Re: Amendatory Agreement - Rosalind
Walker, Fitness and Nutrition
Instruction

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Rosalind Walker, Rochester 14611, for additional fitness and nutrition instruction. The original agreement established maximum compensation of \$3,060 and expired December 18, 2009. This amendment will increase compensation by \$4,500 for a total of \$7,560, and extend the term of the contract through May 15, 2010. The additional cost will be funded from a year-end encumbrance of the 2008-09 Budget of the Department of Recreation and Youth Services.

The additional funds amendment will provide additional fitness and nutrition classes at John Marshall High School, North Street Community Center, Flint Street Community Center and Webster Avenue Community Center from January 5, 2010 to May 15, 2010.

Council authorization is required since Ms. Walker has an additional contract for exercise classes at Gardiner Recreation Center for \$4,260 through agreement dated September 8, 2009. This legislation will increase total agreements with Ms. Walker for 2009-10 to \$11,820, exceeding the annual threshold for administrative approval.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-10

Ordinance No. 2010-27
(Int. No. 17)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Fitness And Nutrition Classes

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

Section 1. The sum of \$4,500, 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 Rosalind Walker for fitness and nutrition classes. Said amount shall be funded from the 2008-09 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. 2010-28
Re: Agreements and Appropriations -
Youth Services Projects

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with the Center for Change, Inc., to provide support and enhancements to the Pillars of Hope Program.

The cost of this agreement will be funded from the General Community Needs allocations of the 2003-04 (\$4,726) and the 2004-05 (\$5,274) Community Development Block Grants.

The Center for Change will provide training, workshop coordination, and development of program materials for African-American adult role models to interact with students in several Rochester City Schools. The Center will also provide program evaluation support.

Currently, the Pillars of Hope program is being facilitated in six RCSD schools. The Pillars of Hope program is considered a project without matching funds and is eligible for up to three years of funding. This will be its second year of funding.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-11

Ordinance No. 2010-28
(Int. No. 18)

Authorizing An Agreement For The Pillars Of Hope 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 Center for Change, Inc. for the Pillars of Hope Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and of said amount, or so much thereof as may be necessary, \$4,726 is hereby appropriated from the General Community Needs allocation of the 2003-04 Community Development Program and \$5,274 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. 2010-29
Re: Agreement - Rochester Area
Community Foundation, After
School Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Area Community Foundation for receipt and use of a grant for \$35,000 to support after school programs at Henry Hudson School #28; and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

The grant will be used to support the operation and activities for 100 students at the after school program at School #28 from January 4, 2010 to May 26, 2010.

During the 2008-09 school year, a total of 62 children ages 8-12 participated - 25 boys and 37 girls. Of those, there were 36 African-Americans, 12 Hispanics, 13 Caucasians, and 1 other.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-29
(Int. No. 19)

Authorizing An Agreement For An After-School Program Grant And Amending The 2009-10 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 the after-school program at Henry Hudson School No. 28.

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

Section 3. Ordinance No. 2009-188, the 2009-

10 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 the 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. 2010-30
Re: Agreement - New York State
Department of Agriculture and
Markets, Rochester Public Market
Tram

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Agriculture and Markets for receipt and use of a grant for \$25,000; and amending the 2009-10 Capital Budget of the Department of Recreation and Youth Services to reflect the grant.

The Friends of the Public Market have received a separate \$100,000 grant to support the purchase and operation of a tram to shuttle patrons between the Market and its various parking areas, as well as link other areas in the Market District. The City's grant will fund the construction of a covered tram stop at the Market.

It is anticipated that the tram will be ready for operation in the 2010 season.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-12

Ordinance No. 2010-30
(Int. No. 20)

Authorizing An Agreement For A Grant For The Rochester Public Market And Amending The 2009-10 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 Agriculture and Markets for funding for construction of a tram stop at the Rochester Public Market.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$25,000, which amount is hereby appropriated from the 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. 2010-31
Re: Budget Amendment - Purchase
Of Cemetery Maintenance
Equipment

Transmitted herewith for your approval is legislation amending the 2009-10 Budget by transferring \$16,000 from the Cemetery Fund Balance to the Cash Capital Budget of the Department of Recreation and Youth Services. This transfer will support the purchase of two turbine leaf blowers to be used at Mount Hope and Riverside Cemeteries.

The purchase of two turbine leaf blowers will enhance the leaf collection effort at the cemeteries since they are designed to move large volumes of leaves quickly. The blowers are easily transportable and can be truck or trailer mounted.

The two cemeteries comprise approximately 320 acres of lawn area with approximately 2,700 deciduous trees and approximately 40 miles of roads. Leaf collection begins in October and continues through May of the following year. To complete the work, the City relies on the contributions of volunteers (Day of Caring and Clean Sweep) and community service workers provided by Monroe County. In addition, City crews work overtime on fall weekends, as well as on weekdays and weekends in the spring.

Even with these resources, completing leaf pick up by May is an annual challenge. Adding two leaf blowers to the inventory of equipment will provide much needed assistance.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-31
(Int. No. 21)

Amending The 2009-10 Budget For The Purchase Of Leaf Blowers

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$16,000 from the Cemetery Fund to the Cash Capital allocation to fund the purchase of leaf blowers for the Mt. Hope and Riverside Cemeter-

ies.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-32
Re: North Street Recreation Center
Roof Replacement

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$150,000 and the appropriation of the proceeds thereof to finance the cost of replacing the roof of the North Street Recreation Center.

The Center is a 28,900 square foot building built in 1973, with a gymnasium roof that is original to the building. This facility is part of a national class action settlement for faulty roof decking components that will result in minor compensation to the City based on a percentage of structural deterioration. The roof is also approaching the end of its useful life; the project includes the roof decking repairs in conjunction with roof replacement. The roof replacement was identified in the 2009-10 Capital Improvement Program.

Project design and construction administration, including a third party verification of roof deck deterioration as required for the settlement, is provided for by Richard A. Mauser Architects under a term services agreement authorized in Ordinance No. 2008-358.

Bids for construction were received on October 29, 2009. The apparent low bid of \$203,000 submitted by Leo J. Roth Corporation is 15% less than the consulting architect's estimate. In addition to the proposed bond issuance, \$53,000 of construction cost will be funded from the 2007-08 Cash Capital allocation of the Department of Environmental Services. An additional \$20,000 (10%) in 2008-09 Cash Capital will be allocated for project contingencies.

The exact reimbursement value from the class action suit will be established during construction; authorization to accept these funds by Council will be sought at a later date.

Construction will begin in March 2010 with scheduled completion in July 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-32
(Int. No. 22)

**Bond Ordinance Of The City Of Rochester,
New York, Authorizing The Issuance Of
\$150,000 Bonds Of Said City To Finance The
Cost Of Construction Of Repairs To The North**

Street Recreation Center 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 repairs to the North Street Recreation Center, including but not limited to replacement of the roof (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$223,000. The plan of financing includes the issuance of \$150,000 bonds of the City, and said amount is hereby appropriated therefor, and the application of \$73,000 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 \$150,000 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 \$150,000. 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. 2010-33
Re: Agreement - Dormitory Authority
of the State of New York, Economic
Development Capital Assistance
Program Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of a \$600,000 grant through the Economic Development Capital Assistance Program, and amending the 2009-10 Cash Capital allocation of the Department of Recreation and Youth Services by \$600,000 to reflect the grant.

These funds will provide partial funding for the design and renovation the North Street Recreation Center. The building is in need of modernization, including mechanical upgrades, furnishings, and changes in layout of current space. These renovations will provide a more efficient use of current space, creating an environment that will enable expansion and enhancement of programs and services for area youth.

The DASNY funds were secured through the sponsorship of Assemblyman David Gantt. The City provided \$600,000 in matching funds through the 2008-09 year-end budget amendment (Ord. No. 2009-268).

It is anticipated that an agreement with a consultant for design services for this project will be submitted for Council authorization in early spring 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-33
(Int. No. 23)

Authorizing An Agreement For A Grant For The North Street Recreation Center And Amending The 2009-10 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 Dormitory Authority for funding through the Economic Development Capital Assistance Program for improvements to the North Street Recreation Center.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$600,000, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 35 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conk-

lin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-34
Re: Agreements - Community-Based
Adolescent Pregnancy Prevention
Program

Transmitted herewith for your approval is legislation related to a new program to address teen pregnancy, the Community-Based Adolescent Pregnancy Prevention Program. This legislation will:

1. Authorize an agreement with the New York State Department of Health for the receipt and use of a \$304,674 grant for the Program;
2. Establish maximum compensation, to be funded from the grant, for agreements with the following agencies to provide related services:

University of Rochester/Highland Family Planning	\$ 40,660
Baden Street Settlement/Metro Council for Youth Potential	63,877
YWCA of Rochester and Monroe County	43,366
Teaching and Training By Design, LLC	10,000
Center for Change, Inc.	<u>15,000</u>
	\$172,903

3. Amend the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the balance of the grant, \$131,800. These funds will cover administrative costs associated with the City's role as lead agency, including the hiring of a full-time program coordinator (a one-year temporary position).

The approval of the program by the State is for a one-year term, January 1-December 31, 2010. The State expects to issue a new RFP for future periods.

The goal of this new program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The plan focuses on increasing the number of youth served, increasing outreach and services to parents, adding innovative youth development activities, and ensuring access to primary care and comprehensive reproductive health services. The program will serve a total of 400 youth and their families.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-34
(Int. No. 35)

Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program And Amending The 2009-10 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 Health for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

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:

<u>Organization</u>	<u>Amount</u>
University of Rochester/Highland Family Planning	\$ 40,660
Baden Street Settlement/Metro Council for Youth Potential	63,877
YWCA of Rochester and Monroe County	43,366
Teaching and Training By Design, LLC	10,000
Center for Change, Inc.	<u>15,000</u>
	\$172,903

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.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$172,903, 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 Department of Health.

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

Section 5. Ordinance No. 2009-188, the 2009-10 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 \$131,800, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:50 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
FEBRUARY 16, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul, - 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
 - *Kenneth W. Hofer, Jr.
 - *Donald M. Lackey, Jr.
- Finance Department
 - *James Kevin Branigan
- Law Department
 - *Barbara L. Giannavola
- Fire Department
 - *Richard L. Mason
 - Stephen W. McClary
 - *Richard B. Miller
- Police Department
 - *Henry Bice, Jr.
 - *Robert J. Mattick
- Library
 - *Joyce Tiskovich

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Organization Meeting of January 4, 2010 and the Regular Meeting of January 19, 2010 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 4004-10
 - Public Disclosure - CDBG Participation 4005-10
 - Public Disclosure - HOME Participation 4006-10
 - Quarterly Reports 4007-10
 - Professional Services Agreements
 - Schedule of Revenues & Expenditures
 - Delinquent Receivables

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 Community Development Program Plans And An Agreement And Amending Ordinances For The New Beginnings Building Deconstruction Transitional Jobs Program Int. No. 58 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
February 16, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 42 - Cancellation Of Taxes And Charges

Int. No. 43 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Advisory Services

Int. No. 44 - Local Law Amending The City Charter With Respect To Financial Disclosure Statements

Int. No. 45 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

Int. No. 46 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Actuary Services

Int. No. 64 - Establishing Maximum Compensation For A Professional Services Agreement For Outplacement Services

Int. No. 65 - Amending The 2009-10 Budget For The 2% Reserve Fund

Int. No. 71 - Resolution Approving Appointment To The Municipal Civil Service Commission

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Lovely A. Warren (*Did not vote on Int. No. 42*)
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-35
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 \$12,333.75.

Due to an error in the sub-division process at the Water Bureau, delinquent water charges were improperly added to 800 E. Main St.

If this cancellation is approved, total cancellations thus far for 2009-10 will be as follows:

	<u>Accounts</u>	<u>Amount</u>
City Council	45	\$371,775.14
Administrative	<u>104</u>	<u>37,047.65</u>
Total	149	\$408,822.79

These cancellations represent .179 % of the taxes receivable as of July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-13

Ordinance No. 2010-35
(Int. No. 42)

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) Due to an error in the sub-division process at the Water Bureau, delinquent water charges were improperly added to 800 E. Main Street.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax</u>	<u>Amount</u>
			<u>Year</u>	<u>Canceled</u>
106.74-2-24.1	NH	800 E. Main St		
				2008 \$ 2,549.85
				2009 4,221.21
				2010 <u>5,562.69</u>
Grand Total				<u>\$12,333.75</u>

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. 2010-36
Re: Amendatory Agreement - Gartner, Inc., Information Technology Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Gartner, Inc., Connecticut, for information technology research and advisory services. The original agreement, authorized in March 2009, established maximum compensation at \$26,950, and expires March 1, 2010. This amendment will increase maximum compensation by \$27,760 for a total of \$54,710, and extend the term for one year. The additional amount will be funded from a year end encumbrance of the 2008-09 Budget of the Information Technology Department.

Gartner, Inc. is a leading independent information technology research firm that provides research and advice on vendors, product technology, and best practices used in the field and in governmental agencies. Gartner's expertise will assist ITD in evolving its general strategy, making recommendations on vendor selection, and the implementation of related best practices within ITD and other City departments. Gartner's services have been used during the last year to provide guidance with the development of negotiation strategies for the ERP back office software purchase and building an internal structure for our Information Services Bureau.

This amendatory agreement will also provide the option for two one-year renewals. The cost of the renewals, \$30,536 and \$33,589, will be funded from the 2010-11 and 2011-12 Budgets of ITD, respectively, contingent upon availability of funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-14

Ordinance No. 2010-36
(Int. No. 43)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Advisory Services

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

Section 1. The sum of \$27,760, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Gartner, Inc. for information technology research and advisory services. Said amount shall be funded from funds encumbered from the 2008-09 Budget of the Information Technology Department. The agreement may contain two one-year renewal options, not to exceed \$30,536 for the first year and \$33,589 for the second year, for which amounts shall be funded from the annual budgets of the Information Technology Department, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1
Re: Amending the City Charter -
Financial Disclosures

Transmitted herewith for your approval is legislation amending the City Charter to modify the list of City employees required to file annual financial disclosure statements.

The Code of Ethics states that, in general, department, bureau, and division heads are to be included on the list. In addition, other staff who have significant supervisory, policy implementation, and purchasing responsibilities are included.

The list of titles and individuals currently occupying those positions is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-15

Local Law No. 1
(Int. No. 44)

**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 the list of persons required to file financial disclosure statements in Subsection G(1) of Section 2-18, Code of Ethics, by adding the title "Director of Special Projects" after the title "Deputy Mayor"; by deleting the title "Assistant Director of Budget and Efficiency"; by deleting the title "Director of Information Systems" and by inserting in its place the titles "IT Relationship Manager, Back Office", "IT Relationship Manager, Front Office", "IT Relationship Manager, Public Safety", "Business Process Services Manager" and "Applications Services Manager"; by deleting the title "Assistant Director of Operations" and by inserting in its place the title "Deputy Director of Operations"; by adding the title "Manager of Administrative Services" after the title "Fleet Service Manager"; by adding the title "Executive Deputy Police Chief" after the title "Chief of Police"; by moving the title "Chief of Security Operations" in the chart to follow the title "Property Clerk" and to be followed by the title "Director, Pathways to Peace"; by adding the title "Director of Fire Administration" after the title "Deputy Fire Chief"; by deleting the title "Lieutenant in charge of Supply Depot" and by inserting in its place the title "Captain in charge of Supply Depot"; by deleting the titles "Deputy Commissioner of Recreation and Youth Services", "Director of Recreation/Leisure

Services" and "Manager of Human Services Planning" and by inserting in their place the titles "Assistant Commissioner/Recreation", "Assistant Commissioner/Youth Services" and "Manager/Office of Employment Opportunities"; and by adding to the end thereof the titles "Library Director" and "Assistant Library Director III".

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-37
Re: Agreement - The Ferguson Group,
Federal Lobbying Services

Transmitted herewith for your approval is legislation establishing \$64,000 as maximum compensation for an agreement with The Ferguson Group of Washington, D.C. for federal lobbying services. The term of this agreement will extend through June 30, 2010. The cost of this agreement will be funded from the 2009-10 Budget of the Mayor's Office.

The Ferguson Group (TFG) has provided federal lobbying services for the City since December 2006; highlights of their work with the City over the past year include:

- Advocated for significant American Recovery and Reinvestment Recovery Act funding for local governments;
- Helped develop strategies for accessing state and federal competitive ARRA funds;
- Worked to obtain \$3.325 million in the FY2009 Omnibus Appropriations Bill, for the following projects:
 - \$950,000 in transportation funding for the rehabilitation of Jefferson Avenue;
 - \$950,000 for infrastructure improvements associated with the Midtown revitalization project;
 - \$750,000 in U.S. EPA funding to implement water quality improvements at Durand Eastman Beach;
 - \$675,000 in Department of Justice funding for crime prevention efforts.
- Helped to prepare, submit, and advocate for the City's FY 2010 appropriations requests, resulting in the following appropriations:
 - \$1.36 million from DOT for Midtown Transportation Improvements;
 - \$340,900 from HUD for Midtown site preparation;

- \$600,000 from EPA for the Highland Reservoir;
- \$200,000 from DOJ for the After School Jobs Program;
- \$963,000 from the Army Corps of Engineers for rehabilitation of the Charlotte Pier.
- Arranged for the Economic Development Agency's Northeast Director to travel to Rochester in June to meet with City staff and tour the City's priority economic development projects.

In 2010, TFG will continue to work with the City on the following activities:

- Assist the City in accessing funds from the economic recovery legislation and the new federal jobs bill, to be considered in early 2010;
- Develop and advocate for the City's priority requests for the FY 2011 appropriations process, which begins in early 2010;
- Build relationships with federal agencies and identify federal grant opportunities to support Rochester's priority projects;
- Advocate for the City's priority projects to be included in legislation to reauthorize the nation's surface transportation law, which will be considered by the Congress in 2010 and 2011;
- Advocate for the City's projects to be included in the next version of the Water Resources Development Act.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-16

Ordinance No. 2010-37
(Int. No. 45)

Establishing Maximum Compensation For A 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 \$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 The Ferguson Group LLC for the provision of Federal lobbying services. Said amount, shall be funded from the 2009-10 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. 2010-38
Re: Amendatory Agreement - Mercer, Inc., Actuary Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Mercer, Inc., Pittsford, NY, to provide additional actuarial services. The original agreement authorized in March 2006, was amended in June of 2006, for total maximum compensation of \$52,500 for a term of three years. This amendment will increase compensation by \$15,500 for a maximum of \$68,000; the additional cost will be funded from the 2009-10 Budget of the Finance Department.

In order to comply with Generally Accepted Accounting Principles (GAAP) the City's annual financial statements must report the accrued liabilities for other post employment benefit (OPEB) based on actuarial analysis. For Rochester, this primarily represents the present value of the City's obligation to pay health insurance premiums for retirees, both current and projected. However, subsequent to the engagement of Mercer, it was recognized that the City also needed to report the accrued liability for the supplemental payments made to more than sixty disabled firefighters. The actuarial valuation of this liability necessitates the additional actuarial services at a cost of \$8,000.

In addition, as a consequence of the recent change in employee health benefits, all employee and retiree health insurance premiums are now for experience-rated plans, rather than community-rated plans. Since actuarial determinations for experience-rated plans require additional analysis, Mercer will charge the City an additional \$7,500 for such work.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-38
(Int. No. 46)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Actuary Services

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

Section 1. The sum of \$15,500, 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 Mercer Human Resource Consulting, Inc. for the provision of actuary services to comply with financial reporting requirements. Said amount shall be funded from the 2009-10 Budget of the Department of Finance.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-39
Re: Agreement - Career Development
Services Outplacement Counseling

Transmitted herewith for your approval is legislation establishing \$72,000 as maximum compensation for an agreement with Career Development Services, Rochester, to provide outplacement services for displaced City employees. The cost of the agreement will be funded from the 2009-10 Undistributed Fund.

Outplacement services will be provided for up to forty displaced employees beginning March 1, 2010. Each employee choosing to use this service will be provided with two months of individual counseling.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-39
Int. No. 64)

Establishing Maximum Compensation For A Professional Services Agreement For Outplacement Services

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

Section 1. The sum of \$72,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Career Development Services for outplacement services for displaced City employees. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-40
Re: Budget Amendment - Reserve for
2% Fund Court Decision

Transmitted herewith for your approval is legislation amending the 2009-10 Budget to reflect a recent court decision regarding the 2% Fire Insurance Fund. This legislation will amend the 2009-10 Budget by transferring a total of \$1,000,000 to the Undistributed allocation to restore a reserve fund created in response to the 2% Fund court decision. The transfers are as follows:

Insurance Reserve	\$ 500,000
Operating Budget, Fire Dept.	215,000
Capital Budget, Fire Dept.	259,000
Contingency	<u>26,000</u>
Total	\$1,000,000

A lawsuit brought by The Rochester Firefighters, Inc., Local 1071 against the City regarding the use of the 2% Fund resulted in a trial court order on October 30, 2009, compelling the City to restore the fund. In order to comply with the order the City must reallocate a total of \$3,878,400 to restore the Fund account.

Ordinance No. 2010-6, as originally submitted by the Administration, provided for the full amount required for the reserve fund. An amendment by Council to address a request from the community for additional information resulted in an appropriation of \$2,878,400 from the Insurance Reserve Fund for this purpose. The current legislation provides for the remaining \$1,000,000.

As explained in the transmittal letter accompanying Ord. No. 2010-6, the Fire Department reductions reflect acceleration of certain operational changes affecting the Charlotte and Gardiner Avenue Firehouses. With the delay in these changes, the savings have been reduced by \$26,000, which will be transferred from Contingency.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-40
(Int. No. 65)

Amending The 2009-10 Budget For The 2% Reserve Fund

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$215,000 from the Fire Department, \$26,000 from the Contingency allocation and \$259,000 from the Cash Capital allocation to Undistributed Expense, and by increasing the revenue estimates and appropriations to Undistributed Expense by the sum of \$500,000, which amount is hereby appropriated from the Insurance Reserve Fund. Said amounts shall be used to establish a reserve to fund the 2% Fund as a result of a lawsuit brought by The Rochester Firefighters, Inc., Local 1071.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-11
Re: Appointment, Civil Service
Commission

Transmitted herewith for your approval is legislation confirming the appointment of Sally Farrell Partner, 76 Vassar Street, Rochester, 14607, to the Civil Service Commission. She will fill the vacancy created by the resignation of Dennis Kessler, and complete his term through May 31, 2012.

A copy of Ms. Partner's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-11
(Int. No. 71)

Resolution Approving Appointment To The Municipal Civil Service Commission

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

Section 1. The Council hereby approves the appointment of Sally Farrell Partner, 76 Vassar Street, to the Municipal Civil Service Commission for a term which shall expire on May 31, 2012. Ms. Partner shall replace Dennis Kessler, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Palumbo
February 16, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 47 - Authorizing The Sale Of Real Estate

Int. No. 48 - Approving A Loan Agreement For The Mills At High Falls Phase II Project

Int. No. 49 - Approving A Property Tax Exemption and Authorizing An In Lieu Of Tax Agreement For The Mills At High Falls Phase II Project

Int. No. 50 - Approving A Loan Agreement For The Eastman Commons Rental Project

Int. No. 51 - Approving A Property Tax Exemption and Authorizing An In Lieu Of Tax Agreement For The Eastman Commons Rental Project

Int. No. 52 - Authorizing An Agreement For The Marketview Heights/Public Market Focused Investment Strategy Project

Int. No. 53 - Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

Int. No. 54 - Appropriating Funds For Quadrant Planning And Amending Ordinance No. 2008-294

Int. No. 66 - Resolution Approving Reappointments To The Examining Board Of Plumbers

Int. No. 67 - Resolution Approving Appointment To The Board Of Stationary Engineers And Refrigeration Operators

Int. No. 72 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For GIS Training

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-41
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of three 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 Bureau of Inspection and Compliance Services 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 buildable vacant lot being sold by proposal to the adjoining owner. The purchaser will combine the parcel with their adjoining property.

The last two properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine each of their parcels with their respective adjoining properties.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$777.

All City taxes and other charges, except water charges, against properties being sold by the City will be cancelled 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. AJ-17

Ordinance No. 2010-41
(Int. No. 47)

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

Address: 71 Portland Ave
S.B.L.#: 106.57-1-25
Lot size: 40x105
Price: \$425
Purchaser: Edward J. Thomas

Section 2. The Council hereby 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>
12 Vetter St 106.50-3-32	37x80 Ella Jean Batten	3,040
48 Fourth St 106.67-2-38	35x80 Thomas & Geneva Pratt	2,800

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.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-42 and
Ordinance No. 2010-43
Re: Mills at High Falls Phase II

Transmitted herewith for your approval is legislation related to the Mills at High Falls Phase II development project. This legislation will:

1. Appropriate \$800,000 in HOME funds from the Rental Housing Fund of the 2009-10 Consolidated Community Development Plan;
2. Authorize a loan of \$800,000 with the Urban League of Rochester Economic Development Corporation (ULREDC) or a subsidiary to be formed for this project;
3. 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 or for the project; and

4. Authorize property tax exemptions and a payment-in-lieu-of-tax agreement for the project.

ULREDC recently completed Phase I of the project, which included the construction of 67 mixed-income units and two commercial spaces at 310-312 State Street. Phase II includes the redevelopment of four historic buildings at 368-392 State Street into 21 mixed-income units (10 one-bedroom and 11 two-bedroom units). Eleven units would serve individuals at 60% or less of Area Median Income (AMI) and will be supported by the HOME loan; 10 would serve individuals or families from 61-90% of AMI.

A construction loan financed from Cash Capital was authorized through Ord. No. 2009-307 for stabilizing the structures. An application for HUD Neighborhood Stabilization Program funding, part of which would have been used to repay the Cash Capital loan advance, was not approved. Therefore, the HOME funds will be used and added to the construction/permanent financing for this project. Initially, the City loan will be provided as construction financing with no interest. When converted to permanent financing, it will extend for 30 years, with a 1% interest rate. Annual interest-only payments will be subject to availability of cash flow; payment of any accrued interest and principal will be due in full at the end of the term.

The ULREDC, in conjunction with Edgemere Development, Inc., will undertake the project. The ULREDC has been approved to receive low-income housing tax credits (LIHTC) and Housing Trust Fund financing from the New York State Division of Housing and Community Renewal. The project also qualifies for Historic Rehabilitation Tax Credits from New York State and the National Park Service. The budget is as follows:

Expenses:	
Acquisition	\$ 107,000
Soft Costs	453,000
Construction	4,660,526
Carrying/Financing	759,680
Contingency	366,979
Developer Fee	870,054
Working Capital	53,888
Operating Reserve	<u>62,000</u>
Total	\$7,333,127
Sources:	
New York State	\$2,000,000
City	800,000
LIHTC/HTC Equity	<u>4,533,127</u>
Total	\$7,333,127

The in-lieu-of-tax agreement would provide a 30-year exemption in consideration for an annual in-lieu-of payment equal to 10% of the project shelter rents (gross rents less utility costs). Construction is expected to begin in April 2010 and be completed by March 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-42
(Int. No. 48)

Approving A Loan Agreement For The Mills At High Falls Phase II 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 the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or limited liability company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the reconstruction of housing units as a part of the Mills at High Falls Phase II 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 rate of 1%, payable annually, subject to the availability of cash flow. Payment of the principal and unpaid interest, if any, 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 or for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$800,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 HOME Program Funds.

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. 2010-43
(Int. No. 49)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For The Mills At High Falls Phase II 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 properties at 368 State Street, SBL No. 106.69-1-38, 370-380 State Street, SBL No. 106.69-1-37.1, 384 State Street, SBL No. 106.69-1-35, and 392 State Street, SBL No. 106.69-1-34, to be owned by the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Mills at High Falls Phase II.

Section 2. The Mayor is hereby further author-

ized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the 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". "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. 2010-44 and
Ordinance No. 2010-45
Re: Eastman Commons Housing
Development Project

Transmitted herewith for your approval is legislation relating to the development of rental housing at Eastman Commons, located at 1630 Dewey Avenue and 149-161 Palm Street. This legislation will:

1. Appropriate \$573,953 from the Rental Housing account of the Improve the General Housing Stock allocation of the 2009-10 HOME Program;
2. Authorize a loan agreement with Eastman Commons Community Housing Development Fund Corporation, a subsidiary of Eastman Commons Community, Inc.;
3. Authorize a payment in-lieu-of- taxes agreement for the project properties at 1630 Dewey Avenue, and 149-161 Palm Street;
4. 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 for the project.

The Eastman Commons project includes the construction of an 80-unit affordable housing complex for low-income individuals and people with special needs. In addition to the housing units proposed for the site, an array of supportive services will be offered to meet the needs of the residents of the housing development. The project sponsor is Eastman Commons Community Inc. and the project developer is Norstar Development USA, L.P.

All units will be one bedroom. The following amenities will be included: lounge areas on each resident floor to accommodate staff-resident meetings and social interaction space; laundry; office/conference areas for building management, supportive service programming, and operation

activities; computer room; multi-purpose room with a kitchen and storage for residents; mechanical and building systems areas; parking for residents, staff, and visitors; landscaped resident patio and garden area; and on-site professional property management including 24-hour attended reception and a security system for the entire complex.

The project will be located at 1630 Dewey Avenue. The sale of a City-owned lot located at 149-161 Palm Street was authorized by City Council in February 2007, and will be combined with the Dewey Avenue parcel.

The New York State Division of Housing and Community Renewal (DHCR) awarded the project low income tax credits (LIHTC), grants from the Housing Trust Fund (HTF) and the Urban Initiative's (UI) Program. The project has also been approved for funding through the Homeless Housing Assistance Program, HHAP.

The total development cost of the project is projected to be \$15,620,918. The Sources and Uses are as follows:

Costs:	
Acquisition	\$ 227,800
Soft costs	1,942,640
Construction	10,609,695
Contingency	539,203
Developer Fees	1,963,730
Working Capital	183,600
Reserves	<u>154,250</u>
Total	\$15,620,918

Sources:	
City HOME	\$ 573,953
HTF	2,400,000
HHAP	3,000,000
DHCR UI	100,000
CoC	300,000
FHLB	300,000
LIHTC Equity	8,939,700
Deferred Dev. Fee	<u>7,265</u>
Total	\$15,620,918

The City loan will be provided as construction financing at a 0% interest rate. When the loan is converted to permanent financing, the loan will extend for a term of 30 years at an interest rate of one percent (1%). Interest-only payments of 1% will be made annually, subject to availability of cash flow; payment of any accrued interest and principal is due in full at the end of the term. The proposed in-lieu-of tax agreement would provide a 30-year exemption in consideration for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents less utility costs).

The project will create approximately 63 construction jobs and three permanent support service positions. It is anticipated that construction of the project will begin in the spring of 2010 and be completed in the summer of 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-18

Ordinance No. 2010-44
(Int. No. 50)

Approving A Loan Agreement For The Eastman Commons Rental 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 the Eastman Commons Community Housing Development Fund Corporation or an affiliated partnership or limited liability 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 Eastman Commons 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 the rate of 1%, payable annually, subject to the availability of cash flow. Payment of the principal and unpaid interest, if any, 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 or for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$573,953, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 HOME Program Funds.

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. 2010-45
(Int. No. 51)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For The Eastman Commons Rental 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 properties at 1630 Dewey Avenue, SBL No. 090.34-2-41, and 149-161 Palm Street, SBL No. 090.34-2-42.1, to be owned by the Eastman Commons Community Housing Development Fund Corporation or an affiliated housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Eastman Commons Rental Project.

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 Eastman Commons Community Housing Development Fund Corporation or an affiliated housing development fund company formed for the purpose of developing the 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". "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. 2010-46
Re: Marketview Heights/Public Market
Focused Investment Strategy Project

Transmitted herewith for your approval is legislation establishing \$87,500 as maximum compensation for an agreement with Marketview Heights Neighborhood Association Inc. (MHA) to provide reimbursement grants to businesses participating in New York Main Street projects as part of the Marketview Heights Focused Investment Strategy (FIS). This agreement will be funded from the 2008-09 City Development Fund.

The FIS concentrates a portion of CDBG resources to effect visible, positive changes in specific neighborhoods within three to five years. Through a process that included community input, four FIS areas were approved by Council in August 2008: Beechwood, Dewey/Driving Park, Jefferson Avenue, and Marketview Heights.

The Main Street program provides grants to stimulate economic revitalization of mixed-use business centers; expand affordable housing opportunities in mixed-use districts; increase the capacity of local government and community based not-for-profit organizations to undertake local community renewal programs; and to market the district to prospective businesses and residents.

MHA has received a Main Street grant of \$443,000 to assist businesses to improve their properties in and near the Public Market and the Marketview Heights FIS area. MHA has secured the commitment of eleven Public Market area businesses to partner with them in this project, and will administer and manage the project. The City funds will provide a portion of the required 50% match for seven participating businesses located within the FIS area.

The participating businesses have submitted proposals to improve the facades of their structures, optimize the service area, and create seven housing

units above commercial spaces; businesses have committed to an aggregate matching investment of \$417,500.

MHA will ensure that assisted properties with residential rehabilitation funds comply to make rents affordable to low and moderate income households.

The Marketview Heights/Public Market Focused Investment Strategy Project funding sources are as follows:

New York Main Street project award	\$443,000
Businesses Investment/match	417,500
City of Rochester match	<u>87,500</u>
Total Investment	\$948,000

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-46
(Int. No. 52)

Authorizing An Agreement For The Marketview Heights/Public Market Focused Investment Strategy 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 Marketview Heights Neighborhood Association to provide reimbursement grants to businesses that participate in the New York Main Street Project as part of the Marketview Heights/Public Market Focused Investment Strategy Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$87,500, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 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. 2010-47
Re: Appraisal Services - Midtown
Revitalization Project

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements for appraisal services in the Midtown Urban Renewal District required for the Midtown Revitalization Project, with the following firms:

Bruckner, Tillet, Rossi, Cahill and Associates	\$7,500
Pogel, Schubmehl & Ferrara	\$10,000

The cost of these agreements will be funded from the 2008-09 Cash Capital allocations for acquisition and development, and for management and operation of the Midtown Plaza properties.

The City is considering the purchase of three properties located at 233, 249-253 and 255 East Main Street. The subject properties are located in the Midtown Urban Renewal District at the southeast corner of the East Main Street and Clinton Avenue intersection. Under Eminent Domain Procedure Law, the City is required to complete two appraisals and pay the higher of the two appraised values for the property.

When the City acquired the adjacent Midtown properties in May 2008, PAETEC had planned to construct their new headquarters building at the southern area of the block on E. Broad Street. In the fall of that year, PAETEC announced that they would prefer to locate their project at the northwest area of the Midtown block at Main and Clinton. Acquisition of the subject properties are required to accommodate the PAETEC project and are identified as acquisition parcels in the amended Midtown Urban Renewal Plan adopted by City Council on November 9, 2009, per Ordinance No. 2009-390.

While these agreements do not meet the threshold required for Council authorization, both firms have other contracts for appraisal services with the City, the combination of which brings both firms over the \$10,000 threshold.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-19

Ordinance No. 2010-47
(Int. No. 53)

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, Tillet, Rossi, Cahill & Associates for appraisal services in the Midtown Urban Renewal District. Said amount shall be funded from the 2008-09 Cash Capital allocation.

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 in the Midtown Urban Renewal District. Said amount shall be

funded from the 2008-09 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-48
Re: Quadrant Planning and Project Program

Transmitted herewith for your approval is legislation related to funding the Quadrant Planning and Project Program. This legislation will:

1. Appropriate \$50,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Block Grant; and
2. Amend Ordinance No. 2008-294 to reappropriate a total of \$24,433 for the program.

The 2009-10 Consolidated Community Development Plan/Annual Action Plan identified funding in the amount of \$50,000 for planning and technical assistance to neighborhood and sector groups working with the Quadrant Teams on neighborhood planning and improvement projects.

In August 2008 (Ordinance 2008-294) Council appropriated \$51,500 for the Neighbors Building Neighborhoods Program. Participating organizations were given until December 31, 2009 to expend any program funds. A balance of \$24,433 remains and will be reappropriated for the Quadrant Planning and Project Program.

The Quadrant Planning and Project Program will provide funding for Community Development Block Grant eligible planning, neighborhood promotion, neighborhood beautification and other small neighborhood projects. The NBN program allocated \$5,000 for each sector; any funds remaining from that program have been assigned to the appropriate quadrant.

The total allocation by quadrant is summarized below:

<u>Quadrant</u>	<u>Reallocation</u>	<u>Proposed</u>	<u>Total</u>
Northwest	\$ 5,000	\$10,000	\$15,000
Northeast	10,000	10,000	20,000
Southwest	5,000	10,000	15,000
Southeast	4,433	10,000	14,433
Downtown	<u>0</u>	<u>10,000</u>	<u>10,000</u>
Total	<u>\$24,433</u>	<u>\$50,000</u>	<u>\$74,433</u>

Decisions on which projects to fund will be made

by the quadrant teams. The program limits administrative expenses to no more than 9%.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-20

Ordinance No. 2010-48
(Int. No. 54)

**Appropriating Funds For Quadrant Planning
And Amending Ordinance No. 2008-294**

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$24,433, and there is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$50,000, or so much thereof as may be necessary, to fund the Quadrant Planning and Project Program in the following amounts:

<u>Quadrant</u>	<u>Amount</u>
Northwest	\$15,000
Northeast	20,000
Southwest	15,000
Southeast	14,433
Downtown	10,000

Section 2. Ordinance No. 2008-294, relating to an agreement for the Neighbors Building Neighborhoods Program, is hereby amended by reducing the amount authorized and appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program by the sum of \$24,433, which amount is reappropriated herein.

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

Resolution No. 2010-12
Re: Reappointments - Examining Board
Of Plumbers

Transmitted herewith for your approval is legislation confirming the reappointment of the following

members of the Examining Board of Plumbers:

Richard Benedict - Journeyman
1200 Island Cottage Road
Rochester, New York 14612

Gary Mauro - Master Plumber
3550 Elmwood Avenue
Rochester, New York 14610

Thomas Mann - Chief Inspector of Plumbing
2233 Roosevelt Highway
Hamlin, New York 14469

Robert Morrison - Director of Water
1600 East Avenue #105
Rochester, New York 14610

Attached is a description of the duties of the Examining Board of Plumbers, which is dictated by New York State General City Law. By law, board membership must include two employing or master plumbers and one journeyman plumber with no less than ten year's experience. Other members of the Board required by law include the City's chief inspector of plumbing and the Director of Water.

Council confirmed the appointment of William S. Kurtz, Master Plumber, at the January 2010 meeting. The following table provides the date of last reappointment and attendance record for each member.

<u>Name</u>	<u>Last Reappointed</u>	<u>Total Meetings</u>	<u>Meetings Attended</u>
Richard Benedict	2007	36	31
Gary Mauro	2007	36	29
Thomas Mann	2007	36	32
Robert Morrison	2007	36	30

New terms for all four will extend through December 31, 2012. Resumes for appointees are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-21

Resolution No. 2010-12
(Int. No. 66)

**Resolution Approving Reappointments To
The Examining Board Of Plumbers**

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

Section 1. The Council hereby approves the reappointments of Gary Mauro, 3550 Elmwood Avenue, Rochester, New York 14610, and Richard Benedict, 1200 Island Cottage Road, Rochester,

New York 14612, to the Examining Board of Plumbers for terms which shall expire on December 31, 2012. The Council hereby further approves the reappointments of Robert Morrison, Director of Water, and Thomas Mann, Chief Inspector of Plumbing, to the Examining Board of Plumbers for terms which shall expire on December 31, 2012.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2010-13

Re: Appointment - Board of Examiners of Stationary Engineers and Refrigeration Operators

Transmitted herewith for your approval is legislation confirming the appointment of Raymond E. O'Dell, 140 Westphal Drive, Hamlin, NY to the Board of Examiners of Stationary Engineers and Refrigeration Operators. Mr. O'Dell will take the place of Frederick Jentons whose term has expired.

Mr. O'Dell's appointment will commence immediately upon approval and shall extend through December 31, 2012.

His resume is on file in the City Clerks Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-13
(Int. No. 67)

Resolution Approving Appointment 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 appointment of Raymond E. O'Dell, 140 Westphal Drive, Hamlin, New York, to the Board of Stationary Engineers and Refrigeration Operators for a term which shall expire on December 31, 2012. Mr. O'Dell shall replace Frederick Jentons, whose term has expired.

Section 2. This resolution shall take effect immediately

Adopted unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-49

Re: Amendatory Agreement - Bergmann Associates, Geographic Information Services Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates for additional Geographic Information Systems (GIS) training. The original agreement, authorized by Ordinance No. 2009-266, established \$18,200 as maximum compensation. This amendment will increase compensation by \$19,800 for a total of \$38,000. The additional cost will be funded from the 2009-10 Budgets of the Department of Neighborhood and Business Development (\$9,315), the Department of Environmental Services (\$5,885), and the Rochester Fire Department (\$4,600).

The original agreement was to provide training to 24 City staff who had been assigned to the new Quadrant Teams. The purpose of the training was to ensure that each quadrant team has adequate GIS support for their projects.

The plan was revised to provide training to other City staff who also require GIS support for their projects. The actual number of persons trained was 52.

Bergmann Associates provided certified ESRI software training in ArcGIS Desktop II, ArcGIS Desktop III and Building Geodatabases. The training was completed in January 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-22

Ordinance No. 2010-49
(Int. No. 72)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For GIS Training

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

Section 1. The sum of \$19,800, 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 Geographic Information Systems training. Of said amount, \$5,885 shall be funded from the 2009-10 Budget of the Department of Environmental Services, \$9,315 shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development and \$4,600 shall be funded from the 2008-09 Budget of the Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
February 16, 2010

To the Council:

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

Int. No. 55 - Establishing Maximum Compensation For A Professional Services Agreement For Port Of Rochester Riverfront Improvements And Amending The 2009-10 Budget

Int. No. 56 - Appropriating Funds For The East Henrietta Road Public Improvement Project And Amending Ordinance No. 2009-429, Relating To The Broad Street Tunnel Project, As Amended

Int. No. 57 - Authorizing Agreements For Move Management Services

Int. No. 68 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls District Improvement Project

Int. No. 69 - Establishing Maximum Compensation For Agreements For The South Clinton Avenue Conduit Modernization Project

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

Int. No. 58 - Authorizing Amendatory Community Development Program Plans And An Agreement And Amending Ordinances For The New Beginnings Building Deconstruction Transitional Jobs Program

Int. No. 70 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$490,000 Bonds Of Said City To Finance The Additional Cost Of Reconstruction Of The City South Clinton Avenue Water Supply Conduit Located In The Town Of Brighton

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
JOBS, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-50
Re: Agreement - Passero Associates,
Port of Rochester, Riverfront Public
Improvements

Transmitted herewith for your approval is legislation establishing \$125,500 as maximum compensation for an agreement with Passero Associates, 100 Liberty Pole Way, for engineering design and resident project representation services for public improvements along the riverfront; and amending the 2009-10 Budget by transferring \$125,500 from Contingency to Cash Capital to fund the agree-

ment.

The project is intended to improve the existing paved and unpaved parking lots located north of the Port Terminal Building and adjacent to the public river walkway. The planned improvements will include development of additional landscaped parking for use by terminal lessees and patrons and the community. Under the proposed agreement, Passero will evaluate programming requirements for the parking lot, drive isles, and other activities including the special events festival site, parking and loading for potential river wall broadside boat dockage, and entrance requirements to the north side of the Terminal Building. Passero will also evaluate and design improvements that may involve relocation/realignment of the easternmost access drive to the Ontario Beach Park parking lots.

Passero Associates was selected to perform the engineering services because of its familiarity with the site and programming needs through its involvement in design of the proposed new Port Public Marina and Mixed Use Redevelopment Project. Passero Associates is the primary sub-consultant to the Edgewater Group, the firm authorized by Council on January 20, 2009 (when it was known as Abonmarche; the firm's name change was noted in an amendment to the agreement in May 2009) to complete 30% design plans for the proposed public marina project. As part of that design project, Passero was asked to develop a concept plan for the existing gravel and paved parking lots at 1000 North River Street to assure that any improvements constructed on this property are compatible with the proposed public marina project. The subject agreement will provide for final design of the public improvements to the existing lots and for inspection services during construction.

Design will begin this winter and be completed to provide for construction in Fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-23

Ordinance No. 2010-50
(Int. No. 55)

Establishing Maximum Compensation For A Professional Services Agreement For Port Of Rochester Riverfront Improvements And Amending The 2009-10 Budget

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

Section 1. The sum of \$125,500, 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 Passero Associates for engineering design and resident project representation services for parking and public improvements at the Port of Roches-

ter/Genesee Riverfront. 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 2009-10 Cash Capital allocation.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$125,500 from the Contingency allocation to the Cash Capital allocation to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-51
Re: East Henrietta Road Project - ARRA
(South Avenue to Mt. Hope Avenue)

Transmitted herewith for your approval is legislation appropriating \$238,000 from anticipated reimbursements from the Federal Highway Administration to finance part of the federal aid eligible portions of the rehabilitation and reconstruction of East Henrietta Road from Mt. Hope Avenue to South Avenue.

The Project is a City-administered, Federal stimulus-aid project. The work includes pavement rehabilitation or reconstruction; new granite stone curb and under-drain installation; new concrete sidewalks; driveway apron replacements; sewer and water utility relocation; traffic signal equipment relocation and replacement; new pavement markings and signage; and bus stop, street lighting, landscaping, and drainage improvements.

Bids for construction were received on December 23, 2009. The low bid of \$2,017,150.50 was submitted by Gordon J. Phillips, Inc., which is 13% less than the engineer's estimate. An additional \$234,947 will be allocated for project contingencies.

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

<u>Category</u>	<u>RPR</u>	<u>Contingency</u>
<u>Construction</u>	<u>Admin</u>	<u>Total</u>
Federal		
\$1,595,582.06	\$220,000.00	\$177,346.94
	\$65,071.00	\$2,058,000.00
State		
2,787.89	0.00	8,000.00
	582.00	11,369.89
City Cash Capital		
2,787.89	0.00	8,000.00
	0.00	10,787.89
City Water Debt		
350,000.00	60,000.00	0.00
	0.00	410,000.00

City Water Cash		
65,992.66	0.00	41,600.00
	0.00	107,592.66
Total		
\$2,017,150.50	\$280,000.00	\$234,946.94
	\$65,653.00	\$2,597,750.44

The cost of the project will be financed as follows: \$1,820,000 in anticipated Federal Highway Administration reimbursements (Ord. No. 2009-73); \$11,369 in New York State Marchiselli Aid; \$238,000 in FHA reimbursements (requested herein); \$410,000 in water bond proceeds (Ord. No. 2009-315), \$10,787 in 2004-05 Cash Capital allocations; and a total of \$107,592 in Water Cash Capital allocations from fiscal years 2000-01, 2001-02, 2003-04, 2004-05, and 2006-07. A summary of previous Council actions for this project is attached.

To optimize the efficiency of construction, portions of the Mt. Hope Avenue Phase 1 Improvement Project, scheduled to begin construction this fall, will be constructed as part of the East Henrietta Road Project (funded through the American Recovery and Revitalization Act). The current anticipated reimbursements are from federal sources previously designated for the Mt. Hope Avenue Phase 1 Improvement Project.

Bergmann Associates is providing design and resident project representative (RPR) services for the project. It is anticipated that construction will begin in March 2010 and will be substantially completed by September 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-24

Ordinance No. 2010-51
(Int. No. 56, As Amended)

Appropriating Funds For The East Henrietta Road Public Improvement Project And Amending Ordinance No. 2009-429, Relating To The Broad Street Tunnel Project

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

Section 1. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$238,000, or so much thereof as may be necessary, to fund the East Henrietta Road Public Improvement Project.

Section 2. Ordinance No. 2009-429, relating to the Broad Street Tunnel Project, is hereby amended by amending the sources of funds for the agreement with FRA Engineering, PC as set forth in Section 1 to read as follows:

Of said amount, \$1,840,000 shall be funded from the appropriation of Federal Highway Administration Funds made in Section 2, \$345,000 shall be funded from the appropriation of State

of New York Funds made in Section 3, \$108,712 shall be funded from a bond ordinance adopted for this Project. \$791 shall be funded from the 2007-08 Cash Capital allocation (Water Fund), \$4,983 shall be funded from the 2007-08 Cash Capital allocation, and \$514 shall be funded from the appropriation of anticipated reimbursements from the Monroe County Water Authority made in Section 4.

Section 3. Section 4 of Ordinance No. 2009-429, relating to the Broad Street Tunnel Project, is hereby amended by increasing the maximum amount of the agreement and the amount appropriated from anticipated reimbursements from the Monroe County Water Authority from \$2,950 to \$4,097.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-52
Re: Agreements - Move Management Services

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of move management services related to building renovation projects and employee relocations coordinated by the Department of Environmental Services Bureau of Architecture and Engineering:

Company
Address

LeChase Construction Services
300 Trolley Boulevard, Rochester 14606
Vargas Associates, Inc.
40 Humboldt Street, Rochester 14609

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 projects.

The retention of move management services on a term basis is to facilitate upcoming relocations of various units of the Administration, including but not limited to Municipal Parking, Neighborhood Service Centers, and Parks Operations. Move coordination and relocation services will vary by project but may include move plan development, scheduling, communications, inventory, vendor coordination, and administration of project budgets.

In December 2009, the Division of Architectural Services solicited proposals from three firms in addition to proposal posting on the City's web site. The two selected firms were the only respondents;

they are recommended based on the variety and availability of services provided, cost for services, qualifications and past experience. These agreements will provide for said services to be provided at specified unit prices. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget or from project appropriations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-52
(Int. No. 57)

Authorizing Agreements For Move 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 agreements with the following companies for move management services for building renovation projects and employee relocations as required by the City:

Organization
Address

LeChase Construction Services
300 Trolley Blvd., Rochester 14606
Vargas Associates, Inc.
40 Humboldt St., Rochester 14609

Section 2. The agreements shall extend for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay amounts not to exceed the amount budgeted for each project, which 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. 2010-53
Re: Agreement - LaBella Associates,
Engineering Services, High Falls
District Improvement Project

Transmitted herewith for your approval is legislation establishing \$71,000 as maximum compensa-

tion for an agreement with LaBella Associates for structural engineering services for the High Falls District Improvement Project. The agreement will be funded with Cash Capital from the 2008-09 year-end budget amendment (Ord No. 2009-268).

Deterioration and weather-related aging of structures within the High Falls District necessitate various investigations, identification, and design of repairs. These structures include: The Raceway at Brown's Race, the Festival Site Wheel Pit, and the Festival Site Gorge Wall.

This project is currently under consideration for a 2009 New York State Office of Parks, Recreation and Historic Preservation Heritage Area System grant for up to \$320,000. Delays in the announcement of the grant, and the priority of the repairs required, necessitate the start of design for portions of the project. Additional design services for unfunded portions of the project will be sought if the grant is awarded.

Proposals for structural and minor mechanical engineering services were solicited from thirteen consultants; five firms responded - FRA Engineering, P.C., Herrick-Saylor Engineering, P.C., LaBella Associates, P.C., Pathfinder Engineers and Architects LLP, and Stantec Consulting Services, Inc. LaBella was selected based on its project approach, prior site experience, and cost.

LaBella will provide engineering services from preliminary design through construction administration for all repairs with the exception of the Festival Site Gorge Wall. The consultant will provide a feasibility study for a long-term anchoring repair plan and cost estimated for the Gorge Wall for future capital planning process.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-25

Ordinance No. 2010-53
(Int. No. 68)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls District Improvement Project

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

Section 1. The sum of \$71,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for a professional services agreement with LaBella Associates for structural engineering services for the High Falls District Improvement Project. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-54 and
Ordinance No. 2010-56
Re: South Clinton Avenue Conduit
Modernization Project

Transmitted herewith for your approval is legislation relating to the South Clinton Avenue Conduit Modernization Project. This legislation will:

1. Establish \$100,000 as maximum compensation for an agreement with Rochester Gas & Electric (RG&E) to relocate two of their gas mains within the intersection of South Clinton Avenue and Westfall Road in the Town of Brighton.
2. Authorize an amendatory agreement with Bergmann Associates for additional resident project representation services to increase compensation by \$35,000. The original agreement, authorized in September 2008 established compensation at \$460,000, and was amended in September 2009 for an additional \$405,000. This amendment will increase total maximum compensation to \$900,000.
3. Authorize the issuance of bonds totaling \$490,000 and appropriate the proceeds thereof to finance these agreements and supplement the construction contingency.

This project involves the replacement of the City's two water supply conduits located on South Clinton Avenue, between I-590 and Suburban Court, with a single new conduit. The construction budget, including contingency, is \$4,380,000. Construction was awarded to Villager Construction, Inc. in September 2009. As part of the work, test pits were excavated by Villager to identify potential utility crossing conflicts with the City's new conduit.

Two significant conflicts were identified with existing RG&E gas mains located within the intersection of South Clinton Avenue and Westfall Road. RG&E will relocate a portion of their 8-inch and 12-inch gas mains within this intersection to facilitate installation of the City's new conduit, to be reimbursed by the City. The gas mains are expected to be relocated in spring 2010.

Test pits revealed other conflicts that necessitated a realignment of the proposed conduit and resulted in a substantial change to the traffic control plan. Two-way traffic can no longer be maintained during construction for a significant portion of the project. Alternating one-way traffic is now required. Due to high traffic volumes, construction in this area must now be performed either at night, on weekends or during an abbreviated work day. Test pit information also required extending the limits of pipe replacement by over 200 hundred feet. These, along with other factors, result in an extended construction schedule and increased project costs. The current construction contingency may not be sufficient to complete the work.

An additional \$355,000 is requested to supplement the construction contingency. Construction on the overall conduit replacement project will be completed by fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-54
(Int. No. 69)

Establishing Maximum Compensation For Agreements For The South Clinton Avenue Conduit Modernization 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 by the City for an agreement with the Rochester Gas & Electric Corporation for the relocation of gas mains for the South Clinton Avenue Conduit Modernization Project. Said amount shall be funded from a bond ordinance adopted for the South Clinton Avenue Conduit Modernization Project.

Section 2. 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 between the City and Bergmann Associates, P.C. for construction design and resident project representation services for the South Clinton Avenue Conduit Modernization 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 South Clinton Avenue Conduit Modernization Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-55 appears after Ordinance No. 2010-56.

Ordinance No. 2010-56
(Int. No. 70)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$490,000 Bonds Of Said City To Finance The Additional Cost Of Reconstruction Of The City's South Clinton Avenue Water Supply Conduit Located In The Town Of Brighton

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 additional cost of reconstruction of the City's South Clinton Avenue Water Supply Conduit located in the Town of

Brighton (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 \$5,275,000. The plan of financing includes the issuance of \$490,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$4,785,000 bonds appropriated in Ordinance No. 2009-318, 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 \$490,000 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 \$490,000. 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. 2010-55

Re: Agreement - Rochester Landscape Technicians Programs, Inc., Job Training, Building Deconstruction Job Training

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Rochester Landscape Technicians Programs, Inc. to administer a job training program to deconstruct City-owned structures targeted for demolition; and amending Consolidated Community Development Plans, and appropriating or re-appropriating funds to create a new account - New Beginnings Building Deconstruction Transitional Jobs Program within the General Community Needs allocation - to finance the cost of the agreement.

The Consolidated Community Development Plan amendments required to transfer a total of \$100,000 from Improving the Housing Stock allocation accounts into the new account are as fol-

lows:

<u>Amount</u>	<u>CDBG Plan</u>	<u>Action</u>	<u>Ordinance</u>
	<u>Transfer from</u>		
\$5,660	1997-98	Re-Appropriate	
	Rehab of Investment Property		97-280
\$4,950	1999-00	Re-Appropriate	
	Rehab Rochester Program		99-260
\$4,952	2000-01	Re-Appropriate	
	Lead Hazard Reduction		04-387
\$2,980	2001-02	Re-Appropriate	
	Lead Hazard Reduction		03-035
\$154	2002-03	Re-Appropriate	
	Homesteading/Vacant Grant		03-025
\$1	2002-03	Re-Appropriate	
	Housing Development Support		02-165
\$8,715	2002-03	Re-Appropriate	
	Rehab Rochester Program		03-172
\$18,420	2002-03	Re-Appropriate	
	Residential Assistance Program		02-175
\$1,665	2003-04	Re-Appropriate	
	Neighborhood Beautification		03-317
\$3	2003-04	Re-Appropriate	
	Foreclosure Prevention		03-370
\$24,328	2003-04	Re-Appropriate	
	Lead Hazard Reduction		03-404
\$3,703	2004-05	Appropriate	
	Rental Housing Fund		
\$1	2004-05	Re-Appropriate	
	Fair Housing Activities		05-040
\$7	2004-05	Re-Appropriate	
	Housing Development Support		04-181
\$1	2004-05	Re-Appropriate	
	Landlord/Tenant Services		04-235
\$43	2004-05	Re-Appropriate	
	Home Room		04-193
\$2	2004-05	Re-Appropriate	
	Foreclosure Prevention		04-344
\$3,062	2004-05	Re-Appropriate	
	Residential Assistance Program		04-186
\$4	2005-06	Re-Appropriate	
	Fair Housing Activities		05-148
\$4	2005-06	Re-Appropriate	
	Fair Housing Activities		05-341
\$4	2005-06	Re-Appropriate	
	Fair Housing Activities		08-214
\$10,190	2005-06	Re-Appropriate	
	Rehab Rochester Program		05-254
\$4,256	2005-06	Re-Appropriate	
	Residential Assistance Program		05-146
\$4	2005-06	Re-Appropriate	
	Foreclosure Prevention		05-340
\$6,891	2005-06	Re-Appropriate	
	Lead Hazard Reduction		07-067

Rochester Landscape Technicians Programs, Inc. (RLTP) is a not-for-profit workforce development agency. Established in 1991 with one training program specific to horticulture, RLTP has evolved into a broad-based workforce development agency that targets difficult to employ individuals, including the long-term unemployed, high school drop-

outs, and ex-offenders.

The CDBG funding will support a six-month training program in building deconstruction with the goal of deconstructing 12 City-owned vacant buildings that have been previously identified for demolition. Following the initial six-month period, RLTP expects to be able to independently sustain the program.

Deconstruction is a process in which a building is dismantled piece-by-piece, salvaging what is re-useable and recycling much of the rest. A deconstruction crew will consist of five trainees for a 2-3 month period, with a total of 15 people trained over the six-month period. All participating trainees will be paid the prevailing hourly rate. A crew foreman and an assistant foreman will provide supervision and mentoring to the trainees. In addition, RLTP will hire a deconstruction expert to guide the agency through the first few projects and provide in-house training that focuses on process and construction techniques. All trainees will first complete a 10-hour OSHA safety course before performing any deconstruction work.

In addition to the deconstruction of the buildings, Rochester Landscape Technicians Programs, Inc. will work with the City to identify useable vegetation and landscape items at these properties. RLTP crews will prepare items such as shrubs, bushes and small trees for transport, which will then be picked-up and delivered for use at other City owned sites.

The goals of the program are:

1. To provide difficult-to-employ young adults with a paid job experience that supplies the structure and skills necessary to retain a future job and be a successful part of the company that may hire them; and
2. In keeping with the City's policy regarding environmental protection, (Res. 2009-14), using a new approach to demolition by salvaging and recycling many of the building components and vegetation that with traditional demolition practice would be trucked to a landfill.

A public hearing on amending the Consolidated Community Development Plans is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-55
(Int. No. 58)

Authorizing Amendatory Community Development Program Plans And An Agreement And Amending Ordinances For The New Beginnings Building Deconstruction Transitional Jobs Program

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

Section 1. The Council hereby approves amendments to the 1997-98, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 Community Development Program Plans whereby a total of \$100,000 will be transferred to new accounts in the General Community Needs allocations for the New Beginnings Building Deconstruction Transitional Jobs Program from the following accounts in the Improving the Housing Stock and General Property Conditions allocations:

<u>Amount</u>	<u>CDBG Plan</u>	<u>Action</u>	<u>Ordinance</u>
	<u>Transfer from</u>		
\$5,660	1997-98	Re-Appropriate	
	Rehab of Investment Property		97-280
\$4,950	1999-00	Re-Appropriate	
	Rehab Rochester Program		99-260
\$4,952	2000-01	Re-Appropriate	
	Lead Hazard Reduction		04-387
\$2,980	2001-02	Re-Appropriate	
	Lead Hazard Reduction		03-035
\$154	2002-03	Re-Appropriate	
	Homesteading/Vacant Grant		03-025
\$1	2002-03	Re-Appropriate	
	Housing Development Support		02-165
\$8,715	2002-03	Re-Appropriate	
	Rehab Rochester Program		03-172
\$18,420	2002-03	Re-Appropriate	
	Residential Assistance Program		02-175
\$1,665	2003-04	Re-Appropriate	
	Neighborhood Beautification		03-317
\$3	2003-04	Re-Appropriate	
	Foreclosure Prevention		03-370
\$24,328	2003-04	Re-Appropriate	
	Lead Hazard Reduction		03-404
\$3,703	2004-05	Appropriate	
	Rental Housing Fund		
\$1	2004-05	Re-Appropriate	
	Fair Housing Activities		05-040
\$7	2004-05	Re-Appropriate	
	Housing Development Support		04-181
\$1	2004-05	Re-Appropriate	
	Landlord/Tenant Services		04-235
\$43	2004-05	Re-Appropriate	
	Home Room		04-193
\$2	2004-05	Re-Appropriate	
	Foreclosure Prevention		04-344
\$3,062	2004-05	Re-Appropriate	
	Residential Assistance Program		04-186
\$4	2005-06	Re-Appropriate	
	Fair Housing Activities		05-148
\$4	2005-06	Re-Appropriate	
	Fair Housing Activities		05-341
\$4	2005-06	Re-Appropriate	
	Fair Housing Activities		08-214
\$10,190	2005-06	Re-Appropriate	
	Rehab Rochester Program		05-254
\$4,256	2005-06	Re-Appropriate	
	Residential Assistance Program		05-146
\$4	2005-06	Re-Appropriate	
	Foreclosure Prevention		05-340

\$6,891 2005-06 Re-Appropriate
Lead Hazard Reduction 07-067

Section 2. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester Landscape Technicians Programs Inc. to administer the New Beginnings Building Deconstruction Transitional Jobs Program.

Section 4. 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, shall be funded from the General Community Needs allocations of the 1997-98, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 Community Development Programs in the amounts transferred in Section 1.

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 unanimously.

Ordinance No. 2010-56 appears with its transmittal letter and companion legislation on page 54 of the current Council Proceedings.

By Councilmember McFadden
February 16, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 59 - Authorizing An Agreement For An Operation SNUG Grant And Amending The 2009-10 Budget

Int. No. 60 - Authorizing Agreements And Appropriating Funds For The Edgerton Recreation Center Aquatic Facilities And Playground Improvements Project

Int. No. 61 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

Int. No. 62 - Authorizing An Agreement With SWAN For A Neighborhood Recreation Program

Int. No. 63 - Amending The 2009-10 Budget Of The Fire Department For A Homeland Security Grant

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz

Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-57
Re: New York State Funding -
Operation SNUG

Transmitted herewith for your approval is legislation authorizing an agreement with New York State for the receipt and use of \$500,000 in funding through the Regional Operation SNUG Program, and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

Operation SNUG is a statewide initiative to support local law enforcement and anti-violence community groups who steer at-risk citizens away from the culture of gangs and illegal guns. Total statewide funding of \$4 million was included by the NY Senate as part of the FY2009-10 State Budget. Operation SNUG seeks to reduce shootings and killings by implementing a number of core strategies in communities experiencing disproportionately high rates of gun violence over a several year period. The allocation for Rochester was secured through the efforts of Assemblyman David Gantt and Senator Malcolm Smith.

The allocation for Rochester will be used to enhance Pathways to Peace services by adding staff to target dispute related assaults and altercations. Pathways will continue to work in collaborative partnership with local anti-violence community groups and law enforcement to inhibit the proliferation of gangs and illegal guns.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-26

Ordinance No. 2010-57
(Int. No. 59)

Authorizing An Agreement For An Operation SNUG Grant And Amending The 2009-10 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 State of New York for funding for Operation SNUG.

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

Section 3. Ordinance No. 2009-188, the 2009-

10 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 \$500,000, which amount is hereby appropriated from the 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. 2010-58
Re: Edgerton Recreation Center Project

Transmitted herewith for your approval is legislation related to the Edgerton Recreation Center aquatic facilities and playground improvement project. This legislation will:

1. Appropriate \$495,000 from the 2008-09 and \$200,000 from the 2009-10 Improving the Housing Stock and General Property Conditions allocations of the Community Development Block Grant to finance the costs of the improvements.
2. Authorize an amendatory agreement with Stantec Consulting Services, Rochester, for additional design services. The original agreement, authorized in April 2009, established maximum compensation at \$50,000. This amendment will increase compensation by \$23,000 for a total of \$73,000. The additional amount will be funded from the 2009-10 Cash Capital allocation of the Department of Recreation and Youth Services.
3. Establish \$86,000 as maximum compensation for an agreement with Stantec Consulting Services for resident project representation (RPR) services. The cost of this agreement will be funded from the 2009-10 Cash Capital allocation of the Department of Recreation and Youth Services.

The project includes the installation of a zero-depth water play facility, new play equipment, and associated site improvements at the Edgerton Recreation Center. This will be the first spray park facility in the northwest quadrant. In April 2009, Council authorized an agreement with Stantec Consulting Services (Ord. No. 2009-112) to provide design services for \$400,000 of planned improvements. Since that time, additional Community Block Grant funding has been identified, thus removing the need to phase future improvements. This site was prioritized in part due to its highest participation rates from prior Cool Sweep days.

The amendatory agreement shall provide the additional final design services to design and bid \$800,000 in park improvements. The playground improvement project is identified in the 2008-09 Consolidated Community Development Plan; the

aquatic play facility is identified in the 2010 Annual Action Plan.

Stantec Consulting Services was selected to perform RPR services because of its familiarity with the project and the qualifications of the personnel to be assigned to the project.

Construction is planned to begin in March 2010 and completed in July 2010.

Respectfully submitted,
Robert J Duffy
Mayor

Ordinance No. 2010-58
(Int. No. 60)

Authorizing Agreements And Appropriating Funds For The Edgerton Recreation Center Aquatic Facilities And Playground Improvements Project

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$495,000, and there is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$200,000, or so much thereof as may be necessary, to fund the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project.

Section 2. The sum of \$23,000, 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 for landscape architectural and mechanical engineering design services for the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project. The amendatory agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 3. The sum of \$86,000, 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 resident project representation services for the Edgerton Recreation Center Aquatic Facilities and Playground 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 2009-10 Cash Capital allocation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-59
Re: Amendatory Agreement - Stone
Ridge Veterinary Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stone Ridge Animal Hospital, Greece NY, for additional veterinary services for the Police Department Canine Unit during 2009-10. The original agreement, executed in August 2009, was for \$10,000. This amendment will increase compensation by \$6,000 for a total of \$16,000 for 2009-10. The additional cost will be funded from the 2009-10 Budget of the Police Department.

The consultant provides veterinary services to the dogs assigned to the Canine Unit of the Police Department's Special Operations Division, including examination of new police dogs before they are accepted by the Police Department for duty, immunizations and tests, and medical care as needed.

Stone Ridge has provided satisfactory services to the City for nearly twenty years, and are conveniently located at the intersection of Routes 390 and 104.

Additional services are required by the replacement of three of the eleven dogs in the Canine Unit. In order to fill the three vacancies, five dogs were examined (two did not pass the veterinary exam).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-59
(Int. No. 61)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

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

Section 1. The sum of \$6,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for an amendatory professional services agreement with Stone Ridge Animal Hospital for veterinary services for the Canine Unit of the Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-60
Re: Agreement - Southwest Area
Neighborhood Association,

Recreation Program

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an annual agreement with the Southwest Area Neighborhood Association (SWAN) for the operation of a year-round neighborhood recreation program. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

This school year after-school program, located at the James Madison School of Excellence and the adjacent athletic field, serves youth ages 6-15, and operates 10 hours per week for 44 weeks each year. Activities include arts and crafts, gym activities, homework help, team sports, youth development, and computer literacy. The summer program, which runs for 35 hours per week for eight weeks, consists of group games, summer lunch program, field trips, gym activities, and sports. The City and SWAN have collaborated to provide these services for over 20 years.

The term of this agreement is one year with an option to renew for two additional one-year terms subject to the availability of funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-27

Ordinance No. 2010-60
(Int. No. 62)

Authorizing An Agreement With SWAN For A Neighborhood Recreation 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 (SWAN) for a neighborhood recreation program at the Southwest Community Center for a term of one year, with options to renew for two additional one-year terms.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000 annually, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 and subsequent Budgets of the Department of Recreation and Youth Services, contingent upon adoption 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. 2010-61
Re: New York State Office of Homeland
Security, Urban Area Security
Initiative Grant

Transmitted herewith for your approval is legisla-
tion related to New York State Office of Homeland
Security 2008 Urban Area Security Initiative
(UASI) grant funds. Approval to enter into the
agreement with NYS for receipt and use of these
grant funds was originally authorized by Ordinance
No. 2008-390 which appropriated a portion
(\$170,900) of the funds in the 2008-09 Fire De-
partment Budget. That portion was allowed to
expire due to a delay in receipt of the finalized
contract with the NYS Office of Homeland Secu-
rity and necessary re-programming of the funds.
The 2008 funds have now been released requiring
the following legislation:

1. Amend the 2009-10 Fire Department Operat-
ing Budget to include \$62,900 of the 2008
UASI grant;
2. Amend the 2009-10 Cash Capital allocation
of the Fire Department to include \$108,000 of
the 2008 UASI grant; and
3. Amend the 2009-10 Cash Capital allocation
of the Fire Department by transferring
\$200,000 from Contingency.

The Cash Capital amounts will be used as partial
funding towards the purchase of a new Hazardous
Materials Response Vehicle with an estimated total
purchase price of \$750,000. It is anticipated that
the balance (\$396,000) of the cost of the special-
ized vehicle will be available in the 2009 round of
UASI funding, which is expected later this calen-
dar year. The transfer from Contingency repre-
sents the City's share of the vehicle purchase.

The remaining 2008 UASI funds (\$62,000) will be
used to support planning and Hazmat activities.

The activities related to UASI are closely coordi-
nated among the law enforcement and emergency
management entities in the City, Monroe County,
and outlying counties, creating a regional approach
to homeland security.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-61
(Int. No. 63)

**Amending The 2009-10 Budget Of The Fire
Department For A Homeland Security Grant**

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

Section 1. Ordinance No. 2009-188, the 2009-
10 Budget of the City of Rochester, as amended, is
hereby further amended by transferring the sum of
\$200,000 from the Contingency allocation to the
Cash Capital allocation, and by increasing the

revenue estimates and appropriations to the Fire
Department by the sum of \$62,900 and to the Cash
Capital allocation by the sum of \$108,000, which
amounts are hereby appropriated from funds to be
received from the New York State Office of Home-
land Security under the Urban Area Security Initia-
tive Grant Program.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

The meeting was adjourned at 8:35 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
March 17, 2010

Present - President Warren, Councilmembers
Conklin, Haag, McFadden, Miller, Ortiz, Palumbo,
Scott, Spaul, - 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:

Police Department

*Patricia A. Goodwin

*Robert W. Kerr

*Migdalia N. Rivera

*David G. Zimmerman

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Ortiz

RESOLVED, that the minutes of the Regular
Meeting of February 16, 2010 be approved as
published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR,
COUNCIL PRESIDENT, CORPORATE OFFI-
CERS 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 4008-10

PRESENTATION AND REFERENCE OF PETI-
TIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS.

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

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2010-11 Int. No. 93 6 speakers: Doug Kress, Mike Russo, Mary Ellen West, Angelo Calleri, Christine Banker, Kathryn Boch.

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels And Easements For The Mt. Hope Avenue Phase I Improvement Project Int. No. 117 2 speakers: Paul Way, Melanie Warren.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 102 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 103 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin March 17, 2010

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 73 - Authorizing An Agreement For The Lease Of Commercial Space In The Sister Cities Garage

Int. No. 74 - Establishing Maximum Compensation For A Professional Services Agreement For A Telecom Billings Audit

Int. No. 75 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Census 2010 Outreach Program

Int. No. 76 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 104 - Approving Free Parking At The Mortimer Street Parking Garage

Int. No. 110 - Amending The Municipal Code With Respect To Payments Via The Internet

Int. No. 111 - Authorizing Agreements For Merchant Card Payment Charges

Int. No. 120 - Authorizing The Sale Of Hemlock/Canadice Watershed Lands And Amending The 2009-10 Budget

Respectfully submitted, Carolee A. Conklin Jacklyn Ortiz Loretta C. Scott Lovely A. Warren (Did not vote on Int. Nos. 73 and 74)

Elaine M. Spaul (Voted against Int. No. 104) FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2010-62 Re: Lease Agreement - Bean Cruises, 56 N. Fitzhugh Street

Transmitted herewith for your approval is legislation authorizing a lease agreement with Bean Cruises and Travel for commercial space in the Sister Cities Parking Garage at 56 N. Fitzhugh Street. Bean Cruises, formerly known as Cronin Cruises, provides vacation and leisure related services, and has leased this space from the City since 1994.

Bean Cruises will be renting approximately 367.5 square feet of space at a monthly rental rate of \$215 (\$7 per square foot). The term of the lease will be for two years beginning May 1, 2010 and terminating on April 30, 2012, with an option for one two-year renewal. The terms of this new lease will be identical to existing terms.

The rental rate was established through an independent appraisal prepared by Kevin Bruckner, MAI. An analysis of current building occupancy, market conditions and customer base was used by the appraiser in determining the rental amount.

The Mayor is authorized to amend the terms and conditions of the leases as he deems appropriate.

Respectfully submitted, Robert J. Duffy Mayor

Ordinance No. 2010-62 (Int. No. 73)

Authorizing An Agreement 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 Bean Cruises and Travel for the lease of approximately 367.5 square feet of space in the Sister Cities Parking Garage for a term of two years, with an option to renew for an additional two 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 Bean Cruises and Travel to pay to the City the sum of \$215 per month in rent. In addition, the tenant shall be responsible for utilities, trash removal, the cost of liability insurance and the maintenance and repair of all non-structural items.

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. 2010-63
Re: Agreement - PAETEC Communications,
Telecommunications Billings Audit

Transmitted herewith for your approval is legislation establishing \$56,000 as maximum compensation for an agreement with PAETEC Communications, Inc, Fairport, NY, for an audit and analysis of the City of Rochester's telecommunication purchases, recovery of excess payments to telecom providers, and subsequent adjustment of telecom-related monthly recurring costs. The term of this agreement will be one year. The agreement will be funded from the 2009-10 Budget of the Information Technology Department Budget.

However, the actual cost to the City will be offset entirely through savings realized through corrected billings. The cost of this agreement could range from \$0 (i.e., no realized savings or recovered costs) to \$56,000 (based on 10% savings in annual telecom spending and recovered errors). All costs will be offset by actual realized billing credits and recurring savings from existing telecom vendors, as contingency-based audit fees as follows:

- 100% of recovered savings up to \$12,000 will be paid to PAETEC
- 50% to City, 50% to PAETEC for any recovered amount above \$12,000
- Contingency-based billing for 12 months after correction/optimization implemented

Example of savings and costs for the first year:

Realized/Recovered	
Savings:	\$0
City Payment to PAETEC:	\$0
Total Cost to City:	\$0
First Year \$ Benefit to City:	\$0
Realized/Recovered	
Savings:	\$5,000
City Payment to PAETEC:	\$5,000
Total Cost to City:	\$0
First Year \$ Benefit to City:	\$0
Realized/Recovered	
Savings:	\$12,000
City Payment to PAETEC:	\$12,000
Total Cost to City:	\$0
First Year \$ Benefit to City:	\$0

Realized/Recovered	
Savings:	\$24,000
City Payment to PAETEC:	\$18,000 (\$12K+\$6K)
Total Cost to City:	\$0
First Year \$ Benefit to City:	\$6,000

Realized/Recovered	
Savings:	\$100,000
City Payment to PAETEC:	\$56,000 (\$12K+\$44K)
Total Cost to City:	\$0
First Year \$ Benefit to City:	\$44,000

This will be the first consolidated audit of the City of Rochester's telecommunications environment; it is expected that errors in invoices from telecom suppliers will be discovered, resulting in recovered costs and on-going savings.

This agreement will provide for the following services:

- Collection of 3-6 months of telecom invoices
- Collection of contracts, service orders, rate tables, and/or other information regarding the governance of rates
- Collection of service and location inventory information
- Analysis of City of Rochester Telecom spending and recommended service optimization opportunities
- Invoice profiles and detailed actionable reports, encompassing locations, vendors, accounts, services and rates in clear language
- Contract profiles and detailed reports, encompassing vendors, services, contract terms and commitments
- Actionable dispute profile and detailed report, highlighting a detailed accounting of disputable charges
- Optimization detail report and profile, including recommendations on spending and service optimization actions.
- Recovery, where possible, of excess payments as a result of incorrect bills and invoices from telecom suppliers
- Use of PAETEC's PINNACLE Communication Management at no additional cost to the City of Rochester

PAETEC will provide these services regardless of the discovery and recovery of excess payments.

PAETEC Communications, Inc. was selected to provide this service as an independent third-party telecommunications expert. Their selection was based on the depth of their expertise in telecom billing systems, knowledge of telecommunications providers, their exceptional position in the commu-

nications industry, and standing in the local community.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-63
(Int. No. 74)

Establishing Maximum Compensation For A Professional Services Agreement For A Telecom Billings Audit

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 PAETEC Communications, Inc. for an audit and reconciliation of the City's telecom purchases. PAETEC shall be paid 100% of recovered savings up to \$12,000 and 50% of recovered savings above said amount, up to the maximum. Said amount shall be funded from the 2009-10 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-64
Re: Amendatory Agreement - SEIU-CC,
LLC, Census Outreach Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with SEIU-CC, LLC, New York City, to provide additional services related to the delivery of prerecorded phone messages. The original agreement, dated February 1, 2010, establishing maximum compensation at \$10,000 for a term of one year, is the annual agreement the City maintains for the delivery of a variety of prerecorded outreach messages.

This amendment will increase compensation by \$20,000, for a maximum total of \$30,000, to provide the outreach needed to maximize local participation in the national Census. The additional cost will be funded from the 2009-10 Budget of the Communications Bureau. In January 2010, Council authorized the receipt and use of a New York State grant and amended the Budget to include the funds for this purpose.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-64
(Int. No. 75)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Census 2010 Outreach Program

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 SEIU-CC, LLC for the delivery of prerecorded phone messages for the Census 2010 Outreach Program. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-65
Re: Agreement - Picture Fest,
International, Inc., 3601365
Film Festival

Transmitted herewith for your approval is legislation establishing \$18,000 as maximum compensation for an agreement with Picture Fest, International, Inc., d/b/a "3601365 Film Festival", for support of their 2010 film festival. The cost of this agreement will be financed from the 2009-10 Budget of the Bureau of Communications.

The name of this festival was changed in 2009 from the Rochester High Falls International Film Festival to the 3601365 Film Festival to reflect the extension of their programming to include year-round events, including a Shorts Contest, New Director Series, and a Teen Festival. The traditional six-day festival will be held May 5-10, 2010. The festival is also working in collaboration with the George Eastman House to leverage the strengths of both organizations.

A portion of the programming will focus on the achievements of women in filmmaking, and programming will also include a wide range of films that appeal to all audiences. Free lectures and informal gatherings with guest filmmakers will be offered.

The May festival will include over eighty programs, including full-length, shorts, documentaries, master classes and panel discussions. The Shorts Contest offers a free opportunity for filmmakers to showcase their skills and learn from others in the filmmaking community. The Teen Film Festival is offered to urban youth with a program coordinated with Nazareth College and City school teachers. The Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Taye Diggs, Robert Forster, Rachel Portman, Leslie Stahl, and the Honorable Louise Slaughter, among others.

Respectfully submitted,

Robert J. Duffy
Mayor

Robert J. Duffy
Mayor

Ordinance No. 2010-65
(Int. No. 76)

Ordinance No. 2010-66
(Int. No. 104)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Approving Free Parking At The Mortimer Street Parking Garage

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 \$18,000, 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 Picture Fest, International, Inc. d/b/a 360 | 365 Film Festival for the 2010 360 | 365 Film Festival. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 1. Notwithstanding the rates established in Section 111-119 of the Municipal Code, the Council hereby approves free parking in the Mortimer Street Parking Garage and adjacent lot from April 1, 2010 through June 30, 2010.

Section 2. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-66
Re: Amending the Municipal Code - Parking Rates at Mortimer Garage

Ordinance No. 2010-67 and
Ordinance No. 2010-68
Re: Internet and Merchant Card Payments

Transmitted herewith for your approval is legislation amending the City Code to reduce parking rates, both monthly and transient, at the Mortimer Street Garage and its accompanying surface lot, to \$0 effective April 1, 2010 through June 30, 2010. The elimination of charges for this period will help identify demand for this garage.

Transmitted herewith for your approval is legislation related to Internet and credit card payments to the City. This legislation will:

Mortimer Garage has a history of poor occupancy levels. In October 2009, Council approved a reduction in monthly parking rates from \$78 to \$50. While this has resulted in a slight increase in use, the garage is still less than 25% full on any day, and is running a deficit of approximately \$10,000 per month, which is being reimbursed by the City.

1. Amend Section 8-15 of the City Code to allow the City Treasurer to accept payments over the Internet for all payment types currently accepted by the City or as deemed appropriate by the Director of Finance and authorize the Director of Finance to establish fees to be charged for such payments; and
2. Authorize agreements with Manufacturers and Traders Trust Company, Buffalo, NY, and HECORP, Inc. d/b/a Hamer Enterprises, McAllen TX, for the processing of merchant card payments without direct charge to the City.

In an effort to identify the demand and to set an appropriate rate for the garage, it is recommended that no parking fee be charged for the remainder of this fiscal year. During this time, staff will be able to identify that demand for parking in that area, identify appropriate rates, and also identify possible short and long term strategies for the facility.

Internet Payments

The City will continue to provide security and to pay recurring bills, including utilities. The estimated total deficit for the three final months of this fiscal year is \$45,500 due to the decrease in revenue, and some adjustments will be made in the expenditures. This adds approximately an additional \$10,500 to the annual deficit of the garage, and will be funded from the 2009-10 Budget of the Finance Department.

Currently, the City Treasurer is authorized to accept Internet payments for a variety of City services, such as water charges, parking tickets, and donations to the Animal Control Service unit. Convenience fees for each Internet payment type have also been separately authorized under the Code. The proposed Code amendment will allow for the addition of services by the Director of Finance as they become technically feasible and in response to customer demand. This will enhance customer service, efficiency, and convenience.

Respectfully submitted,

The Director of Finance, in accordance with State law, will be able to set convenience fees to be charged to customers making payment through the Internet. The Director of Finance will be required to provide a list of all payment types accepted and

the accompanying convenience fees charged, as well as notification when there are any changes to these fees. This list will be presented to City Council for filing with the City Clerk. Amendments shall be filed at least thirty days in advance of changes.

Merchant Card Payments

M&T Bank is the current provider of merchant card services as authorized by Ordinance No. 2005-136. That contract was for an initial three-year period with provision for three one-year renewals; the exercise of the final renewal will extend the agreement through June 2011. M&T Bank contracts with Hamer Enterprises for the provision of web-based merchant card processing.

The City's current practice is to pay the merchant card fees without charging the customer using the merchant card. In 2008-09, merchant card receipts for the City were approximately \$13.1 million, resulting in a total of \$267,000 in merchant card fees paid to M&T Bank. The agreements with M&T and Hamer, in compliance with merchant card policy, will allow the merchant card fee to be charged to the consumer. This change will initially begin for tax payments due July 1, 2010. Customers paying taxes by merchant card will be charged a fee of \$3 for transactions of \$100 or less, and 3% of the transaction value for charges above \$100. The Director of Finance will have the authority to extend this policy to merchant card payments for other City charges as merchant card use and merchant card policies change.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-67
(Int. No. 110)

Amending The Municipal Code With Respect To Payments Via The Internet

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

Section 1. Section 8-15 of the Municipal Code, Payments via Internet, is hereby amended in its entirety to read as follows:

§ 8-15. Payments via Internet.

The City Treasurer is authorized to accept payments via the Internet for financial transactions approved by the Director of Finance. The Director of Finance shall establish the amount of any service charge which shall be applied to such transactions. Submission via the Internet shall not be the only means of acceptance of these payments. The method used to receive Internet payments, the time of receipt and effect of the payment, and confirmation thereof, shall be in accordance with § 5-b of the General Municipal Law. The Director of Finance shall file with the City Clerk and provide to the City Council by communication a record of all transactions

accepted via the Internet and the convenience fees charged. Any amendments to the transactions accepted or the fees charged shall be filed with the City Clerk and communicated to the City Council at least 30 days prior to their effective date.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-68
(Int. No. 111)

Authorizing Agreements For Merchant Card Payment Charges

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 Manufacturers and Traders Trust Company and HECORP, Inc., d/b/a Hamer Enterprises, for the processing of certain merchant card payments as approved by the Director of Finance without direct charge to the City. The agreements shall pass onto the credit card user the charges associated with use of the merchant card. The agreements shall extend through June 30, 2011.

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.

Councilmember Conklin moved to amend Int. No. 120.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-69
Re: Sale of Land to New York State

Transmitted herewith for your approval is legislation related to the sale of land in the Hemlock Lake and Canadice Lake watershed. This legislation will:

1. Authorize the sale of a total of approximately 6,832 acres of watershed properties in the Livingston County Towns of Livonia, Cone-

- sus, and Springwater, and the Ontario County Towns of Richmond and Canadice, to the New York State Department of Conservation (NYSDEC) for a negotiated price of \$13,697,100;
2. Authorize an agreement with the NYSDEC for the reimbursement of the cost for the City's maintenance of the properties.
 3. Authorize amendments to the payment of the in lieu of tax (PILOT) agreements the City entered into on January 1, 1989 with the Towns of Livonia and Conesus, the County of Livingston, and the Livonia School District;
 4. Authorize agreements with the NYSDEC to assume and continue payment of any remaining portion(s) of the in lieu of tax (PILOT) agreements; and
 5. Appropriate \$6,848,600 of the sale proceeds and amend the Cash Capital allocation of the 2009-10 Budget by that amount to fund a portion of the cost of improvements, including a marina, at the Port of Rochester.

A portion of the remaining amount of the sale proceeds, \$2,000,000, was included in 2009-10 to prevent a water rate increase for 2009-10. The balance of \$4,848,500 will be included in the Water Fund for planned water capital improvements and to moderate future water rate increases.

Two parcels, comprising a total of 190 acres, will be retained by the City for the operation of the water treatment facility. One of the parcels, approximately 177 acres in the Town of Livonia, is the site of the filtration plant, the City's Hemlock Operations Center and storage area, a park, and land associated with ongoing operations. The second, approximately 13 acres in the Town of Canadice, includes the control dam and easements for lake access.

The City's primary water supply is drawn from two of the Finger Lakes - Canadice and Hemlock - located approximately 28 miles south of the City. The water is distributed along a system that includes reservoirs in the town of Rush and in the City's Highland and Cobbs Hill Parks. Hemlock Lake first supplied water to the City in 1876; Canadice Lake was incorporated into the system in 1919. In order to protect this valued public water source, the City, over the years, acquired all property surrounding the two lakes, removing residential and commercial structures and conducting a comprehensive re-forestation of former agricultural areas.

City stewardship of the lakes and adjacent lands over the last century has provided a superior water supply and the protection of valuable regional resources, including open space, wildlife habitat, and fisheries. As a direct result of City efforts, these are the only Finger Lakes that remain pristine, with no shoreline development and providing a remote, natural atmosphere unique to the North-

eastern United States.

Sale of this property to NYSDEC has multiple benefits for the City. The property will remain undeveloped, thus protecting the public water supply and public health. Use of the lakes as the City's public water supply will be unfettered. Stewardship by the NYSDEC will ensure that the property will remain undeveloped, protecting the unique, natural environment. The standards of NYSDEC for property maintenance and preservation meet or exceed the City's current standards, sealing the City's legacy of good stewardship.

Protection of City watershed property is in accord with the NY State Open Space Conservation Plan, and has been a Priority Project since 1992. Sale to the NYSDEC will be fiscally responsible, by generating revenue from the sale, as well as significantly reducing the City's annual property tax burden. NYSDEC will assume the property tax burden, thus protecting the finances of the watershed towns and agencies.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-28

Ordinance No. 2010-69
(Int. No. 120, As Amended)

Authorizing The Sale Of Hemlock/Canadice Watershed Lands And Amending The 2009-10 Budget

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

Section 1. The Council hereby approves the sale of the City's Hemlock/Canadice watershed lands, comprising approximately 6,832 acres of land in the Towns of Canadice and Richmond in Ontario County and the Towns of Livonia, Conesus and Springwater in Livingston County, to the New York State Department of Conservation for the sum of \$13,697,100. The City shall retain approximately 177 acres in the Town of Livonia and approximately 13 acres in the Town of Canadice.

Section 2. The Mayor is hereby authorized to enter into agreements with the New York State Department of Conservation for the transfer and maintenance of the properties. The Mayor is hereby further authorized to enter into an agreement with New York State whereby the State shall assume and agree to pay the City's PILOT payments applicable to the transferred watershed properties. The Mayor is hereby further authorized to enter into any necessary amendments of the PILOT agreements with the Town of Conesus, the Town of Livonia, Livingston County and the Livonia Central School District whereby the City shall agree to continue to pay the PILOT payments applicable to the watershed properties being retained by the City. Through the State assumption of PILOT payments and the amended PILOT

agreements, the City shall be obligated to continue to make PILOT payments in total amounts not to exceed the amounts required by the Town of Livonia PILOT and the portion of the Livonia Central School District PILOT attributable to property in the Town of Livonia. Under the maintenance agreement, the City may continue to maintain the properties for the State, upon the State's agreement to reimburse the City for its costs.

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

Section 4. Ordinance No. 2009-188, the 2009-10 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 \$[6,848,550] 6,848,500 for improvements at the Port of Rochester, and to the Cash Capital Allocation (Water Fund) by the sum of \$[4,848,550] 4,848,600, which amounts are hereby appropriated from the sale proceeds.

Section 5. The Council hereby adopts the Findings of the New York State Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation for the watershed sale pursuant to the State Environmental Quality Review Act and authorizes the President to execute the Certification of Findings on behalf of the City Council.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Palumbo
March 17, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 77 - Authorizing The Sale Of Real Estate

Int. No. 78 - Authorizing Amendatory HOME Program Plans, Amending Ordinances And Approving An Amendatory Loan Agreement For The F.I.G.H.T. Village Apartments Renovation Project

Int. No. 79 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Bohrer Place Affordable Housing Project

Int. No. 80 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program

Int. No. 81 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS

Program

Int. No. 82 - Establishing Maximum Compensation For A Professional Services Agreement For A Rochester Bicycle Master Plan

Int. No. 112 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$140,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The Rochester Riverside Convention Center In The City

Int. No. 118 - Authorizing Agreements For The Home Rochester Program

Int. No. 6 - Authorizing Amendatory 1997-98, 1999-2000, 2000-01, 2001-02 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Urban Agriculture Program

The following entitled legislation is being held in Committee:

Int. No. 119 - Amending Ordinance No. 2008-134, Relating To The Frederick Douglass Apartments Project

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren (Voted against Int. No. 6)
Elaine M. Spaul (Voted against Int. No. 6)
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-70
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of two 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 Bureau of Inspection and Compliance Services 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 will be sold to Rochester Housing Development Fund Corporation (RHDFC). The structure will be rehabilitated and sold to an owner-occupant first-time buyer.

The second property is a buildable vacant lot being sold to the adjacent owner, Rochester Housing Authority (RHA). RHA plans to demolish the existing structure (former fire house) and construct a three-story building which will house a community center and two floors of offices above the community center.

The first year projected tax revenue for these two properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$4,837.

All City taxes and other charges, except water charges, against properties being sold by the City will be cancelled 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. AJ-29

Ordinance No. 2010-70
(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 negotiated sale of the following parcel of improved property:

Address: 92 Kissingbury Street
S.B.L.#: 90.74-1-29
Lot size: 40x129
Price: \$3,000
Purchaser: Rochester Housing Development Fund Corporation (RHDFC)*

* Principals: Jean Lowe, President; Michael Burke, Treasurer

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

Address: 632 S. Plymouth Ave
S.B.L.#: 121.61-2-27
Lot size: 183x231
Price: \$10,000
Purchaser: Roch. Housing Authority*

* Principals: Carol Schwartz, Chairperson; Doreatha Gayden, Vice Chair; Maudine Brown-Long, Commissioner; Rev. Richard Douglass, Commissioner; Florine Cummings, Commissioner; Richard Vega, Commissioner; Hilda Rosario-Escher, Commissioner; Anthony DiBiase, Executive Director

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.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to return Int. No. 78 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 78
Re: Amending HOME Program Plans -
F.I.G.H.T. Village Apartments
Renovation Project

Transmitted herewith for your approval is legislation related to funding for the renovation of F.I.G.H.T. Village Apartments. This legislation will:

1. Authorize an amendatory 30-year loan agreement with Conifer Realty, LLC or its subsidiary and/or a Housing Development Fund Company (HDFC) to be formed by Conifer. This amendment will increase the amount of the loan by \$150,000.
2. Amend the 2001-02, 2002-03, and 2003-04 HOME Program Plans, and their respective Ordinances, to re-appropriate and transfer to the Rental Housing Fund a total of \$150,000 from the Improving the Housing Stock allocation accounts identified below to provide additional funds for the loan agreement.

<u>Amount</u>	<u>Year</u>	<u>Action</u>
	<u>Transfer From</u>	<u>Ord. No.</u>
\$ 498	2001-02 Rehab Rochester	Re-Appropriate 2001-348
\$124,950	2002-03 Rehab Rochester	Re-Appropriate 2002-316
\$ 24,552	2003-04 Rehab Rochester	Re-Appropriate 2005-254

The City has committed \$650,000 to the renovation of the F.I.G.H.T. Village Apartments project. Of this amount, City Council appropriated \$500,000 for the project through Ord. No. 2009-342 on October 13, 2009.

The project will rehabilitate and preserve F.I.G.H.T. Village Apartments as affordable housing for an additional 30 years. More importantly, the project will provide a visual transformation to the area, improve management and security, and enhance the quality of life of the residents. The improvements to F.I.G.H.T. Village Apartments will include, for each of the 246 units: New kitchens, bathrooms, and appliances; replacing existing

flooring and interior doors; painting; installing new energy efficient light fixtures; and attic and wall insulation. On the exterior, the brick will be re-pointed and new vinyl siding will be installed. Extensive landscaping will be done to provide a more residential neighborhood atmosphere.

Conifer requested additional funding from the City to help close a gap that resulted from the identification of additional asbestos in the buildings and necessary electrical service upgrades in each of the 22 buildings. These impacts contributed to a funding gap of approximately \$900,000. The remaining portion of the gap will be funded through a New York State Energy Research Development Authority grant and owner equity.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 78

AUTHORIZING AMENDATORY HOME PROGRAM PLANS, AMENDING ORDINANCES AND APPROVING AN AMENDATORY LOAN AGREEMENT FOR THE F.I.G.H.T. VILLAGE APARTMENTS RENOVATION PROJECT

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

Section 1. The Council hereby approves amendments to the 2001-02, 2002-03 and 2003-04 HOME Program Plans whereby a total of \$150,000 will be transferred to new accounts in the Improving the Housing Stock and General Property Conditions allocations for the F.I.G.H.T. Village Apartments Renovation Project from the following accounts:

<u>Amount</u>	<u>HOME Plan</u>	<u>Ordinance No.</u>
<u>Transfer From</u>		
\$ 498	2001-02 Rehab Rochester Program	2001-348
\$124,950	2002-03 Rehab Rochester Program	2002-316
\$ 24,552	2003-04 Rehab Rochester Program	2005-254

Section 2. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart, with the funding in Ordinance No. 2001-348 incorrectly referencing the 2000 HOME Program instead of the 2001-02 HOME Program.

Section 3. The Mayor is hereby authorized to enter into an amendatory loan agreement with Conifer Realty, LLC or an affiliated partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide an addition to the loan to partially finance the costs of the reconstruction of rental units as a part of the F.I.G.H.T. Village Apartments Renovation 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 rate of 1%, payable annually. Payment of 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 4. The amendatory agreement shall obligate the City to pay an additional amount not to exceed \$150,000, and of said amount, or so much thereof as may be necessary, \$498 is hereby appropriated from 2001-02 HOME Program Funds, \$124,950 is hereby appropriated from 2002-03 HOME Program Funds and \$24,552 is hereby appropriated from 2003-04 HOME Program Funds.

Section 5. The amendatory agreement 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-71
Re: PILOT Agreement - Bohrer Place
Project

Transmitted herewith for your approval is legislation authorizing a 30 year payment-in-lieu-of-tax (PILOT) agreement with Housing Opportunities Housing Development Fund Corporation for six locations included as part of the Bohrer Place affordable housing project.

The project includes the rehabilitation of 12 units in six structures that are currently owned by Pathstone Development Corporation. These properties will be conveyed to Housing Opportunities Housing Development Fund Corporation, which qualifies for a PILOT agreement.

Pathstone Development Corporation will use a recently awarded New York State Division of Housing and Community Renewal grant of approximately \$1,000,000 to refinance and redevelop the following six properties: 55, 59, 69, and 132 Woodward Street; and 38 and 44 Weld Street.

Interior improvements will include new kitchen cabinets, carpeting, New York State Energy Research Development Authority (NYSERDA) compliant furnaces, lead remediation where needed, asbestos and mold remediation, and Energy Star appliances. Exterior improvements include new roofs, NYSERDA compliant windows, and exterior painting/siding. The cost of the project is \$1,115,226.

Currently, the properties are tax exempt and pay only annual refuse and embellishment charges. The PILOT agreement would provide 10% of

shelter rent less utilities.

The rehabilitation will begin in late spring 2010 and be completed in summer 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-71
(Int. No. 79)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For The Bohrer Place 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 or an affiliated housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Bohrer Place Affordable Housing Project:

Address	SBL No.
69 Woodward Street	106.65-3-3
55 Woodward Street	106.65-3-24.1
59 Woodward Street	106.65-3-26.1
132 Woodward Street	106.74-1-9.1
38 Weld Street	106.65-3-53.1
44 Weld Street	106.65-3-51.1

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 or an affiliated housing development fund company formed for the purpose of developing the 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". "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. 2010-72
Re: 2009 Lead Hazard Control Grant Program

Transmitted herewith for your approval is legislation relating to the City's 2009 Lead Hazard Con-

trol Grant Program. This legislation will:

1. Appropriate \$2,199,613 from the U.S. Department of Housing and Urban Development (HUD) for implementation of the program. The application for this funding was authorized by Council in July 2009;
2. Establish maximum compensation with the following agencies to provide program services:

Agency	Amount	Service
Coalition to Prevent Lead Poisoning	\$50,000	Education and outreach
Environmental Education Associates, Inc.	\$32,500	Training
The Housing Council in the Monroe County Area	\$50,000	Intake
Neighborworks Rochester	\$76,000	Intake

3. Authorize agreements with the following consultants in an aggregate amount not to exceed \$65,000 to provide lead-based paint inspections and risk assessments:
 - Environmental, Testing and Consulting, Inc.
 - Neighborworks Rochester
 - Proway Management Corp.
 - Lew Corporation
 - Envoy Environmental Consultants, Inc.

The Lead Hazard Control Grant Program provides financial assistance to eligible owners of 1-4 unit privately-held housing. Up to \$15,000 per unit will be made available to correct lead-based paint hazards; an additional \$3,000 per unit is available for a healthy-homes intervention to address issues such as pest control, mold remediation, carbon monoxide detectors, and air quality solutions. The City works with a broad base of certified Lead Abatement contractors to carry out these efforts.

The program concentrates on addressing rental properties since this is the type of housing where lead-poisoned children are most prevalent. Owner-occupants must earn income at or below 80% of the area median income and must have a child occupant under age 6. Owners are required to sign a 5-year agreement with the City to ensure residency. Rental property owners are required to produce a 10% funding match and to sign a 5-year agreement with the City to ensure affordable rents (per HUD guidelines), and that assisted units are offered to tenants with income at or below 50% AMI. Recipients of assistance must complete a one-day lead safe work practices training course at the City's expense.

Requests for Proposals (RFPs) for the following services of the program were distributed to area consultants. Consultants were selected based on how well each responded to the selection criteria established in each RFP.

Application intake services. Three organizations with successful past performance with the City were solicited for proposals. Responses were received from Neighborworks Rochester and The Housing Council. To optimize customer service for applicants, both agencies are recommended. The Housing Council will provide one full-time staff and Neighborworks Rochester will provide one and one-half full-time staff.

Lead-based paint inspections/risk assessments. Six agencies responded to the RFP; one, based on their pricing, was not selected. Four of the five are current providers of these services; Neighborworks Rochester is new.

Training. Proposals were solicited from the only two local providers with appropriate certification - Cornell University and Environmental Education Associates (EEA). Based on their pricing, EEA was selected to provide courses in Lead-Safe Work Practices and Lead Safety for Renovation, Repair and Training. Courses will be available to contractors and the general public.

Education and outreach. An RFP was not issued for these services. Given their mission and experience in working to prevent child lead-poisoning, it was determined that Coalition to Prevent Lead Poisoning (CPLP) is the best and most resourceful agency for this component. The CPLP will target at-risk populations to raise awareness of the dangers of lead-based paint hazards with a specific focus on reaching those who are least likely to be aware of these dangers.

Since 2004, 836 units of lead-safe housing have been produced at a cost of \$17 million. This program will allow for a minimum production of an additional 100 units by December 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-72
(Int. No. 80)

Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program

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

Section 1. There is hereby appropriated from funds to be received under an agreement with the United States Department of Housing and Urban Development for funding for the 2009 Lead Hazard Control Grant Program the sum of \$2,199,613, or so much as may be received, to fund the Lead Hazard Control Grant Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services for the Lead Hazard Control Grant Program. The agreements shall be funded from the appropriation made in Section 1.

Organization
Amount

Finger Lakes Health Systems Agency	\$50,000
Environmental Education Associates, Inc.	32,500
Housing Council in the Monroe County Area, Inc.	50,000
Neighborworks Rochester	76,000

Section 3. The Mayor is hereby authorized to enter into agreements with the following in an aggregate amount not to exceed \$65,000 for lead hazard evaluation services for the Lead Hazard Control Grant Program. The agreements shall be funded from the appropriation made in Section 1.

- Environmental Testing & Consulting, Inc.
- Envoy Environmental Consultants, Inc.
- Lew Corporation
- Neighborworks Rochester
- Proway Management Corp.

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. 2010-73
Re: 2010-11 Housing Opportunities for Persons with AIDS

Transmitted herewith for your approval is legislation appropriating \$1,277,529 in Federal Housing Opportunities for Persons with AIDS funds (HOPWA), and establishing maximum compensation for agreements with AIDS Care (agency formed in 2009 consolidation of AIDS Rochester, Inc. and AIDS Community Health Center) and Catholic Charities of the Diocese of Rochester, d/b/a Catholic Charities Community Services as follows:

AIDS Care	
2009-10 HOPWA	\$396,034
2010-11 HOPWA	<u>396,034</u>
Total	\$792,068
Catholic Charities	
2009-10 HOPWA	\$242,731
2010-11 HOPWA	<u>242,730</u>
Total	\$485,461

The total appropriation allows 15-month contracts with the agencies to bring agreement terms and reporting periods in line with the Consolidated Plan fiscal year. HUD has already issued funds for 2009-10; the 15-month agreements are contingent upon receipt of 2010-11 funds. If funds are not

available, or are less than anticipated, the agreement amounts and terms will be adjusted accordingly.

HOPWA provides housing assistance and services to prevent homelessness for individuals with HIV/AIDS and related complications, and their families. Assistance includes payments of rent, mortgage, and utility payments. Long-term assistance is for more than 21 weeks; short-term assistance covers up to 21 weeks.

Both providers maximize HOPWA assistance through the coordination with other funds such as SSI, and NYS program assistance, and joint planning. With these efforts, clients are in more stable locations and better maintained properties. Ongoing case management is provided by other funding sources. Data regarding the past 10 months and projections of services for the proposed 15 months is summarized below:

Agency	Households Served		
	<u>1 year goal</u>	<u>Actual 4/09 - 2/10</u>	<u>Projected 4/10 - 6/11</u>
AIDS Care - Long term	60	64	65
AIDS Care - Short term	<u>35</u>	<u>25</u>	<u>80</u>
AIDS Care Total	95	89	145
Catholic Charities - Long term	43	39	43
Catholic Charities - Short term	<u>50</u>	<u>12</u>	<u>87</u>
Catholic Charities Total	93	51	130
Total Households	188	140	275

Both providers are experiencing higher demand for long-term assistance, due in part to improved medical treatment. Loss of employment is also a contributing factor.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-73
(Int. No. 81)

Authorizing Agreements For The Housing Opportunities For Persons With AIDS 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 for services for fifteen months under the Housing Opportunities for Persons with AIDS Grant Program:

<u>Organization</u>	<u>Amount</u>
AIDS Care	\$792,068
Catholic Charities Community Services	485,461

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$1,277,529, and of said amount, or so much thereof as may be necessary, \$638,765 is hereby appropriated from 2009-10 Housing Opportunities for Persons With AIDS Grant Funds, and \$638,764 is hereby appropriated from 2010-11 Housing Opportunities for Persons With AIDS Grant Funds, contingent upon receipt of said 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 by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because his partner is an employee of one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-74
Re: Agreement - Sprinkle Consulting, Inc.,
Rochester Bicycle Master Plan

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with Sprinkle Consulting, Inc., Lutz, FL, for preparation of a Rochester Bicycle Master Plan. The cost of the agreement will be funded from the 2008-09 Cash Capital allocation of the Department of Environmental Services.

The City has received Congestion Mitigation and Air Quality funding for a bicycle enhancement project through the regional Transportation Improvement Program (TIP). The project will serve as a demonstration of on-street bicycle facility treatments in the city. A small number of on-street locations will be chosen to serve as test areas for bicycle lane-marking options. The City has also received nearly \$3 million in federal funding programmed for projects on or connecting to the Genesee Riverway Trail. The development of a master plan will guide the use of these federal funds as well as provide plans for future investments in bicycle facilities and services.

The Rochester Bicycle Master Plan will examine best practices in bicycle infrastructure and services, such as shared lane markings, bicycle boulevards, bicycle parking, commuter facilities (e.g., showers,

lockers, etc.), and bicycle sharing; assess the feasibility of each for local use; identify locations for bicycle facilities; and recommend bicycle-supportive policies and services. The plan will also support the TIP program by providing conceptual design and inventory work for on-street bicycle lanes.

The City of Rochester and Monroe County received an "honorable mention" from the League of American Bicyclist's Bicycle Friendly Communities Program. The Master Plan will guide the City's efforts in achieving the League's designation as a Bicycle Friendly Community.

A Request for Proposals was issued in October 2009 and posted on the City and New York State Contract Reporter Web sites. Proposals were received from ten firms: Sprinkle Consulting, Inc.; FRA Engineers, Rochester; Michael Baker Engineering, Inc., White Plains, NY; Bergmann Associates, Rochester; The Street Plans Collaborative, Brooklyn, NY; IBI Group, Boston, MA; Behan Planning and Design, Saratoga, NY; Madera & Associates, Media, PA; Saratoga Associates, Saratoga Springs, NY; and Transportation Alternatives of Rochester, Rochester, NY. A review by a team of City staff was based on team skills and resources, past experience, project approach, and schedule, and resulted in the recommendation of Sprinkle Consulting, Inc. The firm has included two local firms - SRF & Associates Winton Place, Rochester 14623; and EDR, North Goodman St., Rochester 14607, as part of the project team.

The project will begin in April 2010; completion is expected by December 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-74
(Int. No. 82)

Establishing Maximum Compensation For A Professional Services Agreement For A Rochester Bicycle Master Plan

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 Sprinkle Consulting, Inc. for a Rochester Bicycle Master Plan. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-75
Re: Renovations - Rochester Riverside
Convention Center Ballroom

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$140,000, and the appropriation of the proceeds thereof, to partially finance the renovation of the Rochester Riverside Convention Center (RRCC) ballroom.

The planned improvements to the ballroom include new flooring, wall covering, and lighting replacements, and will incorporate other minor enhancements to maintain the functionality and competitiveness of the RRCC against other regional and local venues. The existing fixtures and furnishings are original to the building and have exceeded their life cycle.

City Council approved a debt plan as part of the 2008-09 Budget that included \$1,740,000 of proposed debt for a comprehensive roof replacement and repair project at the Convention Center. During design of this project, construction cost estimates were revised downward and the Department of Environmental Services requested \$1,600,000 for the project. City Council authorized the bond issuance and appropriation for this purpose in March 2009 (Ord. No. 2009-67).

The City has since completed the roof replacement project; \$140,000 of an unused balance from the original debt plan was not authorized due to the reductions from initial estimates. It is the intent of the City to authorize the remaining debt for the ballroom renovation.

The estimated project budget for the ballroom renovation is \$300,000; the balance of \$160,000 will be funded from 2008-09 Cash Capital.

Design of the project will begin in spring 2010, with construction anticipated in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-75
(Int. No. 112)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$140,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The Rochester Riverside Convention Center 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 repairs to the Rochester Riverside Convention Center at 123 East Main Street in the City, including but not limited to renovation of the ballroom (the "Project"). The estimated maximum cost of said specific object or purpose, including

preliminary costs and costs incidental thereto and the financing thereof, is \$300,000. The plan of financing includes the issuance of \$140,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$160,000 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 \$140,000 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 \$140,000. 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. 2010-76
Re: Asset Control Area Program/Home
Rochester Housing Development
Fund Corporation

Transmitted herewith for your approval is legislation related to the Asset Control Area/Home Rochester Program (ACA) financing. This legislation will:

1. Establish \$238,000 as maximum compensation for an agreement with the Rochester Housing Development Fund Corporation (RHDFC) to create a loss reserve. The cost of this agreement will be funded from 2003-04 Cash Capital (\$169,300); and from 2004-05 Cash Capital (\$68,700). The term of the agreement will be from April 1, 2010 to December 31, 2013.
2. Establish \$25,000 as maximum compensation for an agreement with the RHDFC to create an interest reserve that will pay 1% interest annually on a working capital account estab-

lished by the RHDFC. The cost of this agreement will be funded from 2009-10 Cash Capital as specified in the CIP (Home Ownership Program). The term of the agreement will be from April 1, 2010 to December 31, 2013.

The public private partnership that provides the acquisition and construction financing for Home Rochester is preparing to close on its fifth funding facility (Loan V). Loan V will provide approximately \$14,000,000 in financing to the RHDFC for the Home Rochester program which will renovate vacant or foreclosed single-family homes for eventual sale to low and moderate income buyers. Additional information about the structure and management of Home Rochester is attached.

The Loss Reserve is required to induce the participation of public and private lenders providing the capital to fund Loan V. The lead lender for Loan V is JPMorgan Chase. Participating lenders are anticipated to include the City of Rochester, M&T Bank, First Niagara Bank, HSBC, Greater Rochester Housing Partnership, and the United Way. The City will participate as a lender through an allocation of Neighborhood Stabilization Program funds awarded by New York State Housing Finance Agency (HFA). These funds were appropriated on December 15, 2009 (Ordinance 2009-415).

The interest reserve is necessary in order to establish a \$750,000 working capital fund from the United Way. The working capital will be used to purchase vacant and foreclosed properties for Home Rochester. The renovation of the properties will be funded by Loan V.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-76
(Int. No. 118)

Authorizing Agreements 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 (RHDFC) to fund a loss reserve account to be utilized by the RHDFC in conjunction with the acquisition, rehabilitation and resale of properties as a part of the Home Rochester Program. The agreement shall extend from April 1, 2010 through December 31, 2013.

Section 2. The agreement for the loss reserve account shall obligate the City to pay an amount not to exceed \$238,000, and of said amount, or so much thereof as may be necessary, \$169,300 shall be funded from the 2003-04 Cash Capital allocation and \$68,700 shall be funded from the 2004-05 Cash Capital allocation.

Section 3. The Mayor is hereby authorized to enter into an agreement with the RHDFC to fund an interest reserve account that will pay 1% interest annually on a working capital account to be utilized by the RHDFC in conjunction with the acquisition, rehabilitation and resale of properties as a part of the Home Rochester Program. The agreement shall extend from April 1, 2010 through December 31, 2013.

Section 4. The agreement for the interest reserve account shall obligate the City to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Cash Capital allocation.

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 Palumbo moved to return Int. No. 6 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

Introductory No. 6 was introduced January 19, 2010 and appears in its original form with its transmittal letter on page 19 of the current Council Proceedings.

Introductory No. 6

AUTHORIZING AMENDATORY 1997-98, 1999-2000, 2000-01, 2001-02, AND 2005-06 COMMUNITY DEVELOPMENT PROGRAM PLANS, AMENDING ORDINANCES AND AUTHORIZING AN AGREEMENT FOR THE URBAN AGRICULTURE PROGRAM

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 119
Re: Amending Ordinance No. 2008-134,
Loan Agreement for Frederick Douglass
Apartments

Transmitted herewith for your approval is legislation amending Ordinance No. 2008-134, which authorized a loan agreement with a housing development fund company to be formed by the Rochester Housing Authority for the purpose of acquiring property for development as the Frederick Doug-

lass Apartments. This legislation will reduce the amount of the loan from \$1.3 million to \$707,000.

RHA submitted a funding application to the New York State Division of Housing and Community Renewal (DHCR) to purchase and renovate six attached buildings located at 442-466 West Main Street, which are currently owned by West Main Street Partners, LLP. The finished project, Frederick Douglass Apartments, will provide 28 units of affordable rental housing with ten commercial spaces to be made available on the first floors. RHA's application with DHCR is currently under review.

As part of the re-development financing plan, RHA requested that the City enter into a loan agreement in which two existing loans between the City and the current owner, West Main St. Partners, LLP, would be consolidated, with interest-only payments to be made over a 30 year term. In April 2008, Ordinance 2008-134 authorized the City to enter into such loan agreement with RHA for \$1.3 million. This loan agreement would take effect upon RHA's acquisition of the buildings.

It is DHCR's contention that the current loan amount of \$1.3 million far exceeds the market value of the buildings and that this loan must be reduced if DHCR is to provide funding. As such, DHCR is requiring that the City's loan amount be reduced to \$707,000, an amount DHCR has calculated to reflect true market value. If the City's loan cannot be reduced to this amount, DHCR will not be able to fund the project.

The City loan will be subordinated to the new mortgage loan against the properties made by the New York State Division of Housing and Community Renewal in the proposed amount of \$2,500,000. If the transaction does not close, the City's mortgages will be unaffected.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 119

AMENDING ORDINANCE NO. 2008-134, RELATING TO THE FREDERICK DOUGLASS APARTMENTS PROJECT

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

Section 1. Ordinance No. 2008-134, relating to a loan agreement for the Frederick Douglass Apartments Project, is hereby amended by authorizing a reduction of the City's existing loans and liens on the properties to the sum of \$707,000, to reflect current values and to allow the Rochester Housing Authority to obtain State funding for improvements to the Project. The Rochester Housing Authority or a housing development fund company formed by it is authorized to assume the reduced debt.

Section 2. This ordinance shall take effect im-

mediately.

Held in Committee.

By Councilmember Miller
March 17, 2010

To the Council:

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

Int. No. 83 - Establishing Maximum Compensation For A Professional Services Agreement For Improvements To City Hall

Int. No. 85 - Establishing Maximum Compensation For A Professional Services Agreement For the Rush Reservoir Liner And Floating Cover Improvement Project And Amending Ordinance No. 2009-319, As Amended

Int. No. 86 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,870,000 Bonds Of Said City To Finance The Rush Reservoir And Highland Reservoir Improvement Projects In The City

Int. No. 87 - Appropriating Funds For The Highland Reservoir Liner Improvement Project

Int. No. 88 - Authorizing Participation In The Dewey Avenue And Driving Park Avenue Preventive Maintenance Projects

Int. No. 89 - Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

Int. No. 90 - Establishing Maximum Compensation For An Agreement For A Transitional Jobs Training Program

Int. No. 91 - Appropriating Funds For The Energy And Environmental Conservation Block Grant Program

Int. No. 92 - Appropriating Funds And Authorizing Agreements For The Port Of Rochester Security/Intelligent Transportation System

Int. No. 105 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$740,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing Repairs To The Rundel Memorial Building Of The Rochester Public Library

Int. No. 106 - Authorizing An Agreement And Appropriation Of Library Funds

Int. No. 108 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$235,000 Bonds Of Said City To Finance The Cost Of Repairs To The Clinton Pavilion In The City

Int. No. 109 - Bond Ordinance Of The City Of

Rochester, New York, Authorizing The Issuance Of \$729,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2010 Water Main Extension And Improvements Program In The City

Int. No. 113 - Authorizing An Agreement For Improvements To The Rundel Memorial Library Building

Int. No. 114 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,593,000 Bonds Of Said City To Finance The Cost Of The Replacement Of Heating And Cooling Equipment At The Rundel Memorial Building Of The Rochester Public Library

Int. No. 115 - Resolution Authorizing An Exception To The City Debt Limit For The Rundel Heating And Cooling Project

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

Int. No. 93 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2010-11

Int. No. 117 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels And Easements For The Mt. Hope Avenue Phase I Improvement Project

The following entitled legislation is being held in Committee:

Int. No. 84 - Authorizing An Amendatory Municipal Cooperation Agreement For The Highland Park/Canalway Trail Improvements Project

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul (Did not vote on Int. No. 117)
JOBS, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-77
Re: Agreement - Pardi Partnership Architects P.C., City Hall Elevator Upgrades

Transmitted herewith for your approval is legislation establishing maximum compensation of \$32,000 for an agreement with Pardi Partnership Architects P.C., Rochester 14607, for architectural and engineering design services for the upgrades to the City Hall "B" building elevator. The agreement will be funded from 2008-09 Cash Capital (year end budget amendment, Ordinance No. 2009-268).

The elevator upgrades are required to alleviate frequent incidents of breakdowns and stops between floors. The Dover passenger elevator was installed in 1976, and the equipment is past its useful life. Upgrades will include removal and replacement of existing elevator control systems, new car and hall stations, and associated electrical and mechanical modifications to upgrade the system to meet current code requirements.

Qualifications were solicited from five firms. Four responded; CMA Architecture, P.C., PLAN Architectural Studio, Pardi Partnership Architects and Richard A. Mauser Architects. Based on its qualifications, experience in completing similar projects, and cost, Pardi Partnership Architects is recommended.

Design will begin in spring 2010; it is anticipated that construction will begin in January 2011, with scheduled completion in March 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-30

Ordinance No. 2010-77
(Int. No. 83)

Establishing Maximum Compensation For A Professional Services Agreement For Improvements To City Hall

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 Pardi Partnership Architects P.C. for architectural and engineering design services for the City Hall "B" Building Elevator Upgrade 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 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-78,
Ordinance No. 2010-79 and
Ordinance No. 2010-80
Re: US Environmental Protection Agency Regulation Compliance - Rush Reservoir And Highland Reservoir Improvement Projects

Transmitted herewith for your approval is legislation relating to improvements mandated by the Environmental Protection Agency's Long Term 2

Enhanced Surface Water Treatment Rule (LT2) for the Rush and Highland Reservoirs. This legislation will:

1. Establish maximum compensation of \$970,000 for an agreement with Malcolm Pirnie, Inc. for engineering services at Rush Reservoir;
2. Authorize the issuance of bonds totaling \$3,870,000 and the appropriation of the proceeds thereof to finance the Reservoir Liner projects; and
3. Appropriate \$582,000 in anticipated federal reimbursements for the Highland Reservoir Liner project.

In March 2009, the City entered into an agreement with the New York State Department of Health and the Monroe County Health Department, which requires the City to bring its three uncovered drinking water reservoirs into compliance with the EPA's LT2 Water Treatment Rule. The first phase was the design and installation of a liner for the Highland Reservoir. The second phase is the design and installation of a liner and floating cover for Rush Reservoir. The third and final phase will install ultraviolet disinfection treatment at both Cobbs Hill and Highland Reservoirs. Completion of all three phases of the project is expected by 2014.

Rush Reservoir

Rush Reservoir was constructed in 1874-76. Prior repairs were conducted in 1991 when the Water Bureau took the reservoir offline to remove silt and perform repairs. During this project, soft spots were identified in the dirt floor of the reservoir, requiring installation of a buttress wall to the eastern reservoir embankment to improve the stability of the structure.

Rush Reservoir will receive a new liner that will prevent water from leaking through the basin, and a floating cover system to prevent airborne and animal contamination. The project includes modifications to the water supply lines in an effort to improve and maintain water quality, and repairs to various reservoir structures that have deteriorated with age.

Malcolm Pirnie will provide engineering design, construction phase engineering, and resident project representative services (RPR) for this phase. Proposals were solicited from five firms: O'Brien & Gere, Arcadis, Malcolm Pirnie, Clough Harbour, and Bergmann Associates. Malcolm Pirnie is recommended given the design team qualifications and experience with reservoir lining and floating cover systems. The agreement will be financed from the proposed bond ordinance.

Preliminary design will begin in the spring with completion in December 2010. Construction is anticipated to begin in spring 2011.

Highland Reservoir

The project involves the installation of a liner throughout the interior floor and sides of Highland Reservoir. This liner will eliminate current leakage in the reservoir and incorporates a low level outlet and an emergency overflow to comply with New York State Department of Environmental Conservation dam safety requirements. The project also includes piping to improve circulation and water quality, and improvements to several structures that are in need of repair due to age.

Project design and RPR services are provided by Malcolm Pirnie, Inc. as authorized in February 2009 (Ord. No. 2009-40). Bids for the improvements were received February 17, 2010. The work will be performed by C. P. Ward, Inc at a cost of \$3,132,344, which is 17% less than the engineering estimate. An additional \$349,656 representing 11% of the bid will be provided for contingencies.

The federal appropriations for the Highland Liner improvements are administered through the US Environmental Protection Agency. These funds were secured through the efforts of Congresswoman Louise Slaughter.

The improvements are scheduled to begin in spring 2010 and be completed by spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-31

Ordinance No. 2010-78
(Int. No. 85, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Rush Reservoir Liner And Floating Cover Improvement Project And Amending Ordinance No. 2009-319

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

Section 1. The sum of \$970,000, 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 Malcolm Pirnie for engineering services for the Rush Reservoir Liner and Floating Cover Improvement 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 a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2009-319, relating to an agreement with Malcolm Pirnie for engineering consulting and support services for the water hydraulic model based on the Water and Lighting Bureau's GIS data, is hereby amended by authorizing said agreement to be for a two-year term, with an option for three one-year renewals.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2010-79
(Int. No. 86)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,870,000 Bonds Of Said City To Finance The Rush Reservoir And Highland Reservoir Improvement Projects 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 the Highland Reservoir Liner Improvement Project in the City, which includes the installation of a liner for the Highland Reservoir, modifications to the water lines that supply the Highland Reservoir, and improvements to structures within the Highland Reservoir, and the cost of the Rush Reservoir Liner and Floating Cover Improvement Project in the City, which includes the installation of a liner and floating cover system for the Rush Reservoir, modifications to the water lines that supply the Rush Reservoir, and improvements to structures within the Rush Reservoir, and necessary engineering services (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 \$4,452,000. The plan of financing includes the issuance of \$3,870,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$582,000 appropriated from United States Environmental Protection Agency funds, 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 \$3,870,000 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 \$3,870,000. 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. 2010-80
(Int. No. 87)

Appropriating Funds For The Highland Reservoir Liner Improvement Project

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

Section 1. The sum of \$582,000 is hereby appropriated from anticipated reimbursements from the United States Environmental Protection Agency to fund the Highland Reservoir Liner Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-81
Re: Dewey Avenue and Driving Park Avenue - Preventive Maintenance Projects

Transmitted herewith for your approval is legislation related to two Federal Aid street projects - the Dewey Avenue Preventive Maintenance Project (Driving Park Avenue to Eastman Avenue) and the Driving Park Avenue Preventive Maintenance Project (eastern RR bridge to Mt. Read Boulevard). This legislation will appropriate \$40,000 in anticipated reimbursements from the Federal Highway Administration (FHA) which will be used to finance the federal portion of the design services, and authorize any agreements necessary to participate in and administer the project.

These projects are being administered by the City on behalf of the New York State Department of Transportation, which requires Council authorization. The City is qualified to receive up to 80% of the eligible project costs from the FHA; the full \$50,000 is reserved in the 2008-09 Cash Capital allocation for the Department of Environmental Services.

Both projects include: milling and resurfacing of the pavement; isolated pavement repairs at deteriorated pavement sections; installation of pavement markings; spot hazardous sidewalk repairs; spot curb replacement; and modification of existing handicap ramps for compliance with current ADA guidelines.

For the Dewey Avenue project, the existing four travel lane section will be converted to two travel lanes with a two-way left turn lane between Driving Park Avenue and Ridgeway Avenue. This configuration will retain adequate capacity to handle traffic, while providing traffic calming and

auxiliary lanes for stopped and left-turning traffic. Travel lane and turn lane widths and configurations would be retained in the section from Ridgeway Avenue to Eastman Avenue.

For the Driving Park Avenue project, the existing travel lane and turn lane widths and configurations will be retained, except for the short section from Ramona Street to the railroad just east of Ramona Street. The intersection of Ramona Street will be realigned using curbing changes or pavement markings; a crosswalk on Ramona Street and the west leg of Driving Park Avenue at this intersection will be installed.

The estimated construction costs are as follows:

<u>Funding</u>	<u>Construction</u>	
<u>Resident Project</u>		<u>Total</u>
<u>Representation</u>		
Federal Share	\$1,274,620	
	\$127,260	\$1,401,880
Local Share	<u>318,655</u>	
	<u>31,815</u>	<u>350,470</u>
Total	\$1,593,275	
	\$159,075	\$1,752,350

Design will be provided by the Department of Environmental Services Bureau of Architecture and Engineering, and is expected to be completed in spring 2010. Construction is expected to begin in summer 2010 with completion in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-32

Ordinance No. 2010-81
(Int. No. 88)

Authorizing Participation In The Dewey Avenue And Driving Park Avenue Preventive Maintenance Projects

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 Dewey Avenue (Driving Park Avenue to Eastman Avenue) and Driving Park Avenue (Eastern Railroad Bridge to Mt. Read Boulevard) Preventive Maintenance Projects.

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 Projects. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Department of Transportation providing for City responsibility for the maintenance and repair of the streets.

Section 3. The current agreements shall obligate the City to pay an estimated amount not to exceed

\$50,000 for the Projects, and said amount, or so much thereof as may be necessary from City funds, shall be funded from the 2008-09 Cash Capital allocation.

Section 4. The sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated from Federal Highway Administration funds for the Dewey Avenue and Driving Park Avenue Preventive Maintenance Projects.

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. 2010-82 and
Ordinance No. 2010-83
Re: Agreements - Rochester Landscape
Technicians, Lot Maintenance, and
Information Distribution

Transmitted herewith for your approval is legislation authorizing agreements with Rochester Landscape Technicians Programs, Inc. for the provision of lot maintenance services and for the delivery of informational flyers associated with the City's Chip Seal program. The agreements will be for a term of one year, with an additional one-year renewal option.

The goal of Rochester Landscape Technicians is to provide a transitional jobs program, which promotes work readiness and self-sufficiency. Participants receive assistance to reduce negative behaviors and to complete requirements for a GED. The consultant will hire City residents between the ages of 18 to 28. Lot maintenance and flyer delivery services were previously authorized by Council in April 2009 (Ord. Nos. 2009-115, 116).

Lot Maintenance Services - This legislation will establish \$27,400 as annual compensation for the agreement, financed from the annual budgets of the Department of Environmental Services. Rochester Landscape Technicians will provide light debris and trash removal and grass cutting at each of approximately 315 City-owned 4,000 square-foot lot-equivalents. Eight cutting cycles are proposed annually, beginning in May and commencing in April.

The lots will be concentrated within the southwest section of the City. A total of \$10.84 will be paid for each cleaning and cutting of each lot equivalent.

Delivery of Informational Flyers - This legislation will establish \$13,500 as annual compensation for the agreement, financed from the annual budgets of the Department of Environmental Services. The consultant will assemble and distribute the infor-

mational flyers to appropriate households. The reimbursement rate will be \$450 per 1,000 flyers delivered.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-82
(Int. No. 89)

Establishing Maximum Compensation For An Agreement For A Lot Maintenance Jobs Training Program

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

Section 1. The sum of \$27,400, 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 the Rochester Landscape Technicians Programs, Inc. for a lot maintenance services jobs training program for a term of one year, with a one-year renewal option. Said amounts shall be funded from the 2009-10 and 2010-11 Budgets of the Department of Environmental Services, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-83
(Int. No. 90)

Establishing Maximum Compensation For An Agreement For A Transitional Jobs Training Program

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

Section 1. The sum of \$13,500, 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 the Rochester Landscape Technicians Programs, Inc. for a transitional jobs training program involving the delivery of informational notices associated with the City's Chip Seal program for a term of one year, with a one-year renewal option. Said amounts shall be funded from the 2009-10 and 2010-11 Budgets of the Department of Environmental Services, contingent upon adoption of the latter budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-84
Re: Appropriation - Energy and
Environmental Conservation

Block Grant

Transmitted herewith for your approval is legislation appropriating \$1,949,800 in Federal Energy and Environmental Conservation Block Grant (EECBG) funding to finance programs and projects outlined in the City's Energy Efficiency and Conservation Strategy (EECS).

The EECBG Program provides formula grants based on population to state and local governments to fund projects that reduce energy use and fossil fuel emissions, and improve energy efficiency. In spring 2009, the City was notified of its \$2,199,800 award, receipt of which was contingent upon the submission of the EECS.

In August 2009, Council appropriated \$250,000 of EECBG funds for an agreement with O'Brien and Gere to assist in the development of the EECS, provide ongoing reporting as required for the grant, and for preparation of the City's greenhouse gas inventory as part of the grant activities.

The City submitted its EECS to the US Department of Energy in November 2009. The development and preparation of the Strategy was a collaborative, interdepartmental effort to determine the best use of the block grant within the US Department of Energy parameters, as well as long-term operational needs of the City, businesses and residents. The EECS outlines the use of the remaining allocation (\$1,949,800) under the following program parameters:

Energy Efficiency Projects. 60% (\$1,169,800) will be used for energy audits of City facilities, to maximize the City's energy management system, and to implement various lighting, systems and envelope upgrades to City facilities. Projects will be prioritized by projected energy savings, age of current systems, and facility use. The City will also commission selected facilities and systems to determine performance and upgrade opportunities outside the current EECBG program.

Business Assistance Programs. 25% (\$500,000) will support a revolving loan fund and grant incentive program for City businesses to fund energy efficiency upgrades.

Education and Demonstration Projects. 10% (\$250,000) will fund pilot projects including, but not limited to, bicycle infrastructure improvements and solar panel installations at public facilities. Project selection will depend on significant public input.

Climate Action Plan. 5% (\$100,000) will be used to develop the City's Climate Action Plan, which will identify a greenhouse gas reduction target, describe recommended emissions reduction actions, and identify steps required to implement the plan and monitor results.

EECBG projects and programs will begin in spring 2010 and are required to be completed by July 2012. A copy of the Energy Efficiency and Con-

servation Strategy is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-84
(Int. No. 91)

Appropriating Funds For The Energy And Environmental Conservation Block Grant Program

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

Section 1. The sum of \$1,949,800 is hereby appropriated from anticipated reimbursements from the United States Department of Energy to fund the Energy and Environmental Conservation Block Grant Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-85
Re: Agreement - IBI Group, Port of Rochester
Intelligent Transportation System

Transmitted herewith for your approval is legislation related to the design and installation of a security/intelligent transportation system at the Port of Rochester. This legislation will:

1. Establish \$246,200 as maximum compensation for an agreement with IBI Group, Boston, Massachusetts, for design and computer system integration services for the system;
2. Appropriate \$312,500 from anticipated Federal Highway Administration (FHWA) reimbursements for the Project, that were originally allocated in 2004, to fund the agreement and portions of the cost of the project; and
3. Authorize agreements with the New York State Department of Transportation (NYS-DOT) required for the use of the FHWA funds appropriated herein, which will be combined with the original appropriation of \$937,500 (Ordinance No. 2004-292), to finance the project.

The Port of Rochester Security/Intelligent Transportation System Project (Port ITS) includes the design, purchase, system integration, and construction of a comprehensive program to enhance management and operations of traffic systems at the Port. Components will include computers, digital communications, and electronic sign and sensor technology. IBI Group will provide evaluation and recommendation of components, which could include traffic cameras; dynamic message signs; additional US Border Protection and Customs

videophones; parking management; boater information; and Port kiosk and Website services.

Qualifications were solicited in the New York State Contract Reporter. Four firms responded - M&J Engineering, Rosedale, NY; IBI Group; JHK Engineering, New York City; and Dunn Engineering, Westhampton Beach, NY. An inter-governmental team of City, Monroe County, and NYSDOT staff reviewed the proposals; based on their qualifications and approach to the project, IBI Group was selected. IBI has included Bergmann Associates, a local firm, as a sub-consultant. IBI Group will provide the planning, design and system integration services necessary to implement the Port ITS.

The Port ITS project received \$1,250,000 - the total cost of the project - as part of the 2004 Transportation Appropriations Act. However, due to a federal funding obligation ceiling, the FHWA 2004 allocation was \$937,500. The remaining \$312,500 was subsequently allocated, and now requires appropriation along with authorization of agreements with the NYSDOT. No City funding match is required; the estimated project cost is \$1,250,000.

Design and system integration services are expected to begin by summer 2010; it is anticipated that construction will begin in summer of 2011 with scheduled completion by summer 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-85
(Int. No. 92)

Appropriating Funds And Authorizing Agreements For The Port Of Rochester Security/Intelligent Transportation System

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

Section 1. The sum of \$312,500 is hereby appropriated from Federal Highway Administration funds for the Port of Rochester Security/Intelligent Transportation System Project.

Section 2. The sum of \$246,200, 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 IBI Group for design and computer system integration services for the Port of Rochester Security/Intelligent Transportation System 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 appropriation made in Section 1.

Section 3. The Mayor is hereby authorized to enter into agreements with the New York State Department of Transportation for funding for the Port of Rochester Security/Intelligent Transportation System 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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-86 and
Ordinance No. 2010-87
Re: Rundel Library Structural Repair
Project, Phase II

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$740,000 and the appropriation of the proceeds thereof, and appropriating \$570,817 from anticipated reimbursements from the New York State Library Construction Program to finance construction portions of the Rundel Library Structural Repair Project.

Rundel Library, built in 1936 as a Federal Works Progress Administration project, is supported by a substantial foundation and terrace system that interfaces with surrounding streets (Court, Broad Streets, South Avenue) and the Johnson and Seymour Mill Race. The sub-surface east, north, and Broad Street viaduct terraces have deteriorated at an accelerated pace over the last decade, due in part to a street-level profile that lacks a watertight membrane.

Herrick-Saylor Engineering, P.C. was retained by the City in 2005 and 2006 to perform structural surveys of the north and south terraces and the building foundation of Rundel Library. Phase I of the project was completed fall 2008, and included repairs to the Library building perimeter foundation and adjacent north, south, and east terrace sections. Work also included minor drainage and waterproofing systems along the North terrace deck and sidewalk repairs along South Avenue.

Herrick-Saylor was retained again in November 2008 (Ord. No. 2008-376) to provide engineering design and construction administration services for Phase II of the project. Phase II will include repairs to the skid walls, foundation piers, columns, beams, girders and structural concrete slabs that support the terrace decks beneath the east terrace, Court Street loading dock and Court Street terrace decks; and downspout drainage extensions below the structural steel systems to protect repairs.

Bids for construction were received on February 17, 2010. The apparent low bid of \$1,662,000 was submitted by Crane-Hogan Structural Systems, Inc., which is 43% less than the engineer's estimate. An additional \$249,933 (15%) will be allocated for project contingencies.

The cost of the project will be funded from the proposed bond issuance (\$740,000), anticipated State reimbursements (\$570,817), and prior project

bond appropriations (\$601,116 from Ord. No. 2007-103). Construction will commence in spring 2010 and be completed in fall 2011.

Illustrations of the areas affected by construction are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-33

Ordinance No. 2010-86
(Int. No. 105)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$740,000 Bonds Of Said City To Finance The Additional 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 additional 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 \$3,019,298. The plan of financing includes the issuance of \$740,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$964,000 bonds previously appropriated in Ordinance No. 2007-103, \$1,082,298 appropriated from New York State Division of Library Development funds 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 \$740,000 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 \$740,000. 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 author-

ized 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. 2010-87
(Int. No. 106)

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 the Rundel Library Structural Repair Project.

Section 2. The sum of \$570,817 is hereby appropriated from the reimbursements authorized herein to fund a portion of the cost of construction of the Rundel Library Structural Repair 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. 2010-88
Re: Skyway System, Clinton Pavilion
Roof Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$235,000, and appropriating the proceeds thereof to finance the cost of replacing the roof of a portion of the downtown skyway system.

The Clinton Pavilion, part of the downtown skyway system, is located at the corner of Broad Street and South Clinton Avenue. The roof, original to the 1994 structure, is past its useful life and requires replacement to prevent damage to the structure and interior finishes. There are leaks in the pavilion and the skyway roofing system affecting interior mechanical systems in active use by Bausch & Lomb.

The project includes a new roof system of approximately 3,000 square feet (including the skyway bridge), flashing, and other pavilion and skyway repairs.

Bids for construction of the project were received

on February 16, 2010. The work will be performed by Elmer W. Davis, Inc. at a cost of \$90,177. The remainder of the proposed bond issuance will be allocated for project contingencies, mechanical repairs, and interior finish repair items not included in the contract.

It is anticipated that construction will commence in May 2010, with anticipated completion in early fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-34

Ordinance No. 2010-88
(Int. No. 108)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$235,000 Bonds Of Said City To Finance The Cost Of Repairs To The Clinton Pavilion 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 implementing repairs to the Clinton Pavilion, housing a portion of the Downtown Skyway System at the corner of East Broad Street and South Clinton Avenue in the City, including repairs to the roof (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 \$235,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$235,000 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 \$235,000 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 \$235,000. 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 at-

tached 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. 2010-89
Re: Water Main Extensions and
Improvement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$729,000 and appropriating the proceeds thereof for the annual Water Main Extensions and Improvements Program.

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 400 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 Stone Street from East Broad Street to East Main Street.

Approximately 700 feet each of new domestic water main and of new Holly water main will be installed under this program, which is designed to eliminate future water main breaks and increase water flow for regular consumption and fire protection. Installation of the existing six-inch domestic water main on Stone Street dates back to 1898. The existing 8-12 inch Holly water main was installed in 1874.

Bids for the improvements were received February 16, 2010. Only one contractor, Villager Construction, Inc., submitted a bid for the project at a maximum cost of \$633,837. An additional \$95,163, representing 15% of the bid amount, will be provided for contingencies.

The improvements are scheduled to begin in spring 2010 and be completed by summer 2010. Project inspection will be performed by DES Water Bureau personnel.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-35

Ordinance No. 2010-89
(Int. No. 109)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$729,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Re-

lated To The 2010 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 water mains along Stone Street from East Broad Street to East Main Street as part of the 2010 Water Main Extension and Improvements 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 \$729,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$729,000 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 \$729,000 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 \$729,000. 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. 2010-90,
Ordinance No. 2010-91 and
Resolution No. 2010-14
Re: Agreement - New York Power
Authority, Rundel Memorial Library
Heating and Cooling Equipment

Transmitted herewith for your approval is legislation related to the replacement of mechanical cooling and heating equipment at the Rundel Memorial Library Building. This legislation will:

1. Authorize an agreement with the New York Power Authority (NYPA) for the City's participation in the NYPA Energy Services program;
2. Establish \$1,593,000 as maximum compensation for an agreement with NYPA for completion of the project;
3. Authorize the issuance of \$1,593,000 in Qualified Energy Conservation Bonds and the appropriation of the proceeds thereof to finance the agreement with NYPA; and
4. Authorize a one-time exception to the debt limit of \$1,593,000 to allow the City to take advantage of the Energy Conservation bond opportunity afforded through the American Recovery and Reinvestment Act.

This NYPA program assists governmental agencies in the design, installation, and financing of equipment to reduce energy consumption. Under the program, NYPA conducts a feasibility study of public facilities to identify opportunities for possible energy conservation and cost reduction. The study includes an inspection of the facilities, review of energy costs, and preparation of a life-cycle analysis; this study is provided at no cost to the City. NYPA also designs recommended improvements and will pre-finance the cost of installation of the equipment.

This City has previously participated in NYPA projects as originally authorized in November 2001 (Ord. No. 2001-376), including a significant energy savings project related to HVAC retrofits in several City facilities (Ordinance No. 2003-360).

The chiller component air conditioning system at the Rundel Library was installed in 1972 and is now past its useful life. Associated components are also in need of replacement. A new heat exchanger, required to separate the river water and chiller condenser water, will reduce maintenance costs and chiller condenser erosion. And, a new high efficiency chiller will be installed. These improvements are projected to reduce the City's annual maintenance costs by \$19,000, and will provide annual energy savings of \$72,000.

Bids for heating and air conditioning and electrical repairs were received by NYPA on February 25, 2010. The total estimated cost based on bids for installation, fees, and contingency of 15% is \$1,592,900. NYPA will pre-finance the cost of installation of the equipment.

As part of the American Reinvestment and Recovery Act (ARRA), states were appropriated tax credit bonds (QECBs) for energy efficiency purposes, including improvements to public buildings that will provide for 20% or greater energy savings annually. These bonds are administered by the New York State Energy Research and Development Authority (NYSERDA). The City must notify NYSERDA of intent to utilize the City's QECB allocation no later than April 1, 2010. This bond will provide an exception to the approved debt

ceiling for the 2009-10 budget as authorized in June 2009 (Res No. 2009-10). The remaining appropriations will be utilized for lighting and system upgrades and other efficiency measures at various City facilities, and will be submitted to Council at a later date.

The Rundel Library heating and cooling system installation is scheduled to begin in summer 2010, and be completed in late 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-90
(Int. No. 113)

Authorizing An Agreement For Improvements To The Rundel Memorial Library Building

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 Power Authority for the replacement of heating and cooling equipment at the Rundel Memorial Building of the Rochester Public Library.

Section 2. The agreement shall obligate the City of Rochester to repay the costs of the installation of the equipment, estimated not to exceed \$1,592,900. Said amount shall be funded through a bond adopted for this purpose.

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. 2010-91
(Int. No. 114)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,593,000 Bonds Of Said City To Finance The Cost Of The Replacement Of Heating And Cooling Equipment At 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 the replacement of the heating and cooling equipment at the Rundel Memorial Building of the Rochester Public Library at 115 South Avenue 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 \$1,593,000, and said amount

is hereby appropriated therefor. The plan of financing includes the issuance of \$1,593,000 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 \$1,593,000 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 \$1,593,000. 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.

Resolution No. 2010-14
(Int. No. 115)

Resolution Authorizing An Exception To The City Debt Limit For The Rundel Heating And Cooling Project

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

Section 1. The sum of \$1,593,000 is hereby approved as an exception to the 2009-10 Debt Limit of the City in order to fund the replacement of the heating and cooling equipment at the Rundel Memorial Building of the Rochester Public Library. This exception will allow the City to utilize the New York Power Authority's Energy Services Program and fund the improvements through low-interest bonds.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Councilmember Miller moved to amend Int. No. 93.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1612
Re: Care and Embellishment of Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2010 and appropriating the associated costs of \$89,224 among the benefitted properties.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Environmental Services, or street or neighborhood associations. Minimum 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 City.

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 City advances the necessary funds to the street associations.

In 2009, 12 malls were maintained by the City and 12 malls were maintained by street or neighborhood associations. The total authorized costs were \$36,451 and \$44,834 respectively.

In 2010, the City will be responsible for the maintenance of 12 malls at a total cost of \$38,274. Street associations will be responsible for the maintenance of 12 malls at a total cost of \$50,950.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-36

Local Improvement Ordinance No. 1612
(Int. No. 93, As Amended)

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2010-11

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 2010-11:

Group I	
Boulevard Parkway	\$ 2,235
Burke Terrace	492
Carthage Drive	617
Central Park	5,597
Elmwood Mall	3,481
Glendale Park	1,863
Knickerbocker Street	1,863
Nye Park	1,988
Raines Park	1,241
Seneca Parkway	13,430
Sumner Park	3,232
Werner Park	2,235
Group I Total	\$38,274

b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2010-11:

Group II	
Arnold Park	\$ 1,320
Hazelwood Terrace	1,319
Highland Parkway (old funds to be used)	0
Hillside Avenue	[10,555] <u>2,455</u>
Huntington Park	3,600
Lafayette Park	2,957
Lakeview Park	9,500
Nunda Boulevard	5,515
Oxford Street	8,491
Portsmouth Terrace	2,500
Rundel Park	2,000
Sibley Place	3,193
Group II Total	[\$50,950] <u>42,850</u>
Grand Total	[\$89,224] <u>81,124</u>

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, 2010.

Section 4. The total cost of such improvements and work, estimated at \$[89,224] 81,124, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said amount, 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

A vote on Int. No. 117 was taken at the March 17, 2010 Council Meeting. Since the legislation text was incomplete, and the five-day public hearing notification was not published in an official newspaper, the Law Department advised that the vote was a nullity. Council reconsidered the legislation at the April 13, 2010 Council Meeting.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 117

Re: Mt. Hope Avenue Phase 1 Public Improvement Project (Elmwood Avenue to Rossiter Road)

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of 28 fee acquisitions, three permanent easements, and 26 temporary easements, as listed in the attached table, as part of the Mt. Hope Avenue Phase 1 public improvement project.

This is a Federal-aid project designed by Bergmann Associates, P.C. (Ord. Nos. 2005-83, 2009-70). In March 2008, City Council established a building moratorium for the portion of Mt. Hope Avenue between Elmwood Avenue and Rossiter Road in order to conduct a comprehensive land use, transportation, and planning study for the corridor; the moratorium was extended through December 2008 (Ord. No. 2008-331). As a result of the study, the Zoning Code was amended to adopt a Planned Development District, Collegetown Village, which includes the area covered by the moratorium (Ordinances No. 2008-383, 2008-384) with the intent of developing shared or connected access with adjoining properties in the District.

The design of the Mt. Hope Avenue Phase 1 project is a result of the collaboration developed during the moratorium. The project will reconstruct Mt. Hope Avenue between Elmwood Avenue and Rossiter Road and will include new pavement, curbs, enhanced sidewalks, and street lighting; as well as amenities to enhance the Collegetown Village District. A mid-block signalized intersection will be added between Elmwood Avenue and Crittenden Road to provide access on the west side

to the University of Rochester's Collegetown redevelopment, and on the east side to the private business redevelopment. And, to separate northbound and southbound traffic, there will also be a center, landscaped median extending from just south of Elmwood Avenue to just south of Raleigh Street.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the Mt. Hope Avenue/E. Henrietta Road Improvement Project is classified as a Type I Action. An environmental determination was issued on November 24, 2008 and amended on May 2, 2009, a copy of which is available for review in the Office of the City Clerk.

The Planning Commission will hold an informational meeting for the Official Map Amendment on March 15, 2010. Minutes of the meeting will be forwarded to Council upon completion. Separate Council authorization will be requested next month to amend the Official Map by dedicating the fee acquisitions and one of the permanent easements as public right-of-way, and to authorize the costs of acquisition of the parcels described in the attachment.

Construction of the Mt. Hope Avenue Phase 1 public improvement project will begin in fall 2010 with completion in fall 2011.

A public hearing on the acquisitions is required pursuant to the Eminent Domain Procedure Law. After the public hearing, the Council is required to make determinations and findings concerning these acquisitions.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 117

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF PARCELS AND EASEMENTS FOR THE MT. HOPE AVENUE PHASE I IMPROVEMENT PROJECT

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 for street purposes as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Rossiter Road) Improvement Project:

<u>Address</u> <u>SBL#</u>	<u>Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
1500 Mt. Hope Avenue 136.61-3-26	DB Real Estate Assets, LLC	2002	
1432 Mt. Hope Avenue 136.54-1-22.1	Patricia Ann Hoffend	2047	
1550 Mt. Hope Avenue 136.61-3-30	Wendy's Restaurant of	112	

	Rochester	
1522 Mt. Hope Avenue	47	
136.61-3-29	Wendy's Restaurant of Rochester	
1520 Mt. Hope Avenue	48	
136.61-3-28	John Spencer	
1510 Mt. Hope Avenue	446	
136.61-3-27	University of Rochester	
1400 Mt. Hope Avenue	2680	
136.54-1-24	David L. Gandell	
1394 Mt. Hope Avenue	1087	
136.54-1-25	Mamasan's Monroe, LLC	
1378 Mt. Hope Avenue	2703	
136.54-1-27.1	Mamasan's Monroe, LLC	
1360 Mt. Hope Avenue	3277	
136.54-1-28	Mamasan's Monroe, LLC	
1340 Mt. Hope Avenue	1749	
136.54-1-30.2	Alex L. & Patricia A. D'Angelo	
1330 Mt. Hope Avenue	675	
136.54-1-32	Le Thi Be Walters	
797 Elmwood Avenue	959	
136.54-1-2	Berkshire Rochester Ltd Part.	
793 Elmwood Avenue	1942	
136.54-1-1.1	Berkshire Rochester Ltd Part.	
1286 Mt. Hope Avenue	1941	
136.46-1-48.1	1286 Mt. Hope Avenue, LLC	
1545 Mt. Hope Avenue	256	
136.61-3-25	Cathaline Robinson & John Schouten	
1517 Mt. Hope Avenue	296	
136.61-2-30	Mihalitsas Income Ltd Partnership	
1511 Mt. Hope Avenue	254	
136.61-2-29	Mihalitsas Income Ltd Partnership	
1495 Mt. Hope Avenue	233	
136.61-2-28	Mihalitsas Income Ltd Partnership	
1477 Mt. Hope Avenue	709	
136.61-1-31	HSBC Bank U.S.A.	
1475 Mt. Hope Avenue	721	
136.61-1-30	HSBC Bank U.S.A.	
1471 Mt. Hope Avenue	2812	
136.61-1-28	Jeffrey Solomon	
1401 Mt. Hope Avenue	11122	
136.53-1-6	University of Rochester	
1371 Mt. Hope Avenue	3907	
136.53-1-5	University of Rochester	
1351 Mt. Hope Avenue	6036	
136.53-1-4	University of Rochester	
1325 Mt. Hope Avenue	10249	
136.53-1-3.1	University of Rochester	
683 Elmwood Avenue	585	
136.53-1-2	University of Rochester	
1256 Mt. Hope Avenue	777	
136.46-1-49	Paul R. Dean, Jr.	

Section 2. The Council hereby approves the acquisition of permanent easements for street purposes over the following parcels as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Rossiter Road) Improvement Project:

<u>Address</u>	<u>Sq. Ft.</u>	<u>Value</u>
<u>SBL#</u>	<u>Owner</u>	
1378 Mt. Hope Avenue	3167	
136.54-1-27.1	Mamasan's Monroe, LLC	

1431 Mt. Hope Avenue	2996
136.53-1-7	Hess Realty Corp.
1371 Mt. Hope Avenue	3137
136.53-1-5	University of Rochester

Section 3. The Council hereby approves the acquisition of temporary easements for street purposes over the following parcels as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Rossiter Road) Improvement Project:

<u>Address</u>	<u>Sq. Ft.</u>	<u>Value</u>
<u>SBL#</u>	<u>Owner</u>	
1500 Mt. Hope Avenue	836	
136.61-3-26	DB Real Estate Assets, LLC	
1432 Mt. Hope Avenue	2190	
136.54-1-22.1	Patricia Ann Hoffend	
1550 Mt. Hope Avenue	875	
136.61-3-30	Wendy's Restaurant of Rochester	
1522 Mt. Hope Avenue	122	
136.61-3-29	Wendy's Restaurant of Rochester	
1520 Mt. Hope Avenue	51	
136.61-3-28	John Spencer	
1510 Mt. Hope Avenue	529	
136.61-3-27	University of Rochester	
1400 Mt. Hope Avenue	806	
136.54-1-24	David L. Gandell	
1394 Mt. Hope Avenue	599	
136.54-1-25	Mamasan's Monroe, LLC	
1378 Mt. Hope Avenue	810	
136.54-1-27.1	Mamasan's Monroe, LLC	
1360 Mt. Hope Avenue	2053	
136.54-1-28	Mamasan's Monroe, LLC	
1340 Mt. Hope Avenue	1581	
136.54-1-30.2	Alex L. & Patricia A. D'Angelo	
1330 Mt. Hope Avenue	208	
136.54-1-32	Le Thi Be Walters	
797 Elmwood Avenue	1132	
136.54-1-2	Berkshire Rochester Ltd Part.	
1286 Mt. Hope Avenue	2086	
136.46-1-48.1	1286 Mt. Hope Avenue, LLC	
1517 Mt. Hope Avenue	106	
136.61-2-30	Mihalitsas Income Ltd Partnership	
1511 Mt. Hope Avenue	1060	
136.61-2-29	Mihalitsas Income Ltd Partnership	
1495 Mt. Hope Avenue	557	
136.61-2-28	Mihalitsas Income Ltd Partnership	
1471 Mt. Hope Avenue	874	
136.61-1-28	Jeffrey Solomon	
1431 Mt. Hope Avenue	8149	
136.53-1-7	Hess Realty Corp.	
1401 Mt. Hope Avenue	3560	
136.53-1-6	University of Rochester	
1371 Mt. Hope Avenue	7986	
136.53-1-5	University of Rochester	
1351 Mt. Hope Avenue	3261	
136.53-1-4	University of Rochester	
1325 Mt. Hope Avenue	26131	
136.53-1-3.1	University of Rochester	
100 Crittenden Blvd.	789	
136.53-1-8	Crittenden Blvd. Housing	
683 Elmwood Avenue	12359	
136.53-1-2	University of Rochester	

1256 Mt. Hope Avenue 1852
136.46-1-49 Paul R. Dean, Jr.

Section 4. The acquisitions shall obligate the City to pay an amount not to exceed \$_____, and of said amount, or so much thereof as may be necessary, and necessary closing costs, \$_____ is hereby appropriated from Federal Highway Administration funds, \$_____ is hereby appropriated from New York State Department of Transportation funds, and \$_____ shall be funded from a bond ordinance adopted for this Project.

Section 5. In the event that said parcels and/or easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels and/or easements. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amounts of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcels and/or easements pursuant to the Eminent Domain Procedure Law.

Section 6. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 84
Re: Highland Park/Canalway Trail
Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Town of Brighton for additional design services for the Highland Park/Canalway Trail Improvements Project. This amendment will increase the maximum compensation by \$22,800 to a total of \$37,320. The cost of the agreement will be financed from 2004-05 DES Cash Capital.

In August 2008, Council authorized an agreement with the Town of Brighton for the City's share of \$7,920 for preliminary design services for the project. The agreement was amended in May 2009 to fund the City's share of final design, increasing the compensation by \$6,600. This additional amendment is required for design services related to alternate trail route development, necessitated by the determination that the original proposed route was not feasible. An additional amendment to the agreement will be required to allocate resources for the construction and inspection phases of the federally funded project.

This federally funded project will construct a multi-use neighborhood connector trail between the Canalway Trail (south of Westfall Road) to the east bank of the Genesee Riverway Trail at McLean Street (north of the University of Rochester). The trail will connect neighborhoods in the Town of Brighton and the City of Rochester to the Canal-

way Trail and Genesee Riverway Trail, and provide statewide trail users access to adjacent parks and open space resources. The Town of Brighton is administering the federal grant, design and construction of the project.

Design of the improvements will be completed in fall 2010, with construction to begin in spring 2011 for completion in summer 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 84

AUTHORIZING AN AMENDATORY MUNICIPAL COOPERATION AGREEMENT FOR THE HIGHLAND PARK/CANALWAY TRAIL IMPROVEMENTS 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 amendatory agreement with the Town of Brighton to administer the Highland Park/Canalway Trail Improvements Project.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$22,800 for design services, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Cash Capital allocation. The costs of any necessary additional services and construction shall be provided from the annual budgets or through additional appropriations.

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.

Held in Committee.

By Councilmember McFadden
March 17, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 94 - Authorizing A Grant Agreement And Amending The 2009-10 Budget For Police Equipment

Int. No. 95 - Authorizing An Agreement For A Grant For The North Street Recreation Center And Amending The 2009-10 Budget

Int. No. 96 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Horticultural Services

Int. No. 97 - Authorizing An Inter-Municipal

Agreement For Criminalistic Imaging Services

Int. No. 98 - Approving Applications, Agreements And The 2010 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Int. No. 99 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Parks And Recreation Center Improvements And Amending Ordinance No. 2010-58, As Amended

Int. No. 101 - Authorizing An Agreement For The Family Talk Program

Int. No. 107 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Teen Court

Int. No. 116 - Authorizing An Agreement For Funding For The STOP DWI Program

The Public Safety, Youth & Recreation Committee recommends for consideration the following entitled legislation:

Int. No. 102 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 103 - Local Improvement Ordinance - Security At The Public Market

The following entitled legislation is being held in Committee:

Int. No. 100 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul (Did not vote on Int. No. 94, and abstained on Int. No. 107)
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-92
Re: Agreement - Monroe County, State Homeland Security and State Law Enforcement Terrorism Prevention Programs

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of portions of New York State grant funding, and amending the Cash Capital allocation of the 2009-10 Budget by \$571,000 to reflect a portion of these funds.

Monroe County receives funding from New York

State under the State Homeland Security Program (SHSP) and State Law Enforcement Terrorism Prevention Program (SLETPP) allotments to share collaboratively with area agencies. The City's allocation from these sources is as follows

Program	Year	Amount
SHSP	2008	\$ 66,000
SHSP	2009	100,000
SLETPP	2008	125,000
SLETPP	2009	<u>309,600</u>
Total		\$600,600

A total of \$571,000 will be added to 2009-10 Cash Capital for equipment purchases; the remaining amount, \$29,600 will be included in the 2010-11 Budget of the Police Department for related training.

The City will use these funds to purchase SCUBA and other equipment and to provide the appropriate training; the funds will also partially support the cost of specialized vehicles for the SCUBA squad and the Emergency Task Force. There is no match required for this funding package. The term for the 2008 funds is July 1, 2009 to June 30, 2011; and July 1, 2010 to June 30, 2012 for the 2009 funds.

This is the second time the County has extended this funding stream to the City, as per the directives of the New York State Department of Homeland Security. The 2007 funding was authorized by Council in July 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-92
(Int. No. 94)

Authorizing A Grant Agreement And Amending The 2009-10 Budget For Police Equipment

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 for the Rochester Police Department from the New York State Office of Homeland Security under the State Homeland Security Program and the State Law Enforcement Terrorism Prevention Program.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$571,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund Police equipment.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-93
Re: Daisy Marquis Jones Foundation
Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Daisy Marquis Jones Foundation for the receipt and use of a \$150,000 grant for kitchen improvements at the North Street Recreation Center, and amending the 2009-10 Budget (Cash Capital) of the Department of Recreation and Youth Services to reflect the grant.

The grant will be used to supplement previously approved funds for an extensive redesign and renovation of the interior spaces of the Center. Specifically, grant funds will be used to fund updates for a state of the art kitchen for the facility. This will enable the Recreation Bureau to enhance and expand existing programs related to healthy eating and nutrition. New offerings will include: expanded holiday and ethnic celebrations, cooking classes and demonstrations, entrepreneurial activities such as a community café, a youth food venture center, and a program to develop peer educators to teach healthy lifestyles and nutrition. The kitchen will be certified by the Monroe County Health Department to allow use by the community.

Previously approved funds for renovations at the North Street Recreation Center include: \$600,000 from the New York State Dormitory Authority (Ordinance No. 2010-33); \$150,000 in bonds for the roof replacement (Ordinance No. 2010-32); and \$600,000 in the year-end budget amendment for capital projects (Ordinance No. 2009-268). The Daisy Marquis Jones Foundation Grant brings the total available for renovations to \$1,500,000.

It is anticipated that construction will commence in spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-93
(Int. No. 95)

Authorizing An Agreement For A Grant For The North Street Recreation Center And Amending The 2009-10 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 Daisy Marquis Jones Foundation for funding for kitchen improvements to the North Street Recreation Center.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$150,000, which amount is hereby appropriated from the 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. 2010-94
Re: Amendatory Agreement -
Michael Warren Thomas,
Horticultural/Environmental
Education

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Michael Warren Thomas, 19 Trafalgar Street, Rochester 14619, for continued horticultural and environmental education services. The original agreement for \$6,000, executed in September 2009, was amended in December 2009 (Ordinance No. 2009-396) for an additional \$6,000. This amendment will increase maximum compensation by \$25,000 for a total of \$37,000, increase the hourly rate to \$35, and extend the term from February 28, 2010 to June 30, 2010. The additional cost will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Since September 14, 2009, Mr. Thomas has been providing technical and logistical expertise in horticultural and environmental education and programming as well as assisting with the Flower City Looking Good Program. He also provides technical assistance to the City and neighborhood groups on design and maintenance of gardens and other landscape projects.

The City position of Horticultural Technician is currently vacant. A redesigned position will be submitted as part of the 2010-2011 Budget. During this process, Mr. Thomas is providing much needed expertise.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-94
(Int. No. 96)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Horticultural Services

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 Michael Warren Thomas for horticultural services. Said amount shall be funded from the 2009-10 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. 2010-95
Re: Agreement - Onondaga County,
Live Scan Criminalistic Imaging
Data

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with Onondaga County for the implementation of a system (Live Scan) to allow for the electronic transmission and storage of fingerprint, mugshot, and related police booking information to the New York State Division of Criminal Justice Services (DCJS). The cost of this agreement is \$1,000 per year, which will be funded from the annual Budgets of the Police Department.

Beginning this year, all agencies in New York State are required to transmit this information electronically rather than use a paper-based system. Contracting with Onondaga County will allow the City to avoid the expense of purchasing and maintaining a separate computer server with a connection to the DCJS. The Onondaga system is also currently used by Monroe County and several other area police agencies.

Onondaga County maintains the RIC (Repository for Integrated Criminalistic Imaging) system server, and will be responsible for all associated hardware and software, backup and restoration of all data, and maintenance of the communication link with DCJS.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-95
(Int. No. 97)

**Authorizing An Inter-Municipal Agreement
For Criminalistic Imaging 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 inter-municipal agreement with Onondaga County criminalistic imaging services related to the transmission of data to the New York

State Division of Criminal Justice Services. The agreement may be renewed annually.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,000 annually, or an amount approved by the Mayor upon renewal. Said amounts shall be funded from the annual budgets of the Rochester Police Department.

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. 2010-96
Re: Rochester-Monroe County Youth
Bureau 2010 Budgets

Transmitted herewith for your approval is legislation related to the City's participation in the Rochester-Monroe County Youth Bureau. This legislation will:

1. Authorize agreements with the County of Monroe for the administration and partial financing of the Rochester-Monroe County Youth Bureau;
2. Approve the City's shares of \$66,432 and \$100,333 to the annual administrative and program budgets of the Youth Bureau, respectively. Half of the administrative amount, \$33,216, and all of the program budget amount will be reimbursed to the City directly from the New York State Office of Children and Family Services;
3. Establish maximum compensation for agreements to implement the programs below; the costs will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

<u>Program</u>	<u>2009 Amount</u>	<u>2010 Amount</u>	<u>Change</u>
SPCC - Family Trauma Intervention	\$ 20,465	\$ 17,883	-\$ 2,582
Baden - Project B.A.S.E.	13,281	11,605	-1,676
Baden - Project Odyssey	5,592	4,886	-706
Direct allocation to DRYS	75,484	65,959	-9,525
Total	\$114,822	\$100,333	-\$14,489

4. Authorize subsequent amendments to these agreements that may be required by the New York State Office of Children and Family Services.

The Youth Bureau, jointly established by the City and County, provides a county-wide planning and service delivery system devoted to the welfare and development of children and youth. It is supervised by a Citizen/Youth Board, administered by the County, and supported financially by the City, the County, and the NYS Office of Children and Family Services. The annual budget of the Youth Bureau is subject to the approval of both the City and the County.

Notification of the amounts for the calendar 2010 program was received in early February from the State, and reflects a 12.6% cut to programs. The agreements referenced above will be effective January 1 through December 31, 2010.

Program descriptions for the City programs are attached. In 2009, these programs served 985 youth (65% Black, 12% White, 15% Hispanic, 8% all other; 49% Male, 51% Female).

The most recent Council action on this item was in August 2009 in Ord. No. 2009-291.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment AJ-38

Ordinance No. 2010-96
(Int. No. 98)

Approving Applications, Agreements And The 2010 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

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

Section 1. The Council hereby approves the 2010 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2010 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2010 Comprehensive Youth Services Plan. The City's required contribution to the 2010 Youth Bureau Budget shall be financed equally from the 2009-10 and 2010-11 Budgets of the Department of Recreation and Youth Services.

Section 2. The Mayor is further authorized to enter into an agreement with the Society for the Protection and Care of Children for the operation of the Family Trauma Intervention Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$17,883, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project B.A.S.E. Said agreement shall obligate the City to

pay an amount not to exceed \$11,605, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 4. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Odyssey. Said agreement shall obligate the City to pay an amount not to exceed \$4,886, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 5. The applications and 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. 2010-97
Re: Amendatory Agreement-LaBella Associates, Resident Project Representation Services, Park And Recreation Facilities Projects

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates for resident project representation services for various park and recreation center improvements. The original agreement, authorized in August 2006, established maximum compensation at \$60,000; amendatory agreements authorized in April 2007, March 2008, and April 2009 added \$50,000, \$60,000 and \$45,000 respectively.

The current request is for an additional amount of \$30,000, which will bring total maximum compensation to \$245,000. The additional cost will be financed from 2009-10 Cash Capital (Parks & Recreation Site Rehabilitation).

The additional funds will be used for resident project representation services between June 2010 and June 2012. Projects currently anticipated include tennis and basketball court rehabilitation at the following parks:

- Orchard Saxton Park
- South Avenue Park
- Tryon Park
- Charlotte Village Green Park (near Spanish Gardens on Latta Road).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-97
(Int. No. 99, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agree-

ment For Parks And Recreation Center Improvements And Amending Ordinance No. 2010-58

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 LaBella Associates, P.C. for resident project representation services related to parks and recreation center improvements. 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 2009-10 Cash Capital allocation.

Section 2. Ordinance No. 2010-58, relating to the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project, is hereby amended by changing the allocations from which funds are appropriated in each place in Section 1 thereof from the Improving the Housing Stock and General Property Conditions allocation to the General Community Needs allocation.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-98
Re: Agreement - Crestwood Children's Center, Family Talk Program

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum compensation for an agreement with Crestwood Children's Center for the Family Talk Program, and appropriating this amount from the General Community Needs allocation of the 2009-10 Community Development Block Grant to fund the agreement.

The Family Talk Program will train adult program facilitators to train parents on how to communicate with their children on hard-to-discuss youth issues.

This is considered a project with matching funds, eligible for up to five years of funding, and will enter its fourth year of CDBG funding.

The most recent agreement for these services was approved by Council in September 2008 in Ord. No. 2008-349.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-39

Ordinance No. 2010-98
(Int. No. 101)

Authorizing An Agreement For The Family Talk 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 Crestwood Children's Center for the Family Talk Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 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. 2010-99
Re: Agreement - The Center for Youth, Teen Court

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Center for Youth to provide administrative services to Rochester Teen Court. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. This agreement will cover the period of January 1, 2010-December 31, 2010.

Rochester Teen Court is a community-based prevention and intervention program that promotes peer justice and reinforces youth responsibility while educating youth about the judicial process. One of the first teen courts in New York State, the Rochester court handles truancy and traffic matters. The court also, uniquely, handles arrests for violations and crimes under the New York Penal Law.

Teen Court, historically funded solely by the City, is now accepted as a community resource, to be supported by several agencies. Currently, support is offered by the following:

Agency Support

County Court (NYS Office of Court Adm.)
Facilities, utilities, office supplies, security
City School District
\$50,000

Wilson Foundation
 \$15,000
 Monroe County Bar Assn Foundation
 \$9,000
 Greater Rochester Assn of Women Attys
 \$1,000
 Individual donations
 Wearing apparel for participants
 Judges and attorneys
 Volunteer time and expertise

With the commitment from participating agencies and volunteers to seek additional funding sources, it is expected that beginning in 2010-11, Teen Court will no longer depend on City funds.

A project description and budget is attached.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AJ-40

Ordinance No. 2010-99
 (Int. No. 107)

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Teen Court

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 the Center for Youth for administrative services for the Rochester Teen Court for 2010. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - None - 0.

Councilmember Spauld abstained because she is an employee of The Center for Youth.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2010-100
 Re: Agreement - Monroe County/Stop
 DWI 2010

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of \$118,743 in 2010 New York State Stop DWI Program funds, administered by Monroe County. This award covers the period

January 1 through December 31, 2010 and will be used for enhanced detection and enforcement of driving while intoxicated (DWI) offenses. A budget amendment is not needed since the renewal of funding was anticipated; a portion was included in the 2009-10 Budget of the Police Department; the remainder will be appropriated in the 2010-11 Budget.

These funds primarily reimburse expenses for overtime traffic enforcement patrols and a portion will be designated specifically for enforcement against underage alcohol sales. The agreement for the last round of funding of \$94,926 for calendar year 2009 was authorized by Ord. No. 2009-127 in April 2009. During 2009, the City STOP-DWI unit established 17 sobriety checkpoints and the Rochester Police Department arrested 620 individuals for DWI, 22 for DWAI, and 10 DWAI-Drugs.

The agreement was authorized by the Monroe County Legislature on February 2, 2010. No matching funds are required.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2010-100
 (Int. No. 116)

Authorizing An Agreement For Funding For The STOP DWI 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 2010 STOP DWI 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:

Local Improvement Ordinance No. 1613 and
 Local Improvement Ordinance No. 1614
 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 fifteen properties adjacent to the Public Market.

The Department of Recreation and Youth Services provides special snow removal and security serv-

ices, 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 frontage foot.

Snow Removal

In 2010-11, for snow removal services, the fixed fee will be \$100 per property, while the footage fee will be \$2.83 per foot. The total amount of assessment will be \$5,625.66, which is \$218.68 more than the 2009-2010 amount.

	<u>2009-10</u>	<u>2010-11</u>
Fixed fee	\$100	\$100
Properties	<u>x 15</u>	<u>x 15</u>
Total	\$1,500	\$1,500
Footage fee	\$2.68	\$2.83
Footage	<u>x 1,457.83</u>	<u>x 1,457.83</u>
Total	\$3,906.98	\$4,125.66

Security Services

Due to an increase in the per hour cost of security services, there will be an increase in the 2010-11 rate. The fixed fee remains at \$1,190 per property, and the front footage fee increases to \$10.29 per foot. The total amount of the assessment will be \$32,851.07, which is \$1,982.65 more than the 2009-10 amount.

	<u>2009-10</u>	<u>2010-11</u>
Fixed fee	\$1,190	\$1,190
Properties	<u>x 15</u>	<u>x 15</u>
Total	\$17,850	\$17,850
Footage fee	\$8.93	\$10.29
Footage	<u>x 1,457.83</u>	<u>x 1,457.83</u>
Total	\$13,018.42	\$15,001.07

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1613
(Int. No. 102)

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, 2010 to June 30, 2011.

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 2010-11 year shall be \$5,625.66. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and eighty-three cents (\$2.83) 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, 2010 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Local Improvement Ordinance No. 1614
(Int. No. 103)

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, 2010 to June 30, 2011.

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 2010-11 year shall be \$32,851.07. The amount to be assessed against each parcel shall include a fee of one thousand one hundred ninety dollars (\$1,190.) per parcel plus ten dollars and twenty-nine cents (\$10.29) 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 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 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, 2010 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 100 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 100.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-101
Re: Agreements - Adolescent Pregnancy Prevention Services Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Health for the receipt and use of a \$354,752 grant for the Adolescent Pregnancy Prevention Services Program, and establishing maximum compensation, to be financed from the grant, with the CONECTS (Community Organization Networking and Engaging Children and Teens through Support) consortium of providers as follows:

Charles Settlement House Inc.	\$ 48,972
Junior Achievement	3,400
Society for the Protection & Care of Children	82,000
Baden Street/Metro Council For Teen Potential	48,839

IBERO American Action League	16,267
YWCA of Rochester and Monroe County	<u>68,839</u>
	\$268,317

The remaining amount, \$86,435, is included in the 2009-10 Budget to cover administrative costs associated with the City of Rochester's role as lead agency. These amounts are the same as the prior year.

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.

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 approval of the program by the State is for a five year term, April 2007 to March 2012. Unless an agency is not performing to contract, a new RFP will not be required until 2011.

The program will serve a total of 390 youth and their families. A project information summary is attached.

The Metro Council for Teen Potential (Community Council for APPS) and the NYS Dept of Health reserve the right to allocate funds between subcontractors as needed during the contract year.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-41

Ordinance No. 2010-101
(Int. No. 100, As amended)

Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program And Amending The 2009-10 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 Health for the receipt and use of funding for the operation of the 2010 Adolescent Pregnancy Prevention Services Grant Program.

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 2010 New York State Adolescent Pregnancy Prevention Services Grant Program:

Organization	Amount
Charles Settlement House, Inc.	\$48,972
Junior Achievement Society for the Protection & Care of Children	\$ 3,400
Baden Street/Metro Council for Teen Potential	\$82,000
Ibero-American Action League	\$48,839
YWCA of Rochester & Monroe County	\$16,267
	\$68,839

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.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$268,317, 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 Department of Health.

Section 4. The Mayor is hereby further authorized to enter into an amendatory agreement with the New York State Department of Health for the receipt and use of additional funding for the operation of the 2009 Adolescent Pregnancy Prevention Services Grant Program.

Section 5. The Mayor is hereby further authorized to enter into amendatory agreements with the following organizations in amounts not to exceed the following for services under the 2009 Adolescent Pregnancy Prevention Services Grant Program:

<u>Organization</u>	<u>Amount</u>
<u>Charles Settlement House, Inc.</u>	<u>\$5,000</u>
<u>Baden Street/Metro Council for Teen Potential</u>	<u>\$5,000</u>
<u>Ibero-American Action League</u>	<u>\$5,000</u>
<u>YWCA of Rochester & Monroe County</u>	<u>\$5,951</u>

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.

Section 6. The amendatory agreements shall obligate the City to pay an amount not to exceed \$20,951, 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 Department of Health.

Section [4] 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. Ordinance No. 2009-188, the 2009-10 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 \$7,500, which amount is hereby appropriated from

funds received through the amendatory grant agreement authorized herein.

Section [5] 9. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 9:02 P.M.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
April 13, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 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
 - *Dale F. Kriewall
 - *Michael J. Sheremeta
- Law Department
 - *James R. Kaler
- Police Department
 - *Peter A. Andrews
 - *Frank Lacancellera
 - *John J. Smith

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Palumbo

RESOLVED, that the minutes of the Regular Meeting of March 17, 2010 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 4009-10

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

41 signatures in support of JOSANA restoration project Petition No. 1643

284 signatures in support of Urban Agriculture Feasibility Study Petition No. 1644

PUBLIC HEARINGS.

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

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The University Of Rochester City Campus As Planned Development District #10 Int. No. 140 No speakers.

Changing The Zoning Classification Of IPD #5- University Of Rochester And Medical Center; 555 And 665 Joseph C. Wilson Boulevard And 245 Elmwood Avenue From O-S Open Space; And 216, 224, 265 And 275 Westmoreland Drive From R-1 Low Density Residential, To PD #10- University Of Rochester City Campus Int. No. 141 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Eastman Business Park As Planned Development District #12 Int. No. 142 1 speaker: Gilbert Bianucci.

Changing The Zoning Classification Of Eastman Kodak Company Parcels From T-P Transitional Parking And M-1 Industrial; And 160 Pullman Avenue, 135 West Ridge Road, 1720, 1764 And 1768-1776 Lake Avenue From T-P Transitional Parking; 246 West Ridge Road From M-1 Industrial And 415-425 West Ridge Road And 1760 Dewey Avenue From C-3 Regional Destination Center to PD #12-Eastman Business Park Int. No. 143 4 speakers: Maureen Bianucci, Gary Nels, Mike Owens, Cheryl Lenhart.

Changing The Zoning Classification Of 9 S. Goodwill Street And 9 Woodside Street From T-P Transitional Parking To C-3 Regional Destination Center Int. No. 144 No speakers.

Changing The Zoning Classification Of 480, 500, 540 And 570 Maplewood Drive From T-P Transitional Parking To O-S Open Space Int. No. 145 No speakers.

Changing The Zoning Classification Of 119 And 131 W. Ridge Road And 32 Pullman Avenue From T-P Transitional Parking To C-2 Community Center Int. No. 146 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement Int. No. 160 One speaker Dan Melia.

Approving Changes In The Pavement Width Of Oakwood Road, Ellington Road And Benwell Road Int. No. 134 No speakers.

Local Improvement Ordinance - Public Art At 274-302 North Goodman Street As A Part Of The ARTWalk2 Enhancement Project Int. No. 149
2 speakers: Douglas Rice, Gary Stern.

Approving Changes In The Pavement Width Of North Goodman Street And University Avenue Int. No. 150 1 speaker: Douglas Rice.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 161 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 162 No speakers.

Continuation Of Local Improvement Ordinance No. 1421 Relating To Norton Street Urban Renewal District Streetscape District Int. No. 163 No speakers.

Approving Changes In The Pavement Width Of Mt. Hope Avenue, Crittenden Boulevard And Elmwood Avenue As Part Of The Mt. Hope Avenue Phase I Public Improvement Project Int. No. 164 No speakers.

Amending The Official Map By Dedicating Parcels To Street Purposes For The Mt. Hope Avenue Phase I Public Improvement Project Int. No. 166 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels And Easements For The Mt. Hope Avenue Phase I Improvement Project Int. No. 117 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
April 13, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 121 - Establishing Maximum Compensation For A Professional Services Agreement For The 311 Call Center

Int. No. 155 - Amending The 2009-10 Budget For Wage And Salary Increases And Refuse And Water Fund Purchases

The following entitled legislation is being held in Committee:

Int. No. 156 - Establishing Maximum Compensation For A Professional Services Agreement For Placement Services

Respectfully submitted,
Carolee A. Conklin
Loretta C. Scott

Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-102
Re: Agreement - Lagan Technologies,
Inc., Business Intelligence and
Analytics

Transmitted herewith for your approval is legislation establishing \$55,000 as maximum compensation for an agreement with Lagan Technologies, Inc, Bethesda, Maryland, for services to enhance the effectiveness of the 311 Call Center. The cost of this agreement will be funded from the Information Technology Department Cash Capital allocation of the 2007-08 Budget.

Lagan will work with Information Technology Department staff to create a data report model to be used for reporting and analyzing information regarding requests for service received through the 311 Call Center. Lagan will also provide training to ITD staff on the resulting model and its use to support the City's future reporting requirements.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-102
(Int. No. 121)

Establishing Maximum Compensation For A Professional Services Agreement For The 311 Call Center

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 Lagan Technologies, Inc. for services to enhance the effectiveness of the 311 Call Center. 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. 2010-103
Re: Budget Amendments - Wage and
Salary Increase, Refuse and Water
Fund Purchases

Transmitted herewith for your approval is legislation amending the 2009-10 Budget as follows:

1. Transfer \$1,284,900 from Contingency and \$120,300 from appropriation of fund balance from the Local Works, Water, and Refuse funds to various departmental budgets to reflect negotiated wage and salary increases for non-uniformed employees and compensation decisions for various non-union personnel.
2. Amend Cash Capital by a total of \$2,355,000 for equipment scheduled to be purchased in 2010-11 by appropriating \$1,813,000 from the Refuse Fund Balance for an acceleration of equipment purchases and \$542,000 from Water Fund Balance for the purchase of meters as part of the radio read meter conversion program.

Wage and Salary Amendment

When the 2009-10 Budget was adopted by the City Council in June 2009, salary and wage rates had not yet been established for employees represented by the following bargaining units: Full-time American Federation of State, County and Municipal Employees (AFSCME); the Uniformed Bargaining Unit of the Rochester Firefighters Association (IAFF); the Civilian Bargaining Unit of the Rochester Firefighters Association (IAFF); the Civil Service Employees Association (CSEA) Rochester Public Library Part Time Employees; and Rochester Police Locust Club, Inc. Further, wage adjustment decisions had not been made for employees in the Administrative, Professional and Technical (APT) classification, employees in the Confidential classification, or non full-time employees. An agreement was in place with part-time AFSCME to receive the same increase as full-time AFSCME. As a result, special provision was made in the Contingency Account for possible increases for these employees, with the exception of APT.

Labor agreements with a wage increase of 2% for 2009-10 have now been negotiated with AFSCME. An agreement has been reached with CSEA but not yet ratified so is not included here. Negotiations have not been concluded for Uniform IAFF and Civilian IAFF and are not included here. Negotiations with the Locust Club are in arbitration and are not included here. It has been decided to provide a 2% increase in 2009-10 to employees in the Confidential classification and to non-represented non full-time employees.

An appropriation of fund balance is required from the Local Works, Water, and Refuse funds to reflect the actual cost by fund. The amounts by classification are as follows:

AFSCME Full Time	\$1,020,800
AFSCME Part Time	58,700
Confidential Authorization	76,700
Part Time, Temporary and Seasonal Authorization	67,200
Salary Benefits - Undistributed	<u>181,800</u>
Total	\$1,405,200

The costs described above will be financed through transfers from Contingency and the appropriation

of fund balance to Departmental Budgets as follows:

City Council & Clerk Administration:	\$ 11,100
Mayor's Office	4,700
Management & Budget	25,000
Human Resource Management	17,700
Communications	<u>8,000</u>
Administration subtotal	55,400
Neighborhood & Business Development	80,400
Environmental Services	498,200
Finance	68,300
Information Technology	7,100
Law	7,800
Library	16,700
Recreation & Youth Services	107,900
Emergency Communications	201,300
Police	159,900
Fire	9,300
Undistributed Expense	<u>181,800</u>
Total	\$1,405,200

Refuse and Water Cash Capital

The Refuse Fund transfer will allow for the purchase of ten recycling trucks. The cab and chassis are on state contract at a reasonable price. The purchase will allow the City to upgrade the recycling fleet and convert to one manufacturer. This will provide efficiencies in maintenance, repair, and parts inventory. The appropriation of these funds now will enable the procurement process to begin earlier than anticipated.

The Water Fund transfer will allow the Water Bureau to begin implementation of its 20-year meter replacement program. Radio read meters will replace the remote read meters that were installed between 1991 and 1999, which are nearing the end of their life expectancy. As meters age, they lose accuracy and tend to under-record consumption. The Water Bureau is currently replacing older remote read meters, when necessary, with radio read meters. The registers and batteries on the radio read meters are warranted for 20 years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-103
(Int. No. 155)

Amending The 2009-10 Budget For Wage And Salary Increases And Refuse And Water Fund Purchases

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,284,900 from the Contingency Allocation, and by increasing the revenue estimates and appropriations by the sum of \$120,300, of which amount \$31,600 is hereby appropriated from the Local

Works Fund Balance, \$34,600 is hereby appropriated from the Water Fund Balance and \$54,100 is hereby appropriated from the Refuse Fund Balance, to the following for wage and salary increases:

City Council & Clerk Administration:	\$ 11,100
Mayor's Office	4,700
Management & Budget	25,000
Human Resource Management	17,700
Communications	8,000
Neighborhood & Business Development	80,400
Environmental Services	498,200
Finance	68,300
Information Technology	7,100
Law	7,800
Library	16,700
Recreation & Youth Services	107,900
Emergency Communications	201,300
Police	159,900
Fire	9,300
Undistributed Expense	181,800
Total	<u>\$1,405,200</u>

Section 2. Ordinance No. 2009-188, the 2009-10 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 \$1,813,000, which amount is hereby appropriated from the Refuse Fund Balance to fund the acquisition of recycling trucks.

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$542,000, which amount is hereby appropriated from the Water Fund Balance to fund the purchase of meters.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 156
Re: Agreement - TEK Systems, Database Administration

Transmitted herewith for your approval is legislation establishing \$13,038 as maximum compensation for an agreement with TEK Systems, Pittsford, NY, for direct placement of an individual to fill the recently vacated key staff position of database administrator in the Information Technology Department. The cost of this agreement will be funded from the 2009-10 Budget of ITD.

The resignation of the incumbent database administrator, effective March 24, 2010, created a vacancy in this critical position. The DBA role is essential in maintaining several databases that are integral to a number of City systems and processes. The database administrator also monitors and supports

systems that interface with financial institutions used by the City.

In order to fill the position quickly, and given the relative shortage of individuals qualified to do d/b/a work, ITD decided to seek assistance from local recruitment firms. TEK Systems is recommended for these services based on their ability to provide high quality at a fair price; they are a New York State Contract vendor. TEK Systems used their expertise to identify and recruit a highly skilled database administration and information engineering professional for the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 156

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR PLACEMENT SERVICES

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

Section 1. The sum of \$13,038, 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 TEK Systems for placement services for a Database Administrator. Said amount shall be funded from the 2009-10 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Palumbo
April 13, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 122 - Authorizing The Sale Of Real Estate

Int. No. 123 - Resolution Endorsing Grant Applications For The New York Main Street Program

Int. No. 124 - Approving Agreements For The JOSANA Neighborhood Master Plan

Int. No. 125 - Amending Ordinance No. 2009-374, Relating To The FIS Commercial Business Assistance Program

Int. No. 126 - Authorizing An Amended Lease Agreement For Space In The Port Terminal Building

Int. No. 157 - Establishing Maximum Compensation For A Professional Services Agreement For Assistance With Development Projects

Int. No. 158 - Authorizing The Acquisition Of Parcels To Effectuate The Midtown Urban Renewal Plan

Int. No. 159 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,260,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Parcels To Effectuate The Midtown Urban Renewal Plan In The City

The Neighborhood & Business Development Committee recommends for consideration the following entitled legislation:

Int. No. 140 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The University Of Rochester City Campus As Planned Development District #10

Int. No. 141 - Changing The Zoning Classification Of IPD #5-University Of Rochester And Medical Center; 555 And 665 Joseph C. Wilson Boulevard And 245 Elmwood Avenue From O-S Open Space; And 216, 224, 265 And 275 Westmoreland Drive From R-1 Low Density Residential, To PD #10-University Of Rochester City Campus

Int. No. 142 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Eastman Business Park As Planned Development District #12

Int. No. 143 - Changing The Zoning Classification Of Eastman Kodak Company Parcels From T-P Transitional Parking And M-1 Industrial; And 160 Pullman Avenue, 135 West Ridge Road, 1720, 1764 And 1768-1776 Lake Avenue From T-P Transitional Parking; 246 West Ridge Road From M-1 Industrial And 415-425 West Ridge Road And 1760 Dewey Avenue From C-3 Regional Destination Center to PD #12-Eastman Business Park

Int. No. 144 - Changing The Zoning Classification Of 9 S. Goodwill Street And 9 Woodside Street From T-P Transitional Parking To C-3 Regional Destination Center

Int. No. 145 - Changing The Zoning Classification Of 480, 500, 540 And 570 Maplewood Drive From T-P Transitional Parking To O-S Open Space

Int. No. 146 - Changing The Zoning Classification Of 119 And 131 W. Ridge Road And 32 Pullman Avenue From T-P Transitional Parking To C-2 Community Center

Int. No. 147 - Local Law Authorizing A Water Franchise Agreement With Eastman Kodak Company

Int. No. 148 - Authorizing An Amendatory Agreement With The Monroe County Water Authority

Int. No. 160 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Special Services And Authorizing An Agreement

The following entitled legislation failed in Committee:

Int. No. 6 - Authorizing Amendatory 1997-98, 1999-2000, 2000-01, 2001-02 And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Urban Agriculture Program

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-104
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of five 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 Bureau of Inspection and Compliance Services 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 three properties are buildable vacant lots being sold by proposal to the adjoining owners. The purchasers will combine the parcels with their respective adjoining properties.

The last two properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine each of their parcels with their respective adjoining properties.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,326.

All City taxes and other charges, except water charges, against properties being sold by the City will be cancelled 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. AJ-43

Ordinance No. 2010-104
(Int. No. 122)

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 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>Price</u>
34 Central Park 106.50-1-56.1	36x83 Cruz Iris Tapia	\$250
6 Henry Street 106.40-3-50.3	22x99 Walter Chatman	\$120
81 Thurston Road 120.64-1-6	60x140 Noel Karina Allain	\$525

Section 2. The Council hereby 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>
133 Avenue A 106.21-2-37.2	10x71 David McDaniel	871
1587 Clifford Avenue 106.36-2-7	39x100 Jean Drake	3,900

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.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-15
Re: New York Main Street Program

Transmitted herewith for your approval is legislation endorsing the applications of the several community organizations to the New York State Division of Housing and Community Renewal for Main Street Grants. The following groups are applying for funding: Charlotte Community Development Corporation, the Grace Urban Ministries/Charlotte Community Development Corporation, the South East Area Coalition, and North Winton Village.

The New York Main Street Program, established in 2004, provides grants up to \$500,000 to not-for-profit organizations to be used toward one of four program objectives, which are: façade renovation,

building renovation, streetscape enhancement, and downtown anchors.

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: Lake Avenue and River Street, Dewey Avenue and Driving Park Avenue in the NW FIS area, South Clinton Avenue from South Goodman to Linden, and East Main Street from Packard Street to Winton Road. City staff have reviewed the proposed projects and find them to be consistent with City goals and policies.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-15
(Int. No. 123)

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, the Grace Urban Ministries/Charlotte Community Development Corporation, the South East Area Coalition and North Winton Village 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. 2010-105
Re: Agreement - Interface Studio LLC,
JOSANA Neighborhood Master Plan

Transmitted herewith for your approval is legislation related to the preparation of a master plan for the JOSANA neighborhood in the northwest quadrant of the city. This legislation will:

1. Establish \$90,000 as maximum compensation for an agreement with Interface Studio LLC, Philadelphia, for the development of a master plan for the JOSANA neighborhood;

2. Authorize agreements with the United Way of Greater Rochester and the Rochester Housing Authority for the receipt and use of \$15,000 grants from each to finance a portion of the agreement;
3. Authorize an agreement with Enterprise Community Partners for participation in the project.

The agreement will be funded from 2007-08 Cash Capital (\$60,000, including an amount for contingency) and the grants from United Way (\$15,000) and RHA (\$15,000); both agencies and Enterprise, are working in conjunction with the City on this project. Enterprise will provide up to \$15,000 toward the total project cost of \$92,055 under a separate agreement with Interface Studio LLC.

The plan will include a review of, and be coordinated with, recent or currently underway studies and planning efforts in the areas immediately adjacent to JOSANA, including the Brown Square Neighborhood Plan, the Brownfield Opportunity Area, and the Circulation and Access Study for the Stadium.

Interface Studio will work with residents, property owners, and other stakeholders to conduct a comprehensive study of the neighborhood and its surrounding areas and provide recommendations and an implementation plan for the revitalization of JOSANA. The three-phase project will result in plans for: strategic acquisition and landbanking; residential development; commercial development along Lyell Avenue; improvement in mobility; green space; land use; improved quality of life; and a plan for the next year. It is anticipated that the master plan will be completed by the end of November 2010.

Proposals for these services were solicited from 30 firms who were directed to the Request for Proposals posted on the City's Website as well as on the Website of the American Planning Association. Proposals were received from 10 firms: Interface Studio; Bergmann Associates, Rochester; Brown and Keener, Philadelphia; Behan Planning & Design, Saratoga Springs, NY; AECOM, Chicago; Delta Development Group, Mechanicsburg, PA; Kennedy, Coulter, Rushing & Watts, Chattanooga, TN; BBP & Associates, Annapolis, MD; Peter J Smith & Company, Buffalo; and The Urban Design Lab, Minneapolis. Proposals were rated by a review committee of City staff and funding partners. Interface Studio was selected based on its qualifications, prior successful planning efforts in distressed neighborhoods, in-depth knowledge of the housing market economics of the City of Rochester, and expertise with the scope of planned work.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-105
(Int. No. 124)

Approving Agreements For The JOSANA Neighborhood Master Plan

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 United Way of Greater Rochester, the Rochester Housing Authority and Enterprise Community Partners for participation in the creation of the JOSANA Neighborhood Master Plan.

Section 2. 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 Interface Studio LLC for the creation of the JOSANA Neighborhood Master Plan. Of said amount, \$60,000 shall be funded from the 2007-08 Cash Capital allocation, \$15,000 is hereby appropriated from funds to be received from the United Way of Greater Rochester under the agreement authorized herein and \$15,000 is hereby appropriated from funds to be received from the Rochester Housing Authority under the agreement 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. 2010-106
Re: Amending Ordinance No. 2009-374 -
Focused Investment Strategy,
Commercial Business Assistance
Program

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-374 which authorized the FIS Commercial Business Assistance Program, to change funding amounts within the identified sources. This amendment will:

1. Reduce the amount appropriated from the 2008-09 Improving the Housing Stock and General Property Conditions allocation, Neighborhood and Asset Based Planning Fund of the Community Development Block Grant from \$166,650 to \$106,650; and
2. Increase the amount appropriated from the 2009-10 Improving the Housing Stock and General Property Conditions allocation, Neighborhood and Asset Based Planning Fund of the CDBG from \$133,350 to \$193,350.

Ordinance No. 2009-374 authorized a total of \$300,000 for the implementation of the FIS Commercial and Business Assistance Program. However, the amounts from the respective CDBG years

originally identified, have upon follow-up tracking, been determined to require adjustment.

Ordinance No. 2010-107
(Int. No. 126)

Respectfully submitted,
Robert J. Duffy
Mayor

Authorizing An Amended Lease Agreement For Space In The Port Terminal Building

Ordinance No. 2010-106
(Int. No. 125)

Amending Ordinance No. 2009-374, Relating To The FIS Commercial Business Assistance Program

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

WHEREAS, the City of Rochester has received a proposal from California Rollin II for the additional lease of space in the Port Terminal Building to add to the space already leased pursuant to Ordinance No. 2009-230; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

Section 1. Ordinance No. 2009-374, relating to the FIS Commercial Business Assistance Program, is hereby amended by reducing the amount of the appropriation from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program to the sum of \$106,650, and increasing the amount of the appropriation from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program to the sum of \$193,350.

WHEREAS, 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.

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

Section 2. This ordinance shall take effect immediately.

Section 1. The Council hereby approves an amendatory lease agreement with California Rollin II for the additional lease of approximately 100 square feet of commercial space on the first floor of the Port Terminal Building through December 31, 2014 at a monthly rental rate of \$125.

Passed unanimously.

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

TO THE COUNCIL
Ladies and Gentlemen:

Section 3. This ordinance shall take effect immediately.

Ordinance No. 2010-107
Re: Amendatory Lease Agreement -
California Rollin II, Port Terminal
Building

Passed unanimously.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with California Rollin II for the lease of space at the Port Terminal Building. The original agreement, authorized in July 2009, provides for the lease of 1,718 square feet of commercial/restaurant space at a monthly rate of \$2,147.50 (\$15 per square foot) through December 31, 2014.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-108
Re: Agreement - National Development
Council, Financial Services

This amendment will increase the leased space by 100 adjacent square feet at the same rate of \$15 per square foot, resulting in a total monthly rate of \$2,272.50, an increase in revenue of \$7,000 through December 31, 2014. Other terms of the lease will remain the same.

Transmitted herewith for your approval is legislation establishing \$72,000 as maximum compensation for an agreement with the National Development Council (NDC), New York City, for services related to opportunities and financial analyses for proposed development projects in the City of Rochester, including the PAETEC Headquarters Project to be located in the Midtown Urban Renewal District. The agreement will be funded from the 2008-09 Cash Capital allocation.

The requested space has been vacant since 2008 and provides space for California Rollin II to expand for continued growth and customer amenities. Leasehold improvements are scheduled to begin in April, 2010. Any/all required costs associated with the leasehold improvements will be the sole obligation of the tenant.

From July to September 2009, through a \$20,000 contract (funded primarily by an Empire State Development Corporation grant of \$18,000) with the Rochester Economic Development Corporation (REDCO), NDC evaluated various funding opportunities, financial structures, and the economic feasibility of the planned relocation of PAETEC Holdings Corp. to a new headquarters facility at the Midtown site at the southeast corner of East Main Street and Clinton Avenue. NDC's consulting

Respectfully submitted,
Robert J. Duffy
Mayor

work has resulted in the identification of a funding strategy.

The new contract will allow NDC to provide the following services:

- Assist the City in the financing, development, design, implementation, and monitoring of the financing elements of the PAETEC project, as well as other redevelopment plans and proposals as they may be conceived and adopted during the term of NDC's engagement.
- At the City's request, NDC will review and evaluate any other projects being considered by the City for community and economic development assistance, and housing. This assistance provided by NDC may include, but not be limited to:
 - Evaluating developer experience and capacity
 - Financial review of the sources and uses and operating proformas
 - Structuring of deals with available public sector economic development programs
 - Review of appraisals, cost assumptions, capital budgets, operating statements, marketing data and other funding commitments
 - Advising on tax credit equity sources, requirements and structuring
 - Identifying other funding sources for the range of commercial, industrial, and residential real estate and business credit deals
 - Assisting with development issues during re-development and development
 - Advising on program regulations issues
- Provide four scholarships to be used by City staff for attendance in any of NDC's professional certification programs and conduct up to four in-house training sessions.

The term of the agreement will be one year and will be retroactive to March 1, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-108
(Int. No. 157)

Establishing Maximum Compensation For A Professional Services Agreement For Assistance With Development Projects

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

Section 1. The sum of \$72,000, 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 National Development Council for assistance with funding related opportunities and financial analyses for development projects. The agreement shall have a term of one year, commencing March 1, 2010. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-109 and
Ordinance No. 2010-110
Re: Acquisitions - Midtown Revitalization Project

Transmitted herewith for your approval is legislation authorizing the acquisition of three East Main Street properties as part of the Midtown Revitalization Project for their total appraised value of \$3,189,000; and authorizing the issuance of \$2,260,000 in bonds and the appropriation thereof to finance a portion of the cost of acquisitions. The remaining amount, \$929,000, will be funded from 2008-09 Cash Capital.

The properties, 233-247, 249-253, and 255-257 East Main Street, are situated in the Midtown Urban Renewal District on the southeast corner of the East Main Street and Clinton Avenue intersection. These parcels have been identified for acquisition in the amended Midtown Urban Renewal Plan adopted by City Council in November 2009. Acquisition of these properties is required for site assembly for the Midtown Revitalization Project. The authority to acquire these properties by negotiation is being requested at this time. However, if acquisition by negotiation is not successful, the Council will be requested in May to acquire the properties by condemnation. The pertinent information regarding each property is listed as follows:

<u>Property Address</u> <u>Reputed Owner</u>	<u>Type</u>	<u>Appraised Value</u>
233-247 E. Main St. 235 E. Main Street LLC	Commercial	\$2,400,000
249-253 E. Main St. Rochester Investors Co. Inc.	Commercial	404,000
255-257 E. Main St. Richard C. Fox	Commercial	<u>325,000</u>
Total		\$3,129,000

All of the properties are vacant; no relocation costs are required. The acquisition amounts were established through an independent appraisal prepared by Kevin L. Bruckner, MAI, and reviewed by Robert G. Pogel, SRPA. The total acquisition amount, which includes closing costs, will not exceed \$3,189,000. The bonds for this project were

identified in the Capital Improvement Plan as follows:

<u>CIP</u>	<u>Amount</u>
<u>Allocation</u>	
2006-07	\$1,000,000
Market Rate Housing Acquisition & Support	
2006-07	230,000
Support Dev't of Market Rate Downtown Development	
2007-08	<u>1,030,000</u>
Land Acquisition	
Total	\$2,260,000

City taxes and other current year taxes against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current year charges attributable to the period after closing, such charges shall be credited to the owners at closing and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns these parcels, shall also be canceled.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-109
(Int. No. 158)

Authorizing The Acquisition Of Parcels To Effectuate The Midtown Urban Renewal Plan

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 in amounts not to exceed those indicated to effectuate the Midtown Urban Renewal Plan:

<u>Property Address</u>	<u>SBL#</u>	<u>Maximum Acquisition Value</u>
<u>Reputed Owner</u>	<u>Type</u>	
233-247 E. Main St.	121.24-1-3	\$2,400,000
235 E. Main Street LLC	Commercial	
249-253 E. Main St.	121.24-1-4	404,000
Rochester Investors Co. Inc.	Commercial	
255-257 E. Main St.	121.24-1-5	<u>325,000</u>
Richard C. Fox	Commercial	
Total		\$3,129,000

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$3,129,000, and of said amount, and necessary closing costs estimated not to exceed \$60,000, \$2,260,000 shall be funded from a bond ordinance adopted for this purpose and \$929,000 shall be funded from the 2008-09 Cash Capital allocation.

Section 3. City taxes and other current-year charges against said parcels shall be canceled from the date of closing forward. If the present owners have paid any taxes or other current-year charges attributable to the period after the closing, such

charges shall be credited to such owners 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. 2010-110
(Int. No. 159)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$2,260,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Parcels To Effectuate The Midtown Urban Renewal Plan 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 the acquisition of the properties at 233-247 East Main Street, SBL #121.24-1-3; 249-253 East Main Street, SBL #121.24-1-4; and 255-257 East Main Street, SBL #121.24-1-5, to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan 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 \$3,129,000. The plan of financing includes the issuance of \$2,260,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$929,000 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 \$2,260,000 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 \$2,260,000. 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.21(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. 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. 2010-111 and
Ordinance No. 2010-112
Re: Planned Development District #10-
University of Rochester City Campus

Transmitted herewith for your approval is legislation relating to the conversion of an existing Institutional Planned Development District (IPD) to a Planned Development District (PD) to support the implementing strategies of the University of Rochester's (UR or University) 2008 Master Plan. This new district requires the following legislation:

1. Amendment of the Zoning Map by rezoning 45 properties as follows:

0, OR, 101, 380-600, 612, 615, 630, 655, 670, 940, 970, 1000, 1016, 1044, 1045, 1085, and 1155 Joseph C. Wilson Boulevard, 160, 400, 410, 241, 275, 420, 430, and 487 Elmwood Avenue, 72, 96,100, 110-170, 210, 260, and 255 Crittenden Boulevard, 300-400 Kendrick Road, 255 Lattimore Road, 219 Castleman Road and 333 Westmoreland Drive from Institutional Planned Development District (IPD#5)-University of Rochester and Medical Center District; 555 and 665 Joseph C. Wilson Boulevard and 245 Elmwood Avenue from O-S Open Space; and 216, 224, 265, and 275 Westmoreland Drive from R-1 Low Density Residential, to Planned Development District #10 -University of Rochester City Campus District (PD#10); and

2. Amendment of the Zoning Text by adding the PD#10-University of Rochester City Campus development concept regulations to Chapter 120, the Zoning Code.

The U of R Medical Center and River Campus encompass approximately 424 acres bound by the Genesee River, McClean Street, Mt. Hope Cemetery, Mt. Hope Avenue, Crittenden Boulevard, Castleman Road, the Erie Canal, Genesee Valley Park, and Elmwood Avenue. The area is currently zoned Institutional Planned Development (IPD#5)-University of Rochester and Medical Center.

The IPD was established in the 1970s and regulated under the 1975 Zoning Code. The current Zoning Code, adopted in 2003, replaces IPDs with Planned Development Districts, in part because the floor area ratio method used previously has been problematic and ineffective in regulating development.

The issuance of the University of Rochester 2008 Campus Master Plan was the impetus for the creation of a new Planned Development District. The intent of the Master Plan is to provide a flexible framework for the orderly development and growth of the University's lands and facilities on the River and Medical Center Campuses covering a period of at least twenty years. It aims to manage future

growth and development within the district by creatively combining the University's traditional architectural heritage with innovative designs for new buildings and other site improvements.

The U of R opted to move towards a more form-based code which specifies: build-to lines; transparency, massing, scale and screening requirements; and materials and height limitations. It also recognizes the need for compatibility in areas of the campus that interface with adjacent residential and open space areas, public rights-of-way, and the Collegetown Village district along Mt. Hope Avenue.

PD#10 will be divided into two sub-areas: 1. River Campus (U of R academic campus); and 2. Medical Center/Mid Campus (Medical Center and all properties to the south).

A copy of the City Planning Commission Staff Report, which includes the University of Rochester 2008 Campus Master Plan and Design Guidelines, is on file in the Office of the City Clerk.

The Planning Commission held an informational meeting on February 8, 2010. There were no speakers in support or opposition to the proposal and four neutral speakers. By a vote of 5-0-2, the Commission recommends approval. The minutes of that meeting 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 Director of Planning and 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 on the zoning amendments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-44

Ordinance No. 2010-111
(Int. No. 140)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The University Of Rochester City Campus As Planned Development District #10

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 University of Rochester City Campus to read in its entirety as follows and by designating the University of Rochester City Campus as Planned Development District #10-University of Rochester City Campus:

Planned Development District #10
University of Rochester City Campus

A. Purpose. The intent of the Planned Development District #10 (PD #10) is to provide a flexible framework for the orderly future development of the University of Rochester's River Campus and its Medical Center/Mid Campus. This framework has been set forth in the University's 2008 Campus Master Plan, completed in 2009, which provides guidance for the development of the University's lands and facilities covering a period of at least twenty years.

As informed by the Campus Master Plan and in accordance with the guidelines for PD #10, development in PD #10 will reflect the spirit of a vibrant University community by creatively combining the University's traditional architectural heritage with innovative designs for new buildings and other site improvements. Such development will also reflect the University's commitment to enhance the environmental quality and sustainability of the University. This development will additionally provide for orderly transitions among land uses within the campus, and will ensure integration of the campus with the neighborhood.

New development will expand diversity by including a vibrant mix of uses, buildings of varying heights and sizes, and outdoor rooms for social gathering and recreation. Growth plans include extending the open space qualities of the River Campus to the Medical Center/Mid Campus, and highlighting Kendrick Road as a major boulevard style gateway with significant street trees and ornamental landscaping. PD #10 is intended to be a multimodal district, accommodating vehicular, pedestrian, transit and bicycle traffic.

The district shall be comprised of two areas:

1. Sub Area 1 - River Campus. The intent of Sub Area 1 is to facilitate and guide development within this campus that builds on the existing formal geometry, materials palette, and scale of the River Campus and extends the quality and identity of the University from its core to its edges. Buildings in Sub Area 1 shall be subordinate in height to Rush Rhees Library, one of the major symbols of the University.
2. Sub Area 2 - Medical Center/Mid Campus. The intent of Sub Area 2 is to facilitate and guide development within this area in order to create a central inpatient core with ancillary facilities in flanking locations and to support planning and technical requirements for state of the art medical care, research, and teaching. Future development in this area will enhance the healthcare experience through the design of the public realm, integration of daylight throughout the facilities, and interconnected gardens.

- B. Permitted uses. Permitted uses in PD #10 will relate primarily to healthcare, educational, research, academic and other university activities, residential uses and accessory uses thereto, including retail services and other small-scale commercial enterprises. Such uses will generally occur in, but not be limited to, the areas shown on Figure 2.



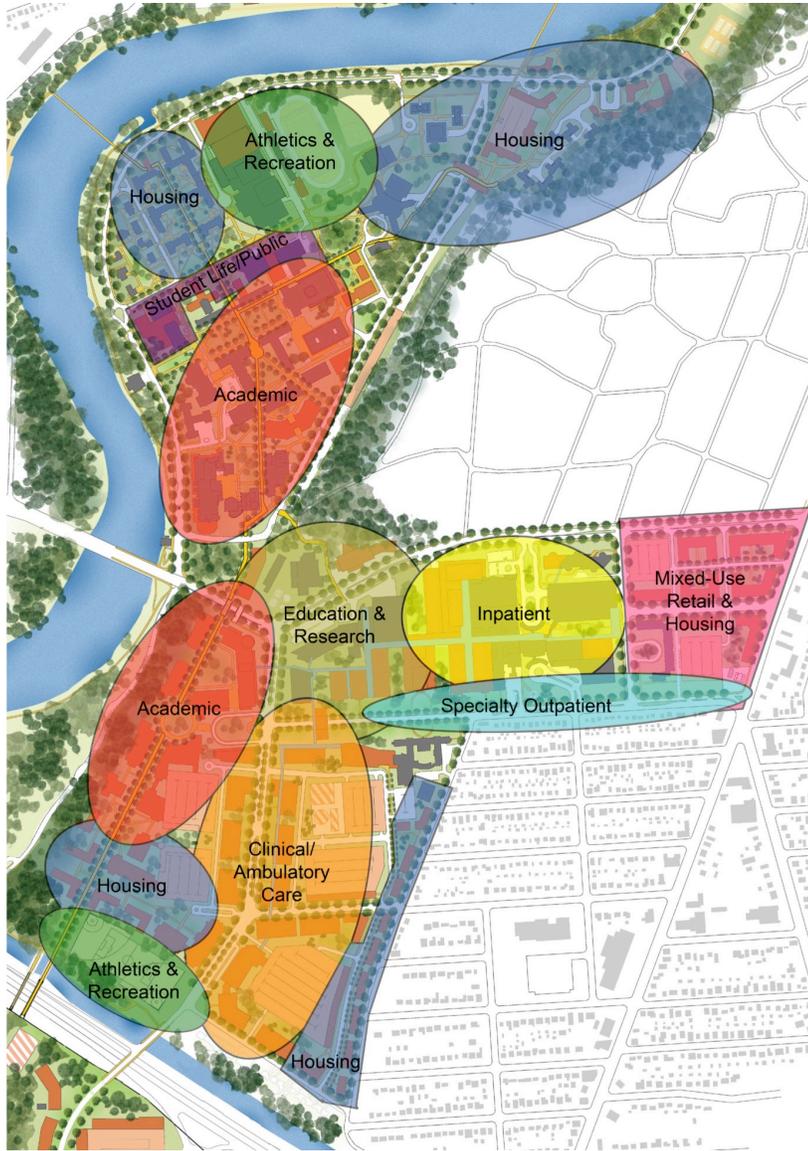


Figure 2 – Land Uses

C. Street grid.

1. Primary Roads include Wilson Boulevard, Elmwood Avenue, Crittenden Boulevard and Kendrick Road.
2. Secondary Streets include Castleman Road, Westmoreland Road, Lattimore Road, East Drive and Intercampus Drive.
3. Other Streets include new streets.

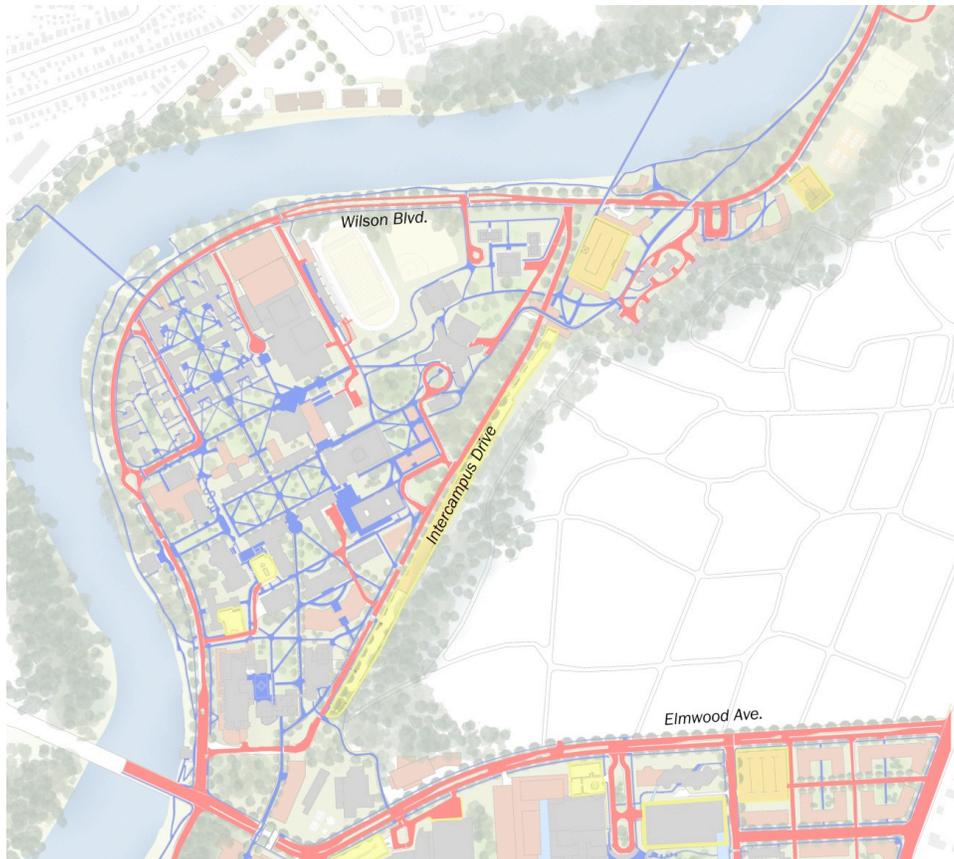


Figure 3a – Street Grid
River Campus

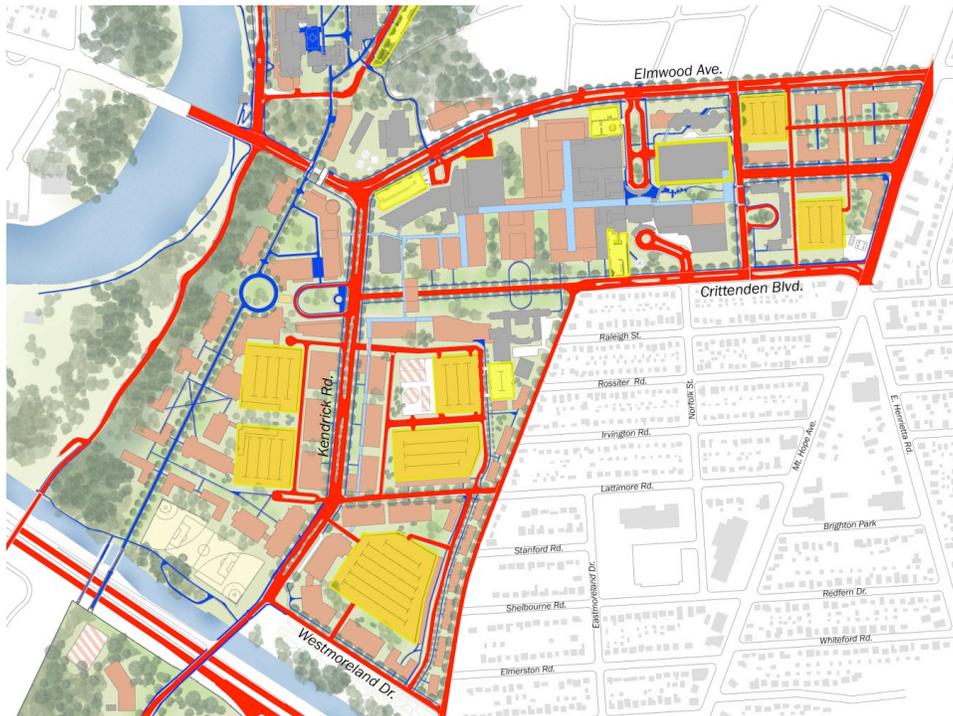


Figure 3b – Street Grid
Medical Center/Mid Campus

D. Access and off-street parking.

1. Parking requirement: There are no minimum parking requirements within the PD #10 District.
2. Minimizing access points on the primary streets: Each site shall be permitted appropriate ingress/egress to and from the site. Existing access drives and shared access from adjacent sites shall be analyzed prior to submitting requests for new access points.
3. Drop-offs: Where substantiation is provided, front yard drop-offs will be allowed near major building entrances.
4. Parking placement: Off-street parking is generally not permitted between buildings and the street or in defined open spaces, with the exception of approved drop-off areas. On Crittenden Boulevard, front-yard parking will be permitted in accordance with the Crittenden Boulevard Enhancement Plan which will provide for interconnected parking lots and minimal access points.
5. Loading and service yards: Loading docks and service yards should generally be placed on secondary or other streets, and not on primary streets; they should be screened as appropriate from view from public streets, and should not be visible from public building entries.
6. Parking garage access: Access to garages should be from secondary roads.

- E. Open space. The intent of the Campus Master Plan is to extend the open space qualities of the River Campus to the Medical Center/Mid Campus, where appropriate. The concept plan reflected in Figure 4 will guide the location of Open Space areas.



River Campus



Med Center / Mid Campus

Figure 4 – Open Space Plan

F. Building requirements.

1. Sub Area 1 - River Campus. The suggested concept plan reflected in Figure 5 will guide the placement of new buildings on the River Campus.



Figure 5 – River Campus Suggested Concept Plan

a) Setbacks.

Setbacks	
Wilson Boulevard	20'
Intercampus Drive	N/A
River	Subject to site plan review

b) Architectural character.

Applications for new construction shall be guided by the following principles from the Design Guidelines of the Campus Master Plan, which build on the concepts of the original 1930 master plan for the River Campus:

1) Building placement.

- (a) The River Campus is composed of a series of buildings and deliberately designed spaces, characterized by alignment along a series of axes and arranged in an orderly way so as to create a series of well defined, relatively enclosed outdoor spaces, commonly referred to as 'quads.' New construction should respect and reinforce this pattern of development.
- (b) Buildings should remain parallel and perpendicular to adjoining streets as much as possible.
- (c) The development of recognizable outdoor quads will typically include a clear hierarchy of a hero building framed by soldier buildings.
- (d) Buildings should generally retain a minimum of 60% of their frontage along the setback line but allowances will be made, where appropriate, for additional sidewalk depth for pedestrian amenities or architectural features that enhance the pedestrian scale and experience of the building façade.

2) Façade composition.

- (a) The design of the façade is a synthesis of three basic divisions: the tripartite divisions of base, middle and top.
- (b) Facades should be organized through the use of regulating lines.
- (c) Facades should contain a repetition of similarly proportioned elements of structure, bay and window, solid and void.
- (d) Materials, massing and fenestration should be consistent with existing campus construction. Repetition of elements should be moderated in order to avoid monotony, and to weave elements into multiple rhythms

that enhance visual interest. Porticos, gables, cornices, columns and dormers should be used where appropriate to define the character of buildings and grounds by regulating scale, massing and façade rhythm.

- (e) Window pattern and other fenestration should have a mix of pattern of verticals and horizontals to create a tapestry of pattern across the façade.
 - (f) The fenestration should be modulated across the façade with vertical bays, glassy corners, and a balance of solid to voids, as appropriate.
 - (g) Entrances should be prominent with a high level of transparency, arcades and porticoes as appropriate.
 - (h) Brick colors should tie into existing buildings as appropriate.
 - (i) Wrapping parking structures along the base/human scale elevation with other uses, such as housing or office space is encouraged. If a parking structure is visible from Wilson Boulevard, its façade should be designed to blend in as much as reasonably possible with the surrounding buildings, through the appropriate use of compatible materials, fenestration pattern, and façade composition.
- 3) Massing and screening.
- (a) Massing should break down buildings into smaller parts, through the use of: base (human scale, transparency, activity at the ground levels), middle (how the building rises from its base) and top (how the building meets the sky); tower elements; vertical divisions or bays (central, intermediate and end); and a vertical datum of 45-60 feet above grade where the building steps back to minimize its perceived height.
 - (b) The base should reflect the human scale of pedestrians.
 - (c) Rooftop mechanical equipment should be screened from view using a material compatible with the material palette of the rest of the building.

- 4) Height.
 - (a) New buildings should be subordinate to the Rush Rhees Library Dome.
 - (b) Along primary and secondary street frontages, buildings taller than 45-60 feet should step back from the street frontage to minimize the building's perceived height and maintain a human scale along the street.
 - (c) The visual impact of upper stories should be reduced through the use of material, color and pattern.
 - 5) Materials.
 - (a) The character of the buildings should respond to and complement the palette of materials and colors present on the University of Rochester campus.
 - (b) Discouraged materials and practices.
 - (i) Cast-in-place concrete, metal panel, "utility" brick and glass block are generally discouraged as materials for exterior walls.
 - (ii) Unbroken or modulated bands of glass, brick, or metal are discouraged.
2. Sub Area 2 - Medical Center/Mid Campus. The suggested concept plan reflected in Figure 6 will guide the placement of new buildings on the Medical Center/Mid Campus.

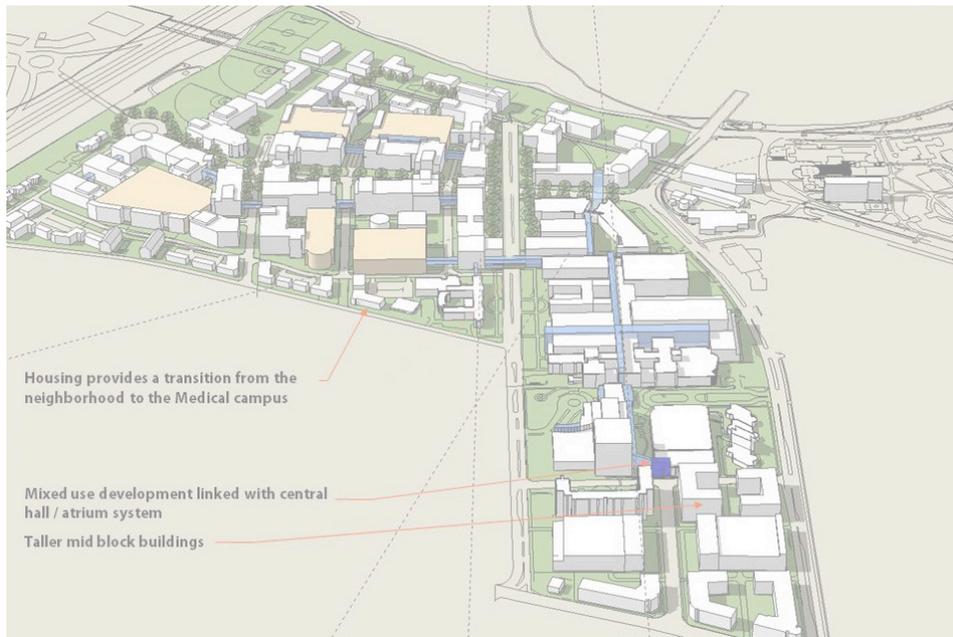


Figure 6 – Medical Center/Mid Campus Suggested Concept Plan

- a) Build to lines and height.

Build to Lines and Height		
	Build to Lines	Height
Elmwood Avenue	0'* north	TBD north
	20' south	N/A south
Crittenden Boulevard	15' for parking/site plan review for new buildings	Site Plan Review
Kendrick Road	TBD through site plan review	Maximum permitted by FAA
Castleman Road	15'	3 stories, then stepped
Westmoreland Road	25'	3 stories, then stepped
Canal	20'	Site Plan Review

* minimum

- b) Architectural character. Applications for new construction shall be guided by the following principles in response to the palette of materials, patterns and colors present on the University of Rochester Medical Center campus.

1) Building placement.

- (a) Buildings should remain parallel and perpendicular to adjoining streets as much as possible.
- (b) Buildings should generally retain a minimum of 60% of their frontage along the setback line but allowances will be made, where appropriate, for additional sidewalk depth for pedestrian amenities or architectural features that enhance the pedestrian scale and experience of the building façade.
- (c) Building placement should provide connectivity and a strong sense of place and should create organized exterior spaces.
- (d) Buildings should be placed to maintain east/west vision corridors along Lattimore Road through to Intercampus Drive.

2) Façade composition.

- (a) The design of the façade is a synthesis of three basic divisions: the tripartite divisions of base, middle and top.
- (b) Facades should be organized through the use of regulating lines.
- (c) Facades should contain a repetition of similarly proportioned elements of structure, bay and window, solid and void.
- (d) Repetition of elements should be moderated in order to avoid monotony, and to weave elements into multiple rhythms that enhance visual interest. Porticos, gables, cornices, columns and dormers should be used where appropriate to define the character of buildings and grounds by regulating scale, massing and façade rhythm.
- (e) Buildings such as the Cancer Center, Arthur Kornberg Medical Research Building and the entrance to the School of Medicine and Dentistry are examples to be emulated on the campus. As shown by these buildings:
 - (i) Large buildings' scale can be modulated by breaking up the mass into smaller segments.
 - (ii) Window pattern and other fenestration should mix patterns of verticals and horizontals to create a tapestry of pattern across the façade.
 - (iii) The fenestration should be modulated across the façade with vertical bays, glassy corners, and a balance of solid to voids, as appropriate.
 - (iv) Entrances should be prominent with a high level of transparency, arcades and porticoes as appropriate.

- (v) Brick colors should be blended with red, brown, and burgundy brick within the same building to tie into other buildings on campus.
 - (vi) Roofs should be flat or shaped as appropriate to complement surrounding architectural styles.
 - (vii) Laboratory building designs should locate public spaces, offices, and circulation on the perimeter of the floor plan to animate the main facade with human traffic, and blank facades should be minimized.
 - (viii) Wrapping parking structures along the base/human scale elevation with other uses, such as housing or office space is encouraged. If a parking structure is visible from Elmwood Avenue, Crittenden Boulevard, Castleman Road or the residential section of Westmoreland Drive, its facade should be designed to blend in as much as reasonably possible with the surrounding buildings, through the appropriate use of compatible materials, fenestration pattern, and facade composition.
- 3) Massing and screening.
- (a) Building massing should fundamentally be driven by program requirements or relevant Campus Master Plan requirements.
 - (b) Buildings should be sited to form outdoor spaces and/or define a street edge.
 - (c) Building massing should step up from a four to five story base along public streets which can screen upper floors from overpowering the street scale.
 - (d) Massing should break down buildings into smaller parts, through the use of: base (human scale, transparency, activity at the ground levels), middle (how the building rises from its base) and top (how the building meets the sky); tower elements; vertical divisions or bays (central, intermediate and end); and a vertical datum of 45' to 60' above grade where the building steps back to minimize its perceived height from the street.
- (e) The base should reflect the human scale of pedestrians.
- (f) Building height and massing and general use should be similar and compatible across streets, i.e. with similar numbers of floors, setbacks, landscaping, and scale.
- (g) Towers or other significant architectural treatments should be located at the corner of Kendrick Road and Lattimore Road as well as Kendrick Road and Westmoreland Drive to serve as an anchor to the development and a gateway to the University.
- (h) Mechanical penthouses should be either stepped back from the building primary facade or should devise a screen that is an extension of the primary facade architecture of sufficient height to conceal all roof top mounted mechanical equipment.
- 4) Height.
- (a) Maximum building height in the core of the Medical Center/Mid Campus is as allowed by the Federal Aviation Administration.
 - (b) The visual impact of upper stories should be reduced through the use of materials, color and pattern.
- 5) Materials. The character of the buildings should respond to and complement the palette of materials and colors present on the Medical Center/Mid Campus.
- Discouraged materials and practices.
- (a) Cast-in-place concrete, metal panel, "utility" brick and glass block are generally discouraged as materials for exterior walls.
 - (b) Unbroken or modulated bands of glass, brick, or metal are discouraged.
- G. Signage.

1. Signs in PD #10 shall be subject to the following requirements:
 - a) Permitted sign types.
 - 1) Attached signs.
 - 2) Detached signs.
 - 3) Other signs, including but not limited to address, informational, directional, memorial or historic plaques, safety, permanent bulletin board, parking, holiday decorations, and decorative flags.
 - 4) Special purpose signs may be approved through minor site plan approval (i.e. memorial signs).
 - b) Prohibited sign types: Advertising signs.
 - c) Number of signs: One (1) attached or detached sign per operation per street frontage.
 - d) Maximum surface area: Twenty-four (24) square feet
 - e) Maximum height.
 - 1) Attached signs: N/A
 - 2) Detached signs: Six (6) feet
 - f) Setback: N/A
 - g) Illumination: External and/or internal illumination permitted.
2. Alternative sign program. An alternative sign program containing provisions different from the above may be approved by the Director of Planning and Zoning through minor site plan review, subject to review and recommendation by the Project Review Committee. An alternative sign program should contain imaginative, effective and visually compatible provisions that respond to unique site-specific conditions and/or uses and should serve as the sign regulations for the overall campus. Such plan should reinforce vehicular and pedestrian way finding, facilitate enhancements which will contribute to the campus' unique sense of place, and incorporate controls which deter sign clutter (including excessive numbers and sizes of signs and inappropriate sign types, materials, and lighting) which could negatively impact the adjoining neighborhood and/or overall campus. In no case shall an alternative sign program permit advertising signs.
3. Waivers. The Director of Planning and Zoning shall be authorized to waive any of the sign requirements set forth above in sections G(1)(a) and G(1)(c)-(g), but not G(1)(b), through minor site plan review.
- H. Personal wireless telecommunications facilities. Personal wireless telecommunications facilities shall be permitted in PD #10 pursuant to § 120-143 of the Zoning Code and in accordance with the following:
 1. Antennas on buildings. Antennas are permitted on all buildings, provided that the height above grade does not exceed 100 feet and provided that antennas and related support structures that extend more than 20 feet above a roof are set back at least 100 feet from the nearest residential, open space or preservation district or landmark.
 2. Antennas on existing towers. Antennas on existing telecommunications towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior special permit.
 3. Telecommunications towers. New telecommunications towers shall not be permitted.
- I. Review and approval.
 1. All projects shall be reviewed in accordance with the requirements for a Certificate of Zoning Compliance as set forth in § 120-189 of the Zoning Code. In addition to the information required pursuant to § 120-189E(1) of the Zoning Code, each application for development in PD #10 shall be accompanied by traffic and parking management documentation as described in sections I(4) and (5) below.
 2. Notwithstanding any provisions contained in the Zoning Code to the contrary, incremental development in PD #10 requiring major or minor site plan approval pursuant to § 120-191 of the Zoning Code shall be limited to the below listed activities. All other development shall be subject to the application requirements of § 120-189 and any special requirements of PD #10.
 - a) New construction with a frontage on Elmwood Avenue, Castleman Drive, Westmoreland Drive, Joseph C. Wilson Boulevard, the Genesee River and/or the Erie Canal;
 - b) New front yard drop-offs;
 - c) Proposed construction that does not comply with the design and setback requirements of PD #10;
 - d) New loading or service yards visible from primary streets;
 - e) New or expanded surface parking lots and parking garages;
 - f) Projects determined to pose potential

adverse traffic impacts as determined by the Director of Planning and Zoning or his designee upon review of the traffic management information provided;

- g) Projects requiring parking management mitigation measures as determined by the Director of Planning and Zoning or his designee upon review of the parking management information provided;
 - h) The Crittenden Boulevard Enhancement Plan.
3. Plans for new streets and significant modifications to any rights-of-way shall be referred to the Director of Planning and Zoning or his designee for review and comment.
 4. The 2009 Parking Capacity Analysis Report (submitted in conjunction with PD #10) shall be updated periodically and shall be made available to the Director of Planning and Zoning upon request.
 5. Applications for a Certificate of Zoning Compliance involving construction of a building generating 100 peak hour trips are required to include a traffic analysis; provided, however, that in any event the 2010 PD #10 Traffic Impact Study shall be updated or replaced every five years, commencing in 2015. The Director of Planning and Zoning shall review the information to determine if there are potential adverse impacts upon the level of service of the neighboring street system and whether mitigation measures are necessary.
 6. The Director of Planning and Zoning may waive the requirements of PD #10 through the site plan approval process upon referral to the Project Review Committee and a determination that a project is in substantial compliance with the overall intent and purpose of the University of Rochester's comprehensive Campus Master Plan.
- J. Planned Development District No. 10 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.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because he is employed by the University of Rochester.

Ordinance No. 2010-112
(Int. No. 141)

Changing The Zoning Classification Of IPD #5-University Of Rochester And Medical Center; 555 And 665 Joseph C. Wilson Boulevard And 245 Elmwood Avenue From O-S Open Space; And 216, 224, 265 And 275 Westmoreland Drive From R-1 Low Density Residential, To PD #10-University Of Rochester City Campus

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 IPD #5-University of Rochester and Medical Center; 555 and 665 Joseph C. Wilson Boulevard and 245 Elmwood Avenue from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Drive from R-1 Low Density Residential, to PD #10-University of Rochester City Campus:

Beginning at a point marking the intersection of the centerline of McLean Street and the centerline of Joseph C. Wilson Boulevard and running

Thence 1) from the point of beginning easterly along the centerline of said McLean Street to the northwest corner of land of Mt. Hope Cemetery.

Thence 2) in a southerly direction along land of said Mt. Hope Cemetery 3133 feet more or less, to an angle point in said Cemetery Land.

Thence 3) westerly and northwesterly along said Mt. Hope Cemetery land a distance of 360 feet more or less, to the east line of land of the University of Rochester.

Thence 4) southerly along the east line of said U of R land 140 feet more or less to a point.

Thence 5) continuing southerly along the west line of Mt. Hope Cemetery also being the easterly line of land of the Lehigh Valley Railroad 1015 feet more or less to a point.

Thence 6) westerly along said dividing line between the R.R. to the west and the Cemetery to the east, 11.59 feet, more or less to a point.

Thence 7) southerly along said dividing line of the R.R. and the Cemetery 762.14 feet, more or less to a point.

Thence 8) westerly along said dividing line of R.R. and Cemetery, 20 feet, more or less to a point.

Thence 9) southerly along said R.R. and Cemetery dividing line and also the dividing line between the Cemetery to the east and land of the U of R on the west, 606 feet more or less to a point in the centerline of Old Elmwood Avenue.

Thence 10) easterly along the centerline of Old Elmwood Avenue, 691 feet, more or less to the northeast corner of the University of Rochester

(tax map parcel 135.60-01-03) said corner also being the northwest corner of the City of Rochester (tax map parcel 135.60-01-07).

Thence 11) southerly along said line also being the dividing line between the University of Rochester (tax map parcel 135.60-01-03) to the west and the City of Rochester (tax map parcel 135.60-01-07) on the east 109 feet, more or less to a point in the centerline of Elmwood Avenue.

Thence 12) easterly along said centerline 1495 feet more or less to a point marking the intersection of the dividing line between the University of Rochester (tax map parcel 136.53-01-01) to the west and the University of Rochester (tax map parcel 136.53-01-02) to the east as it extends northerly to the said centerline.

Thence 13) southerly along said dividing line and continuing southerly 554 feet more or less to a northeasterly corner of Crittenden Boulevard Housing Company (tax map parcel 136.53-01-08) also being a southwest corner of University of Rochester (tax map parcel 136.53-01-02).

Thence 14) easterly along said northerly bounds of said lands of Crittenden Boulevard Housing Company (tax map parcel 136.53-01-08) 209 feet, more or less to the most northeasterly corner thereof said corner also being the northwesterly corner of lands of University of Rochester (tax map parcel 136.53-01-06).

Thence 15) southwestly along the dividing line between Crittenden Boulevard Housing Company (tax map parcel 136.53-01-08) to the west and the University of Rochester (tax map parcel 136.53-01-06) to the east a distance of 520 feet, more or less to a point in the centerline of Crittenden Boulevard (90' right of way).

Thence 16) westerly along the centerline of Crittenden Boulevard a distance of 1215 feet, more or less to the intersection of said centerline and the centerline of Castleman Road as it extends northerly.

Thence 17) southwestly along the centerline of Castleman Road a distance of 2515 feet more or less to the intersection of said centerline and the centerline of Westmoreland Drive as it extends easterly.

Thence 18) northwesterly along the centerline of Westmoreland Drive 440 feet, more or less to the intersection of the easterly line of lot 120 of the University Heights Subdivision as shown on a map filed in the Monroe County Clerk's Office in Liber 59 of Maps at page 18, to the south would extend northerly to the said centerline.

Thence 19) southwestly along said line of lot 120, 150 feet, more or less to a point in the northerly line of the Barge Canal.

Thence 20) northwesterly along the northerly line of the said Canal 1442 feet, more or less to the southwest corner of University of Rochester

(tax map parcel 135.75-01-01) to the east.

Thence 21) northeasterly along said westerly line of said University of Rochester (tax map parcel 135.75-01-01), 201 feet more or less to a point.

Thence 22) northwesterly 40 feet to a point along the easterly line of Lehigh Valley R.R. (tax map parcel 135.52-01-01).

Thence 23) southwestly along said Lehigh Valley R.R. (tax map parcel 135.52-01-01), 271.5 feet more or less to a point along the northerly line of the Barge Canal.

Thence 24) northwesterly along said Canal Land 135 feet, more or less to a point.

Thence 25) northeasterly along said Canal Land 60 feet, more or less to a point.

Thence 26) westerly along said Canal Land 125 feet, more or less to a point.

Thence 27) southwestly along said Canal Land 20 feet more or less to a point.

Thence 28) northwesterly along said Canal Land 250 feet more or less to a point.

Thence 29) northeasterly along said Canal Land 30 feet more or less to a point.

Thence 30) northwesterly along the northerly line of said Canal Lands 29.17 feet more or less to a point in the boundary line between the University of Rochester (tax map parcel 135.67-01-2.1) on the east and the City of Rochester (tax map parcel 135.15-01-01) on the west.

Thence 31) northerly along a curve to the right on said boundary line having a radius of 522.27 feet, a Delta Angle of 15° 39' 08" and an Arc Length of 142.68 feet more or less to a point.

Thence 32) N 50° 28' 53" E, a distance of 102.92 feet more or less along said boundary line to a point of curvature.

Thence 33) along a curve to the left and having a radius of 615.86 feet, a Delta Angle of 24° 31' 16" and an Arc Length of 263.57 feet more or less along said boundary line to a point of reverse curvature.

Thence 34) along a curve to the right and having a radius of 772.38 feet, a Delta Angle of 13° 35' 39" and an Arc Length of 183.26 feet more or less along said boundary line to a point of reverse curvature.

Thence 35) along a curve to the left and having a radius of 2435.35 feet, a Delta Angle of 10° 08' 44" and an Arc Length of 431.24 feet more or less along said boundary line to a point of compound curvature.

Thence 36) along a curve to the left and having a

radius of 586.39 feet, a Delta Angle of 17° 42' 02" and an Arc Length of 181.16 feet more or less along said boundary to a point of reverse curvature.

Thence 37) along a curve to the right and having a radius of 157.03 feet, a Delta Angle of 36° 31' 28" and an Arc Length of 100.10 feet more or less along said boundary to a point of reverse curvature.

Thence 38) along a curve to the left and having a radius of 710.77 feet, a Delta Angle of 37° 07' 57" and an Arc Length of 460.64 feet more or less along said boundary to a point of reverse curvature.

Thence 39) along a curve to the right and having a radius of 588.23 feet, a Delta Angle of 17° 20' 52" and an Arc Length of 178.10 feet more or less along said boundary to a point of tangency curvature.

Thence 40) N 28° 26' 50" E, along said boundary line, a distance of 181 feet more or less along said boundary to a point in the centerline of Elmwood Avenue.

Thence 41) westerly along the centerline of Elmwood Avenue 185 feet more or less to a point on the easterly side of the Genesee River.

Thence 42) northerly along said river as it winds and turns to a point where the river bank is met by the centerline of the aforementioned McLean Street extended westerly.

Thence 43) easterly along said line 95 feet, more or less to the point and place of beginning.

Excepting there from two parcels of land situated along the river's edge bounded and described as follows:

City of Rochester (tax map parcel 121.78-01-30.4) and State of New York (tax map parcel 121.70-01-38).

Excepting from aforesaid previously described parent parcel all "Open Space" lands and further described as follows:

Bounded by the following four courses:

South, by the centerline of Elmwood Avenue.

West, by the easterly water's edge of the Genesee River.

North, by the centerline of McLean Street as it extends west to the easterly water's edge of the Genesee River.

East, by the easterly bounds of Bausch and Lomb Park.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because he is employed by the University of Rochester.

Councilmember Palumbo moved to return Introductory Nos. 142 through 146 to Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

Councilmember Palumbo moved to reconsider Introductory Nos. 147 and 148.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen

Introductory No. 142,
Introductory No. 143,
Introductory No. 144,
Introductory No. 145,
Introductory No. 146,
Local Law No.2 and
Ordinance No. 20010-113

Re: Planned Development District #12 -
Eastman Business Park and Franchise
Agreement

Transmitted herewith for your approval is legislation relating to the creation of a Planned Development District - PD#12-Eastman Business Park, and authorization of a franchise agreement between the City of Rochester and Eastman Kodak Company. The establishment of this new district requires the following legislation:

1. Amending the Zoning Map by rezoning the following 47 properties as follows:

a. To PD#12-Eastman Business Park:

i. From T-P Transitional Parking District: 135, 145, 165, 171, 177 and 181-189 West Ridge Road; 136 Desmond

Street; 181 Primrose Street; 160 and 224 Pullman Avenue; 1640, 1650, 1700, 1720, 1754, 1764, 1768-1776, 1780, 1850, 1888, and 1991 Lake Avenue; 435 Maplewood Drive; 220 and 240 Eastman Avenue; 10 and 17 Woodside Street; and 50, 59 and 70 Goodwill Street

- ii. From M-1 Industrial: 200, 246, and 375 West Ridge Road; and 1645, 1964, 1981, and 2038 Lake Avenue
 - iii. From C-3 Regional Destination: 415-425 West Ridge Road and 1760 Dewey Avenue
- b. From T-P Transitional Parking District:
- i. To C-2 Community Center District: 119 and 131 West Ridge Road; and 32 Pullman Avenue
 - ii. To C-3 Regional Destination District: 9 S. Goodwill Street and 9 Woodside Street
 - iii. To O-S Open Space District: 480, 500, 540, and 570 Maplewood Drive
2. Amending the Zoning Text by adding the PD#12 Eastman Business Park development concept regulations to Chapter 120, the Zoning Code;
 3. Authorizing a Water Franchise Agreement with Eastman Kodak Company to allow for the sale of water within the Eastman Business Park and for collection and distribution of franchise fees; and
 4. Authorizing an amendatory agreement with Monroe County Water Authority allowing the sale of water to Eastman Kodak Company in the City of Rochester.

Eastman Kodak Company has operated Kodak Park for over a century. Approximately two years ago, Kodak Park was renamed Eastman Business Park (EBP) after the completion of their footprint reduction program. EBP is located within the City of Rochester and the Town of Greece, bound by Interstate 390, Ridgeway Avenue, Latona Road, Merrill Street, and the Genesee River along W. Ridge Road. EBP spans an area of 1,220 acres, complete with two on-site railroads, a power plant, fire department, 30 miles of road, water and wastewater treatment plants, security, and a facility for heating and cooling needs.

EBP is divided into five separate areas; the area known as Eastman Business Park-East (EBP-E), approximately 177 acres, is the subject of this rezoning request. The western portion of EBP between the city line and Dewey Avenue is located in the M-1 Industrial District, which will continue to serve large-scale manufacturing, warehousing, distribution, and storage operations with large volumes of heavy truck activity.

EBP-E is generally bounded by West Ridge Road, Dewey Avenue, Merrill Street, Maplewood Drive and Lake Avenue, and is currently zoned M-1 Industrial and T-P Transitional Parking. Nearly half of the original buildings have been demolished, creating approximately 90 acres of vacant land available for development.

Working with the City, Eastman Kodak has developed a master plan and marketing strategy to facilitate the sale or lease of their property (remaining buildings, vacant land, and infrastructure) for private development and/or redevelopment. The creation of PD#12 is consistent with that plan.

The intent of the PD#12 is to promote employment and economic development opportunities that will benefit from the existing site infrastructure. The district regulations allow for adaptive reuse of existing buildings and new construction on vacant land for a mix of commercial, retail, residential and industrial uses. The planned development regulations will ensure sufficient flexibility for redevelopment of the area as well as protections to adjacent residential and open-space areas. PD#12 will be divided into three subareas.

Sub-area 1, approximately 83 acres, is bound by W. Ridge Road, former Woodside Street, former Eastman Avenue and Lake Avenue. This area will provide adaptive reuse opportunities for existing buildings and sites for new construction for industrial uses.

Sub-area 2, approximately 80 acres, is bound by Dewey Avenue, former Woodside Street, former Eastman Avenue, Merrill Street, the Genesee River, Lake Avenue and Maplewood Drive. These areas were used as ancillary parking lots serving the former Kodak Park East and will now provide new construction opportunities for industrial and limited commercial uses.

Sub-area 3 includes two separate areas with a total land area of approximately 15 acres located on the south side of W. Ridge Road. These areas provide for commercial and mixed-use opportunities.

Additional map changes as referenced above need to occur along the periphery of PD#12 as follows: O-S open-space along Maplewood Drive to protect an adjacent open-space district and views of the Genesee River; C-2 Community Center district near Minder Street and W. Ridge Road to maintain a small city block in a single zoning district; and C-3 Regional Destination district near Dewey Avenue and W. Ridge Road to retain lands owned by the City in an existing special assessment parking district that serves the businesses along W. Ridge Road, also located in the C-3 district.

Water Franchise. The City intends to grant a franchise agreement to Eastman Kodak to allow for the sale of water within EBP. Kodak is authorized to treat and provide water to its facilities for industrial use, fire suppression systems, and heating and cooling systems; however, sale or distribution of water to a third party requires a franchise from the City. The agreement will allow Kodak to sell water

within EBP subject to compliance with County and State Health requirements. Kodak's ability to provide low cost water is viewed as an important asset to attracting industrial users to EBP. The water currently provided by the City to existing structures in EBP will remain unchanged. Kodak will compensate the City for water sold under the franchise agreement. In addition, Kodak intends to sell the Kodak Water Supply System to the Monroe County Water Authority in 2010. The 1978 agreement between the City and the Water Authority will require an amendment to allow the Authority to sell water to Eastman Kodak Company at EBP-E.

Non-Eastman Kodak Properties. Eight properties located within the proposed EBP-E are not owned by Eastman Kodak Company. The owners were notified by certified mail of the proposed rezoning; no objections to this legislation have been submitted.

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 Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A copy of the staff report to the City Planning Commission is on file with the City Clerk for review.

The Planning Commission held an informational hearing on the proposed rezoning on February 8, 2010. There were no speakers in support of the proposal and two speakers in opposition. By a vote of 6-0-1, the Commission recommends approval to City Council. The minutes of that hearing are attached.

A public hearing is required for the Zoning Map and Text Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-45

Introductory No. 142

AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, ZONING CODE, BY ADDING THE DEVELOPMENT CONCEPT PLAN FOR THE EASTMAN BUSINESS PARK AS PLANNED DEVELOPMENT DISTRICT #12

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 Eastman Business Park to read in its entirety as follows and by designating the Eastman Business Park as Planned Development District #12-Eastman Business Park:

Planned Development District #12

Eastman Business Park

The Eastman Business Park Planned Development District (PD#12) encompasses over 160 acres of land located in the area generally bound by W. Ridge Road, Dewey Avenue, Merrill Street and Maplewood Drive. The intent of PD#12 is to promote high employment and economic development opportunities that will benefit from the existing extensive utilities and site infrastructure. The flexible district regulations allow for the establishment of a mix of commercial, retail, residential and industrial uses that may be conducted within existing structures or within new construction on lands formerly utilized by the Eastman Kodak Company.

PD#12 is divided into three Sub-areas:

Sub-area 1: The primary area is the center core of the area formerly known as Kodak Park East. It consists of approximately 83 acres of heavy industrial, office and manufacturing facilities and vacant demolition sites. This area will provide adaptive reuse opportunities for existing buildings and sites for new construction for industrial uses.

Sub-area 2 consists of two areas: One area is approximately 51 acres north of the center core generally bound by Eastman Avenue, Dewey Avenue, Merrill Street and Lake Avenue. The second area is approximately 28 acres east of the center core generally bound by Lake Avenue, Redwood Road and Maplewood Drive. These areas were utilized as ancillary parking lots serving the former Kodak Park East and will now provide new construction opportunities for industrial and limited commercial uses.

Sub-area 3 consists of two areas: One area is approximately 10 acres located south of the center core bound by W. Ridge Road, Minder Street, Pullman Avenue and Desmond Street. The second area is approximately 5 acres and is generally bound by Dewey Avenue and West Ridge Road. Sub-area 3 provides opportunities for new construction for commercial and mixed uses.

A. Permitted Uses and Structures.

- (1) The following uses are permitted in Sub-area 1:
 - a. Manufacturing and light industrial uses except those specifically prohibited in PD#12;
 - b. Research laboratories;
 - c. Offices;
 - d. Support uses and structures which provide services to both PD district uses and the community;
 - e. Ancillary parking lots and garages.

- (2) The following uses are permitted in Sub-area 2:
 - a. Manufacturing or light industrial uses when conducted in fully enclosed buildings unless specifically prohibited in PD#12;
 - b. Research laboratories;
 - c. Offices;
 - d. Commercial uses containing less than 10,000 square feet when conducted in a fully enclosed building;
 - e. Ancillary parking lots and garages.

- (3) The following uses are permitted in Sub-area 3:
 - a. Commercial uses of less than 25,000 square feet and conducted in a fully enclosed building, provided that accessory outdoor seating areas are permitted;
 - b. Offices;
 - c. Ancillary parking lots and garages;
 - d. Mixed uses, not including industrial uses;
 - e. Multi-family dwellings.

B. Special Permit Uses.

- (1) PWTF's in excess of 150 feet in Sub-area 1;
- (2) Commercial uses in excess of 10,000 square feet in Sub-area 2;
- (3) Accessory outdoor seating areas in Sub-area 2;
- (4) Manufacturing and light industrial uses in Sub-area 2 when not conducted in a fully enclosed building, except for uses which are specifically prohibited in PD#12;
- (5) Multi-family dwellings in Sub-area 2;
- (6) Drive-through uses in Sub-areas 2 and 3;
- (7) Vehicle repair in Sub-areas 2 and 3;
- (8) Industrial uses in Sub-area 3;
- (9) Commercial uses in excess of 25,000 square feet in Sub-area 3;

C. Prohibited Uses.

The following uses are prohibited in PD#12:

- (1) Junkyards and recycling centers;
- (2) Self-storage;

- (3) Truck centers in Sub-areas 1, 2 and 3;
- (4) Used vehicle sales;
- (5) Sexually oriented businesses;
- (6) Places of worship;
- (7) Single and two-family dwellings in Sub-areas 2 and 3;
- (8) Dwellings in Sub-area 1;
- (9) Schools except trade schools;
- (10) Homeless shelters, residential care and homeless residential facilities;
- (11) Outdoor entertainment, recreation and the like unless accessory to a permitted use.

D. Lot, Area and Yard Requirements.

- (1) Lot Frontage Requirements: N/A.
- (2) Lot Area Requirements: N/A.
- (3) Lot Coverage Requirements: N/A.
- (4) Front Yard Requirements for buildings.

a. Sub-area 1:

Lake Avenue	Maximum 10 Feet
Eastman Avenue	N/A
W. Ridge Road	N/A

b. Sub-area 2:

Lake Avenue	Maximum 10 Feet
Eastman Avenue	Maximum 10 Feet
Goodwill Street	Maximum 10 Feet
Merrill Street	Maximum equal to the average front yard depth of buildings on the block frontage
Dewey Avenue	N/A
Redwood Road	Maximum equal to the average front yard depth of buildings on the block frontage
Maplewood Drive	Maintain existing 10 foot front yard setback

c. Sub-area 3:

W. Ridge Road	Maximum 0-5 Feet
Minder Street	Maximum 10 Feet
Pullman Avenue	Maximum 10 Feet
Desmond Street	Maximum 10 Feet
Dewey Avenue	Maximum 0-5 Feet
Primrose Street	Maximum 10 Feet
Palm Street	Maximum 10 Feet

Front yard requirements for parking lots in all Sub-areas, 10 feet, except Merrill

Street, Redwood Street and Maplewood Drive which shall provide the same setback required for buildings.

(5) Other yards.

A 20 foot landscaped setback shall be provided adjacent to residentially zoned properties.

E. Bulk Requirements.

Minimum Building Height.

Sub-area 1: N/A

Sub-area 2: N/A

Sub-area 3: Minimum height of 20 feet or 2 stories

F. Design Standards.

- (1) All exterior finishes of building facades along arterial frontages shall be constructed primarily with masonry materials.
- (2) Development and redevelopment in Sub-areas 1 and 2 in PD#12 shall be subject to the City-Wide Design Guidelines and Standards (Article XIX) for uses in the C-3 and M-1 districts.
- (3) Development and redevelopment in Sub-area 3 in PD#12 shall be subject to the City-Wide Design Guidelines and Standards (Article XIX), for uses in the C-2 district.
- (4) To reduce obsolete or excess paving on any lot for which new development is proposed, all pavement on such lot beyond what has been established to be needed for parking, loading and access associated with the proposed use shall be removed.

G. Off Street Parking, Loading and Access Requirements.

- (1) Parking.
 - a. Parking for uses within the PD#12 may be located anywhere within the district.
 - b. Proposals for development in Sub-area 1 shall be accompanied by a parking demand analysis as specified in Zoning Code § 120-173.
 - c. For construction of new buildings, parking shall not be permitted between the new building and the street on the Lake Avenue, Dewey Avenue, Maplewood Drive and West Ridge Road frontages.
- (2) Loading.

- a. Loading shall comply with the requirements set forth in Zoning Code §120-172.
- b. Loading docks and service yard shall not be visible from Lake Avenue, Dewey Avenue, Maplewood Drive or West Ridge Road.

(3) Access.

- a. The intent of PD#12 is to provide coordinated circulation and access patterns for the overall development site.
- b. Connected access and shared parking is encouraged. New access points on arterial streets will require traffic information which establishes that traffic, loading and/or circulation cannot be reasonably accommodated by existing accesses.
- c. No additional curb-cuts to Maplewood Drive will be permitted.
- d. No new driveway curb cuts shall be provided to or from Redwood Road, Merrill Street or Goodwill Street.

H. Accessory Uses and Structures.

- (1) Defined outdoor storage areas or materials stored in containers accessory to a permitted use established within an enclosed building in Sub-area 1 are permitted.
- (2) One storage building accessory to a permitted use in Sub-areas 2 and 3 are permitted.
- (3) Wind, solar and other energy production facilities shall be encouraged in PD#12.

I. Personal Wireless Telecommunications Facilities (PWTF).

Personal wireless telecommunications facilities are permitted in the PD#12 in accordance with § 120-143 of the Zoning Code as follows:

- (1) Sub-area 1 shall be regulated in the same manner as the M-1 district, except that a Special Permit shall be required for towers exceeding 150 feet in height.
- (2) Sub-area 2 and 3 shall be regulated in the same manner as Commercial Districts, except that towers shall be prohibited.

J. Signs.

Signs in PD#12 are intended to maximize way finding. The overall intent is to minimize sign clutter, excessive numbers and sizes of signs, and the use of sign types, materials and lighting which pose negative visual impacts to the PD and to the adjoining neighborhood.

- (1) In all Sub-areas, a maximum of 1 attached sign per building per street frontage is permitted, and such sign shall not exceed 1.0 square foot for every foot of building frontage.
- (2) A Sign Program shall be developed for Sub-area 1, which will include building identification signs, way finding signs, and multi-tenant signs for the entire center core of Eastman Business Park.
- (3) A Sign Program may be developed for Sub-area 2 and Sub-area 3, and is subject to site plan approval by the Director of Planning and Zoning upon referral to the Project Review Committee.
- (4) Detached signs in excess of 6 feet high, except a detached multi-tenant sign, are prohibited in PD#12.

K. Review and Approval.

- (1) All projects shall be reviewed in accordance with the requirements for a Certificate of Zoning Compliance set forth in Section 120-189 of the Zoning Code. Proposals for development in Sub-areas 2 and 3 shall include a pavement reduction plan to demonstrate satisfaction of the requirements of F4 above.
- (2) Notwithstanding any provisions contained in the Zoning Code to the contrary, the only incremental development in PD#12 requiring major or minor site plan approval per Section 120-191 of the Zoning Code shall be limited to the below listed activities. All other development shall be subject to the application requirements of Section 120-189 and any special requirements of PD#12.
 - a. New parking lots over ten (10) spaces along arterials in Sub-area 1.
 - b. Any use proposing outdoor operations or storage in Sub-areas 2 and 3;
 - c. Commercial uses exceeding 10,000 square feet or proposing drive-through operations in Sub-area 2 or 3;
 - d. Any use in Sub-area 2 or 3 not in compliance with the requirements of PD#12;
 - e. Uses in Sub-area 3 which do not comply with the city-wide design standards for nonresidential uses in C-2 districts;
 - f. New parking garages;
 - g. Any use generating 100 or more peak-hour trips as defined by International Transportation Engineers (ITE) Trip Generation;
 - h. Development or redevelopment requir-

ing a new curb cut;

- i. Any use requiring special permit approval;
 - j. Residential uses in PD#12.
- (3) Uses in PD#12 are subject to Requirements Applying to All Districts (Article XX), except:
 - a. § 120-175, Outdoor storage
 - b. § 120-177, Signs.
 - (4) The Director of Planning and Zoning may waive the requirements of PD#12 except the prohibited uses, through the site plan approval process based on a determination that the project is in compliance with the overall intent of PD#12.
 - (5) The Director of Planning and Zoning may grant waivers of setbacks in excess of 50%, access requirements, and parking lots in excess of 110% of the required parking set forth in Section 120-173C of the Zoning Code through the site plan approval process, subject to a recommendation by the Project Review Committee.
 - (6) This planned development 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.

Held in Committee.

Introductory No. 143

CHANGING THE ZONING CLASSIFICATION OF EASTMAN KODAK COMPANY PARCELS FROM T-P TRANSITIONAL PARKING AND M-1 INDUSTRIAL; AND 160 PULLMAN AVENUE, 135 WEST RIDGE ROAD, 1720, 1764 AND 1768-1776 LAKE AVENUE FROM T-P TRANSITIONAL PARKING; 246 WEST RIDGE ROAD FROM M-1 INDUSTRIAL AND 415-425 WEST RIDGE ROAD AND 1760 DEWEY AVENUE FROM C-3 REGIONAL DESTINATION CENTER TO PD #12-EASTMAN BUSINESS PARK

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 135, 145, 165, 171, 177 and 181-189 West Ridge Road, 136 Desmond Street, 181 Primrose Street, 160 and 224 Pullman Avenue, 1640, 1650, 1700, 1720, 1754, 1764, 1768-1776, 1780, 1850, 1888, and 1991 Lake Avenue, 435 Maplewood Drive, 220 and 240 Eastman Avenue, 10 and 17 Woodside Street, and

50, 59 and 70 Goodwill Street from T-P Transitional Parking District; and 200, 246, 375 West Ridge Road and 1645, 1964, 1981, and 2038 Lake Avenue from M-1 Industrial; and 415-425 West Ridge Road and 1760 Dewey Avenue from C-3 Regional Destination, to PD#12-Eastman Business Park:

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 Lake Avenue (ROW Varies) and West Ridge Road (ROW Varies), said intersection being the Point or Place of Beginning; thence

- 1) Northwesterly, along said centerline of West Ridge Road, a distance of 510 feet, more or less, to the centerline extension of Minder Street (50' ROW); thence
- 2) Southwesterly, along said extension and the centerline of Minder Street, a distance of 345 feet, more or less, to the centerline of Pullman Avenue (60' ROW); thence
- 3) Northwesterly, along said centerline of Pullman Avenue, a distance of 695 feet, more or less, to an angle point; thence
- 4) Westerly, continuing along said centerline of Pullman Avenue, a distance of 500 feet, more or less, to the centerline of Desmond Street (50' ROW); thence
- 5) Northerly, along said centerline of Desmond Street, a distance of 425 feet, more or less, to the centerline of Palm Street (50' ROW); thence
- 6) Easterly, along said centerline of Palm Street, a distance of 405 feet, more or less, to an angle point; thence
- 7) Northeasterly, continuing along said Palm Street centerline and its extension, a distance of 82 feet, more or less, to the centerline of West Ridge Road; thence
- 8) Northwesterly, along said centerline of West Ridge Road, a distance of 873 feet, more or less, to the northerly extension of the east line of Lot 2 of the Eastman Kodak Subdivision, as filed in the Monroe County Clerk's Office in Liber 310 of Maps, Page 96; thence
- 9) Southwesterly, along said east line of Lot 2, a distance of 238 feet, more or less, to the southeast corner thereof; thence
- 10) Westerly, along the south line of said Lot 2 and its extension, a distance of 660 feet, more or less, to the centerline of Dewey Avenue (100' ROW); thence
- 11) Northerly, along said centerline of Dewey Avenue, a distance of 698 feet, more or less, to the centerline of West Ridge Road; thence
- 12) Southeasterly, along said centerline of West Ridge Road, a distance of 742 feet, more or less, to the intersection of the westerly extension of the former Hanford Landing Road centerline; thence
- 13) Easterly, along said extension and the former centerline of Hanford Landing Road, a distance of 115 feet, more or less, to the southerly extension of the east line of Lot 4 of the Glass Ridge Road Resubdivision, as filed in the Monroe County Clerk's Office in Liber 38 of Maps, Page 24; thence
- 14) Northerly, along said extension and the east line of Lot 4, a distance of 146 feet, more or less, to the north line thereof; thence
- 15) Northwesterly, along said north line of Lot 4 and its extension, a distance of 61 feet, more or less, to the centerline of Woodside Street; thence
- 16) Northeasterly, along said centerline of Woodside Street, a distance of 162 feet, more or less, to the southern terminus of Woodside Street abandoned per Ordinance No. 1998-316; thence
- 17) Northwesterly, parallel with said West Ridge Road, a distance of 491 feet, more or less, to the east line of Lot 2 of the Ridge-Dewey Citibank Subdivision, as filed in the Monroe County Clerk's Office in Liber 264 of Maps, Page 85; thence
- 18) Northeasterly, along said east line of Lot 2, a distance of 73.6 feet to the northeast corner thereof; thence
- 19) Westerly, along the north line of said Lot 2, a distance of 367.5 feet, more or less, to the centerline of Dewey Avenue (ROW Varies); thence
- 20) Northerly, along said centerline of Dewey Avenue, a distance of 310 feet, more or less, to the centerline intersection of Eastman Avenue (66' ROW); thence
- 21) Easterly, along said centerline of Eastman Avenue, a distance of 615 feet, more or less, to the centerline intersection of Goodwill Street (50' ROW); thence
- 22) Northerly, along said centerline of Goodwill Street, a distance of 377.7 feet, more or less, to the westerly extension of the south line of Lot 113 of the Adelgonde Eddy Tract, as filed in the Monroe County Clerk's Office in Liber 29 of Maps, Page 22; thence
- 23) Easterly, along said extension and the south line of Lot 113, a distance of 197.5 feet, more or less, to the southeast corner thereof; thence
- 24) Northerly, along the east line of said Lot 113 and the east line of the Ardmore Resubdivi-

- tion, as filed in the Monroe County Clerk's Office in Liber 64 of Maps, Page 18, a distance of 479.8 feet, more or less, to the northeast corner of Lot 42 of said resubdivision; thence
- 25) Easterly, along the extension of the north line of said Lot 42, a distance of 50.0 feet to the southerly extension of the east line of Lot 1 of the Saint Ann's Home Subdivision, as filed in the Monroe County Clerk's Office in Case A-14 of Maps; thence
 - 26) Northerly, along said extension, a distance of 23.25 feet to the southeast corner of said Lot 1; thence
 - 27) Easterly, along the south line of said Saint Ann's Home Subdivision, a distance of 1250.0 feet to the southeast corner of Lot 26 of said subdivision; thence
 - 28) Northerly, along the east line of said Lot 26 and its extension, a distance of 127 feet, more or less, to the centerline of Merrill Street (66' ROW); thence
 - 29) Easterly, along said centerline of Merrill Street, a distance of 550 feet, more or less, to the centerline of Lake Avenue (100' ROW); thence
 - 30) Northerly, along said centerline of Lake Avenue, a distance of 44 feet, more or less, to the westerly extension of the north line of Lot BR-1a of the Eastman Kodak B-81 Resubdivision, as filed in the Monroe County Clerk's Office in Liber 306 of Maps, Page 52; thence
 - 31) Easterly, along said extension and the north line said Lot BR-1a, a distance of 213 feet, more or less, to the northeast corner thereof, also being the northeast corner of Lot AR-1a of said subdivision; thence
 - 32) Southeasterly, along the east line of said Lot AR-1a and being the top of bank of the Genesee River, a distance of 875 feet, more or less, to the southeast corner of said Lot; thence
 - 33) Southwesterly, along the south line of said Lot AR-1a and its extension, a distance of 310 feet, more or less, to said centerline of Lake Avenue; thence
 - 34) Southerly, along said centerline of Lake Avenue, a distance of 180 feet, more or less, to the centerline intersection of Maplewood Drive (ROW Varies); thence
 - 35) Southeasterly, along the various courses of said Maplewood Drive, a distance of 2300 feet, more or less, to the easterly extension of the former south ROW line of Keehl Street, as abandoned by Ordinance No. 1998-316; thence
 - 36) Westerly, along said extension and the former south ROW line of Keehl Street, a distance of 187 feet, more or less, to the east line of Lot 8 of the Riverview Tract, as filed in the Monroe County Clerk's Office in Liber 26 of Maps, Page 33; thence
 - 37) Southerly, along said east line of Lot 8, a distance of 48.0 feet to the westerly extension of the south line of Lot 2 of the William MacLean Subdivision, as filed in the Monroe County Clerk's Office in Liber 36 of Maps, Page 33; thence
 - 38) Easterly, along said extension of the south line of Lot 2, a distance of 16.0 feet to the southwest corner thereof; thence
 - 39) Southerly, along the west line of said MacLean Subdivision, a distance of 98.0 feet to the north line of the Stein & Scheib Amended Subdivision, as filed in the Monroe County Clerk's Office in Liber 60 of Maps, Page 32; thence
 - 40) Westerly, along said north line of the Stein & Scheib Subdivision, a distance of 179 feet, more or less, to the northeast corner of Lot 45 of said subdivision; thence
 - 41) Southerly, along the east line of said Lot 45, a distance of 191 feet, more or less, to the southeast corner thereof; thence
 - 42) Westerly, along the north line of said Stein & Scheib Subdivision, a distance of 649 feet, more or less, to the northwest corner of Lot 12 of said subdivision; thence
 - 43) Southerly, along the west line of said Lot 12 and its extension, a distance of 165.2 feet, more or less, to the centerline of Redwood Road (60' ROW); thence
 - 44) Westerly, along said centerline of Redwood Road, a distance of 210 feet, more or less, to the southerly extension of the east line of lands conveyed to Michael J. Piehler Trust by a deed filed in Liber 8698, Page 469; thence
 - 45) Northerly, along said extension and the east line of lands of Piehler, a distance of 167.7 feet, more or less, to the northeast corner thereof; thence
 - 46) Westerly, along the north line of said lands of Piehler and its extension, a distance of 168 feet, more or less, to the centerline of Lake Avenue (90' ROW); thence
 - 47) Southerly, along said centerline of Lake Avenue, a distance of 580 feet, more or less, to the centerline intersection of West Ridge Road, said intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

Introductory No. 144

CHANGING THE ZONING CLASSIFICATION OF 9 S. GOODWILL STREET AND 9 WOODSIDE STREET FROM T-P TRANSITIONAL PARKING TO C-3 REGIONAL DESTINATION 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 9 S. Goodwill Street and 9 Woodside Street, from T-P Transitional Parking to C-3 Regional Destination Center:

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 on the centerline of Woodside Street (50' ROW) at the southern terminus of that portion of Woodside Street abandoned per Ordinance No. 1998-316, said point being the Point or Place of Beginning; thence

- 1) Southwesterly, along said centerline of Woodside Street, a distance of 97.85 feet to a point; thence
- 2) Northwesterly, along the north line of Lot 24 of the Glass' Ridge Road Subdivision, as filed in the Monroe County Clerk's Office in Liber 22 of Maps, Page 33, a distance of 155.0 feet to the northwest corner thereof; thence
- 3) Southwesterly, along the rear line of said Lot 24, a distance of 40.0 feet to a point; thence
- 4) Northwesterly, parallel with and 160.5 feet distant from West Ridge Road, a distance of 155.0 feet to the centerline of South Goodwill Street (50' ROW); thence
- 5) Southwesterly, along said centerline of South Goodwill Street, a distance of 10.0 feet to a point; thence
- 6) Northwesterly, along the south line of Lot 1 of the William Glass Resubdivision, as filed in the Monroe County Clerk's Office in Liber 54 of Maps, Page 14, a distance of 178.49 feet to the southwest corner thereof; thence
- 7) Northeasterly, along the rear line of said Lot 1 and Lots 2, 3 & 4, a distance of 147.87 feet to a point; thence
- 8) Southeasterly, parallel with West Ridge Road, a distance of 491.07 feet to the Point

or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

Introductory No. 145

CHANGING THE ZONING CLASSIFICATION OF 480, 500, 540 AND 570 MAPLEWOOD DRIVE FROM T-P TRANSITIONAL PARKING TO O-S OPEN SPACE

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 480, 500, 540 and 570 Maplewood Drive, from T-P Transitional Parking to O-S Open Space:

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 intersection of the centerline of Maplewood Drive (ROW Varies) and the westerly extension of the south line of lands conveyed to the City of Rochester by Eastman Kodak by a deed filed in Liber 8930, Page 431, commonly known as the Kings Landing Cemetery Parcel and being the Point or Place of Beginning; thence

- 1) Easterly, along said extension and the south line of said Cemetery Parcel, a distance of 200 feet, more or less, to the southeast corner thereof and also being on the top of bank of the Genesee River; thence
- 2) Southerly, along said top of bank, a distance of 820 feet, more or less, to the centerline of Hanford Landing Road; thence
- 3) Westerly, along said centerline of Hanford Landing Road, a distance of 95 feet, more or less, to the said centerline of Maplewood Drive; thence
- 4) Northerly and westerly, along the various courses of said centerline of Maplewood Drive, a distance of 855 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

Introductory No. 146

CHANGING THE ZONING CLASSIFICATION OF 119 AND 131 W. RIDGE ROAD AND 32 PULLMAN AVENUE FROM T-P TRANSI-

TIONAL PARKING TO C-2 COMMUNITY 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 119 and 131 W. Ridge Road and 32 Pullman Avenue, from T-P Transitional Parking 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 bounded and described as follows:

Beginning at the centerline intersection of Minder Street (50' ROW) as dedicated per Ordinance No. 2004-226 and West Ridge Road (ROW Varies), said centerline intersection being the Point or Place of Beginning; thence

- 1) Southeasterly, along said centerline of West Ridge Road, a distance of 107 feet, more or less, to the northerly projection of the former Minder Street, as abandoned per Ordinance No. 2004-226; thence
- 2) Southwesterly, along said projection and the centerline of former Minder Street, a distance of 296 feet, more or less, to the centerline of Pullman Avenue (48' ROW); thence
- 3) Westerly, along said centerline of Pullman Avenue, a distance of 81 feet, more or less, to an angle point; thence
- 4) Northwesterly, continuing along said centerline of Pullman Avenue, a distance of 50 feet, more or less, to the said centerline of Minder Street as dedicated per Ordinance No. 2004-226; thence
- 5) Northeasterly, along said centerline of Minder Street, a distance of 345 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

Local Law No. 2
(Int. No. 147)

Local Law Authorizing A Water Franchise Agreement With Eastman Kodak Company

WHEREAS, the Eastman Kodak Company has operated its own water treatment plant to provide water to its own facilities in the City; and

WHEREAS, the Eastman Kodak Company has developed a master plan and marketing strategy to facilitate the sale or lease of their remaining un-

needed buildings and underutilized vacant land and infrastructure for private development/redevelopment, and their provision of water is a key component of such strategy; and

WHEREAS, the water for the Eastman Business Park is provided by Eastman Kodak Company, which needs a franchise agreement from the City in order to provide water to other users in the Eastman Business Park; and

WHEREAS, notwithstanding the requirements of Section 5-24 of the City Charter, the City grants this franchise without public auction because the provision of water through this franchise is unique and does not impact the public right of way in the manner of traditional franchises anticipated by the City Charter and because the Eastman Kodak Company has existing facilities and has provided water to the Eastman Business Park parcels continuously for many years and is in a unique position to continue to provide the water.

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

Section 1. The Council hereby approves the granting of a franchise to the Eastman Kodak Company to provide water to other users in the Eastman Business Park in the City. The franchise agreement shall obligate Eastman Kodak Company to pay to the City \$0.10 per 1,000 gallons sold to other users in the City.

Section 2. The franchise 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. 2010-113
(Int. No. 148)

Authorizing An Amendatory Agreement With The Monroe County Water Authority

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 Monroe County Water Authority (MCWA) to allow the sale by the MCWA of water to Eastman Kodak Company for use in the Eastman Business Park-East in the City.

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:

Local Improvement Ordinance No. 1615
Re: Downtown Special Services Program

Transmitted herewith for your approval is legislation relating to the Downtown Special Services Program (formerly Downtown Guides Program). This legislation will:

1. Approve the 2010-11 budget of the program;
2. Approve the assessments to be apportioned to the properties within the Downtown Special Services District; and
3. Establish \$523,000 as maximum compensation for an agreement with Downtown Special Services, Inc. for continued administration of the program for the period July 1, 2010 to June 30, 2011. This agreement will be funded from assessments to participating properties and a portion of the existing fund balance.

The Downtown Special Services Program, previously referred to as the Downtown Guides Program, was initially authorized by Council on March 15, 1994 and re-authorized in 1999, 2004, and 2009 and 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 March 25, 2010, it was decided that the Safety Services team hours would be extended by fifteen minutes for a total of three hours per week. The Safety Services team also continues to offer an on-demand evening walking service to downtown employees between the hours of 3pm and 9pm, Monday through Friday.

In addition, the program will continue to permit a small Information Services team to operate the Downtown Information Center and maintain a portion of the www.rochesterdowntown.com website that draws approximately 140,000 website visitors per year. The center is open weekdays from 8:30am to 5:30pm.

The 2010-11 budget for the program will be \$523,000. Upon application of \$45,612 from fund balance, the total assessment for 2010-11 will be \$479,042, 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 and comment on the levies.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-46

Local Improvement Ordinance No. 1615
(Int. No. 160)

**Local Improvement Ordinance - Establishing
The Cost Of The Special Work And Services
Related To Downtown Special Services 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 2010-11 fiscal year for the Downtown Special Services District, is established at \$479,042, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446, 1528 and 1606.

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 \$523,000, and of said amount, or so much thereof as may be necessary and an amount to cover delinquencies, \$479,042 is hereby appropriated from the assessments authorized herein and \$45,612 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. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. No. 78 from Committee.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

Introductory No. 78 was introduced March 17, 2010 and appears in its original form with its transmittal letter on page 69 of the current Council Proceedings.

Ordinance No. 2010-114
(Int. No. 78)

Authorizing Amendatory HOME Program Plans, Amending Ordinances And Approving An Amendatory Loan Agreement For The F.I.G.H.T. Village Apartments Renovation Project

Passed unanimously.

Councilmember Spaul moved to reconsider Int. No. 6.

The motion was seconded by Councilmember Conklin

The motion was adopted by the following vote:

Ayes - Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

Councilmember Spaul moved to discharge Int. No. 6 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

Ayes - Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 8.

Nays - President Warren - 1.

Introductory No. 6 was introduced January 19, 2010 and appears in its original form with its transmittal letter on page 19 of the current Council Proceedings.

Ordinance No. 2010-115
(Int. No. 6)

Authorizing Amendatory 1997-98, 1999-2000, 2000-01, 2001-02, And 2005-06 Community Development Program Plans, Amending Ordinances And Authorizing An Agreement For The Urban Agriculture Program

Passed by the following vote:

Ayes - Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - President Warren - 1.

By Councilmember Miller
April 13, 2010

To the Council:

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

Int. No. 127 - Establishing Maximum Compensation For A Professional Services Agreement For

The Parking Garage Repair And Reconstruction Program

Int. No. 128 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,200,000 Bonds Of Said City To Finance The Cost Of The Parking Garage Repair And Reconstruction Program In The City

Int. No. 129 - Amending Ordinance No. 2009-240, Relating To An Agreement For The Hazardous Sidewalk Replacement Project

Int. No. 130 - Establishing Maximum Compensation For A Professional Services Agreement For The Winchester Street Rehabilitation Project And Amending Ordinance No. 2010-19 And The 2009-10 Budget, As Amended

Int. No. 131 - Amending The 2009-10 Budget For The Rochester Riverside Convention Center HVAC Replacement

Int. No. 132 - Establishing Maximum Compensation For A Professional Services Agreement For the Emergency Communications Center

Int. No. 133 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$330,000 Bonds Of Said City To Finance The Cost Of The Replacement Of Heating And Cooling Equipment At The Emergency Communications Center In The City

Int. No. 151 - Establishing Maximum Compensation For An Amendatory Agreement For Public Art For The ARTWalk2 Enhancement Project

Int. No. 153 - Authorizing The Acquisition By Negotiation Or Condemnation Of *De Minimis* Permanent Easements For The Jefferson Avenue Revitalization Project

Int. No. 154 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project

Int. No. 84 - Authorizing An Amendatory Municipal Cooperation Agreement For The Highland Park/Canalway Trail Improvements Project, As Amended

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

Int. No. 134 - Approving Changes In The Pavement Width Of Oakwood Road, Ellington Road And Benwell Road

Int. No. 149 - Local Improvement Ordinance - Public Art At 274-302 North Goodman Street As A Part Of The ARTWalk2 Enhancement Project

Int. No. 150 - Approving Changes In The Pavement Width Of North Goodman Street And University Avenue

Int. No. 161 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 162 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 163 - Continuation Of Local Improvement Ordinance No. 1421 Relating To Norton Street Urban Renewal District Streetscape

Int. No. 164 - Approving Changes In The Pavement Width Of Mt. Hope Avenue, Crittenden Boulevard And Elmwood Avenue As Part Of The Mt. Hope Avenue Phase I Public Improvement Project

Int. No. 165 - Determinations And Findings Relating To The Acquisition Of Parcels And Easements For The Mt. Hope Avenue Phase I Public Improvement Project

Int. No. 166 - Amending The Official Map By Dedicating Parcels To Street Purposes For The Mt. Hope Avenue Phase I Public Improvement Project

Int. No. 167 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$900,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Parcels For The Mt. Hope Avenue Phase I Public Improvement Project In The City

Int. No. 117 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels And Easements For The Mt. Hope Avenue Phase I Improvement Project

Respectfully submitted,
Dana K. Miller
Matt Haag (Abstained on Int. No. 117)
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. Nos. 130 through 134, Int. Nos. 149 through 151, Int. Nos. 153 through 154, and Int. Nos. 161 through 163)
Elaine M. Spaul
JOBS, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-116 and
Ordinance No. 2010-117
Re: Agreement - FRA Engineering,
Garage Repair and Reconstruction
Program

Transmitted herewith for your approval is legislation establishing \$95,000 as maximum compensation for an agreement with FRA Engineering and Architecture, P.C., Rochester, for resident project representation (RPR) services related to the annual garage repair and reconstruction program; and

authorizing the issuance of bonds totaling \$1,200,000 and the appropriation of the proceeds thereof to finance the design and construction costs of the program. The FRA agreement will be funded from the bond proceeds.

FRA is currently under contract (Ordinance No. 2009-378) to provide planning and design services for the program and is performing comprehensive garage inspections, condition ratings, prioritization, and structural design. The firm is also developing both the annual and five-year long term capital program for all City-owned garages.

The planning and design services determine the scope of repair, preventive maintenance, and reconstruction work required for the seven garages, which include: Genesee Crossroads, Mortimer, High Falls, South Avenue, Washington Square, Sister Cities, and Court Street (Bausch & Lomb).

Work in the garages will include repairs to concrete decks, painting, waterproofing, joint sealing, electrical upgrades, storefront upgrades, drainage repairs, and several ancillary items. The estimated construction cost for the garage maintenance contract is \$920,000. The balance of the bond appropriation will be allocated to project contingencies. Subsequent annual allocations for the program are identified in the 2011-15 Capital Improvement Program.

FRA was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project.

The agreement will have an initial term of one year with a provision for four one-year renewals, for a total of five years. The cost of the renewals will be financed from the capital budgets of the Department of Environmental Services and the Department of Finance, contingent on approval of the annual budgets.

It is anticipated that construction will begin in June 2010 with completion in November 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-116
(Int. No. 127)

Establishing Maximum Compensation For A Professional Services Agreement For The Parking Garage Repair And Reconstruction Program

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

Section 1. The sum of \$95,000, 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 FRA Engineering and Architecture, P.C. for resident project representation services for the Parking Garage Repair and Reconstruction Pro-

gram for a term of one year, with four one-year renewal options. 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 a bond ordinance adopted for this Program. During renewal years, the maximum amount shall not exceed the amount approved in the capital budget for said purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-117
(Int. No. 128)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,200,000 Bonds Of Said City To Finance The Cost Of The Parking Garage Repair And Reconstruction 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 the construction of improvements to the Genesee Crossroads, Mortimer Street, High Falls, South Avenue, Washington Square, Sister Cities and Court Street Parking Garages in the City as a part of the Parking Garage Repair and Reconstruction Program, including but not limited to concrete repairs on decks, waterproofing, joint sealing, cleaning and painting of structural steel, metal railings and hand rails, electrical and storefront upgrades, and drainage 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 \$1,200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,200,000 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 \$1,200,000 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 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 \$1,200,000. 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.12 of the 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. 2010-118
Re: Amending Ordinance No. 2009-240 -
Hazardous Sidewalk Replacement
Program

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-240, which established \$200,000 as maximum compensation for an agreement with LaBella Associates, P.C. for resident project representation (RPR) services for the replacement of hazardous sidewalks. The amendment will substitute the source of funds for a portion of the cost of the agreement.

Originally, the agreement was to be funded equally from 2008-09 Cash Capital (Local Public Works) and 2009-10 Cash Capital (Local Public Works) allocations. This amendment will reduce the 2008-09 Cash Capital amount by \$80,000; that amount will be funded instead from American Recovery and Reinvestment Act (ARRA) funds appropriated in Ordinance 2009-73.

This annual program includes removal and replacement of hazardous sidewalks at various locations throughout the City. The 2009 program targets the streets in the southeast quadrant of the city. In early 2009, the City requested ARRA funding for the portion of scheduled replacements located on streets that met Federal criteria, for which a \$300,000 allocation was approved. LaBella Associates was retained by the City to provide resident project representation (RPR) services for the construction contract in July 2009 (Ordinance No. 2009-240).

State procedures for approving the contract for funding under the American Recovery and Reinvestment Act delayed the contract award and construction start to the 2010 construction season. RPR services will begin in spring 2010 and will continue through fall 2010.

In March 2009, the City appropriated \$12,293,685 for a series of transportation projects approved for ARRA funding, based on the estimated project costs (Ordinance No. 2009-73). Based on actual project costs as contracts have been awarded, the New York State Department of Transportation (NYSDOT), administrator of the ARRA transportation funds, has been able to reallocate funds among the approved projects.

In February 2010, NYSDOT increased the alloca-

tion to the 2009 Hazardous Sidewalk Program by \$678,000. This adjusted allocation will fund the contract for the ARRA-eligible 2009 Hazardous Sidewalk Replacement contract in its entirety, including partial funding for the RPR services agreement.

The total ARRA appropriations for City transportation projects remain at \$12,293,685; adjustments within the various programs are attached for reference.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-48

Ordinance No. 2010-118
(Int. No. 129)

Amending Ordinance No. 2009-240, Relating To An Agreement For The Hazardous Sidewalk Replacement Project

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

Section 1. Ordinance No. 2009-240, relating to an agreement for the Hazardous Sidewalk Replacement Project, is hereby amended by reducing the amount of funding from the 2008-09 Cash Capital allocation (Local Public Works) by the sum of \$80,000, which amount shall be funded from the appropriation of American Recovery and Reinvestment Act funds made in Section 12 of Ordinance No. 2009-73.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-119
Re: Agreement - Stantec Consulting
Services Inc., Winchester Street
Rehabilitation Project

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, for resident project representation (RPR) services for the Winchester Street Rehabilitation Project. The agreement will be financed through Bond Ordinance Nos. 2009-44 (\$76,800) and 2009-45 (\$23,200) for the street and water main improvements, respectively.

The project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering. Work includes milling and resurfacing of the existing pavement section; installation of new granite stone curbs and underdrain pipe; installation of a cathodic protection system on the existing water main; replacement of existing sidewalks; replacement of existing speed humps; instal-

lation of new driveway aprons; and topsoil, seeding and restoration of all areas disturbed by construction activities.

Qualifications were solicited from three firms, all of which responded - LaBella Associates, P.C., Passero Associates, and Stantec. The firms were evaluated and rated on the qualifications of the proposed project team, experience of the firm, and availability of personnel. Based on the rankings Stantec was selected.

Bids for construction were received on February 23, 2010. Seneca Roadways Inc. submitted the apparent low bid of \$884,685, which is 32% less than the engineer's estimate. An additional \$88,740 (10%) will be allocated for project contingencies.

A public informational meeting will be held prior to the beginning of construction.

Construction is expected to begin in April 2010 with completion in October 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-119
(Int. No. 130, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Winchester Street Rehabilitation Project And Amending Ordinance No. 2010-19 And The 2009-10 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 Stantec Consulting Services, Inc. for resident project representation services for the Winchester Street Rehabilitation 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. Of said amount, \$76,800 shall be funded from Bond Ordinance No. 2009-44 and \$23,200 shall be funded from Bond Ordinance No. 2009-45.

Section 2. Ordinance No. 2010-19, relating to the Midtown Revitalization Project, is hereby amended by adding the following new sentences to the end of Section 1 thereof:

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 Midtown Redevelopment Transportation Infrastructure Improvements component of the Midtown Revitalization Project. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Depart-

ment of Transportation providing for City responsibility for the maintenance and repair of the streets.

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$70,900 for improvements to the Rundel Memorial Building of the Rochester Public Library, which amount shall be funded from the appropriation of New York State Division of Library funds made in Section 2 of Ordinance No. 2010-87. The remaining funds appropriated in said Section 2 have already been included in the 2009-10 Cash Capital allocation.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-120
Re: Budget Amendment - Rochester
Riverside Convention Center HVAC
Equipment

Transmitted herewith for your approval is legislation amending the 2009-10 Budget by transferring \$100,000 from Contingency to Cash Capital to fund the replacement of a cooling tower that is essential to daily operations at the Rochester Riverside Convention Center.

The interior cooling tower is original to the building's construction in 1984 and is at the end of its useful life. Its replacement is identified in the proposed 2011-15 Capital Improvement Program; however, given that it is integral to the support of other building components, it has been determined that it must be replaced immediately.

The cooling tower services the center's ice machines, heat pumps, food and beverage storage coolers, and assists in cooling other operating HVAC units. A redundant system does not exist; the unit is essential to daily center operations.

Due to the emergency nature of this replacement, the funds have already been issued.

The associated design required for the replacement unit and equipment installation will be administered by the Department of Environmental Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-120
(Int. No. 131)

Amending The 2009-10 Budget For The

Rochester Riverside Convention Center HVAC Replacement

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

Section 1. Ordinance No. 2009-188, the 2009-10 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 Cash Capital allocation to fund the replacement of HVAC equipment at the Rochester Riverside Convention Center.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-121 and
Ordinance No. 2010-122

Re: Agreement - Erdman Anthony Associates,
Emergency Communications HVAC
Upgrades Phase II

Transmitted herewith for your approval is legislation establishing \$62,000 as maximum compensation for an agreement with Erdman Anthony Associates, Rochester 14623, for engineering design services related to HVAC upgrades at the Emergency Communications Department facility; and authorizing the issuance of bonds totaling \$330,000 and the appropriation of the proceeds thereof to finance the design and construction of the project.

The City-owned facility, located at 321 West Main Street, was built in 1994. Staff housed in the building provide emergency response calls for City Police and Fire Departments, the Monroe County Sheriff's Office, eleven area police departments, and 36 fire departments.

The heating and cooling systems are original to the building and are reaching the end of their life expectancy. In 2009, Phase I was completed, which included: replacement of approximately half of the existing heat pumps and one cooling tower, and upgrades to heating and cooling control systems. Phase II will include replacement of the remaining original heat pumps, cooling units and associated components, and integrate the units into the new control system. Phase III will replace units in the remaining cooling tower.

For Phase II, the consultant will provide comprehensive engineering design services, construction administration and system commissioning. It is anticipated that the new systems will provide for an additional twenty years of operation.

Qualifications were solicited from eight firms and the proposal was posted on the City's Website. Five firms responded - Clough Harbour & Associates (Rochester 14614); Erdman Anthony Associates, LaBella Associates, P.C. (Rochester 14614); Stantec Consulting Services, Inc. (Rochester

14623); and Turner Engineering, P.C. (East Rochester). Based on their qualifications, experience in completing similar projects, and reasonableness of its proposed fee, Erdman Anthony Associates was selected.

Design will begin in summer 2010; it is anticipated that construction will begin in March 2011 with completion in July 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-121
(Int. No. 132)

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 \$62,000, 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 & Associates Inc. for engineering design services for the Emergency Communications Center HVAC Upgrades Phase II 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 a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-122
(Int. No. 133)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$330,000 Bonds Of Said City To Finance The Cost Of The Replacement Of Heating And Cooling Equipment At The Emergency Communications Center 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 the design and replacement of the heating and cooling equipment at the Emergency Communications Center 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 \$330,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$330,000 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 \$330,000 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 \$330,000. 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.

LIO No. 1616 and Ordinance No. 2010-128 appear on page 150 of the current Council Proceedings

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1616,
Ordinance No. 2010-128 and
Ordinance No. 2010-123

Re: University Avenue Improvement
And ARTWalk2 Enhancement
Projects - ARRA

Transmitted herewith for your approval is legislation related to the University Avenue and ART-Walk2 Projects. This legislation will:

1. Authorize an amendatory agreement with Cliff Garten Studio to increase maximum compensation by \$65,000. Ordinance No. 2010-22 established maximum compensation at \$150,000; this amendment will result in total compensation of \$215,000.
2. Appropriate \$65,000 from the Local Improvement Fund and the subsequent assessment of this amount against the benefitted property, 274-302 North Goodman Street, to replenish the fund to finance the cost of the local enhancement improvement. This amount will fund the amendatory agreement above.
3. Authorize changes in pavement width of North Goodman Street as follows:
 - a. Increase the width from 32 feet to 36 feet

by adding 2 feet on each side of the pavement beginning at College Avenue and extending to 93 feet north of College Avenue;

- b. Transition the pavement width from the 36 feet proposed at the latter point above to match the existing 32 foot width at 123 feet north of College Avenue; and
 - c. Modify the proposed 32 to 36 foot width to 28 feet (for two 14 foot lanes) by adding a 4 to 8 foot wide, raised center median island beginning 43 feet north of College Avenue and extending north for 82 feet.
4. Authorize changes in pavement width of University Avenue from its current 40 foot width to 28 feet (for two 14 foot lanes) by adding a 12 foot wide, raised center median island beginning 179 feet west of Alexander Street and extending west for 164 feet.

The University Avenue Improvement and ART-Walk2 Enhancement Project details have most recently been presented to Council in transmittal letters accompanying Ordinance Nos. 2009-432 and 2009-433 in December 2009; and Ordinance Nos. 2010-21 and 2010-22, and Local Improvement Ordinance No. 1611 in January 2010.

The agreement with Cliff Garten Studio is one of several approved in Ordinance No. 2010-22 for installations as part of the ARTWalk2 Project. As the design of the art progressed, the property owner at 274-302 North Goodman Street, the Stern Family, offered to contribute an additional \$65,000 to create an artwork of greater impact. That amount had originally been earmarked by the Stern's for other artistic improvements in the project area. The \$65,000 cost of the amended agreement will be paid from the Local Improvement Fund and the Stern Family will replenish the fund in one installment on their City tax bill for 2011-12.

As a result of the increased funding, and feedback from a public meeting, the artist is proposing to create *Needle Spindle*, which will be two soaring, interactive, programmable light sculptures installed in a new raised, center median (as referenced above) near Village Gate. The artwork will reference the early manufacturing history of Village Gate and the surrounding area.

The pavement modifications to University Avenue will act as a traffic calming measure and a transition between the four-lane section of University Avenue to the west and the two-lane section to the east.

Rochester Traffic Control Board approved the pavement modifications at their March 16, 2010 meeting.

Public hearings are required for the pavement modifications and the local enhancement assessment.

It is anticipated that construction will begin in June

2010 and will be substantially completed by fall 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-49

Ordinance No. 2010-123
(Int. No. 151)

Establishing Maximum Compensation For An Amendatory Agreement For Public Art For The ARTWalk2 Enhancement Project

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 an amendatory professional services agreement between the City and Cliff Garten Studio for public art for the ARTWalk2 Enhancement Project. Said amount shall be funded from a Local Improvement Ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, Ortiz, Palumbo, Scott, Spaul - 6.

Nays - Councilmembers Conklin, McFadden, Miller - 3.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-124 and
Ordinance No. 2010-125
Re: Jefferson Avenue Revitalization
Project

Transmitted herewith for your approval is legislation authorizing the acquisition by donation, negotiation or condemnation of six *de minimus* permanent easements for construction access related to the Jefferson Avenue Revitalization Project; and authorizing an amendatory agreement with Fisher Associates, Rochester 14623, for additional design services for the project.

The values of the properties to be acquired were established by an independent appraisal performed by Pogel Schubmehl & Ferrara, LLC. The total acquisition and necessary closing costs for the six easements will not exceed \$1,800 and will be financed from the 2006-07 Cash Capital allocations of the Department of Environmental Services. The easements to be acquired include:

<u>Address</u>	<u>Sq. Ft.</u>	<u>Value</u>
<u>Property Owner</u>		
515-517 Jefferson Avenue	28.5	\$100
M. Arif Riaz, S. Khan, M. Hussain		

561-569 Jefferson Avenue James Conner	183.1	\$100
560-570 Jefferson Avenue ARH Holdings of Rochester, Inc.	67.6	\$100
580 Jefferson Avenue Mazhar Hussain	56.0	\$100
594-598 Jefferson Avenue Jeroans Cathey	36.7	\$100
751-755 Jefferson Avenue Hussein Ali Ahmed	59.7	\$100

561-569 Jefferson Avenue James Conner	183.1	100
560-570 Jefferson Avenue ARH Holdings of Rochester, Inc.	67.6	100
580 Jefferson Avenue Mazhar Hussain	56.0	100
594-598 Jefferson Avenue Jeroans Cathey	36.7	100
751-755 Jefferson Avenue Hussein Ali Ahmed	59.7	100

The original agreement with Fisher Associates, authorized in July 2009, established a maximum of \$230,000 for design services for the project. This amendment will increase compensation by \$35,000 for a total of \$265,000. The additional cost will be funded from the 2005-06 (\$20,000) and 2006-07 (\$15,000) Cash Capital allocations of the Department of Environmental Services.

This project includes rehabilitation of the pavement from South Plymouth Avenue to Champlain Street, micropaving from Champlain Street to West Main Street, and installation of: new curbs in select areas, driveway aprons as needed, catch basins, street lighting upgrades, in-fill tree plantings, conduits for safety cameras, gateway features, and topsoil and seed. Sidewalks will be replaced as needed.

The additional services include providing design of a new water main system, and additional meetings with the steering committee, property owners, general public, and utilities.

It is anticipated the design will be completed in spring 2010; construction will begin in summer 2010 with substantial completion by fall 2011. Public meetings were held on November 30, 2009 and March 24, 2010. Copies of the meeting minutes are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-50

Ordinance No. 2010-124
(Int. No. 153)

Authorizing The Acquisition By Negotiation Or Condemnation Of De Minimis Permanent Easements For The Jefferson Avenue Revitalization Project

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

Section 1. The Council hereby approves the acquisition of the following de minimis permanent easements for street and sidewalk purposes as a part of the Jefferson Avenue Revitalization Project:

<u>Address</u>	<u>Sq. Ft.</u>	<u>Value</u>
<u>Property Owner</u> 515-517 Jefferson Avenue Muhammed Arif Riaz, Shahbaz Khan and Mazhar Hussain	28.5	\$100

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$600, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2006-07 Cash Capital allocation.

Section 3. In the event that said easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said easements. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amounts of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said easements pursuant to the Eminent Domain Procedure Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-125
(Int. No. 154)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Jefferson Avenue Revitalization Project

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 between the City and Fisher Associates for engineering planning and design services for the Jefferson Avenue Revitalization Project (South Plymouth Avenue to West Main Street). 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 2005-06 Cash Capital allocation and \$15,000 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 84 was introduced March 17, 2010 and appears in its original form with its transmittal letter on page 94 of the current Council Proceedings.

Attachment No. AJ-51

Ordinance No. 2010-126
(Int. No. 84, As Amended)

Authorizing An Amendatory Municipal Co-operation Agreement For The Highland Park/Canalway Trail Improvements 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 amendatory agreement with the Town of Brighton to administer the Highland Park/Canalway Trail Improvements Project.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$[22,800] 158,980 for design and construction services, and of said amount, or so much thereof as may be necessary, \$5,697 shall be funded from the 2002-03 Cash Capital allocation. \$25,699 shall be funded from the 2004-05 Cash Capital allocation, \$6,000 shall be funded from the 2006-07 Cash Capital allocation and \$121,584 shall be funded from the 2007-08 Cash Capital allocation. [The costs of any necessary additional services and construction shall be provided from the annual budgets or through additional appropriations.]

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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-127
Re: Oakwood Road Improvement Project

Transmitted herewith for your approval is legislation authorizing changes in pavement width as required for the Oakwood Road Improvement Project (Southampton Drive to north City line; Oakwood Road to west City line) as follows:

1. For Oakwood Road, an increase of four feet, from 20 feet to 24 feet, beginning at Southampton Drive northerly to the north city line; and
2. For Ellington Road, an increase of four feet, from 20 feet to 24 feet, beginning at Oakwood Road westerly to the west city line; and
3. For Benwell Road, an increase of four feet, from 20 feet to 24 feet, beginning at Oakwood Road westerly to the west city line.

Oakwood Road is currently an unimproved street

with no gutters or curb; the pavement width changes will allow for two twelve-foot lanes and on-street parking. Ellington Road and Benwell Road are currently unimproved streets with no gutters or curb; the pavement width changes will allow for two twelve-foot lanes and on-street parking. No additional right-of-way is required to accommodate the changes in pavement width.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. In addition to the pavement width changes, the project will include reconstruction of the pavement; installation of new curbs; new water mains and services, driveway aprons, and catch basins; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed.

It is anticipated the design will be completed in late Spring 2010. Construction is projected to begin in late Summer 2010, with substantial completion by Fall 2010.

A public informational meeting was held on February 4, 2010; copies of the meeting minutes are attached. The pavement width changes were endorsed at the March 16, 2010 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-52

Ordinance No. 2010-127
(Int. No. 134)

Approving Changes In The Pavement Width Of Oakwood Road, Ellington Road And Benwell Road

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

Section 1. The Council hereby approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Oakwood Road, beginning at Southampton Road northerly to the north City line, as a part of the Oakwood Road Improvement Project.

Section 2. The Council hereby further approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Ellington Road, beginning at Oakwood Road westerly to the west City line, as a part of the Oakwood Road Improvement Project.

Section 3. The Council hereby further approves an increase of 4 feet, from 20 feet to 24 feet, in the pavement width of Benwell Road, beginning at Oakwood Road westerly to the west City line, as a part of the Oakwood Road Improvement Project.

Section 4. The changes shall be made in accor-

dance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

The transmittal letter for Introductory No. 149 appears on page 146 of the current Council Proceedings.

Local Improvement Ordinance No. 1616 (Int. No. 149)

Local Improvement Ordinance - Public Art At 274-302 North Goodman Street As A Part Of The ARTWalk2 Enhancement Project

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

Section 1. As part of the ARTWalk2 Enhancement Project, the Council hereby authorizes special treatment of the parcel at 274-302 North Goodman Street in the form of the installation of public art on North Goodman Street, 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:

<u>Address</u>	<u>Owner</u>	<u>Amount</u>
<u>SBL No.</u>		
274-302 N. Goodman St.		\$65,000
106.840-1-10	Gary I. & Marcia Stern Family	

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 \$65,000, 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.

Section 5. The assessments shall be billed on the 2011-12 tax bill and shall be due in one installment.

Section 6. The total cost of said improvements and work, up to \$65,000, 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 im-

mediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, Ortiz, Palumbo, Scott, Spaul - 6.

Nays - Councilmembers Conklin, McFadden, Miller - 3.

The transmittal letter for Introductory No. 150 appears on page 146 of the current Council Proceedings.

Ordinance No. 2010-128 (Int. No. 150)

Approving Changes In The Pavement Width Of North Goodman Street And University Avenue

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 North Goodman Street as a part of the University Avenue Improvement and ArtWalk2 Enhancement Project:

- a. Increase the width from its current 32 foot width by adding 2 feet of width on each side of the pavement beginning at College Avenue and extending to 93 feet north of College Avenue, and;
- b. Transition the pavement width from the 36 foot proposed at the latter point above to match the existing 32 foot width at 123 feet north of College Avenue, and;
- c. Modify the proposed 32 to 36 foot width to 28 feet, two 14 foot lanes, by adding a 4 foot to 8 foot wide, raised center median island beginning 43 feet north of College Avenue and extending north for 82 feet.

Section 2. The Council hereby further approves a change in the pavement width of University Avenue from its current width of 40 feet to 28 feet, with two lanes of 14 feet, together with a raised center median of 12 feet, beginning 179 feet west of Alexander Street and extending north for 82 feet, as a part of the University Avenue Improvement and ArtWalk2 Enhancement Project.

Section 3. 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 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1617,
 Local Improvement Ordinance No. 1618 and
 Local Improvement Ordinance No. 1619
 Re: Local Improvement Ordinance -
 Special Assessment Districts

A public hearing is required.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Transmitted herewith for your approval is legisla-
 tion establishing the 2010-11 budgets for 11 special
 assessment districts, and reauthorizing the street-
 scape assessment district for the Norton Street
 URD for a new 10-year term. Nine of the districts
 provide for street lighting enhancements, and two
 are for streetscape enhancements, as follows:

Local Improvement Ordinance No. 1617
 (Int. No. 161)

**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:

<u>LIO</u>	<u>District</u> 2010-11	<u>2009-10</u>	<u>Type</u> <u>Variance</u>
1547	Wilson Boulevard		Street lighting
	\$507.37	\$440.22	\$67.15
1502	Lyell Avenue I		Street lighting
	\$2,404.83	\$2,458.30	(\$53.47)
1503	Lyell Avenue II		Street lighting
	\$2,628.58	\$2,385.98	\$242.60
1413	Monroe I		Street lighting
	\$1,316.31	\$1,229.46	\$86.85
1412	Monroe II		Street lighting
	\$573.79	\$535.89	\$37.90
1429	Cascade Historic		Street lighting
	\$1,525.22	\$1,498.94	\$26.28
1430	Cascade Historic		Streetscape
	\$5,000.00	\$4,500.00	\$500.00
1421	Norton Street URD		Streetscape
	\$2,815.00	\$2,815.00	\$0.00
1422	Norton Street URD		Street lighting
	\$1,282.10	\$1,215.03	\$67.07
1472	Lake Avenue		Street lighting
	\$3,738.98	\$3,507.19	\$231.79
1552	St. Paul Street		Street lighting
	\$480.09	\$445.85	\$34.24

Section 1. The following amounts are hereby
 established and the new assessments shall be allo-
 cated 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 en-
 hancements during 2010-11:

<u>Street Lighting District</u>	<u>Amount</u>	<u>LIO</u>
Wilson Boulevard	\$ 507.37	1547
Lyell Avenue I	2,404.83	1502
Lyell Avenue II	2,628.58	1503
Monroe Avenue I	1,316.31	1413
Monroe Avenue II	573.79	1412
Cascade Historic	1,525.22	1429
Norton Street Urban Renewal	1,282.10	1601
Lake Avenue	3,738.98	1472
St. Paul Street	480.09	1552

Section 2. This ordinance shall take effect on
 July 1, 2010.

Complete descriptions of each district can be found
 in the corresponding originating Local Improve-
 ment Ordinance (year of Council authorization for
 each is indicated below).

Passed unanimously.

Local Improvement Ordinance No. 1618
 (Int. No. 162)

**Local Improvement Ordinance - Establishing
 The Operating And Maintenance Costs Of Spe-
 cial Assessment Districts For Streetscape En-
 hancements**

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

Lyell Avenue I (1992, 2002) includes 72 properties
 along Lyell Avenue between State and Broad
 Streets and at the intersections of Lyell and Sara-
 toga Avenues, Verona Street and Amber Place.
 Lyell Avenue II (1998, 2002) includes 95 prop-
 erties along Lyell Avenue between Broad and Hague
 Streets and at the intersections of Orchard and
 Whitney Streets.

Section 1. The following amounts are hereby
 established and the new assessments shall be allo-
 cated 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 en-
 hancements during 2010-11:

Monroe Avenue I (1998) includes 102 properties
 along Monroe Avenue between the Inner Loop and
 I-490. The Monroe Avenue II district includes 68
 properties from the Inner Loop to Culver Road.
 Cascade Historic districts (1999) include 29 prop-
 erties along Cascade Drive and North Washington
 Street from Main Street West to the north end.

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$5,000	1430
Norton Street Urban Renewal	2,815	Pending

Norton Street Urban Renewal districts (1988) in-
 clude 9 properties along Excel Drive, from Norton
 and Bastian. Lake Avenue (2000) includes 67
 properties along Lake Avenue between Beach
 Avenue and Stutson Street. St. Paul Street (2005)
 includes 26 properties along St. Paul Street be-
 tween Bittner and Mortimer Streets.

Section 2. This ordinance shall take effect on

July 1, 2010.

Passed unanimously.

Local Improvement Ordinance No. 1619
(Int. No. 163)

Continuation Of Local Improvement Ordinance No. 1421 Relating To The Norton Street Urban Renewal District Streetscape District

WHEREAS, by Local Improvement Ordinance No. 1421, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Streetscape District; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years.

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

Section 1. Local Improvement Ordinance No. 1421, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Norton Street Urban Renewal District Streetscape District, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2010.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-129,
Ordinance No. 2010-130,
Ordinance No. 2010-131 and
Ordinance No. 2010-132

Re: Mt. Hope Avenue Public Improvement Project Phase I

Transmitted herewith for your approval is legislation related to Phase I of the Mt. Hope Avenue (Elmwood Avenue to Rossiter Road) Improvement Project. This legislation will:

1. Authorize changes in pavement widths as follows (a map illustrating the changes is attached):
 - On Mt. Hope Avenue to include raised center median islands and recessed on-street parking;
 - On Crittenden Boulevard; and
 - On Elmwood Avenue to include a raised center median island.
2. Authorize realignment of the east end of Crittenden Boulevard and the medians on Crittenden Boulevard to align the lanes with the lanes on East Henrietta Road.

3. Authorize a new four-leg intersection on Mt. Hope Avenue which will be located 627 feet north of the realigned Crittenden Boulevard and 586 feet south of Elmwood Avenue.
4. Approve the Determinations and Findings for the proposed acquisitions of 28 fee acquisitions, three permanent easements and 26 temporary easements as presented in Introductory 117 (March 2010).
5. Amend the Official Map by dedicating the 28 fee acquisitions and the permanent easement at 1431 Mt. Hope Avenue as public right-of-way.
6. Authorize the issuance of bonds totaling \$900,000 and appropriation of the proceeds thereof to finance some portions of the City share of project costs.

The background on this project and the planned street changes are described more fully in Introductory 117, which was presented to Council in March 2010. The project also includes a center, landscaped median to separate north- and south-bound traffic. The median will extend from just south of Elmwood Avenue to just south of Raleigh Street. The University of Rochester has agreed to maintain the landscaped portion of the median between Elmwood Avenue and Crittenden Boulevard. All pavement width changes, including medians, on-street parking and realigned or new intersections, were endorsed by the Rochester Traffic Control Board at their April 6, 2010 meeting.

Determinations and Findings. The public hearing required by New York State Eminent Domain Procedures Law was held March 17, 2010; there were two speakers in support of the proposed acquisitions. Based on those comments, the following determinations and findings are proposed:

A. *Project Location* - The City proposed the fee acquisition of portions of 28 parcels, the acquisition of permanent easements over portions of three parcels, and the acquisition of temporary easements over portions of 26 parcels, along Mt. Hope Avenue, Crittenden Boulevard and Elmwood Avenue. The acquisitions are for the following parcels:

<u>Address</u>	<u>Acquisition Type</u>
1500 Mt. Hope	Fee, Temp
1432 Mt. Hope	Fee, Temp
1550 Mt. Hope	Fee, Temp
1522 Mt. Hope	Fee, Temp
1520 Mt. Hope	Fee, Temp
1510 Mt. Hope	Fee, Temp
1400 Mt. Hope	Fee, Temp
1394 Mt. Hope	Fee, Temp
1378 Mt. Hope	Fee, Perm, Temp
1360 Mt. Hope	Fee, Temp
1340 Mt. Hope	Fee, Temp
1330 Mt. Hope	Fee, Temp
797 Elmwood	Fee, Temp
793 Elmwood	Entire Parcel Fee
1286 Mt. Hope	Fee, Temp

1545 Mt. Hope	Fee
1517 Mt. Hope	Fee, Temp
1511 Mt. Hope	Fee, Temp
1495 Mt. Hope	Fee, Temp
1477 Mt. Hope	Fee
1475 Mt. Hope	Fee
1471 Mt. Hope	Fee, Temp
1431 Mt. Hope	Perm, Temp
1401 Mt. Hope	Fee, Temp
1371 Mt. Hope	Fee, Perm, Temp
1351 Mt. Hope	Fee, Temp
1325 Mt. Hope	Fee, Temp
100 Crittenden	Temp
683 Elmwood	Fee, Temp
1256 Mt. Hope	Fee, Temp

The need for the acquisitions is the result of the roadway alignments which were established during a number of public meetings held during the building moratorium in 2008.

- B. *Public Purpose, General Effect.* The public purpose to be served by the project is the improvement of the highway and transportation facilities and to reduce the severity of traffic accidents on Mt. Hope Avenue between Rossiter Road and Cook Street. Additional public purposes include: improving the traffic flow and reducing congestion delays at the intersections of Mt. Hope Avenue with both Elmwood Avenue and Crittenden Boulevard-East Henrietta Road; promoting shared business access to the highway with the new mid-block intersection and thereby reducing the number of driveway curb cuts and associated accidents along Mt. Hope Avenue; and promoting retail and commercial development along the Mt. Hope Avenue corridor through on-street parking, wider sidewalks, and enhanced pedestrian amenities.

The acquisitions will have no significant negative effect on the environment. Traffic safety, pedestrian safety, and improved traffic operation will all result from the project. Access to and from neighborhood businesses will be improved; retail and commercial environment will be enhanced by the project, and additional pedestrian space and enhanced streetscaping will be created by the project. No complete relocations of any businesses or residents will be needed. The environmental impacts of constructing the project have been identified and discussed in the Draft Design Report / Environmental Assessment for the project. A negative declaration in accordance with Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code was issued on November 24, 2008 and amended on May 2, 2009.

The Planning Commission held an informational meeting for the Official Map Amendment on March 15, 2010. Minutes of the meeting are attached. There were two speakers in support of the proposed dedication of land for public right-of-way

purposes. By a vote of 7-0-0, the Commission recommends approval to City Council.

Construction of the Mt. Hope Avenue Phase I public improvement project will begin in fall 2010 with completion in fall 2011. Public hearings on the pavement width changes and the Official Map Amendment are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-53

Ordinance No. 2010-129
(Int. No. 164)

Approving Changes In The Pavement Width Of Mt. Hope Avenue, Crittenden Boulevard And Elmwood Avenue As Part Of The Mt. Hope Avenue Phase I Public 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 Mt. Hope Avenue as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A variable increase of 0 feet to 4 feet, beginning at 54 feet south of Rossiter Road with the proposed width matching the existing 40 foot width and extending to 120 feet south of Raleigh Street where the proposed width of 54 feet will be 4 feet wider than the existing 50 foot width; and
2. A variable increase of 4 feet to 15 feet, beginning at the latter point above and extending to East Henrietta Road where the proposed width of 65 feet will be 15 feet wider than the existing 50 foot width; and
3. An increase of 27 feet, from 50 feet to 77 feet, beginning at Crittenden Boulevard and extending to a point 350 feet south of Elmwood Avenue; and
4. A variable increase of 27 feet to 19 feet, beginning at the latter point above and tapering to a 19 foot widening, from 50 feet to 69 feet, at Elmwood Avenue; and
5. A variable increase of 12 feet to 0 feet, beginning at Elmwood Avenue with a 12 foot widening, from 50 feet to 62 feet, and extending to 25 feet north of Cook Street with the proposed width matching the existing 42 foot width.

Section 2. The Council hereby further approves the following changes in the pavement width of Crittenden Boulevard as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A decrease of 7 feet, from 63 feet to 56 feet, beginning at Mt. Hope Avenue and extending

to 222 feet west of Mt. Hope Avenue; and

2. A variable decrease of 7 feet to 0 feet, beginning at the latter point above and extending to 297 feet west of Mt. Hope Avenue with the proposed width matching the existing 63 foot width.

Section 3. The Council hereby further approves the following changes in the pavement width of Elmwood Avenue as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A variable increase of 0 feet to 12 feet, beginning at 760 feet west of Mt. Hope Avenue with the proposed width matching the existing 62 foot width and extending to 710 feet west of Mt. Hope Avenue where the proposed width of 74 feet will be 12 feet wider than the existing 62 foot width; and
2. An increase of 12 feet, from 62 feet to 74 feet, beginning at the latter point above and extending to Mt. Hope Avenue.

Section 4. The Council hereby further approves the following changes in the pavement width of Mt. Hope Avenue, in addition to those described in Section 1, with raised center median islands, as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. A variable width island which is 8 feet wide at 160 feet north of Rossiter Road and 4 feet wide at 50 feet south of Raleigh Street; and
2. An island with a width of 4 feet beginning at the latter point above and extending to 90 feet south of Crittenden Boulevard; and
3. An island with a width of 14 feet beginning at 62 feet north of Crittenden Boulevard and extending to 585 feet north of Crittenden Boulevard; and
4. An island with a width of 14 feet beginning at 543 feet south of Elmwood Avenue and extending to 353 feet south of Elmwood Avenue; and
5. A variable width island which is 14 feet wide at the latter point above and 6 feet wide at 73 feet south of Elmwood Avenue.

Section 5. The Council hereby further approves changes in the pavement width of Elmwood Avenue, in addition to those described in Section 3, by reducing the existing 14 foot wide raised center median island to 4 feet wide beginning at 710 feet west of Mt. Hope Avenue and extending to 210 feet west of Mt. Hope Avenue, as part of the Mt. Hope Avenue Phase I Public Improvement Project.

Section 6. The Council hereby further approves the realignment of the east end of Crittenden Boulevard and the medians on Crittenden Boulevard to align the lanes with the lanes on East Henrietta Road, as part of the Mt. Hope Avenue Phase I Public Improvement Project.

Section 7. The Council hereby further approves a new four-leg intersection on Mt. Hope Avenue which will be located 627 feet north of the realigned Crittenden Boulevard and 586 feet south of Elmwood Avenue, as part of the Mt. Hope Avenue Phase I Public Improvement Project.

Section 8. The Council hereby further approves the following changes in pavement width on Mt. Hope Avenue, in addition to those described in Sections 1 and 4, with the addition of recessed, on-street parking which will be 9 feet wide, as part of the Mt. Hope Avenue Phase I Public Improvement Project:

1. On the west side, beginning 74 feet south of the intersection described in Section 7 and extending south for 256 feet; and
2. On the west side, beginning 80 feet north of the intersection described in Section 7 and extending north for 366 feet; and
3. On the east side, beginning 85 feet south of the intersection described in Section 7 and extending south for 190 feet; and
4. On the east side, beginning 65 feet north of the intersection described in Section 7 and extending north for 102 feet.

Section 9. 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 10. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-130
(Int. No. 165)

Determinations And Findings Relating To The Acquisition Of Parcels And Easements For The Mt. Hope Avenue Phase I Public Improvement Project

WHEREAS, the City of Rochester proposes to acquire parcels and easements for the Mt. Hope Avenue Phase I Public Improvement Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on March 17 and April 13, 2010 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of these parcels and easements.

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

Section 1. The Council hereby makes the following determinations and findings concerning the acquisition of parcels and easements for the Mt. Hope Avenue Phase I Public Improvement Project:

- A. Project Location - The City proposes the fee acquisition of portions of twenty-eight (28)

parcels, the acquisition of permanent easements over portions of three (3) parcels and the acquisition of temporary easements over portions of twenty-six (26) parcels, along Mt. Hope Avenue, Crittenden Boulevard and Elmwood Avenue. The acquisitions involve the following parcels:

<u>Address</u>	<u>Acquisition Type(s)</u>	<u>SBL Number</u>
1500 Mt. Hope Avenue	1 Fee and 1 TE	136.61-3-26
1432 Mt. Hope Avenue	1 Fee and 1 TE	136.54-1-22.1
1550 Mt. Hope Avenue	1 Fee and 1 TE	136.61-3-30
1522 Mt. Hope Avenue	1 Fee and 1 TE	136.61-3-29
1520 Mt. Hope Avenue	1 Fee and 1 TE	136.61-3-28
1510 Mt. Hope Avenue	1 Fee and 1 TE	136.61-3-27
1400 Mt. Hope Avenue	1 Fee and 1 TE	136.54-1-24
1394 Mt. Hope Avenue	1 Fee and 1 TE	136.54-1-25
1378 Mt. Hope Avenue	1 Fee, 1 PE and 1 TE	136.54-1-27.1
1360 Mt. Hope Avenue	1 Fee and 1 TE	136.54-1-28
1340 Mt. Hope Avenue	1 Fee and 1 TE	136.54-1-30.2
1330 Mt. Hope Avenue	1 Fee and 1 TE	136.54-1-32
797 Elmwood Avenue	1 Fee and 1 TE	136.54-1-2
793 Elmwood Avenue	Entire parcel Fee	136.54-1-1.1
1286 Mt. Hope Avenue	1 Fee and 1 TE	136.46-1-48.1
1545 Mt. Hope Avenue	1 Fee	136.61-3-25
1517 Mt. Hope Avenue	1 Fee and 1 TE	136.61-2-30
1511 Mt. Hope Avenue	1 Fee and 1 TE	136.61-2-29
1495 Mt. Hope Avenue	1 Fee and 1 TE	136.61-2-28
1477 Mt. Hope Avenue	1 Fee	136.61-1-31
1475 Mt. Hope Avenue	1 Fee	136.61-1-30
1471 Mt. Hope Avenue	1 Fee and 1 TE	136.61-1-28
1431 Mt. Hope Avenue	1 PE and 1 TE	136.53-1-7
1401 Mt. Hope Avenue	1 Fee and 1 TE	136.53-1-6
1371 Mt. Hope Avenue	1 Fee, 1 PE and 1 TE	136.53-1-5
1351 Mt. Hope Avenue	1 Fee and 1 TE	136.53-1-4
1325 Mt. Hope Avenue	1 Fee and 1 TE	136.53-1-3.1
100 Crittenden Boulevard	1 TE	136.53-1-8
683 Elmwood Avenue	1 Fee and 1 TE	136.53-1-2

1256 Mt. Hope Avenue 136.46-1-49
 1 Fee and 1 TE

The roadway alignments which result in the need for the acquisitions were established during a number of public meetings held during the moratorium imposed by City Council on March 18, 2008 for building permits and certificates of zoning compliance for a portion of Mt. Hope Avenue. That moratorium allowed for the completion of a comprehensive land use, transportation and planning study for the area. That study, which established the basis for the acquisitions, has obtained wide-based neighborhood and business support.

- B. Public Purpose and General Effect - The public purpose to be served by the project is the improvement of the highway and transportation facilities and to reduce the severity of traffic accidents on Mt. Hope Avenue between Rossiter Road and Cook Street. An additional public purpose will be to improve the traffic flow and reduce congestion delays at the intersection of Mt. Hope Avenue with both Elmwood Avenue and Crittenden Boulevard-East Henrietta Road. Also, the public purpose for the new mid-block intersection is to promote shared business access to the highway, thereby reducing the number of driveway curb cuts, and accidents associated with those curb cuts, along Mt. Hope Avenue. Another public purpose of the project is to promote retail and commercial development along the Mt. Hope Avenue corridor through on-street parking, wider sidewalks and enhanced pedestrian amenities which will promote private development and expand the City's tax base.

The acquisitions will have no significant negative effect on the environment. Traffic safety, pedestrian safety and improved traffic operation will all result from the project. Access to and from neighborhood businesses will be improved by the project. An enhanced retail and commercial environment will be created by the project. Additional pedestrian spaces and enhanced streetscaping will be created by the project. No complete relocations of any businesses or residents will be needed as part of the project. The environmental impacts of constructing the project have been identified and discussed in the Draft Design Report / Environmental Assessment for the project. A negative declaration in accordance with Article 8 of the Environmental Conservation Law and Chapter 48 of the Municipal Code was issued on November 24, 2008 and amended on May 2, 2009.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-131
(Int. No. 166)

**Amending The Official Map By Dedicating
Parcels To Street Purposes For The Mt. Hope
Avenue Phase I Public Improvement Project**

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 to street purposes the 28
parcels authorized for fee acquisition at this meet-
ing and the permanent easement at 1431 Mt. Hope
Avenue authorized for acquisition at this meeting
as part of the Mt. Hope Avenue Phase I Public
Improvement Project, as more particularly de-
scribed in maps on file with the City Clerk, and by
adding said dedications to Mt. Hope Avenue,
Elmwood Avenue and Crittenden Boulevard.

Section 2. The dedications authorized herein
shall take effect upon acquisition by the City of the
necessary parcels and permanent easement.

Passed unanimously.

Councilmember Miller moved to amend Int. No.
167.

The motion was seconded by Councilmember
McFadden.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conk-
lin, Haag, McFadden, Miller, Ortiz, Palumbo,
Scott, Spaul - 9.

Nays - None - 0.

Ordinance No. 2010-132
(Int. No. 167, As Amended)

**Bond Ordinance Of The City of Rochester,
New York, Authorizing The Issuance Of
\$900,000 Bonds Of Said City To Finance The
Cost Of Acquisition Of Parcels For The Mt.
Hope Avenue Phase I Public Improvement Pro-
ject 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 the acquisi-
tion of properties for street purposes as part of the
Mt. Hope Avenue Phase I Public Improvement
Project 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 \$[2,248,000]
2,534,000. The plan of financing includes the
issuance of \$900,000 bonds of the City, and said
amount is hereby appropriated therefor, together
with the application of \$1,135,000 appropriated
from Federal Highway Administration funds and

\$213,000 appropriated from New York State funds
and \$286,000 in current City funds, and the levy
and collection of an ad valorem tax on all the tax-
able 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 \$900,000 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 in-
curred by the City, pursuant to this Ordinance, in
the amount of \$900,000. This Ordinance is a decla-
ration 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.21(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 con-
tain 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 gen-
eral 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 ma-
ture 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 authori-
zation 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 execut-

ing 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.

Councilmember Miller moved to amend Int. No. 117.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because he is employed by the University of Rochester.

Introductory No. 117 was introduced March 17, 2010 and appears in its original form with its transmittal letter on page 92 of the current Council Proceedings.

Attachment No. AJ-54

Ordinance No. 2010-133
(Int. No. 117, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels And Easements

For The Mt. Hope Avenue Phase I Improvement Project

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 for street purposes as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Rossiter Road) Improvement Project:

Address SBL#	Sq. Ft. Owner	[Value]
1500 Mt. Hope Avenue 136.61-3-26	2002 DB Real Estate Assets, LLC	
1432 Mt. Hope Avenue 136.54-1-22.1	2047 Patricia Ann Hoffend	
1550 Mt. Hope Avenue 136.61-3-30	112 Wendy's Restaurant of Rochester	
1522 Mt. Hope Avenue 136.61-3-29	47 Wendy's Restaurant of Rochester	
1520 Mt. Hope Avenue 136.61-3-28	48 John Spencer	
1510 Mt. Hope Avenue 136.61-3-27	446 University of Rochester	
1400 Mt. Hope Avenue 136.54-1-24	2680 David L. Gandell	
1394 Mt. Hope Avenue 136.54-1-25	1087 Mamasan's Monroe, LLC	
1378 Mt. Hope Avenue 136.54-1-27.1	2703 Mamasan's Monroe, LLC	
1360 Mt. Hope Avenue 136.54-1-28	3277 Mamasan's Monroe, LLC	
1340 Mt. Hope Avenue 136.54-1-30.2	1749 Alex L. & Patricia A. D'Angelo	
1330 Mt. Hope Avenue 136.54-1-32	675 Le Thi Be Walters	
797 Elmwood Avenue 136.54-1-2	959 Berkshire Rochester Ltd Part.	
793 Elmwood Avenue 136.54-1-1.1	1942 Berkshire Rochester Ltd Part.	
1286 Mt. Hope Avenue 136.46-1-48.1	1941 1286 Mt. Hope Avenue, LLC	
1545 Mt. Hope Avenue 136.61-3-25	256 Cathaline Robinson & John Schouten	
1517 Mt. Hope Avenue 136.61-2-30	296 Mihalitsas Income Ltd Partnership	
1511 Mt. Hope Avenue 136.61-2-29	254 Mihalitsas Income Ltd Partnership	
1495 Mt. Hope Avenue 136.61-2-28	233 Mihalitsas Income Ltd Partnership	
1477 Mt. Hope Avenue 136.61-1-31	709 HSBC Bank U.S.A.	
1475 Mt. Hope Avenue 136.61-1-30	721 HSBC Bank U.S.A.	
1471 Mt. Hope Avenue 136.61-1-28	2812 Jeffrey Solomon	

1401 Mt. Hope Avenue 11122
 136.53-1-6 University of Rochester
 1371 Mt. Hope Avenue 3907
 136.53-1-5 University of Rochester
 1351 Mt. Hope Avenue 6036
 136.53-1-4 University of Rochester
 1325 Mt. Hope Avenue 10249
 136.53-1-3.1 University of Rochester
 683 Elmwood Avenue 585
 136.53-1-2 University of Rochester
 1256 Mt. Hope Avenue 777
 136.46-1-49 Paul R. Dean, Jr.

Section 2. The Council hereby approves the acquisition of permanent easements for street purposes over the following parcels as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Ros-siter Road) Improvement Project:

Address SBL#	Sq. Ft. Owner	[Value]
1378 Mt. Hope Avenue	3167	
136.54-1-27.1	Mamasan's Monroe, LLC	
1431 Mt. Hope Avenue	2996	
136.53-1-7	Hess Realty Corp.	
1371 Mt. Hope Avenue	3137	
136.53-1-5	University of Rochester	

Section 3. The Council hereby approves the acquisition of temporary easements for street purposes over the following parcels as a part of the Mt. Hope Avenue Phase I (Elmwood Avenue to Ros-siter Road) Improvement Project:

Address SBL#	Sq. Ft. Owner	[Value]
1500 Mt. Hope Avenue	836	
136.61-3-26	DB Real Estate Assets, LLC	
1432 Mt. Hope Avenue	2190	
136.54-1-22.1	Patricia Ann Hoffend	
1550 Mt. Hope Avenue	875	
136.61-3-30	Wendy's Restaurant of Rochester	
1522 Mt. Hope Avenue	122	
136.61-3-29	Wendy's Restaurant of Rochester	
1520 Mt. Hope Avenue	51	
136.61-3-28	John Spencer	
1510 Mt. Hope Avenue	529	
136.61-3-27	University of Rochester	
1400 Mt. Hope Avenue	806	
136.54-1-24	David L. Gandell	
1394 Mt. Hope Avenue	599	
136.54-1-25	Mamasan's Monroe, LLC	
1378 Mt. Hope Avenue	810	
136.54-1-27.1	Mamasan's Monroe, LLC	
1360 Mt. Hope Avenue	2053	
136.54-1-28	Mamasan's Monroe, LLC	
1340 Mt. Hope Avenue	1581	
136.54-1-30.2	Alex L. & Patricia A. D'Angelo	
1330 Mt. Hope Avenue	208	
136.54-1-32	Le Thi Be Walters	
797 Elmwood Avenue	1132	
136.54-1-2	Berkshire Rochester Ltd Part.	

1286 Mt. Hope Avenue 2086
 136.46-1-48.1 1286 Mt. Hope Avenue, LLC
 1517 Mt. Hope Avenue 106
 136.61-2-30 Mihalitsas Income Ltd Partnership
 1511 Mt. Hope Avenue 1060
 136.61-2-29 Mihalitsas Income Ltd Partnership
 1495 Mt. Hope Avenue 557
 136.61-2-28 Mihalitsas Income Ltd Partnership
 1471 Mt. Hope Avenue 874
 136.61-1-28 Jeffrey Solomon
 1431 Mt. Hope Avenue 8149
 136.53-1-7 Hess Realty Corp.
 1401 Mt. Hope Avenue 3560
 136.53-1-6 University of Rochester
 1371 Mt. Hope Avenue 7986
 136.53-1-5 University of Rochester
 1351 Mt. Hope Avenue 3261
 136.53-1-4 University of Rochester
 1325 Mt. Hope Avenue 26131
 136.53-1-3.1 University of Rochester
 100 Crittenden Blvd. 789
 136.53-1-8 Crittenden Blvd. Housing
 683 Elmwood Avenue 12359
 136.53-1-2 University of Rochester
 1256 Mt. Hope Avenue 1852
 136.46-1-49 Paul R. Dean, Jr.

Section 4. The acquisitions of all parcels and easements authorized in Sections 1, 2 and 3 shall obligate the City to pay to the owners amounts in the aggregate not to exceed the following:

Owner	Amount
<u>DB Real Estate Assets, LLC</u>	<u>\$ 47,700</u>
<u>Patricia Ann Hoffend</u>	<u>74,100</u>
<u>Wendy's Restaurant of Rochester</u>	<u>6,200</u>
<u>John Spencer</u>	<u>4,300</u>
<u>University of Rochester</u>	<u>550,800</u>
<u>David L. Gandell</u>	<u>74,600</u>
<u>Mamasan's Monroe, LLC</u>	<u>226,600</u>
<u>Alex L. & Patricia A. D'Angelo</u>	<u>53,800</u>
<u>Le Thi Be Walters</u>	<u>18,300</u>
<u>Berkshire Rochester Ltd Part.</u>	<u>125,300</u>
<u>1286 Mt. Hope Avenue, LLC</u>	<u>43,700</u>
<u>Cathaline Robinson & John Schouten</u>	<u>5,500</u>
<u>Mihalitsas Income Ltd Partnership</u>	<u>28,400</u>
<u>HSBC Bank U.S.A.</u>	<u>29,600</u>
<u>Jeffrey Solomon</u>	<u>88,500</u>
<u>Hess Realty Corp.</u>	<u>697,000</u>
<u>Crittenden Blvd. Housing</u>	<u>1,900</u>
<u>Paul R. Dean, Jr.</u>	<u>30,700</u>

Section 5. The Council further authorizes the acquisition by negotiation of the uneconomic remnant of 1431 Mt. Hope Avenue for the sum of \$286,000.

Section [4] 6. The acquisitions shall obligate the City to pay an amount not to exceed \$2,393,000, and of said amount, or so much thereof as may be necessary, and necessary closing costs not to exceed \$141,000, \$1,135,000 is hereby appropriated from Federal Highway Administration funds, \$213,000 is hereby appropriated from New York

State Department of Transportation funds, \$286,000 shall be funded from the 2008-09 Cash Capital Allocation and \$900,000 shall be funded from a bond ordinance adopted for this Project.

Section [5] 7. In the event that said parcels and/or easements cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels and/or easements. In the event of condemnation, the amounts set forth herein for the acquisitions shall be the amounts of the offers. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcels and/or easements pursuant to the Eminent Domain Procedure Law.

Section [6] 8. City taxes and other current-year charges against the parcels at 793 Elmwood Avenue and 1431 Mt. Hope Avenue, if the parcels are taken in their entirety, 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 parcel, shall also be canceled.

Section 9. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because he is an employee of the University of Rochester.

By Councilmember McFadden
April 13, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 135 - Authorizing An Inter-Municipal Agreement To Provide Photo Lab Services

Int. No. 136 - Authorizing An Agreement For An Assistance To Firefighters Grant And Amending The 2009-10 Budget

Int. No. 137 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Center Security Systems

Int. No. 138 - Authorizing An Agreement For

The Summer Of Opportunity Program

Int. No. 139 - Amending The 2009-10 Budget For Marketing Of The Red Light Camera Program

Int. No. 152 - Establishing Maximum Compensation For A Professional Services Agreement For The Automated Vehicle Locator System

Respectfully submitted,
Adam C. McFadden
Matt Haag
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-134
Re: Agreement - Monroe County, Police Photo Processing

Transmitted for your approval is legislation authorizing an intermunicipal agreement with Monroe County for the City to provide photo lab services to the Monroe County Sheriff's Office (MCSO). The previous agreement (Ordinance No. 2005-182) expired December 31, 2009. The term of this agreement will be five years - January 1, 2010 through December 31, 2014.

Photo lab processing will be provided by the City using current unit pricing in effect at the time of service. During 2009, the lab processed 20 rolls of film, 35 CDs, and 3,480 prints for MCSO. The Photo Lab estimates the revenue from this agreement at \$2,500 per year, based on current usage. The trend in all sectors is toward less film processing and more digital media. MCSO utilizes the lab only when they need prints for court or other essential purposes.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-135
(Int. No. 135)

Authorizing An Inter-Municipal Agreement To Provide Photo Lab 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 inter-municipal agreement with the County of Monroe whereby the City will provide photo lab services to the Monroe County Sheriff's Office at the current unit pricing fee for the period from January 1, 2010 through December 31, 2014.

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. 2010-135
Re: Assistance to Firefighter
Grant 2008

Transmitted herewith for your approval is legislation authorizing an agreement with Federal Emergency Management Agency (FEMA) for the receipt and use of a \$119,200 grant under the Department of Homeland Security Emergency Preparedness Response Assistance to Firefighters Grant (AFG) Program; and amending the Cash Capital allocation of the 2009-10 Budget to reflect the grant.

AFG provides funding to support firefighters by increasing the effectiveness of operations, health and safety programs, new apparatus, emergency medical service programs and fire prevention and safety programs. This grant will support the purchase of Box Run Area Card software (BARB), and flashover simulator equipment and materials for the Fire Training Academy.

BARB is an automated tool for building box run area cards that indicate the call order for each station and/or unit that could possibly respond to an emergency situation. Through the Computer Aided Dispatch System maintained by the Emergency Communications Department, the caller's information, response location, and specific Fire and EMS services boundaries are linked to the appropriate box run area cards. BARB software will facilitate the generation of updated run cards and multiple scenario sequences for the most efficient emergency response time and coverage.

The flashover simulator training equipment provides fire department personnel with a controlled and realistic exposure to the fire flashover experience. The proposed flashover simulator equipment will enhance the structural fire training building at the Public Safety Training Facility to simulate a flashover experience in the field. This training tool will reduce the risks to incoming Firefighters by providing them with a learning opportunity in a controlled environment.

The required 20% match of \$29,800 was included in the Cash Capital allocation for the Fire Department in the 2009-10 Budget.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-135
(Int. No. 136)

Authorizing An Agreement For An Assistance To Firefighters Grant And Amending The 2009-10 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 Federal Emergency Management Agency for funding under the Department of Homeland Security Emergency Preparedness Response Assistance to Firefighters Grant Program for software, equipment and materials.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$119,200, which amount is hereby appropriated from the 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. 2010-136
Re: Agreement - SimplexGrinnell LP,
9-1-1 Center Security System

Transmitted herewith for your approval is legislation establishing \$23,000 as maximum compensation for an agreement with SimplexGrinnell LP, of Rochester, for security system services at the Emergency Communications Center. The cost of the agreement will be financed from the 2010-11 Budget 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 most recent agreement for these services was approved by City Council in May 2009. The security camera and access control systems for the Emergency Communications Center were upgraded by SimplexGrinnell LP in March 2003. The access control system interfaces with the security camera system, and is a proprietary system using equipment, software, and supplies available only from SimplexGrinnell.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-136
(Int. No. 137)

Establishing Maximum Compensation For A 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 \$23,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a 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 2010-11 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:

Ordinance No. 2010-137
Re: Agreement - Children's Institute,
Software Support for the Summer
Of Opportunity Program

Transmitted herewith for your approval is legislation establishing \$11,500 as maximum compensation for an agreement with Children's Institute Inc., North Goodman Street, Rochester, to provide database services for the 2010 Summer of Opportunity program. The cost of this agreement will be funded from the General Community Needs (Youth Development/Job Creation) allocation of the 2006-07 Community Development Block Grant. This agreement will cover the period of March 1, 2010 to February 28, 2011.

Children's Institute will modify an existing database application (COMET) to allow youth to apply for the Summer of Opportunity on-line, eliminating paper applications. It is expected that over 2,500 youth will apply in 2010.

Children's Institute was selected to provide this service since the COMET software was developed by them specifically to link to the City School District's system. Using the software will allow non-sensitive information to be shared with the City upon parental permission being granted.

RochesterWorks, Inc., the City's partner in providing summer youth employment, is supporting this effort with an equal amount of funding. It is expected that development and enhancement of the database will occur over the next two years, and Council's approval will be sought for each of those

years. This is considered a project with matching funds and eligible for up to five years of funding, as per the Youth Services funding guidelines approved by City Council in 1981.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-137
(Int. No. 138)

Authorizing An Agreement For The 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 an agreement with the Children's Institute, Inc. for database services for the Summer of Opportunity Program from March 1, 2010 to February 28, 2011.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$11,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs 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. 2010-138
Re: Red Light Camera Informational
Campaign

Transmitted herewith for your approval is legislation amending the 2009-10 Budget by transferring \$50,000 from Contingency to the Police Department to fund the public outreach campaign for the City's Red Light Traffic Enforcement program, which was authorized in December 2009.

The public awareness and information campaign is a crucial component of the success of the red light camera program and is necessary to effect significant change in driver behavior. The campaign is designed to increase citizen awareness about the dangers associated with red light running, and to provide motorists with advance warning of the increased traffic enforcement. The campaign will also provide information about the citation process and where additional information can be accessed.

The communications strategy will utilize a variety of channels with a central message to improve traffic safety and explain program objectives. Billboards, radio and television commercials, tran-

sit advertising (bus tails), and water bill inserts will be employed. It is anticipated that approximately 50% of available funds will be used for radio advertising, 30% on buses, 10% on television and 10% on billboards.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-138
(Int. No. 139)

Amending The 2009-10 Budget For Marketing Of The Red Light Camera Program

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency allocation to the Rochester Police Department to fund marketing of the Red Light Camera Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-139
Re: Agreement - Northrop Grumman Systems Corporation, Inc.,
Coordination of Police Vehicle Dispatch Information

Transmitted herewith for your approval is legislation establishing \$16,819 as maximum compensation for an agreement with Northrop Grumman Systems Corporation, Inc., Chantilly, VA, to develop and install software that will coordinate the City's Automated Vehicle Locator/Track Star Fleet Management System and the Emergency Communication Department's Monroe County 911 Computer Aided Dispatch (CAD) system. The cost of the agreement will be funded from the 2007-08 Cash Capital allocation of the Police Department.

The software will provide an interface between the RPD fleet management system and the 311 CAD system, enabling the display of the dispatch status (dispatched or available for deployment) of selected RPD patrol vehicles. This interface between the systems will allow RPD command staff to see the status of their fleet at a glance and make deployment decisions accordingly.

Northrop Grumman Systems Corporation, Inc. will work with City and County staff to design the interface that will support the transfer of data for the dispatch status display in the fleet management system. The vendor will supply an interface from the Monroe County 911 CAD system which will accommodate dispatch status display in the City's Track Star fleet management system. The City's Information Technology Department will provide

ongoing system support following implementation.

The vendor, Northrop Grumman, is recommended based on their successful work with the Emergency Communications Department dating back to the early 1990's. Northrop Grumman is both the author and sole provider of support for the CAD system.

The term of this agreement will be for one year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-139
(Int. No. 152)

Establishing Maximum Compensation For A Professional Services Agreement For The Automated Vehicle Locator System

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

Section 1. The sum of \$16,819, 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 Northrop Grumman Systems Corporation, Inc. to develop and install software to coordinate the City's Automated Vehicle Locator/Track Star Fleet Management System and the 911 Computer Aided Dispatch System. Said amount shall be funded from the 2007-08 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 9:17 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
MAY 11, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 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
*Kerry R. Kleckner
*Steve Leone
*Paul J. Noto, Jr.

- *Peter B. Scott
Neighborhood & Business Development
- Margaret Austin
- *Frank DeCapua
- Fire Department
- *Thomas R. Boyle
- *Ronald J. Gullo
- *Gregory A. Noto
- *Bradley S. Wallace
- *Michael Wierzbicki
- *George Wolf
- Police Department
- *Clifton H. Manns
- *Janssen P. Rembert
- *Jeffrey D. Smith
- Library
- *Charlene J. Saweikis

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of April 13, 2010 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 4010-10
 - Public Disclosure - CDBG Participation (2) 4011-10, 4012-10
 - Quarterly Reports 4013-10
 - Professional Services Agreements
 - Delinquent Receivables

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Councilmember Palumbo presented 123 surveys regarding Transit Center. Remonstrance No. 1645

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. 172 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 179 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District Int. No. 180 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. 181 No speakers.

Local Improvement Ordinance - Establishing The 2010 Cost Of The Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District Int. No. 182 No speakers.

Approving A Final Amendment To The Local Waterfront Revitalization Program And Authorizing Its Transmission To The New York State Department Of State Int. No. 183 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

Councilmember Palumbo moved to amend Introductory No. 198.

The motion was seconded by Councilmember Ortiz.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-16
Re: Resolution in Support of a Transit Center

Transmitted herewith for your approval is a resolution in support of the construction of a Transit Center by the Rochester Genesee Regional Transportation Authority (RGRTA). The resolution supports the construction of the facility on Mortimer Street and the other actions necessary for this to occur.

For many years, the City has had the goal of ending the use of Main Street between St. Paul Street and Clinton Avenue and the adjacent areas of St. Paul and Clinton as a bus transfer station. Buses are now lined up on Main for extended periods of time blocking access to the street and the sidewalk. This discourages private development of the adjacent property and pedestrian traffic. Efforts to solicit private development of the block have not been successful without a plan to solve the bus traffic. Portions of the block are now the most blighted area in central downtown.

With the current and anticipated future configuration of downtown, citizens transferring buses, most of whom are City residents, must wait outside in inclement weather and have little access to basic services. Most cities of our size provide a facility to address these needs.

The objectives of the Transit Center are to:

- Remove the bus transfer activity from Main Street to support future private development in the area including on-street parking and pedestrian traffic.
- Create a climate controlled enclosed platform for bus customers where they can easily and safely transfer buses and utilize amenities, such as restrooms, arrival information, and ticketing.

With the demise of the Renaissance Square Project, the Administration engaged in extensive discussions with RGRTA to meet these objectives in a manner that accommodated the City's plans for downtown and the operational and financial constraints of RGRTA. This process has resulted in significant changes to the design of the Center; details of the revised project have been presented to Council and the public at meetings on April 27 and May 5, 2010.

RGRTA has access to \$52 million remaining in the funding for this project, principally through the Federal Transportation Agency (FTA). Some of the original funding has already expired and more will be lost unless the project is at 70% design and approved by FTA this fall. If that deadline is missed, this project will not proceed. To start over would result in delay of several years and an uncertain outcome while our citizens remain without shelter and this area of downtown continues to deteriorate.

As set forth in the resolution, the Administration will submit the necessary legislation to modify and partially abandon Mortimer Street. In addition, there will be further opportunities for Council and public input as the design progresses and the related issues are addressed.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-16
(Int. No. 198, As Amended)

Resolution In Support Of A Transit Center

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

Section 1. The City Council hereby supports the construction by the Rochester-Genesee Regional Transit Authority ("RGRTA") of a 26-bay Transit Center, provided that: the Transit Center is constructed at the Mortimer Street site as presented at the Council Public Hearing on April 27, 2010 and as shown in the Transit Center concept drawing dated April 27, 2010, and that the entire Transit Center is enclosed with a brick and glazing facade as shown in concept during the April 27th presentation. The Council understands that the design is not complete and will require approval by the Federal Transportation Authority ("FTA") at the 70% and 100% stage of design completion. Prior to

these submissions to FTA, the City's review and comment on the design will be solicited and accommodated to the extent that it is consistent with the April 27th concept, and as operational and financial constraints permit. This review and comment process will include opportunities for public input jointly sponsored by the City and RGRTA.

Section 2. The Council hereby supports the exercise by RGRTA of its authority pursuant to Section 1299-ii of the Public Authorities Law to acquire, by condemnation pursuant to the condemnation law or in accordance with the condemnation provisions of subdivision seven of the Public Authorities Law, for the purpose of constructing the Transit Center, and, to the extent required, consents to the acquisition by condemnation or purchase of the following parcels by RGRTA, for the purpose of completing the entire project as described in the April 27, 2010 concept drawing:

106.79-1-60	58 St. Paul Street
106.79-1-59	62 St. Paul Street
106.79-1-56	58 Mortimer Street
106.79-1-49	65-71 North Clinton Avenue

Section 3. The Council hereby authorizes the Mayor to take such actions as are necessary for submission to Council at its June meeting of legislation to change the direction, modify or abandon the Mortimer Street right-of-way and/or transfer a portion of the Mortimer Street right-of-way to accommodate the Transit Center.

Section 4. The Council hereby authorizes the Mayor to take such other actions, subject to the necessary approvals, as are consistent with this resolution and necessary to support the approval of FTA funding of the Transit Center construction and for the installation of four RGRTA articulated bus stops on Mortimer Street.

Section 5. The Council hereby authorizes the Mayor to enter into negotiations with RGRTA, subject to the necessary approvals, with respect to the use and ownership of the City owned property adjacent to the Mortimer Street Garage, to include its possible use to support RGRTA operations, parking to address the needs of surrounding property owners and a Rochester Police Department facility.

Section 6. The Council hereby authorizes the Mayor to enter into negotiations with RGRTA, subject to the necessary approvals, to determine the security assistance to be provided at the Transit Center by the Rochester Police Department.

Section 7. This resolution shall take effect immediately.

Underlined material added.

Adopted by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-17
Re: Moratorium on Enforcement of
Section 3-15 of the City Charter

Transmitted herewith for your approval is legislation providing for a six-month moratorium on the issuance of nuisance points for bars and nightclubs under Section 3-15, Abatement of Nuisances, of the City Charter.

In 1996, Section 3-15 was amended to add the penalty point system and administrative hearing procedure for nuisance violations, replacing the then-current procedure that required two or more criminal convictions within 18 months for a property to be classified as a public nuisance. Today, Section 3-15 assigns points to property for illegal activities taking place at the property or immediately adjacent to the property as a result of its use. Under a tiered point system, an accumulation of 12 or more points over six months, or 18 or more points over 12 months, enables the classification of a property as a public nuisance and triggers a number of enforcement procedures aimed at shutting down business operations at the site.

For at least a half-dozen years, persistent rumors and the perception of certain bar and nightclub owners and patrons have been that Section 3-15 is unevenly enforced, such that establishments frequented by low-income, youthful, and/or minority people are disproportionately impacted by the issuance of nuisance points. This problem, real or perceived, has persisted over the course of two different Administrations and has never been adequately addressed.

The six-month moratorium will alleviate this possible inequity while a non-partisan commission comprised of City Council representatives, City staff, neighborhood representatives and bar and nightclub owners investigates the Police Department's enforcement of Section 3-15 for bars and nightclubs. The commission shall be tasked with analyzing data and reviewing administrative procedures to ascertain if inequitable enforcement has occurred and to make recommendations to ameliorate the problem.

Respectfully submitted,
Adam C. McFadden
Chair
Public Safety, Youth & Recreation Committee

Resolution No. 2010-17
(Int. No. 199)

Resolution Establishing A Moratorium On Point System Enforcement At Bars/Nightclubs

WHEREAS, issues have been raised relative to the City's assignment of nuisance points pursuant to Section 3-15 of the City Charter for bars and nightclubs in the City of Rochester and the manner

in which such nuisance point system has been implemented and applied; and

WHEREAS, several members of Rochester City Council, in particular the Public Safety, Youth and Recreation Committee, believe that sufficient concern has been raised to call for a brief moratorium on the assignment of nuisance points for premises constituting bars/nightclubs in the City to allow for further investigation into this issue.

NOW, THEREFORE, BE IT RESOLVED, that the City Council enacts a moratorium for a period of six (6) months on the assignment of nuisance points pursuant to Section 3-15 of the City Charter for premises constituting bars/nightclubs. During this period of time, a non-partisan committee (to be made up of City Council representatives, City staff, neighborhood representatives and bar/nightclub owners) shall study the administration of the nuisance point system and submit its recommendations to the City Council to correct any inequities that are found in the administration of the point system and in particular to make recommendations to eliminate the risk that innocent owners may be penalized, and to ensure that nuisance point cases are administered fairly regardless of the owner or location of the venue.

This resolution shall take effect immediately and shall remain in effect for a period of six months.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-140 and
Ordinance No. 2010-141
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 2009 data. The second is the calculation of the adjusted base proportions using 2009 and 2010 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead	.4201223
Non-Homestead	<u>.5798777</u>
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4158845
Non-Homestead	.5841155
Total	<u>1.0000000</u>

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead	-1.0
Non-Homestead	+0.7

These calculations have been reviewed by the New York State Office of Real Property Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 14, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-140
(Int. No. 200)

Determining and Certifying Base Proportions, Current Percentages, And Base Percentages For The 2010 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 2010 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Current base proportions		
42.01223%		57.98777%
Current percentage		
60.44670%		39.55330%
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. 2010-141
(Int. No. 201)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2010 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 adjusted base proportions, assessed value, and net

change in assessed value for the City's 2010 assessment roll as follows:

	<u>Homestead Class</u>	<u>Non-Homestead Class</u>
Adjusted base proportion		
.4158845		.5841155
Taxable assessed value		
3,456,514,733		2,264,145,144
Net change in assessed value from 2009 resulting from physical and quantity changes		
+3,425,000		+10,915,700
Net change in assessed value from 2009 resulting from other than physical and quantity changes		
-6,451,750		-18,944,800

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.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
May 11, 2010

To The Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 168 - Cancellation Of Taxes And Charges

Int. No. 169 - Approving Apportionment Of Taxes And Charges

Int. No. 170 - Resolution Approving Reappointment To The Municipal Civil Service Commission

Int. No. 171 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Sound And Lighting Services

Int. No. 190 - Authorizing An Agreement For The Immobilization Of Motor Vehicles

Int. No. 191 - Amending The Municipal Code With Respect To The Immobilization Of Motor Vehicles

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 172 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Area

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz (Voted on Int. Nos. 190 and 191 only)
Loretta C. Scott
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-142
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legisla-
tion approving the cancellation or refund of taxes
and charges totaling \$8,338.40.

The organization at 903 Maple Street is eligible for
the religious exemption and exempt from the 2009-
10 City and school taxes.

If this cancellation is approved, total cancellations
thus far for 2009-2010 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	46	\$380,113.54
Administrative	157	89,488.31
Total	203	\$469,601.85

These cancellations represent .205 % of the taxes
receivable as of July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-55

Ordinance No. 2010-142
(Int. No. 168)

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) Eligible for Religious Exemption from City
and School taxes for tax year 2009/2010.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>
<u>Tax</u>	<u>Year</u>	<u>Amount</u>
		<u>Canceled</u>
106.74-2-24.1	NH	903 Maple St.
	2010	\$8,338.40
Total		\$8,338.40

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 im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-143
Re: Apportionment of Taxes and
Charges

Transmitted herewith for your approval is legisla-
tion authorizing the apportionment of taxes and
charges for twelve 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 2009-10. These taxes
and charges, which total \$16,782.89, 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 2010
tax bills of the new accounts. Owners of the subdivi-
ded or combined properties will be notified in
writing of the potential charges in May 2010.

A listing of affected properties is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-56

Ordinance No. 2010-143
(Int. No. 169)

**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 14, 2010,
in accordance with the list which is on file in the
Office of the City Clerk.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-18
Re: Reappointment - Civil Service
Commission

Transmitted herewith for your approval is legislation to reappoint Elizabeth Ortiz, 181 Dickinson Street, Rochester, New York, 14621, to the Civil Service Commission.

Ms. Ortiz was initially appointed to the Commission in January 2009. In the past year she has attended 9 of 12 meetings. Her new term will extend to May 31, 2016.

A copy of Ms. Ortiz' resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-18
(Int. No. 170)

Resolution Approving Reappointment To The Municipal Civil Service Commission

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

Section 1. The Council hereby approves the reappointment of Elizabeth Ortiz, 181 Dickinson Street, to the Municipal Civil Service Commission for a term which shall expire on May 31, 2016.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-144
Re: Amendatory Agreement -
Northeastern Production
Systems, Inc., Special Event
Production Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Northeastern Production Systems, Inc., Henrietta (Raymond DiBiase, Jr., President), to provide additional production services for the 2010 summer concert series. The original agreement was authorized in June 2007, and amended in 2008 and 2009. This amendment will increase compensation for 2009-10 by \$16,000, for a total of \$104,100. This additional cost will be funded from the Rochester Events Network Trust Fund.

The additional funds will be used for production services for three Party in the Park events and one Rochester Philharmonic Orchestra ensemble concert in June 2010. Seven 2009 DRYS events, an increase of national acts booked for Party in the Park and Bands on the Bricks, and the 2009 July 4th RPO/Fireworks Celebration on Main Street presented unanticipated concert production needs for this agreement.

The original agreement (Ord. No. 2007-240) was for an initial term of one year, with provisions for

renewal for two one-year periods, with annual adjustments based on the annual increase in the consumer price index for urban areas. Projected costs were based on past agreements and needs. However, a change in festival site required additional production costs due to lack of infrastructure; amendatory agreements (Ord. Nos. 2008-238 and 2009-181) covered the cost of a generator and additional required production services.

The costs of these agreements are summarized below:

<u>Year</u>	<u>Ord.</u>	<u>Amendments</u>	<u>Total</u>
2007-08	\$63,000	\$20,000 (Ord. 2008-238)	\$83,000
2008-09	\$65,500	\$25,000 (Ord. 2008-238)	\$90,500
2009-10	\$68,100	\$20,000 (Ord. 2009-181)	\$88,100

An RFP for production services has been issued for the fiscal year beginning July 1, 2010. It is anticipated that authorization of a similar agreement will be submitted to City Council for approval at the June 2010 City Council meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-144
(Int. No. 171)

Establishing Maximum Compensation For An Amendatory 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 \$16,000, or so much thereof as may be necessary, is hereby established as the additional compensation to be paid by the City in the third year of an amendatory professional services agreement between the City and Northeastern Production Systems, Inc. for sound and lighting services for special and cultural events. Said amount 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. 2010-145 and
Ordinance No. 2010-146
Re: Agreement - IPT LLC (d/b/a PayLock),
Vehicle Immobilization Services

Transmitted herewith for your approval is legislation related to the implementation of a vehicle immobilization (booting) program. This legislation will:

1. Authorize an agreement with IPT LLC (d/b/a PayLock), New Jersey, for a self-release immobilization (booting) program for vehicles with three or more outstanding parking or red light camera tickets that are 90 or more days old. The firm is considered a sole-source provider.
2. Amend Section 111-77 of the Municipal Code to provide for the immobilization process, establish a \$25 per day fee for boots not returned to the City within 48 hours, increase the immobilization fee to \$85, and to include red light camera tickets to be considered along with parking violations.

The booting program will be used to increase collections on tickets issued to "scofflaw" vehicles while simultaneously providing better customer service. A scofflaw is defined as a vehicle that has three or more unpaid tickets that are 90 or more days old and, if a New York plate, one ticket in judgment. The City currently has \$2.5 million dollars in outstanding tickets, with the most recent ticket no more than three years old, on scofflaw vehicles registered in New York; and another \$500,000 in vehicles registered in other states.

The agreement with PayLock does not require any upfront payment from the City. The term of the agreement will be for five years, with the option of two one-year renewals. PayLock will provide license plate recognition hardware, software, self-releasing mechanical boots, and payment services. For each booted vehicle, PayLock will charge a fee of 17% of the collected fines and the boot fee of \$85. The City currently pays 24%-30% to outside collection agencies.

Parking Enforcement vehicles will be equipped with license plate recognition cameras, laptops with software provided by PayLock, and a database provided by the City, which will allow staff to identify scofflaw (as well as stolen and amber alert) vehicles and confirm the amount of outstanding fines. Once the identified vehicle is booted, a sticker - with the toll-free number of the PayLock call center - is applied to the vehicle.

Payment by credit card or Automated Clearing House (ACH) check is processed by the call center and the code to release the boot is given to the driver/owner of the vehicle. They then have 48 hours to return the boot to the City; failure to return the boot will result in late fees of \$25 per day up to a maximum of \$500, the replacement cost.

PayLock will calculate the City's payment (full payment of all fees minus the \$85 booting fee and the 17% collection rate), and remit the net amount, weekly, to the City.

This program has several advantages over the City's current practice of towing the majority of

scofflaw vehicles. The vehicle identification and confirmation process is more efficient for City staff. And the payment and vehicle retrieval process is much less burdensome for the driver/owner, who currently needs to determine that the vehicle was towed, not stolen; make in-person payment at the Parking office to obtain a release form; and find transportation to the impound yard to present the release before retrieving the vehicle. Finally, the booting system is less costly. The average scofflaw amount due is \$400; with the current system, a minimum of \$550 would be owed (\$400 in tickets plus an average \$150 towing fee), not including storage fees. With the booting system, the cost would be \$485.00-\$400 in tickets plus the \$85 boot fee.

Cities using an immobilization program typically experience a minimum of 10% recovery of outstanding scofflaw amounts within the first year. For Rochester, this would amount to increased revenue of \$300,000. Savings in reduced collection costs would be approximately \$115,000.

Syracuse, NY has successfully used this program since July 2008. In the first six months, 1,159 vehicles were booted with the PayLock system and brought in gross revenue of \$412,267.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-145
(Int. No. 190)

Authorizing An Agreement For The Immobilization Of Motor Vehicles

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 IPT LLC, d/b/a PayLock, for a self-release immobilization program for motor vehicles whereby PayLock shall provide the City with software and hardware to identify vehicles which are parking or red light camera scofflaws as determined by the City. The agreement shall extend for a term of five years, with two one-year options to renew. The immobilization device may be released by the motor vehicle owner or operator upon payment to PayLock of the sum of \$85 and payment of the outstanding notices of violation or notices of liability. The owner or person entitled to possession of such vehicle shall also be responsible for the return of the immobilization device to the City, and shall be responsible to PayLock for an additional fee of \$25 per day for each day, or part thereof, after the first 48 hours, for which the immobilization device or mechanism is not returned to the City, up to a maximum of \$500.

Section 2. The agreement shall obligate PayLock to pay to the City of Rochester at least 83% of the collections made on the outstanding notices of violation or notices of liability.

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. 2010-146
(Int. No. 191)

Amending The Municipal Code With Respect To The Immobilization Of Motor Vehicles

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

Section 1. Section 111-77 of the Municipal Code, Immobilization of vehicles, as amended, is hereby further amended by amending subsections A, C and D to read in their entirety as follows:

- A. Any unattended vehicle found parked upon a street or on any city-owned property or property under the jurisdiction or control of the City which is owned by or registered to a person against whom 3 or more notices of violation alleging a failure to comply with any state or local law, ordinance, rule or regulation concerning the parking, stopping or standing of vehicles and/or notices of liability alleging a failure to comply with traffic-control indications under a program established in accordance with Section 1111-b of the New York State Vehicle and Traffic Law, which notices of violation and/or notices of liability have not been satisfied within 90 days of their service or mailing and at least one of which for New York vehicles has resulted in judgment, may be immobilized by or under the direction of a police officer or the Parking Director in such a manner as to prevent its operation. No such vehicle shall be immobilized by means other than by the use of a device or mechanism which will cause no damage to the vehicle unless it is moved while the device or mechanism is in place.
- C. The owner or person entitled to possession of such vehicle may secure the release of the vehicle by complying with the rules and regulations of the Parking Violations Bureau concerning all outstanding notices of violation and/or notices of liability described in subsection A against said person and by payment of the sum of \$85 for the removal of the immobilization device or mechanism. The owner or person entitled to possession of such vehicle shall also be responsible for the return of the immobilization device or mechanism to the City, and shall be responsible for an additional fee of \$25 per day for each day, or part thereof, after the first 48 hours, for which the immobilization device or mechanism is not returned to the City, up to a maximum of \$500.
- D. If the owner or person entitled to possession

of such vehicle fails to secure its release within 24 hours after the vehicle is immobilized, the vehicle may be removed and stored in accordance with § 111-72 of this chapter. Such vehicle shall not be released until the owner or person entitled to possession has complied with the rules and regulations of the Parking Violations Bureau concerning all outstanding notices of violation and/or notices of liability described in subsection A against said person and has paid the fees for the removal and return of the immobilization device or mechanism and all removal and storage fees. Immobilization, towing and storage fees may be challenged in the Parking Violations Bureau in accordance with § 111-72H of the Municipal Code.

Section 4. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1620
Re: Special Assessment District
Parking Lots

Transmitted herewith for your approval is legislation authorizing special district assessments for neighborhood commercial and residential parking lots and appropriating \$77,916 for operation and maintenance of the parking areas during 2010-11.

Special Assessment District parking lots established by City Council in 1979 include: Culver/Merchants, Monroe Avenue, Parker Place, South Avenue, North Street, Lyell Avenue and Woodside/Goodwill. 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 cost 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 total for the assessments required and the total appropriation for 2010-11 is:

Parking Lot Assessments -	
July 1, 2010	\$74,366
Unused Assessment from prior years	3,550
Total	\$77,916

The South Avenue district properties will continue through 2010-11 without additional assessments. Sufficient funds remain from previous years' assessments for work to be done this year.

A summary of appropriations by district is attached.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-57

Local Improvement Ordinance No. 1620
(Int. No. 172)

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 2010-11:

<u>Parking Area</u>	<u>LIQ</u>	
<u>New Assessments</u>	<u>Unused Assessments From Prior Years</u>	<u>Total Amount</u>
Culver/Merchants	1534	
\$32,231.00	\$ -0-	\$32,231.00
Monroe Avenue	1604	
14,300.00	1,900.00	16,200.00
Parker Place	1489	
2,500.00	-0-	2,500.00
South Avenue	1468	
-0-	1,650.00	1,650.00
North Street	1258	
7,000.00	-0-	7,000.00
Lyll Avenue	1548	
8,435.00	-0-	8,435.00
Woodside/Goodwill	1517	
9,900.00	-0-	9,900.00

Section 2. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

By Councilmember Palumbo
May 11, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 173 - Authorizing The Sale Of Real Estate

Int. No. 174 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The High Falls Centers

Int. No. 175 - Authorizing Agreements For The Emergency Assistance Repair Program

Int. No. 176 - Authorizing The Lease And Acquisition Of Municipal Lot #4

Int. No. 177 - Authorizing Agreements For The Lease Of Municipal Lot #4

Int. No. 178 - Resolution Approving Appointment To The Rochester Preservation Board

The Neighborhood & Business Development Committee recommends for consideration the following entitled legislation:

Int. No. 179 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 180 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

Int. No. 181 - 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. 182 - Local Improvement Ordinance - Establishing The 2010 Cost Of The Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District

Int. No. 183 - Approving A Final Amendment To The Local Waterfront Revitalization Program And Authorizing Its Transmission To The New York State Department Of State

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-147
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of one property. This property is an unbuildable vacant lot being sold to the adjoining owner for \$1.00. The purchaser will combine this parcel with his adjoining property.

The first year projected tax revenue for this property, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$437.

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. AJ-58

Ordinance No. 2010-147
(Int. No. 173)

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 negotiated sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address: 654 Bay St.
S.B.L.#: 107.37-2-29
Lot size: 45x71
Sq. Ft.: 3,195
Purchaser: K. Saddanathan

Section 2. City taxes and other City charges, except water charges, against said property 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 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. 2010-148
Re: Agreement - Sally Wood Winslow,
Operation of the High Falls Centers

Transmitted herewith for your approval is legislation establishing \$41,600 as maximum compensation for a one-year agreement with Sally Wood Winslow for operation of the High Falls Centers, which includes the museum, interpretive center, gallery, and gift shop. The current agreement expires July 17, 2010. The cost of this agreement will be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development, contingent upon adoption of the 2010-11 Budget.

Ms. Winslow has operated the Centers part-time from 1993 through February 2004, when she assumed operations on a full-time basis.

A requirement of a New York State grant received in 1992 requires the Centers to operate for a minimum of 23 years. Operation of the gift shop includes a monthly rental fee to the City of 15% of gross sales.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-148
(Int. No. 174)

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 the High Falls Centers for a term of one year. Said amount shall be funded from the 2010-11 Budget of the Neighborhood and Business Development Department, contingent upon adoption of said Budget. 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. 2010-149
Re: Agreements - Emergency Assistance
Repair Program

Transmitted herewith for your approval is legislation related to the continuation of the Emergency Assistance Repair Program (EARP). This legislation will:

1. Appropriate \$1,000,000 from the 2009-10 Housing Development Fund (see description below) of the Community Development Block Grant Improving the Housing Stock and General Property Conditions allocation to implement the program; and
2. Establish maximum compensation for agreements, to be funded from the appropriation requested herein, as follows for implementation of EARP:

<u>Lead Agency</u>	<u>Quadrant</u>	<u>Amount</u>
Group 14621 Community Association	NE (Sector 9)	\$169,959
NCS Community Development Corp.	NE (Sector 10)	52,497
NCS	NW	253,429
NCS	SW	163,418
NCS	SE	<u>260,697</u>
		\$900,000

The remaining \$100,000 will be administered by the City water service replacement projects required as a result of street repairs and appropriate warranty claims for eligible repairs city-wide.

EARP was originally authorized by City Council in January 2009 with \$1,100,000 in funding. The proposed agreements are similar to the previous program authorization with the addition of Group 14621 Community Association to provide services in the Sector 9 service area.

Housing Development Fund

This fund provides support for the development of owner and rental housing; rehabilitation grants and loans for owner occupants for minor and moderate repairs, lead hazard reduction for owner occupants and housing providers/landlords and operating assistance for housing development support. The current appropriation provides funding for EARP and City administration of related services. The Bureau of Business and Housing Development will work with the lead EARP agencies.

A description and details of the program are attached

This activity supports Housing Policy Goal #1 - Promote Rehabilitation, Redevelopment and New Construction of Housing.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-59

Ordinance No. 2010-149
(Int. No. 175)

Authorizing Agreements For The Emergency Assistance Repair 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 or the following amounts are allocated to implement the Emergency Assistance Repair Program:

<u>Agency</u>	<u>Area</u>	<u>Amount</u>
Group 14621 Community Association	Sector 9	\$169,959
NCS Community Development Corp.	Sector 10	52,497
NCS Community Development Corp.	NW Quadrant	253,429
NCS Community Development Corp.	SW Quadrant	163,418
NCS Community Development Corp.	SE Quadrant	260,697
City of Rochester	Water/Sewer Repairs	100,000

Section 2. The agreements and allocation shall

oblige the City to pay an amount not to exceed \$1,000,000, 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 2009-10 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. 2010-150 and
Ordinance No. 2010-151
Re: 186 Cumberland Street - Municipal
Parking Lot #4

Transmitted herewith for your approval is legislation relating to the lease and purchase of 186 Cumberland Street. This legislation will:

1. Authorize an agreement with the New York State Department of Transportation (NYS-DOT) for the lease of 186 Cumberland Street;
2. Authorize a lease agreement with Passenger Bus Corp., d/b/a NY Trailways, Hurley, NY, for approximately 50,000 square feet of 186 Cumberland Street for use as a bus terminal at a cost of \$1,000 per month.
3. Authorize a lease agreement with Maguire Properties Inc., Rochester, NY 14617, for operation of approximately 46 parking spaces at Cumberland Street; and
4. Authorize the acquisition of 186 Cumberland from New York State for a cost not to exceed \$87,500. The cost of acquisition will be funded from 2008-09 Cash Capital.

The site at 186 Cumberland Street is owned by NYSDOT, with the City having a 50% ownership interest in the property. The ownership arrangement between the State and the City was established in the 1960's during construction of the Inner Loop. The acquisition price reflects one-half of the total appraised value of \$175,000.

The City operates the site for parking uses under a 30-day revocable use permit with the NYSDOT. Under the ownership arrangement, the City pays the State \$730 per month, which is 50% of the monthly permit fee. This fee is paid to the State from revenues collected by the City from subleases to NY Trailways and Maguire Properties Inc.

Trailways Lease. A one-year agreement with Trailways for use of the site was authorized in November 2009 when Trailways relocated from Midtown Plaza. The Trailways operations, currently located in temporary trailers on the south

portion of the property, will be transferred in late summer 2010 to the northern portion of the site in modular units to be leased from a third-party vendor. The lease of the modular units, however, must coincide with the Trailways lease of the property. Trailways cannot lease the modular units under the current 30-day permit arrangement between the State and the City.

The modular buildings will be used by Trailways until their planned relocation to permanent space at the high speed rail station proposed by Amtrak. It is anticipated that the new train station will be completed within the next five to seven years. The Trailways lease at Cumberland will therefore extend for a term not to exceed 7 years with a monthly rental fee of \$1,000. Once Trailways relocates to the train station, the modular units will be removed and the site returned to a full parking use.

Maguire Properties Lease. Maguire Properties has leased space at 186 Cumberland for several years. They will continue to lease space (approximately 46 parking spaces) not being used by Trailways for use by the Urban League of Rochester and the multi-tenant facility at 250 Cumberland Street. The lease will be for a term not to exceed 7 years with monthly rent of \$460.

Acquisition of 186 Cumberland. The City is pursuing acquisition of the property from NYSDOT. The property has been appraised at \$175,000; the City's 50% ownership interest in the parcel results in an acquisition cost of \$87,500.

The lease rates and acquisition price for 186 Cumberland Street were established by an independent appraisal completed by Bruckner, Tillett, Rossi, Cahill & Associates.

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 Planning and Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-60

Ordinance No. 2010-150
(Int. No. 176)

Authorizing The Lease And Acquisition Of Municipal Lot #4

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 the lease of Municipal Lot #4, 186 Cumberland Street. The agreement may extend for a term not to exceed

seven years. The agreement shall obligate the City to pay rent in the amount of 50% of the monthly proceeds received by the City through the lease of the property, which are appropriated for this purpose.

Section 2. The Council further approves the acquisition of Municipal Lot #4, 186 Cumberland Street, from the New York State Department of Transportation for the sum of \$87,500. Said amount, and necessary closing costs, shall be funded from the 2008-09 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. 2010-151
(Int. No. 177)

Authorizing Agreements For The Lease Of Municipal Lot #4

WHEREAS, the City has received two proposals for the lease of portions of Municipal Lot #4, 186 Cumberland Street; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed leases; and

WHEREAS, the Council finds that the term of the proposed leases are reasonable and necessary in light of their intended purpose and the public will benefit throughout the terms of the leases; and

WHEREAS, the Council affirmatively finds that the proposed leases are in the public interest, as the public benefits to be derived from the leases are the necessary relocation of a public bus service in the City and the provision of necessary parking for area uses.

NOW, THEREFORE, 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 Passenger Bus Corp., d/b/a NY Trailways, for the lease of approximately 50,000 square feet of land in Municipal Lot #4, 186 Cumberland Street, for the operation of its bus terminal. The agreement may extend for a term not to exceed seven years. The lease agreement shall obligate the lessee to pay rent in the amount of \$1,000 per month.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Maguire Properties Inc. for the lease of approximately 46 parking spaces in Municipal Lot #4, 186 Cumberland Street, for the continued operation of a parking lot to provide necessary parking for area uses. The agreement may extend for a term not to exceed

seven years. The lease agreement shall obligate the lessee to pay rent in the amount of \$460 per month.

Section 3. The lease 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. 2010-19
Re: Appointment - Rochester Preservation Board

Transmitted herewith for your approval is legislation confirming the appointment of Bruce McLearn, 205 Barrington Street, Rochester, NY, 14607, to the Rochester Preservation Board. Mr. McLearn is a New York State-registered architect in practice since 1974, and has focused on residential design.

Mr. McLearn will fill the vacancy created by the resignation of architect Craig Jensen in January 2010, and will serve as one of two architects on the Board as required by the zoning code. His term will extend to May 1, 2012.

A resume for Mr. McLearn is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-19
(Int. No. 178)

Resolution Approving Appointment 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 Bruce McLearn, 205 Barrington Street, to the Rochester Preservation Board for a term which shall expire on May 1, 2012. Mr. McLearn shall replace Craig Jensen, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1621
Re: Downtown Enhancement District
2010-11 Budget

Transmitted herewith for your approval is legislation approving the 2010-2011 Budget of the Down-

town Enhancement District, and authorizing the apportionment of the budget costs among the properties within the District. The District, established in 1989, and reauthorized regularly since then, provides an enhanced level of care and maintenance in the downtown area.

The District includes 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 all other properties within 1,600 feet of Main Street that were included in the original enclosed walkway system. An advisory committee, consisting of eleven representatives of property owners or tenants, oversees the administration of the program by City staff.

The annual costs are restricted by a formula using the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index (CPI) – unless otherwise approved by the advisory committee. The total cost is apportioned among the properties, based equally on assessed valuation and gross area of each property. Also, properties directly on Main Street or with direct access to Main Street via the walkway system, and all parking lots and garages are weighted at twice the factors of other properties.

The maximum permissible budget for 2010-11 based upon CPI is \$720,564. The recommended budget is \$557,500, an increase of \$4,300, due primarily to an increase in wages and benefits, partially offset by increased revenue.

<u>Category of Expense</u>	<u>2010-11</u>	<u>2009-10</u>	<u>Variance</u>
Salaries and wages	\$394,700	\$383,200	\$11,500
Employee benefits	<u>149,000</u>	<u>144,300</u>	<u>4,700</u>
Personal services	\$543,700	\$527,500	\$16,200
Materials and supplies	64,900	66,100	- 1,200
Contractual services	<u>56,300</u>	<u>55,600</u>	<u>700</u>
Operational expenses	\$664,900	\$649,200	\$15,700
Contingency for wage increase	17,600	-0-	17,600
Less operating revenues	<u>- 55,000</u>	<u>- 36,000</u>	<u>- 19,000</u>
Required assessments	\$627,500	\$613,200	\$14,300
Use of fund balance	<u>- 70,000</u>	<u>- 60,000</u>	<u>- 10,000</u>
Total Budget	\$557,500	\$553,200	\$ 4,300

The Enhancement District Committee approved the proposed budget by a vote of 8-0 on January 21, 2010.

A public hearing is required.

Respectfully submitted,

Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1622
(Int. No. 180)

Attachment No. AJ-61

Local Improvement Ordinance No. 1621
(Int. No. 179)

**Local Improvement Ordinance - Establishing
The Cost Of The Special Work And Services
Related 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 2010-11 fiscal year for the Down-
town Enhancement District to be allocated and
levied in accordance with Local Improvement
Ordinance No. 1291, as continued by Local Im-
provement Ordinances No. 1355, 1444, 1531 and
1597, is established at \$557,500. Said amount, and
the sum of \$70,000 from the fund balance and
\$55,000 from operating revenues, or so much
thereof as may be necessary, are hereby appropri-
ated to fund the Downtown Enhancement District
for the fiscal year.

Section 2. This ordinance shall take effect on
July 1, 2010.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1622
Re: High Fall Business Improvement
District

Transmitted herewith for your approval is legisla-
tion approving the 2010-11 levy of \$25,000 for the
High Falls Business Improvement District (BID)
and continuing to apportion the costs among the
properties within the district.

By law, New York State municipalities are allowed
to create Business Improvement Districts to impose
an assessment on property owners for additional
services. The High Falls BID was established in
2004.

The High Falls District Plan, adopted by Council in
January 2004, outlines a description of the BID
boundaries, the assessment formula used to deter-
mine each building owner share, and the \$25,000
budget to be used for additional clean-up, beautifi-
cation, landscaping, marketing, advertising, and
promotional materials.

The District Plan is on file in the City Clerk's of-
fice.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

**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 2010-11 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, 2010.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1623
Re: Special Assessment District - Alexander
Street and South Avenue Open Space
Maintenance

Transmitted herewith for your approval is legisla-
tion approving the 2010-11 budget for the South
Avenue/Alexander Street Open Space Maintenance
Special Assessment District located at 62 Alexan-
der Street. The budget provides funding for the
maintenance of this property.

The Assessment District for the area was estab-
lished in 2004 through Local Improvement Ordi-
nance No. 1537. The South Avenue and Alexander
Street Green Space Enhancement Project was the
result of a Sector Targeted Funding Initiative pro-
ject that reconstructed the open space at the corner
of South Avenue and Alexander Street into a fully
accessible open space, meditation area and recrea-
tional space.

The budget of \$6,500 is based on annual mainte-
nance estimates obtained by the South Wedge
Planning Committee (SWPC). Costs include mow-
ing of grass, trimming shrubs, watering, weeding,
trash pick-up and removal, fall leaf clean-up, secu-
rity equipment operation, and repair to structures
and pavement installed in the open space.

The South Wedge Planning Committee will be
responsible for property maintenance. The City
will reimburse SWPC from the assessment fund
upon submission of vouchers for maintenance
expenses.

There is no assessment imposed for 2010-11 upon
properties in the district as there exists \$17,265 in
unused assessments from prior years.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1623
(Int. No. 181)

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 2010-11 fiscal year for the South Avenue/Alexander Street Open Space District is established at \$6,500, which amount is hereby appropriated from unused assessments from prior years.

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, 2010.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1624
Re: East Avenue/Alexander Street
Entertainment District

Transmitted herewith for your approval is legislation establishing the amount of \$17,930 for special assessments for the East Avenue/Alexander Street Entertainment District.

This assessment provides for additional trash removal on Saturday and Sunday from 3:00 to 5:00 a.m., from April through October, to address trash resulting from the increased activity in the District during this period. The assessment covers the additional cost of these services and is apportioned among the properties within the district that cater to the patrons of the establishments (e.g., bars, restaurants and parking lots who profit from the patrons).

In 2010-11, the fixed fee for additional street cleaning services is determined by type of establishment and square footage as agreed upon by the entertainment establishments and property owners in the district. The total assessment is the same as for 2009-10.

The City will levy the annual operating assessment against properties containing certain establishments or functions in the district as follows:

<u>Code</u>	<u>Annual Charge</u>
Parking Lot under 2500 Sq. Ft.	
1	\$190
Parking Lot 2500-4999 Sq. Ft.	
2	\$370
Parking Lot 5000-9999 Sq. Ft.	
3	\$550
Parking Lot 10000 Sq. Ft. or More	
4	\$750
Small Sit Down Restaurant	
5	\$190
Take Out Restaurant/Smaller Bar	
6	\$370
Large Bar/Sit Down Restaurant	
7	\$860

This assessment will be included on the annual tax bill of the affected properties. Residential properties with no entertainment venues or parking lots are not affected.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1624
(Int. No. 182)

Local Improvement Ordinance - Establishing The 2010 Cost Of The Upgrading Of Street Cleaning For The East Avenue/Alexander Street Entertainment District

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

Section 1. The 2010 budget for the upgrading of street cleaning and trash removal services for the East Avenue/Alexander Street Entertainment District is established at \$17,930 and the charge per Code shall remain the same as in 2009, and said amount is hereby appropriated from the Special Assessments and shall be assessed and levied on the 2010-11 tax bill in accordance with Local Improvement Ordinance No. 1608.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-152
Re: Local Waterfront Revitalization
Program (LWRP)

Transmitted herewith for your approval is legislation authorizing an amendment to the City of Rochester's Local Waterfront Revitalization Program (LWRP) and its submission to the New York

State Department of State (NYSDOS) for final approval.

The LWRP was originally adopted by City Council and approved by the NYSDOS in 1990. An LWRP gives coastal communities an opportunity to analyze their shoreline areas, establish policies to guide development and implement appropriate waterfront land uses and projects. Municipalities with an approved LWRP are eligible for state financial assistance to implement proposed projects.

This amendment updates the LWRP's goals and policies for future land use and development of the Port of Rochester site. The amendment includes a conceptual development plan that proposes a new marina basin, mixed-use land-side development, parking areas, as well as open space, trail, and other public amenity improvements.

The amendment was prepared based on a series of public meetings and workshops and other community input as well as reports and recommendations from the City's marina and waterfront development consultants and discussions with the NYSDOS. It provides guidance and direction for the development of the site that is consistent with New York State coastal policies and objectives. It also establishes a broad and flexible development and design framework to guide future land use, zoning and funding decisions at the Port Site that respects the waterfront environment, protects critical resources, and adequately responds to future market conditions. The amendment consists of modifications or updates to sections of the LWRP including Task II Inventory and Analysis, Task III Policies, Task IV Uses and Projects, and Task V Implementing Techniques.

The draft amendment was originally submitted to City Council in July 2009 and then transmitted to NYSDOS for review. Comments from NYSDOS have been received and incorporated into the final amendment document. The City Planning Commission also reviewed the draft amendment in July 2009 and had no substantive comments.

City Council agreed to the designation of the Mayor as the "lead agency" for the environmental review of the proposed action to adopt the amendment to the LWRP as described above. Under the requirements of SEQRA, the environmental review has been completed and a determination has been made that the proposed action will not have a significant adverse impact on the environment. A negative declaration has been issued.

A public hearing is required. Copies of the LWRP and amendment are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-152
(Int. No. 183)

Approving A Final Amendment To The Local Waterfront Revitalization Program And

Authorizing Its Transmission To The New York State Department Of State

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

Section 1. The Council hereby approves the Final Amendment to the Local Waterfront Revitalization Program as submitted by the Mayor and on file with the City Clerk, and authorizes the Mayor to transmit it to the New York State Department of State for final approval in accordance with Article 42 of the New York State Executive Law.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Palumbo moved to discharge Int. Nos. 142 through 146 from Committee.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember - McFadden -1.

Councilmember Palumbo moved to amend Introductory No. 142.

The motion was seconded by Councilmember Conklin.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None -0.

Introductory Nos. 142 through 146 were introduced April 13, 2010 and appear in their original form with their transmittal letter on page 129 of the current Council Proceedings.

Ordinance No. 2010-153
(Int. No. 142, As Amended)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For The Eastman Business Park As Planned Development District #12

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 Eastman Business Park to read in its entirety as follows and by designating the Eastman Business Park as Planned Development District #12 - Eastman Business Park:

Planned Development District #12

Eastman Business Park

The Eastman Business Park Planned Development District (PD#12) encompasses over 160 acres of land located in the area generally bound by W. Ridge Road, Dewey Avenue, Merrill Street and Maplewood Drive. The intent of PD#12 is to promote high employment and economic development opportunities that will benefit from the existing extensive utilities and site infrastructure. The flexible district regulations allow for the establishment of a mix of commercial, retail, residential and industrial uses that may be conducted within existing structures or within new construction on lands formerly utilized by the Eastman Kodak Company.

PD#12 is divided into three Sub-areas:

Sub-area 1: The primary area is the center core of the area formerly known as Kodak Park East. It consists of approximately 83 acres of heavy industrial, office and manufacturing facilities and vacant demolition sites. This area will provide adaptive reuse opportunities for existing buildings and sites for new construction for industrial uses.

Sub-area 2 consists of two areas: One area is approximately 51 acres north of the center core generally bound by Eastman Avenue, Dewey Avenue, Merrill Street and Lake Avenue. The second area is approximately 28 acres east of the center core generally bound by Lake Avenue, Redwood Road and Maplewood Drive. These areas were utilized as ancillary parking lots serving the former Kodak Park East and will now provide new construction opportunities for industrial and limited commercial uses.

Sub-area 3 consists of two areas: One area is approximately 10 acres located south of the center core bound by W. Ridge Road, Minder Street, Pullman Avenue and Desmond Street. The second area is approximately 5 acres and is generally bound by Dewey Avenue and West Ridge Road. Sub-area 3 provides opportunities for new construction for commercial and mixed uses.

A. Permitted Uses and Structures.

- (1) The following uses are permitted in Sub-area 1:
 - a. Manufacturing and light industrial uses except those specifically prohibited in PD#12;
 - b. Research laboratories;
 - c. Offices;
 - d. Support uses and structures which provide services to both PD district uses and the community;
 - e. Ancillary parking lots and garages.
- (2) The following uses are permitted in

Sub-area 2:

- a. Manufacturing or light industrial uses when conducted in fully enclosed buildings unless specifically prohibited in PD#12,
- b. Research laboratories;
- c. Offices;
- d. Commercial uses containing less than 10,000 square feet when conducted in a fully enclosed building;
- e. Ancillary parking lots and garages.

(3) The following uses are permitted in Sub-area 3:

- a. Commercial uses of less than 25,000 square feet and conducted in a fully enclosed building, provided that accessory outdoor seating areas are permitted;
- b. Offices;
- c. Ancillary parking lots and garages;
- d. Mixed uses, not including industrial uses;
- e. Multi-family dwellings.

B. Special Permit Uses.

- (1) PWTF's in excess of 150 feet in Sub-area 1;
- (2) Commercial uses in excess of 10,000 square feet in Sub-area 2;
- (3) Accessory outdoor seating areas in Sub-area 2;
- (4) Manufacturing and light industrial uses in Sub-area 2 when not conducted in a fully enclosed building, except for uses which are specifically prohibited in PD#12;
- [(5) Multi-family dwellings in Sub-area 2;]
- [(6) ~~5~~] Drive-through uses in Sub-areas 2 and 3;
- [(7) ~~6~~] Vehicle repair in Sub-areas 2 and 3;
- [(8) ~~7~~] Industrial uses in Sub-area 3;
- [(9) ~~8~~] Commercial uses in excess of 25,000 square feet in Sub-area 3;

C. Prohibited Uses.

The following uses are prohibited in PD#12:

- (1) Junkyards and recycling centers;

- (2) Self-storage;
- (3) Truck centers in Sub-areas 1, 2 and 3;
- (4) Used vehicle sales;
- (5) Sexually oriented businesses;
- (6) Places of worship;
- (7) Single and two-family dwellings in Sub-areas 2 and 3;
- (8) Dwellings in Sub-area 1;
- (9) Schools except trade schools;
- (10) Homeless shelters, residential care and homeless residential facilities;
- (11) Outdoor entertainment, recreation and the like unless accessory to a permitted use.

D. Lot, Area and Yard Requirements.

- (1) Lot Frontage Requirements: N/A.
- (2) Lot Area Requirements: N/A.
- (3) Lot Coverage Requirements: N/A.
- (4) Front Yard Requirements for buildings.

a. Sub-area 1:

Lake Avenue	Maximum 10 Feet
Eastman Avenue	N/A
W. Ridge Road	N/A

b. Sub-area 2:

Lake Avenue	Maximum 10 Feet
Eastman Avenue	Maximum 10 Feet
Goodwill Street	Maximum 10 Feet
Merrill Street	Maximum equal to the average front yard depth of buildings on the block frontage
Dewey Avenue	N/A
Redwood Road	Maximum equal to the average front yard depth of buildings on the block frontage
Maplewood Drive	Maintain existing 10 foot front yard setback

c. Sub-area 3:

W. Ridge Road	Maximum 0-5 Feet
Minder Street	Maximum 10 Feet
Pullman Avenue	Maximum 10 Feet
Desmond Street	Maximum 10 Feet
Dewey Avenue	Maximum 0-5 Feet
Primrose Street	Maximum 10 Feet
Palm Street	Maximum 10 Feet

Front yard requirements for parking lots in all Sub-areas, 10 feet, except Merrill Street, Redwood Street and Maplewood Drive which shall provide the same set-

back required for buildings.

- (5) Other yards.
 - a. A 20 foot landscaped [setback] buffer shall be provided adjacent to residentially zoned properties.
 - b. In Sub-area 2, a 100 foot distance separation shall be maintained between a residential district boundary line and a proposed new structure or use, with the exception of off-street parking.

E. Bulk Requirements.

Minimum Building Height.

Sub-area 1:	N/A
Sub-area 2:	N/A
Sub-area 3:	Minimum height of 20 feet or 2 stories

F. Design Standards.

- (1) All exterior finishes of building facades along arterial frontages shall be constructed primarily with masonry materials.
- (2) Development and redevelopment in Sub-areas 1 and 2 in PD#12 shall be subject to the City-Wide Design Guidelines and Standards (Article XIX) for uses in the C-3 and M-1 districts.
- (3) Development and redevelopment in Sub-area 3 in PD#12 shall be subject to the City-Wide Design Guidelines and Standards (Article XIX), for uses in the C-2 district.
- (4) To reduce obsolete or excess paving on any lot for which new development is proposed, all pavement on such lot beyond what has been established to be needed for parking, loading and access associated with the proposed use shall be removed.

G. Off Street Parking, Loading and Access Requirements.

- (1) Parking.
 - a. Parking for uses within the PD#12 may be located anywhere within the district.
 - b. Proposals for development in Sub-area 1 shall be accompanied by a parking demand analysis as specified in Zoning Code § 120-173.
 - c. For construction of new buildings, parking shall not be permitted between the new building and the street on the Lake Avenue, Dewey Avenue,

Maplewood Drive and West Ridge Road frontages.

- (2) Loading.
 - a. Loading shall comply with the requirements set forth in Zoning Code §120-172.
 - b. Loading docks and service yard shall not be visible from Lake Avenue, Dewey Avenue, Maplewood Drive or West Ridge Road.
- (3) Access.
 - a. The intent of PD#12 is to provide coordinated circulation and access patterns for the overall development site.
 - b. Connected access and shared parking is encouraged. New access points on arterial streets will require traffic information which establishes that traffic, loading and/or circulation cannot be reasonably accommodated by existing accesses.
 - c. No additional curb-cuts to Maplewood Drive will be permitted.
 - d. No new driveway curb cuts shall be provided to or from Redwood Road, Merrill Street or Goodwill Street.

H. Accessory Uses and Structures.

- (1) Defined outdoor storage areas or materials stored in containers accessory to a permitted use established within an enclosed building in Sub-area 1 are permitted.
- (2) One storage building accessory to a permitted use in Sub-areas 2 and 3 are permitted.
- (3) Wind, solar and other energy production facilities shall be encouraged in PD#12.

I. Personal Wireless Telecommunications Facilities (PWTF).

Personal wireless telecommunications facilities are permitted in the PD#12 in accordance with § 120-143 of the Zoning Code as follows:

- (1) Sub-area 1 shall be regulated in the same manner as the M-1 district, except that a Special Permit shall be required for towers exceeding 150 feet in height.
- (2) Sub-area 2 and 3 shall be regulated in the same manner as Commercial Districts, except that towers shall be prohibited.

J. Signs.

Signs in PD#12 are intended to maximize way finding. The overall intent is to minimize sign clutter, excessive numbers and sizes of signs, and the use of sign types, materials and lighting which pose negative visual impacts to the PD and to the adjoining neighborhood.

- (1) In all Sub-areas, a maximum of 1 attached sign per building per street frontage is permitted, and such sign shall not exceed 1.0 square foot for every foot of building frontage.
- (2) A Sign Program shall be developed for Sub-area 1, which will include building identification signs, way finding signs, and multi-tenant signs for the entire center core of Eastman Business Park.
- (3) A Sign Program may be developed for Sub-area 2 and Sub-area 3, and is subject to site plan approval by the Director of Planning and Zoning upon referral to the Project Review Committee.
- (4) Detached signs in excess of 6 feet high, except a detached multi-tenant sign, are prohibited in PD#12.

K. Review and Approval.

- (1) All projects shall be reviewed in accordance with the requirements for a Certificate of Zoning Compliance set forth in Section 120-189 of the Zoning Code. Proposals for development in Sub-areas 2 and 3 shall include a pavement reduction plan to demonstrate satisfaction of the requirements of F4 above.
- (2) Notwithstanding any provisions contained in the Zoning Code to the contrary, the only incremental development in PD#12 requiring major or minor site plan approval per Section 120-191 of the Zoning Code shall be limited to the below listed activities. All other development shall be subject to the application requirements of Section 120-189 and any special requirements of PD#12.
 - a. New parking lots over ten (10) spaces along arterials in Sub-area 1;
 - b. Any use proposing outdoor operations or storage in Sub-areas 2 and 3;
 - c. Commercial uses exceeding 10,000 square feet or proposing drive-through operations in Sub-area 2 or 3;
 - d. Any use in Sub-area 2 or 3 not in compliance with the requirements of PD#12;
 - e. Uses in Sub-area 3 which do not comply with the city-wide design standards for nonresidential uses in

C-2 districts;

- f. New parking garages;
 - g. Any use generating 100 or more peak-hour trips as defined by International Transportation Engineers (ITE) Trip Generation;
 - h. Development or redevelopment requiring a new curb cut;
 - i. Any use requiring special permit approval;
 - j. Residential uses in PD#12[.];
 - k. Buildings containing 4 or more stories or in excess of 40 feet in height.
- (3) Uses in PD#12 are subject to Requirements Applying to All Districts (Article XX), except:
 - a. § 120-175, Outdoor storage
 - b. § 120-177, Signs.
 - (4) The Director of Planning and Zoning may waive the requirements of PD#12 except the prohibited uses, through the site plan approval process based on a determination that the project is in compliance with the overall intent of PD#12. Public notice pursuant to Subsection 120-188J of the Zoning Code shall be provided.
 - (5) The Director of Planning and Zoning may grant waivers of setbacks in excess of 50%, access requirements, and parking lots in excess of 110% of the required parking set forth in Section 120-173C of the Zoning Code through the site plan approval process, subject to a recommendation by the Project Review Committee. Public notice pursuant to Subsection 120-188J of the Zoning Code shall be provided.
 - (6) This planned development 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.

Ordinance No. 2010-154
(Int. No. 143)

Changing The Zoning Classification Of Eastman Kodak Company Parcels From T-P Transitional Parking And M-1 Industrial; And 160 Pullman Avenue, 135 West Ridge Road,

1720, 1764 And 1768-1776 Lake Avenue From T-P Transitional Parking; 246 West Ridge Road From M-1 Industrial And 415-425 West Ridge Road And 1760 Dewey Avenue From C-3 Regional Destination Center To PD #12 - Eastman Business Park

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember McFadden - 1.

Ordinance No. 2010-155
(Int. No. 144)

Changing The Zoning Classification Of 9 S. Goodwill Street And 9 Woodside Street From T-P Transitional Parking To C-3 Regional Destination Center

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember McFadden - 1.

Ordinance No. 2010-156
(Int. No. 145)

Changing The Zoning Classification Of 480, 500, 540 And 570 Maplewood Drive From T-P Transitional Parking To O-S Open Space

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

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember McFadden - 1.

Ordinance No. 2010-157
(Int. No. 146)

Changing The Zoning Classification Of 119 And 131 W. Ridge Road And 32 Pullman Avenue From T-P Transitional Parking To C-2 Community Center

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember McFadden - 1.

By Councilmember Miller
May 11, 2010

To the Council:

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

Int. No. 184 - Authorizing Agreements For American Recovery And Reinvestment Act Projects And Amending The 2009-10 Budget

Int. No. 185 - Establishing Maximum Compensation For A Professional Services Agreement For A Lead Study For The Water Distribution System, As Amended

Int. No. 192 - Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

Int. No. 193 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$573,400 Bonds Of Said City To Finance The Cost Of Improvements To The Heating, Ventilating And Air Conditioning Equipment At City Facilities

Int. No. 194 - Resolution Authorizing An Exception To The City Debt Limit For The Improvements To The Heating, Ventilating And Air Conditioning Equipment At City Facilities

Int. No. 195 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Crossroads Garage HVAC System Upgrades Phase II Project

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-158
Re: Agreement - New York State Energy Research and Development Authority (ARRA)

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Energy Research and Development Authority (NYSERDA) for the receipt and use of grants funded by federal agencies through the American Recovery and Reinvestment Act (ARRA); and amending the 2009-10 Cash Capital allocation of the Department of Environmental Services by \$386,200 to reflect the grants.

Two of these NYSEDA grants are funded through the U.S. Department of Energy State Energy Program; the third is funded through the U.S. DOE Clean Cities Program.

State Energy Program (SEP). The SEP provides funding statewide for energy conservation measures including energy efficiency upgrades, renewable energy installations, and clean fleet projects. The City received grants to support two projects - lighting efficiency upgrades at High Falls Garage, and a solar panel installation at Arnett Branch Library.

High Falls Garage Lighting Upgrades

This project will replace existing 100W high pressure sodium lighting with energy efficient lighting. Also, existing incandescent exit signs will be replaced with LED exit signs with internal battery back-up units. Motion sensors will be used, where appropriate, to further reduce energy consumption. Energy savings are estimated to be \$37,000 annually. The \$145,000 award will cover the estimated project cost.

Arnett Branch Library Solar Installation

A 50 kilowatt solar electric system will be installed, providing cost, environmental, and educational benefits. The total project cost of \$415,000 will be funded from the NYSEDA grant (\$215,000) and 2009-10 Cash Capital (\$200,000).

Clean Cities Program. The program funds projects that expand the use of alternative fuel vehicles and advanced technology vehicles. The City, a member of Genesee Region Clean Cities, will use the award of \$26,150 to support the costs of planned fleet purchases of six electric and two natural gas vehicles. To maximize the benefits of the alternative fuel systems, the vehicles will be used at the Mt. Hope and Riverside Cemeteries, and for west side area Parking Violations monitoring. Use of these vehicles will reduce greenhouse gas emissions through the reduction of gasoline usage by a minimum of 2,300 gallons per year.

These projects help to advance the goals the City set forth in the 2009 Resolution in Support of Environment and Climate Protection Actions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-158
(Int. No. 184)

Authorizing Agreements For American Recovery And Reinvestment Act Projects And Amending The 2009-10 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 New York State Energy Research and Development Authority (NYSERDA) for funding under the American Recovery and Reinvestment Act (ARRA) for the Arnett Branch Library Solar Installation Project, the High Falls Garage Lighting Upgrades Project and the purchase of alternative fuel vehicles.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$386,200, which amount is hereby appropriated from the funds to be received

under the grant agreements authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-159
Re: Agreement - HDR, Inc., Water
Supply Evaluation

Transmitted herewith for your approval is legislation establishing \$120,000 as maximum compensation for an agreement with HDR, Inc., Omaha, Nebraska, for the study of lead corrosion and evaluation of lead control strategies in Rochester's water distribution system. The cost of the agreement will be funded from the 2009-10 Budget of the Department of Environmental Services.

The Lead and Copper Rule (LCR), implemented in 1992 by the US Environmental Protection Agency establishes limits and testing protocols for lead in drinking water. Lead is not a contaminant in the supply itself; it can dissolve from household or commercial plumbing and supply fixtures, as well as the service line pipe leading from structures to the water main.

The LCR requires that if at-the-tap lead levels are too high (15 parts per billion), the supplier must reduce the corrosivity of the water, and/or enact a plan to remove the lead service line pipes. Although Rochester's drinking water lead levels have remained below the EPA limits since the LCR was enacted, a recent pattern of increasing lead levels has raised questions as to the causes of and potential solutions to this phenomenon.

Four national firms were solicited based on their expertise in this specific area of drinking water quality; three firms responded: Hazen and Sawyer, P.C. (New York, NY), HDR, Inc., and Trussell Technologies, Inc. (Pasadena, CA). Based on their experience, the thorough approach outlined in their proposal, and excellent references from similar studies, HDR was selected by a team of City and Monroe County Water Authority staff. As part of study, HDR will convene a panel of experts, including EPA representatives and other agencies with experience in lead control.

This agreement will be for one year, with an option to extend for an additional year in the unlikely event additional study is necessary.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-159
(Int. No. 185, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For A Lead Study For The Water Distribution System

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

Section 1. The sum of \$[120,000] 125,000, 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 HDR, Inc. for a study of lead corrosion and an evaluation of lead control strategies for the City's water distribution system. The agreement shall extend for a term of one year, with a one-year renewal option in an amount not to exceed that set forth in the budget for said purpose. Said amount shall be funded from the 2009-10 Budget of the Department of Environmental Services (Water Fund).

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-160
Re: Agreement - RGRTA, Vehicle
Fueling

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Genesee Regional Transportation Authority (RGRTA) for the continued use of their facility at 1372 East Main Street for refueling of City vehicles. Such an agreement is permitted under New York State General Municipal Law, and was most recently authorized by Council in May 2008. The term of this agreement will be one year, with the option of two additional one-year renewals.

The City is involved in several cooperative refueling programs, including the provision of refueling services to Monroe County, the US Marshal, and the F.B.I.

Under this agreement, RGRTA provides unleaded fuel to City vehicles, primarily police vehicles, operating on the east side of the City to permit the vehicles to avoid the need to travel to the Central Vehicle Maintenance Facility. Usage has averaged 18,000 gallons annually under previous agreements.

Under the proposed agreement, RGRTA will continue to provide refueling services. The City will reimburse RGRTA for the actual cost of the fuel and pay an administrative and service charge of \$.195 per gallon during the potential three-year period.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-160
(Int. No. 192)

Authorizing An Agreement With RGRTA For The Fueling Of Vehicles

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 Genesee Regional Transportation Authority (RGRTA) for the fueling of City vehicles at the RGRTA Facility at 1372 East Main Street. The agreement may extend for a term of one year, with two one-year renewals. The agreement shall obligate the City to reimburse RGRTA for the actual cost of the fuel and pay an administrative and service charge of \$.195 per gallon. Funding shall be provided in the annual City Budgets.

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. 2010-161,
Resolution No. 2010-20 and
Ordinance No. 2010-162
Re: City HVAC Upgrades

Transmitted herewith for your approval is legislation related to HVAC upgrades at various City facilities. This legislation will:

1. Authorize the issuance of \$573,400 in Qualified Energy Conservation Bonds and the appropriation of the proceeds thereof for energy efficiency upgrade projects;
2. Authorize a one-time exception to the debt limit of \$573,400 to allow the City to take advantage of the Energy Conservation bond opportunity afforded through the American Recovery and Reinvestment Act; and
3. Authorize an amendatory agreement with FRA Engineering, P.C., Rochester, for additional design and construction administration services for the second phase of HVAC upgrades at Crossroads Garage. The original agreement, authorized in July 2007 established \$55,000 as maximum compensation; an additional \$10,800 was authorized in April 2008. This amendment will increase compensation by \$55,000 for a total of \$120,800. The additional cost will be funded from the bonds appropriated herein.

As part of the American Reinvestment and Recovery Act (ARRA), states were appropriated tax credit bonds (QECBs) for energy efficiency purposes, including improvements to public buildings that will provide for 20% or greater energy savings annually. A prior appropriation for HVAC re-

placement at Rundel Library was approved in March 2010.

The remaining appropriations will be utilized for various HVAC mechanical upgrades and control system upgrades at various City facilities as follows:

<u>Project</u>	<u>Cost Estimate</u>
Crossroads Garage HVAC Upgrades Phase II	\$400,000
Edgerton Recreation Center HVAC Improvements	130,000
Avenue D Recreation Center Boiler Replacement	23,400
CVMF Building 200 Heat Recovery Unit Controls	<u>20,000</u>
Total	\$573,400

These projects were selected based on the criteria of annual energy savings, facility need, and ability to complete the project within the QECB program deadlines.

These projects will be completed by the QECB program deadline of June 2013.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-161
(Int. No. 193)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$573,400 Bonds Of Said City To Finance The Cost Of Improvements To The Heating, Ventilating And Air Conditioning Equipment At City Facilities

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 heating, ventilating and air conditioning equipment at the City's Genesee Crossroads Garage at 69 Andrews Street, Edgerton Recreation Center at 41 Backus Street, Avenue D Recreation Center at 200 Avenue D, and Central Vehicle Maintenance Facility (CVMF) Building 200 Operations Center at 945 Mt. Read Boulevard 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 \$573,400, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$573,400 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 \$573,400 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 \$573,400. 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 antici-

pation 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.

Resolution No. 2010-20
(Int. No. 194)

Resolution Authorizing An Exception To The City Debt Limit For The Improvements To The Heating, Ventilating And Air Conditioning Equipment At City Facilities

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

Section 1. The sum of \$573,400 is hereby approved as an exception to the 2009-10 Debt Limit of the City in order to fund improvements to the heating, ventilating and air conditioning equipment at the City's Genesee Crossroads Garage at 69 Andrews Street, Edgerton Recreation Center at 41 Backus Street, Avenue D Recreation Center at 200 Avenue D, and Central Vehicle Maintenance Facility (CVMF) Building 200 Operations Center at 945 Mt. Read Boulevard. This exception will allow the City to fund the improvements through low-interest Qualified Energy Conservation Bonds.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2010-162
(Int. No. 195)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Crossroads Garage HVAC System Upgrades Phase II 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 an amendatory professional services agreement between the City and FRA Engineering & Architecture, P.C. for additional design and construction administration services for the Crossroads Garage HVAC System Upgrades Phase II 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.

By Councilmember McFadden
May 11, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 186 - Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The Emerson Street And Lake Avenue Firehouses

Int. No. 187 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$370,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of Repairs To The Emerson Street And Lake Avenue Firehouses In The City

Int. No. 188 - Authorizing An Application And Agreement For The 2010 Summer Food Service Program For Children

Int. No. 189 - Authorizing An Inter-Municipal Agreement For Fire Communications

Int. No. 196 - Establishing Maximum Compensation For A Professional Services Agreement For City Youth Participation In The 2010 LPGA Championship Events

Int. No. 197 - Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2009-10 Budget

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-163 and
Ordinance No. 2010-164
Re: Agreement - CMA Architecture,
P.C., Firehouse Improvement
Projects

Transmitted herewith for your approval is legislation establishing \$35,000 as maximum compensation for an agreement with CMA Architecture, P.C., Rochester 14614, for architectural and engineering design services related to the Emerson Street and Lake Avenue Firehouse Improvement Projects; and authorizing the issuance of bonds totaling \$370,000 and the appropriation of the proceeds thereof to finance the design and construction of the project.

Emerson Street and Lake Avenue Firehouses are similar structures of approximately 6,600 square feet at each facility, constructed in 1962 and 1956, respectively. These are 24-7 usage facilities; over time they have incurred architectural and minor structural deficiencies resulting from building settlement and sustained use. The consultant will investigate the existing conditions and deficiencies of both firehouses, with an emphasis on the structural damage caused by the buildings' settling, prepare a plan of repairs, and provide construction administration services.

Qualifications were solicited from 12 firms and the proposal was posted on the City's Website. Thirteen firms responded: CMA Architecture, P.C.; Clark Patterson Lee; Clough Harbour Associates LLP; FRA Engineering, P.C.; KCI Engineering of New York, P.C.; HBT Architects (Pittsford); Kelly Solon Architects (New York, NY); Konopka Architecture, P.C.; LaBella Associates P.C.; Pardi Partnership Architects P.C.; Rhen Design Architecture LLC; Richard A. Mauser Architects; and Techtonic Engineering & Surveying Consultants, P.C. (Syracuse, NY).

Based on their qualifications, experience in completing similar projects, and reasonableness of its proposed fee, CMA Architecture, P.C. was selected.

Design will begin in summer 2010; it is anticipated that construction will begin in early 2011 with scheduled completion in spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-163
(Int. No. 186)

Establishing Maximum Compensation For A Professional Services Agreement For Repairs To The Emerson Street And Lake Avenue Firehouses

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 a professional services agreement between the City and CMA Architecture, P.C. for architectural and engineering design services for the repairs to the Emerson Street and Lake Avenue Firehouses. 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 Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-164
(Int. No. 187)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$370,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of Repairs To The Emerson Street And Lake Avenue Firehouses 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 design and construction of structural repairs to the Emerson Street Firehouse at 1051 Emerson Street and the Lake Avenue Firehouse at 4090 Lake Avenue in the City, including but not limited to masonry and foundation improvements (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$370,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$370,000 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 \$370,000 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 \$370,000. 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. 2010-165
Re: 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 2010 Summer Food Service Program (SFSP).

SFSP provides free breakfast and lunch to City children 18 and under and to disabled persons over 18 who are enrolled in a school year program for children with disabilities. Approximately 55 sites will operate June 28-August 27, 2010. Site selection is based on proximity to youth service activities and satisfactory past participation in the program.

The program is administered by the City and reimbursed by the State Education Department, using federal funding. Historically, the City has contracted with the Rochester City School District to prepare and deliver the meals to the program sites. However, since the RCSD central kitchen is undergoing renovation this summer, an open competitive bid has been issued.

The federal reimbursement rates and projected numbers of meals are as follows:

	Number Of Meals	Rate	Total Reimbursement
Breakfast	74,000	\$1.8125	\$134,125
Lunch	110,000	\$3.1950	<u>351,450</u>
Total			<u>\$485,575</u>

These amounts have been included in the proposed 2010-11 Budget of the Department of Recreation and Youth Services.

The most recent agreement for these services was approved by Council in May 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-165
(Int. No. 188)

Authorizing An Application And Agreement For The 2010 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 2010 Summer Food Service Program for Children.

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. 2010-166
Re: Inter-Municipal Agreement -
RFD Communications

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for the temporary maintenance and repair of Fire Department communications equipment and off-site fire alarm boxes. The cost of the agreement, \$3,100 per month, will be funded from the 2009-10 Budget of the Fire Department.

This agreement is necessitated by the retirement of the Fire Department's Communications Technician, who is responsible for maintenance and repair of 120 fire alarm boxes, programming of pagers and radios, and other communications support. The position has been posted and it is anticipated that the hiring and training process will take no longer than three months.

The agreement with the County will cover the transition time.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-166
(Int. No. 189)

Authorizing An Inter-Municipal Agreement For Fire Communications

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

Section 1. The Mayor is hereby authorized to enter into an inter-municipal agreement with the County of Monroe whereby the County will provide temporary repair and maintenance services for Fire Department communications equipment and off-site fire alarm boxes for a term of approximately three months, retroactive to April 19, 2010.

Section 2. The agreement shall obligate the City to pay to the County the sum of \$3,100 per month. Said amount shall be funded from the 2009-10 Budget of the Rochester Fire Department.

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. 2010-167
Re: Agreement - Children's Success Fund Special Events, LLC, LPGA Championship City Youth Involvement

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Children's Success Fund Special Events, LLC, d/b/a Wegmans LPGA, Pittsford, to coordinate the participation of city school children in 2010 LPGA Championship events. The cost of the agreement will be funded from the 2009-10 Budget of the Mayor's Office.

The LPGA has a long and successful history with their Rochester tournament held at Locust Hill Country Club. Since 1976, with local sponsorships, the tournament has raised over \$7 million for local charities focused on children's needs.

This year, the LPGA has selected Rochester as the site of their 2010 Championship Tournament Presented by Wegmans, one of four annual major championships. The designated charity for this year is the Graduation is the Goal Fund, which supports programs that serve the children in our community who are at risk of dropping out of school.

The City's sponsorship will support the participation of 75 fifth graders from Rochester City School District School #5 in tournament events. On May 24, 2010, the event media day, these children will attend a youth golf clinic to be conducted by professional golfer Anna Nordqvist. A description of the activities is attached. The children will also receive tickets for themselves and one adult to attend the tournament which is being held June 24-27, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-62

Ordinance No. 2010-167
(Int. No. 196)

Establishing Maximum Compensation For A Professional Services Agreement For City Youth Participation In The 2010 LPGA Championship Events

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 the Children's Success Fund Special Events, LLC, d/b/a Wegman's LPGA, to coordinate the participation of City youth in the 2010 LPGA Championship events. Said amount shall be funded from the 2009-10 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-168
Re: Agreement - New York State Office Of Homeland Security, 2009 Bomb Squad Initiative

Transmitted herewith for your approval is legislation authorizing an agreement with New York State Office of Homeland Security for receipt and use of a 2009 Bomb Squad Initiative grant in the amount of \$137,379; and amending the 2009-10 Cash Capital allocation of the Police Department by \$137,400 to reflect the grant.

The term of this grant is August 1, 2009 through July 31, 2012. The Police Department has received one previous Bomb Squad Initiative grant in the amount of \$100,000 as authorized by Ordinance No. 2009-392. Funds from both awards will be combined to purchase a specially equipped Bomb Squad Vehicle. No match is required for this grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-168
(Int. No. 197)

Authorizing An Agreement For A Bomb Squad Initiative Grant And Amending The 2009-10 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 a Bomb Squad Initiative Program Grant for the period from August 1, 2009 through July 31, 2012.

Section 2. Ordinance No. 2009-188, the 2009-10 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 \$137,400, 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.

The meeting was adjourned at 9:10 p.m.

DANIEL B. KARIN
City Clerk

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PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGETS
June 9, 2010
5:30 P.M.

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Absent - Councilmember Ortiz - 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 hearings will now be had on the following matter.

Adoption Of The Budget Estimates For Municipal Purposes For The 2010-11 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 265 16 speakers: Summer Adams, Lorraine Holley, Danielle Mercendetti, James McTiernan, Victoria Commings, Jasmine Thomas, Joasia King, Alicia King, Brittny Huggins, Ester Gliwinski, Bill Collins, Joe Inclema, Jeff Goldblatt, Caroline Woidat, Pastor Anthony Saxton, Andy Rose.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011 Int. No. 267 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2010 And Expiring June 30, 2011 Int. No. 268 No speakers.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011, And Appropriation Of Sums Set Forth Therein Int. No. 264 2 speakers: Charlie Richardson, Anita Jones

The meeting was adjourned at 8:05 p.m.

Daniel B. Karin
City Clerk

* * * * *

REGULAR MEETING
June 15, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 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
Kerry R. Kleckner
Steve Leone
Paul J. Noto, Jr.
Peter B. Scott
Police Department
*Kevin E. Durawa
**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Spaul

RESOLVED, that the minutes of the Regular Meeting of May 11, 2010 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:
Public Disclosure - HOME Participation
(2) 4014-10, 4015-10

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Councilmember Palumbo presented the following:

Four signatures against Towing code changes
Petition No. 1646
Twenty-six signatures against Transit Center on Mortimer Street Petition No. 1647
Proposed redesign of Dewey Avenue, 40 signatures Petition No. 1648

PUBLIC HEARINGS.

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

Changing The Zoning Classification Of 5, 7-9, 11 And 13 Sigel Street From R-2 Medium Density Residential And 17-25 Bay Street From C-1 Neighborhood Center To C-2 Community Center Int. No. 230 No speakers.

Approving The Consolidated Community Development Plan/2010-2014 Five Year Strategic Plan And 2010-11 Annual Action Plan Int. No. 249 No speakers.

Authorizing Submission Of The Consolidated Community Development Plan/2010-2014 Five Year Strategic Plan And 2010-11 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development Int. No. 250 No speakers,

Authorizing Amendatory Community Development Program Plans And Amending Ordinances Int. No. 252 No speakers.

Authorizing Amendatory HOME Program Plans And Amending Ordinances Int. No. 253 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Mortimer Street And Authorizing Its Sale For Construction Of A Transit Center, And Changing The Traffic Flow On Mortimer Street From St. Paul Street To North Clinton Avenue From Two-Way To One-Way Eastbound Int. No. 277 21 speakers regarding the Transit Center: James Grossman, Richard Rosen, Donald Riley, Tim Poley, Anthony DiMarzo, William Morse, Paul Foti, Bill Condo, Brad Snyder, Harry Davis, Carlene Woodward, Vince Shelton, Andy Stainton, John Lippa, Ben Munson, Howard Decker, Roger Brown, Joni Monroe, Mike Goversale, Bonnie Connan, Douglas Fisher, Heidi Zimmer-Meyer

Local Improvement Ordinance - Window Well Abandonments As A Part Of The Lawrence Street Group Rehabilitation Project Int. No. 237 No speakers.

Amending The Official Map By Abandonment Of An Unnamed Alley At The Midtown Plaza Site Behind 249-253 And 255-257 East Main Street Int. No. 238 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Lavigne Alley North Of Montrose Street Int. No. 239 No speakers.

Approving Changes In The Pavement Width Of Cedarwood Terrace Int. No. 240 No speakers.

Approving Changes In The Pavement Width Of Saratoga Avenue At Smith Street And Lind Street Int. No. 241 No speakers.

Amending Changes In The Pavement Width Of Mt. Hope And South Clinton Avenues Made In Ordinance No. 2009-121 Int. No. 261 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
June 15, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 204 - Local Law Amending The City Charter With Respect To Cemeteries

Int. No. 205 - Amending The Municipal Code With Respect To Cemeteries

Int. No. 206 - Local Law Amending The City Charter With Respect To The Office Of The Mayor

Int. No. 207 - Amending The Municipal Code With Respect To Water Rates

Int. No. 208 - Establishing Maximum Compensation For A Professional Services Agreement For Investigative Services

Int. No. 209 - Establishing Maximum Compensation For A Professional Services Agreement For The Administration Of The City's Workers' Compensation Program

Int. No. 210 - Establishing Maximum Annual Compensation For A Professional Services Agreement For Administration Of Unemployment Insurance Claims

Int. No. 211 - Authorizing Competitive Grant Applications

Int. No. 212 - Establishing Maximum Compensation For A Professional Services Agreement For Videography And Editing Services

Int. No. 213 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks

Int. No. 214 - Establishing Maximum Compensation For An Agreement For The 2010 Tour De New York

Int. No. 215 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

Int. No. 216 - Establishing Maximum Compensation For A Professional Services Agreement For Sound And Lighting Services

Int. No. 217 - Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

Int. No. 218 - Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows

Int. No. 219 - Establishing Maximum Compensation For A Professional Services Agreement For The "Band On The Bricks" Concerts

Int. No. 220 - Approving Dissolution Of The Rochester Ferry Company

Int. No. 247 - Establishing Maximum Compensation For Professional Services Agreements For

Appraisal Services

Int. No. 273 - Resolution Approving The 2010-11 Debt Limit For General Municipal Purposes

Int. No. 275 - Authorizing A Professional Services Agreement For Medical Services For Civilian Employees

Int. No. 278 - Amending The Proposed 2010-11 Budget Of The City Of Rochester In Regard To The Thomas P. Ryan, Jr. Community Center

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 263A - Amending The Proposed 2010-11 Budget Of The City Of Rochester - \$49,500

Int. No. 263 - Adoption Of The Budget Estimates For Municipal Purposes For The 2010-11 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees, As Amended

Int. No. 264 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011, And Appropriation Of Sums Set Forth Therein

Int. No. 265 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011

Int. No. 266 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011

Int. No. 267 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011

Int. No. 268 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2010 And Expiring June 30, 2011

Int. No. 269 - Amending The Municipal Code With Respect To Refuse Fees

Int. No. 270 - Amending The Municipal Code With Respect To Alarm Permits

Int. No. 271 - Amending The Municipal Code With Respect To Parking

The following entitled legislation is being held in Committee:

Int. No. 202 - Amending The Municipal Code With Respect To Towing

Int. No. 203 - Amending The Municipal Code with Respect To Licenses

Int. No. 272 - Local Law Amending The City

Charter With Respect To Criminal History Record Checks To Be Conducted In Connection With Employment

Respectfully submitted,
Carolee A. Conklin (Voted against Int. Nos. 264 and 266)

Jacklyn Ortiz
Loretta C. Scott (Did not vote on Int. Nos. 263A through 271)

Lovely A. Warren (Did not vote on Int. Nos. 202 through 206)

Elaine M. Spaul (Did not vote on Int. Nos. 202 through 220, 247 and 273)
FINANCE COMMITTEE

Received, filed and published

Introductory Nos. 202 and 203 were held during the Committee Meeting. They were voted out of Committee at the Council Meeting and appear on pages 219 and 221 of the current Council Proceedings.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 3,
Ordinance No. 2010-169,
Local Law No. 4,
Ordinance No. 2010-196 and
Ordinance No. 2010-197
Re: Amending the Charter and
Municipal Code

Transmitted herewith for your approval is legislation amending various sections of the Charter and the Municipal Code to incorporate organizational and policy changes, which include the following:

Towing. The City has received numerous complaints regarding towing practices, particularly relating to towing without consent of the vehicle owner from private property. Many of these complaints involve predatory towing practices in which a vehicle is quickly towed from a lot in the evening where the towing company anticipates that people will park while going to nearby restaurants or entertainment venues. The warning signs at the location may not be obvious, owners have difficulty determining what happened to their vehicles, retrieval of the vehicle is difficult particularly at night, the fees are high, and cash payment is required. Such an experience leaves a very poor impression of the City. These amendments are designed to prevent unsavory towing practices and to update the towing code to be in line with other licensing codes.

Chapter 108A of the Code will be amended to update the process and fees required for towing companies to be licensed by the City. Changes include:

- Applications for towing licenses will require the following information: a list of vehicles and drivers to be used by the company; a list of locations from which they tow vehicles

without the owner's permission; and the location(s) of their storage facilities.

- Drivers will be required to obtain a City towing driver's license;
- Towing companies will be required to: carry insurance; maintain and provide police access to accurate records of vehicles towed; clearly mark their storage facilities and the locations from which vehicles are towed; report and photograph vehicles towed; accept credit and debit card payments for vehicle retrieval; have written authorization from property owners for the removal of vehicles; have a person on duty at the storage facility between 8:00 a.m. and 6:00 p.m. daily, and at least 2 hours after all times that such company provides towing services;
- The license fee will increase from \$150 to \$500;
- Establish \$99 as the maximum base fee to be charged for vehicles towed without the vehicle owner's permission;
- Vehicles may not be towed without consent of the vehicle owner from private property until they have been parked for a minimum of thirty minutes or one hour, depending on the use of the premises, unless they are blocking a fire hydrant or the entrance or exit to the premises;
- Prohibit certain relationships between towing companies and property owners that create conflicts of interest.

Licensing. Chapter 68 is amended to delete references to codes that have been repealed or that do not require licenses, and to add a reference to towing.

Cemeteries. The Charter and Code are amended to provide for the transfer of the cemeteries from the Department of Recreation and Youth Services to the Department of Environmental Services. The provisions with respect to dogs are being amended to allow leashed dogs only on improved and unimproved walkways and roadways within Mount Hope Cemetery, but prohibit dogs in Riverside Cemetery. Mount Hope Cemetery is a Victorian cemetery that people are encouraged to use for cultural and recreation purposes, while Riverside is not promoted for these purposes. Penalty provisions and a prohibition on bows and arrows in cemeteries are also being added.

The City Charter is also amended to remove a remaining reference to the Neighborhood Service Centers in the Mayor's Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Law No. 3
(Int. No. 204)

Local Law Amending The City Charter With Respect To Cemeteries

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 11A-1, Department of Recreation and Youth Services, by deleting the words "Mount Hope and Riverside Cemeteries and" where they are contained therein.

Section 2. Article XIA of the City Charter, Department of Recreation and Youth Services, is hereby further amended by relettering Part C, Markets, as Part B and by renumbering Section 11A-30, Supervisor of Markets as Section 11A-3. Part B, Cemeteries, is hereby transferred to Article VII, Department of Environmental Services, as Part D, with Sections 11A-10 through 11A-21 hereby renumbered as Sections 7-30 through 7-41, respectively. Section 7-30, Definitions, as renumbered herein, is hereby further amended by amending the definition of COMMISSIONER contained therein to read in its entirety as follows:

COMMISSIONER - The Commissioner of Environmental Services.

Section 3. Section 7-1 of the City Charter, Department of Environmental Services, as amended, is hereby further amended by adding the following new sentence to the end thereof:

The Department shall be responsible for the Mount Hope and Riverside Cemeteries.

Section 4. Section 7-31, Cemeteries, as renumbered herein, is hereby further amended by deleting the word "Council" where it is contained in the second sentence thereof and by inserting in its place the word "Commissioner".

Section 5. Section 7-41, Mausoleums and columbaria, as renumbered herein, is hereby further amended by deleting the words "and columbaria" in each place where they are contained in the title and the body thereof.

Section 6. This local law shall take effect on July 1, 2010.

Passed unanimously.

Ordinance No. 2010-169
(Int. No. 205)

Amending The Municipal Code With Respect To Cemeteries

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

Section 1. Section 43-1 of the Municipal Code, Definitions, as amended, is hereby further amended by amending the definition of COMMISSIONER contained therein to read in its entirety as follows:

COMMISSIONER - The Commissioner of Environmental Services.

Section 2. Section 43-8 of the Municipal Code, Receiving vault, is hereby repealed.

Section 3. Section 43-11 of the Municipal Code, General rules and regulations, as amended, is hereby further amended by amending Subsection C(5) thereof to read in its entirety as follows:

- (5) Dogs may only be possessed in the cemetery in accordance with Section 31-15.2 of the Municipal Code.

Section 4. Section 43-11 is hereby further amended by adding a new Subsection C(11) to read in its entirety as follows:

- (11) Possess a bow and/or arrow in the cemetery.

Section 5. Section 43-11 is hereby further amended by amending Subsection E thereof and adding a new Subsection F to read in their entirety as follows:

- E. No person shall fail or refuse to comply with any reasonable order relating to the regulation of cemetery activities or the enforcement of the provisions of this chapter, lawfully given by the Commissioner, authorized employees or any law enforcement officer.
- F. No person shall willfully resist, obstruct or abuse the Commissioner, authorized employees or any law enforcement officer in the execution of their offices and duties.

Section 6. There is hereby added to the Municipal Code the following new Section 43-14:

Section 43-14. Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction be punishable by a fine not exceeding \$150, or by imprisonment not exceeding 15 days, or by both such fine and imprisonment, or by a penalty of not less than \$5 nor more than \$500 to be recovered by the City of Rochester in a civil action.

Section 7. There is hereby added to the Municipal Code the following new Section 31-15.2:

Section 31-15.2. Dogs in cemeteries.

- A. No person shall bring, walk, permit or allow a dog, whether leashed or unleashed, in Riverside Cemetery.
- B. No person shall bring, walk, permit or allow a dog in Mount Hope Cemetery, whether leashed or unleashed, except that leashed dogs may be allowed only on improved and unimproved walkways and roadways within the cemetery.

- C. This section shall not apply to guide dogs, hearing dogs, service dogs or police work dogs.

Section 8. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Local Law No. 4
(Int. No. 206)

Local Law Amending The City Charter With Respect To 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 "a Neighborhood Service Centers, the head of which shall be the Neighborhood Service Centers Director;" where they are contained in the final paragraph thereof.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-170
Re: City Code Amendment -
Water Rate Increase

Transmitted herewith for your approval is legislation authorizing increases in the water rate and certain fees, effective July 1, 2010. The existing water rates went into effect July 1, 2008. The proposed 3.6% increase is expected to generate an additional \$1,000,000 over the next year.

The increase is needed to meet ongoing demands on the water system capital improvement program, anticipated increases in operating costs, and to assure a continued contribution to the general fund. In addition, regulations regarding uncovered finished water reservoirs issued by the US Environmental Protection Agency (Long Term 2 Enhanced Surface Water Treatment Rule) is met to date with only \$600,000 in Federal (ARRA) funding to support this estimated \$24.5 million project.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-63

Ordinance No. 2010-170
(Int. No. 207)

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 subsections A, C and D thereof to read in their 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	\$3.01
20,000 to 620,000	\$2.77
620,000 to 10,000,000	\$2.17
10,000,000 to 15,000,000	\$1.42
Over 15,000,000	\$1.21

(2) Base Charge.

Size of Meter (inches)	Charge per Month
Up to ¾"	\$6.33
1"	\$33.89
1 ½"	\$50.20
2"	\$67.17
3"	\$167.90
4"	\$335.52
6"	\$502.96
8"	\$670.43
10"	\$838.04

C. Fire-service charges.

(1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2"	\$35.30
4"	\$70.61
6"	\$138.93
8"	\$277.80
10"	\$410.12
12"	\$590.28

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charger per Quarter
Up to 4"	\$124.94
6"	\$166.52
8"	\$333.11
10"	\$491.30

(3) Holly high-pressure consumption charge.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$6.02
20,000 to 620,000	\$5.54

Over 620,000 \$4.34

D. Service connection fees.

Size of Service (inches)	Fee
¾"	\$75
1"	\$80
1 ½"	\$180
2"	\$275
4 through 12	Actual cost plus 10%, but at least \$500.00

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection F(1) thereof to read in its entirety as follows:

(1) Replacement of broken seal: \$50.

Section 3. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection (4)(b) thereof to read in its entirety as follows:

(b) One-and-one-half-inch through two-inch: \$150.

Section 4. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-171
Re: Agreement - Richard Vega,
Investigation Services

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Richard Vega, 278 San Gabriel Drive, Rochester, NY 14610, for services related to ongoing investigations by the Office of Public Integrity (OPI). The cost of this agreement will be funded from the 2009-10 Budget of the Mayor's Office (\$10,000), and the 2010-11 Budget of the Mayor's Office (\$10,000) contingent upon its approval. The term of this agreement will be for one year, beginning July 1, 2010.

As you know, Mr. Vega recently retired as the Director of OPI and has been working as a part-time employee during the transition of the office to the new director, James Sheppard. His part time employment ends June 30, 2010.

Mr. Vega has established and maintains exceptional working relationships with City managers, department heads, and law enforcement agencies including the Police Department, the FBI, and the Monroe County District Attorney's Office. His unique experience and skills will help the Office of Public Integrity to maintain continuity of processes and procedures.

Mr. Vega will conduct investigations, surveillance,

and interviews for cases to be assigned by the Director of OPI, and provide analytic reports to OPI.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-171
(Int. No. 208)

Establishing Maximum Compensation For A Professional Services Agreement For Investigative 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 a professional services agreement between the City and Richard Vega for investigative services for the Office of Public Integrity. Of said amount, \$10,000 shall be funded from the 2009-10 Budget of the Mayor's Office and \$10,000 shall be funded from the 2010-11 Budget of the Mayor's Office.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-172
Re: Agreement - POMCO, Third-Party Administration of Workers Compensation Claims

Transmitted herewith for your approval is legislation that will establish \$83,500 as maximum annual compensation for a three-year agreement with POMCO (formerly EM Risk Management) Syracuse, NY, for third-party administration of Workers' Compensation claims for the City of Rochester. The cost of this agreement will be funded from the 2010-11 and subsequent annual Budgets for Undistributed Expense, contingent upon approval of the budgets.

A request for proposals was distributed to known vendors and posted on the City Website. Proposals were received from six vendors: Gallagher Bassett (Kensington, CT), EBS-RMSCO (Liverpool, NY), PMA Management Corporation (Dewitt, NY), POMCO (formerly EM Risk Management), First Niagara Risk Management, Inc. (Buffalo, NY), and USA-TPA (Syracuse, NY).

POMCO is recommended for several reasons - they offer the best cost alternatives for claims management and medical bill review services; they have a comprehensive understanding of New York State government work environments; and their online reporting capabilities will provide essential information that the City needs to access daily.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-172
(Int. No. 209)

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 \$83,500, 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 POMCO Group for the administration of the City's Workers' Compensation Program for a term of three years. Said amount shall be funded from the 2010-11, 2011-12 and 2012-13 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. 2010-173
Re: Agreement - Barnett Associates, Inc., Unemployment Claims Administration

Transmitted herewith for your approval is legislation establishing \$14,400 as maximum compensation for a three-year agreement with Barnett Associates, Inc., Garden City, NY, to provide third-party administration of unemployment claims for the City. The cost of this agreement will be funded equally from the Undistributed Expense allocations of the 2010-11, 2011-12, and 2012-13 Budgets.

The current contract for these services expires on June 30, 2010. A request for proposals was posted on the City's website; proposals were received from three firms: Barnett Associates, Inc.; Pre-Employ.com, Redding CA; and TALX Corporation, St. Louis, MO, the current vendor.

Based on a review of proposals by a team of City staff, Barnett Associates, Inc. is recommended. The review included a comparison of services, costs, experience, and discussions with references. Barnett's presence and experience in New York is especially advantageous, given the laws and regulations that are specific to New York.

Barnett Associates, Inc. will review all unemployment claims to ensure that benefits are paid correctly to eligible persons; request refunds from the Department of Labor for erroneous charges; prepare witnesses and supervisors for hearings; and provide in-person representation for local hearings.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-173
(Int. No. 210)

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 \$4,800, 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 Barnett Associates, Inc. for administration of unemployment insurance claims for a term of three years. Said amount shall be funded from the 2010-11, 2011-12 and 2012-13 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. 2010-174
Re: Competitive Grant Applications -
Fiscal Year 2010-11

Transmitted herewith for your approval is legislation authorizing certain competitive grant applications for 2010-11. 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. Council has previously approved such grant applications in Ordinance Nos. 2007-86, 2008-183, and 2009-299.

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. Providing this "up front" approval will enable staff to respond to funding opportunities more quickly.

When any of the following conditions apply, grant applications will continue to require individual Council endorsement:

- The City is required to pay more than \$250,000 of the cost of the project in the form of operating capital;
- The award exceeds \$1,000,000; or
- In the case of a capital project, completion is required in one calendar year or less.

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.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-64

Ordinance No. 2010-174
(Int. No. 211)

Authorizing Competitive Grant Applications

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

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

Section 4. Grant applications which obligate the City of Rochester to pay more than \$250,000 in the form of operating capital shall require City Council authorization.

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.

Section 6. This ordinance shall be in effect for the 2010-11 fiscal year.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-175
Re: Agreement - WXXI Public
Broadcasting, Videography
And Editing Services

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum annual compensation for an agreement with WXXI Public Broadcasting for videography, editing and general video production services. The term of this agreement will be for one year, beginning July 1, 2010, with the option for two one-year renewals. The cost of this agreement will be funded from the

2010-11, 2011-12, and 2012-13 Budgets of the Communications Bureau, contingent upon approval of those budgets.

WXXI will provide video production services for a variety of events, including, but not limited to, press conferences, public meetings, All Staff gatherings and Clean Sweep. These services will include: set-up, take-down, videography and editing.

In addition, the consultant will deliver such City television programs and productions as: CityWise, Your New Home and High School Update; commercials; interstitials, special video projects; B-roll video; field segments; and other productions upon request.

The consultant will maintain a library of these video productions and provide assistance and consultation to the City for setup and configuration of City video equipment.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-175
(Int. No. 212)

Establishing Maximum Compensation For A Professional Services Agreement For Videography And Editing Services

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 annual compensation to be paid for a professional services agreement between the City and WXXI Public Broadcasting for videography, editing and general video production services for a term of one year, with two one-year renewal options. Said amounts shall be funded from the 2010-11, 2011-12 and 2012-13 Budgets of the Bureau of Communications, contingent upon adoption of the latter Budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2010-176
Re: Agreement - Young Explosives Corporation, Fireworks Displays

Transmitted herewith for your approval is legislation establishing \$47,000 as maximum compensation for an agreement with Young Explosives Corporation, Rochester (James Young, President), to provide fireworks displays. The cost of this agreement will be funded from the 2010-11 Budget of the Bureau of Communications (\$29,000) and the Rochester Events Network Trust Fund (\$18,000).

The firm will provide aerial fireworks displays on July 4, 2010 and December 31, 2010, and a ground fireworks display on December 4, 2010. The July 4 display will be the largest Independence Day show in the area, and will extend for about 20 minutes. The December 31 display will be part of the New Year's Eve Celebration in downtown Rochester and will extend for about 18 minutes. Both displays will be launched over the Genesee River from the entrance ramp to route I-490 eastbound and the Genesee River Walk. The December 4 ground fireworks display will highlight the season opening of the Manhattan Square Park Ice Rink.

Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1 million of 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.

A similar agreement was authorized by Ord. No. 2009-182 in June 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-65

Ordinance No. 2010-176
(Int. No. 213)

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 \$47,000, 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 fireworks displays. Of said amount, \$29,000 shall be funded from the 2010-11 Budget of the Bureau of Communications and \$18,000 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. 2010-177
Re: Agreement - Full Moon Vista Productions, Inc., Tour de New York Bicycling Events

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensa-

tion for an agreement with Full Moon Vista Productions, Inc., Rochester (formerly Formula One Sports), for support of competitive bicycling events. The cost of this agreement will be funded from the 2009-10 (\$100,000) and 2010-11 (\$150,000) Budgets of the Bureau of Communications.

The Tour de New York bicycle race and related competitive bicycling activities, both professional and amateur, will be held locally on August 7 through August 11.

The event has grown significantly in only five years from 5,000 spectators for the Twilight Criterium in 2004, to 50,000 over three days of events in 2008. The Tour de New York includes five events to be held over five days, as follows:

<u>Date</u>	<u>Event</u>	<u>Estimated Attendance</u>
August 7	Rochester Twilight Criterium	60,000
August 8	Port of Rochester Time Trial	25,000
August 9	Bloomfield Road Race	20,000
August 10	Warsaw Road Race	20,000
August 11	Rochester Road Race	25,000

The estimated economic impact is \$20 million for Western and Central New York State. The City's sponsorship will support event production, public safety, and equipment rental. Free public benefits will include a program for youth bike safety, bicycle registration, and a mountain bike demonstration. All five days of the Tour de New York are free and open to the public.

The 2008 Rochester Omnium featured a field of international professional athletes, many of whom are former/current Olympians, and world and national champions. The 2010 event is one of only eleven races in the US or Canada on the International UCI (Union Cycliste Internationale) calendar, which is the highest level of international professional cycling.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-66

Ordinance No. 2010-177
(Int. No. 214)

Establishing Maximum Compensation For An Agreement For The 2010 Tour de New York

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 Full Moon Vista Productions, Inc. for support of the 2010 Tour de New York competitive bicycling events. Of said amount, \$100,000 shall be funded

from the 2009-10 Budget of the Bureau of Communications and \$150,000 shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-178
Re: Agreement - Festival Site Management

Transmitted herewith for your approval is legislation establishing \$17,500 as maximum compensation for an agreement with SMG/Blue Cross Arena (Jeff Calkins, Manager), for management and promotion of the Riverside Festival Site. The cost of this agreement will be funded from the 2010-11 Budget of the Bureau of Communications.

In addition to management and promotion of the site, the agreement includes oversight of the parking lot at the corner of Court Street and Exchange Boulevard for the 2010 summer event season. The City-produced Party in the Park Thursday evening concert series will take place in this lot, as well as three Rochester MusicFest concerts and other events.

A similar agreement was authorized by Ord. No. 2009-180 in June 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-178
(Int. No. 215)

Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Festival Site Management

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

Section 1. The sum of \$17,500, 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 SMG for the management of the Riverside Festival Site. Said amount shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-179
Re: Agreement - Northeastern Production Systems, Inc., Special Event Production Services

Transmitted herewith for your approval is legislation establishing \$327,450 as maximum compensation for a three year agreement with Northeastern Production Systems, Inc. (Principal, Raymond DiBiase), Rochester, for sound, lighting, staging, and power production services at special events. Annual compensation for this agreement will be funded from the annual budgets of the Bureau of Communications and the Department of Recreation and Youth Services, and the Rochester Events Network Trust Fund as follows (contingent upon approval of annual budgets):

Year	Communications	DRYS	Total
	REN		
2010-11	\$90,000	\$5,000	
	\$11,000		\$106,000
2011-12	\$92,700	\$5,150	
	\$11,300		109,150
2012-13	\$95,400	\$5,300	
	\$11,600		112,300
Total			\$327,450

The current agreement, authorized in June 2007, expires June 30, 2010. A request for proposals for these services was issued in April 2010; it was mailed directly to local firms and was posted on the City Web site. Proposals were received from AAA Sound Service and Low Voltage, LLC, Rochester, and Northeastern Production Systems, Inc. A review by City staff resulted in the recommendation of Northeastern Production Systems, Inc. based on their state-of-the-art equipment, high quality services, experienced staff, and extensive references.

Special events and concerts produced by the City typically require the provision of various sound, lighting, and staging services. In some cases, they also require generators for power and distribution of such power. Under its proposed agreement, Northeastern will provide the sound, lighting, stage, stage roof, power and power distribution equipment and related services required for most special events and performances provided by the Communications Bureau and the DRYS/Public Market, including the Party in the Park concerts at the Riverside Festival Site, outdoor RPO concerts, noon-time concerts, holiday events, Bands on the Bricks, 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. The costs for the additional years, listed above, include a percentage equivalent to the annual increase in the consumer price index for urban areas.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-179
(Int. No. 216)

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 \$106,000, 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, lighting, staging and power production services for special events. Of said amount, \$90,000 shall be funded from the 2010-11 Budget of the Bureau of Communications, \$5,000 shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services and \$11,000 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 \$109,150, of which \$92,700 shall be funded from the 2011-12 Budget of the Bureau of Communications, \$5,150 shall be funded from the 2011-12 Budget of the Department of Recreation and Youth Services and \$11,300 is hereby appropriated from the Rochester Events Network Trust Fund. For the third year, the agreement shall not exceed \$112,300, of which \$95,400 shall be funded from the 2012-13 Budget of the Bureau of Communications, \$5,300 shall be funded from the 2012-13 Budget of the Department of Recreation and Youth Services and \$11,600 is hereby appropriated from the Rochester Events Network Trust Fund. All funding shall be contingent upon adoption of the necessary budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-180
Re: Agreement - Puerto Rican Festival

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with The Puerto Rican Festival, Inc., Rochester, for the 2010 Puerto Rican Festival. The cost of this agreement will be financed from the 2010-11 Budget of the Bureau of Communications.

The Puerto Rican Festival Inc. was established in 1969 for the express purpose of celebrating and recognizing the culture of Puerto Ricans. Puerto Ricans continue to be one of the largest growing Hispanic populations in New York State. This growth now makes Monroe County and the City of Rochester home to the second largest population of Hispanics in the state. This year's festival will be held on July 30 through August 1, at the Frontier Field VIP Parking Lot.

The Puerto Rican Festival, Inc. sponsors a variety of events, which serve to share and celebrate Puerto Rican culture. The largest event is the Puerto Rican Festival (40 annual editions to date have been organized) making it the longest-running cultural festival in Monroe County.

The festival is an annual three-day event, which averages a daily attendance of 8,000 people of all cultures and ethnic backgrounds. The City's sponsorship will support free admission for the first two hours each day and several free activities during the festival. It provides free children's activities, a boxing exhibition, free youth participation and performance showcase, and an inaugural free health fair on Saturday.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-180
(Int. No. 217)

Establishing Maximum Compensation For An Agreement For The Puerto Rican Festival

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 agreement between the City and the Puerto Rican Festival, Inc. for the 2010 Puerto Rican Festival. Said amount shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-181
Re: Agreements - Wintek and Young Explosives, Laser Shows and Fireworks Enhancements

Transmitted herewith for your approval is legislation related to the High Falls laser shows. This legislation will:

1. Establish \$26,400 as maximum compensation for an agreement with Greg J. Winter, d/b/a Wintek, Rochester, NY to provide laser shows during the 2010 summer season and maintenance on City-owned laser equipment through December 2010. The cost of this agreement will be funded from the 2009-10 Budget of the Bureau of Communications.
2. Establish \$4,950 as maximum compensation for an agreement with Young Explosives Corporation, Rochester, NY (James Young, President), to provide aerial fireworks and pyrotechnic displays to accompany the High Falls laser shows. The cost of this agreement will be funded from the 2009-10 Budget of the Bureau of Communications.

Due to budget constraints, the number of laser shows has been reduced from three per week to one per week from Memorial Day through Labor Day.

The costs will be covered with funds from the 2009-10 Budget; opportunities for private funding of future shows is being pursued. City staff have met with the contractors, members of the High Falls Business Improvement District, and other stakeholders regarding the issue of funding this program. Young Explosives will donate services and products for two of the 11 shows, a value of \$1,100.

A total of 11 laser shows, accompanied by fireworks and pyrotechnics, are proposed for Saturdays from July 3 -September 4, and September 19, 2010 during the World Canal Conference. Attendance for 2009 was estimated at 46,000 for three shows per week. Estimated attendance for 2010 May to September laser shows, proposed for Saturday only, is 15,000.

This legislation sustains the laser shows through the summer season and maintains the City-owned laser equipment until December. This provides for six months to raise private sector funds to continue the equipment maintenance, laser shows, or lighting the falls beyond December 2010. No additional City funds will be expended for these purposes.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-181
(Int. No. 218)

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 \$26,400, 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 Greg J. Winter, d/b/a Wintek, for laser shows at High Falls and for maintenance of the laser equipment at High Falls. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 2. The sum of \$4,950, 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 Young Explosives Corporation for aerial fireworks and pyrotechnic displays to accompany laser shows at High Falls. Said amount shall be funded from the 2009-10 Budget of the Bureau of Communications.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-182
Re: Agreement - Eskay Concerts, d/b/a

'Up All Night', Bands on the Bricks

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Eskay Concerts, d/b/a 'Up All Night' (Gerard Fisher, principal) of Rochester to provide services related to "Bands on the Bricks" summer concert series at the Rochester Public Market. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Eskay Concerts will provide talent and production services for up to seven concerts during July and August, 2010, featuring national and regional performers at a cost not to exceed fifteen thousand dollars (\$15,000). The free 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 attended the concerts.

Eskay has provided the production talent and sound services for this series for the past ten years and were instrumental in starting the series. Eskay will provide the City with 25% of the first \$10,000 net revenue, then 50% of additional revenue from food and beverage sales. The profits (losses) for the past three years are as follows: 2007 - (\$816.42); 2008 - \$1,723.35; 2009 - \$5,160.53.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-182
(Int. No. 219)

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 (d/b/a Up All Night) for talent booking and production services for the "Bands on the Bricks" concert series at the Rochester Public Market. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services. The agreement shall also provide Eskay Concerts (d/b/a Up All Night) 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. 2010-183
Re: Rochester Ferry Company,
Final Actions

Transmitted herewith for your approval is legislation approving the dissolution of the Rochester Ferry Company, LLC, winding up of its affairs, and accepting its final accounting. This action by City Council, the sole member of the Company, will close out and finalize all affairs of the company.

As you know, the Rochester Ferry Company, LLC was established in 2005 as the entity through which the City purchased the Fast Ferry. The operation of ferry service to and from Toronto was discontinued and the vessel was sold in 2006. Since then, all matters concerning operation, ownership, and leases at the Port Terminal and the Toronto Port Authority have been satisfactorily settled.

The final accounting of the Company is attached and indicates that as of December 17, 2009 there were no assets or outstanding liabilities of Rochester Ferry Company, LLC.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-67

Ordinance No. 2010-183
(Int. No. 220)

Approving Dissolution Of The Rochester Ferry Company

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

Section 1. The Council hereby approves the dissolution and winding up of the affairs of the Rochester Ferry Company. The Council further approves the final accounting of the Rochester Ferry Company and the distribution of Company assets.

Section 2. The Corporation Counsel is hereby authorized to execute such documents and to take such further actions as may be necessary to dissolve the Rochester Ferry Company.

Section 3. The documents shall contain such additional terms and conditions as the Corporation Counsel deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-184
Re: Agreements for Appraisal Services

Transmitted herewith for your approval is legislation establishing maximum compensation for

agreements with the following firms for appraisal services as needed by departments:

Department of Neighborhood and Business Development

Firm: Bruckner, Tillett, Rossi, Cahill & Associates
Maximum Compensation: \$7,500

Source of funds: 2010-11 Budget of the Department of Neighborhood and Business Development

Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, and other property transfers.

Firm: Pogel, Schubmehl & Ferrara, LLC
Maximum Compensation: \$7,500

Source of funds: 2010-11 Budget of the Department of Neighborhood and Business Development

Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.

Firm: Midland Appraisal Associates, Inc.
Maximum Compensation: \$7,500

Source of funds: 2010-11 Budget of the Department of Neighborhood and Business Development

Purpose: Commercial, industrial, and residential property appraisals related to acquisitions, sales, easements, etc.

Law Department

Firms: Midland Appraisal Associates, Inc.
Bruckner, Tillett, Rossi, Cahill & Associates

Pogel, Schubmehl & Ferrara, LLC
Maximum Aggregate Compensation: \$30,000

Source of funds: 2010-11 Budget of the Law Department

Purpose: Appraisal services for assessment proceedings; firms to be assigned based on work load and specific needs.

We anticipate that additional appraisal services will be requested during the fiscal year for specific projects like the port redevelopment and brown-fields cleanup projects.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-184
(Int. No. 247)

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 each, 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, Pogel, Schubmehl & Ferrara, LLC and Midland Appraisal Associates, Inc. for appraisal services as needed by the Department of Neighborhood and Business Development. Said amounts shall be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development.

Section 2. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements with Pogel, Schubmehl & Ferrara, LLC, Midland Appraisal Associates, Inc. or Bruckner, Tillett, Rossi, Cahill & Associates for appraisal services as needed by the Law Department for assessment proceedings. Said amount shall be funded from the 2010-11 Budget of the Law Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-21
Re: 2010-11 Debt Limit

Transmitted herewith for your approval is legislation establishing the Debt Limit, and Debt Rollover and Debt Extension amounts for the 2010-11 Budget.

2010-11 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 and is further reduced by specific revenues attributable to bonded debt. The resulting Debt Limit for 2010-11 is \$16,339,000.

Attached is the 2010-11 Debt Authorization Plan, which calls for borrowing of \$16,339,000 in tax supported funds. The Plan also includes an additional \$9,295,000 supported by the City's Enterprise Fund for Water.

Debt Rollover 2009-10 and 2008-09

The Debt Authorization Plans for the current and the two immediately prior fiscal years can remain open contingent upon the approval of the rollover amounts. This provides flexibility in the timing of authorizations which 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 unauthorized items in the debt plan that are 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.

2009-10: The Debt Limit for this year was \$18,946,000. Of that amount \$6,577,000 has been authorized, leaving a balance of \$12,369,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2009-10 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

2008-09: The Debt Limit for this year was \$16,855,000. Of that amount \$8,336,000 has been authorized, leaving a balance of \$8,519,000. Approval of a rollover in that amount is requested. The attached Debt Authorization Plan for 2008-09 itemizes projects remaining for that year.

Time Limit Extensions for 2007-08 and 2006-07

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. One-year extensions are requested for the following items based on programming and timing:

<u>2007-08 Project Purpose</u>	<u>Amount</u>
G-8 Durand Eastman Park water quality improvements	\$ 120,000
F-2 Hazardous Waste Remediation contaminated sites w/in city	870,000
G-8 Historic Aqueduct Redevelopment Broad St. aqueduct renovation	324,000
F-2 Hazardous Waste Remediation Olean Kennedy	100,000
G-8 Inner Loop Improvements rehabilitation	480,000
T-2 Westfield Street Street rehabilitation	2,284,000
F-2 Investigation and Remediation contaminated sites w/in city	534,000
T-2 University Avenue & ArtWalk II Street rehabilitation	786,000
F-2 Hazardous Waste Remediation Whitney & Orchard	2,000,000
F-2 Investigation and Remediation Emerson Street	11,000
T-3 Milling & Resurfacing Street rehabilitation	311,000
G-3 Land Acquisition acquisition	<u>1,030,000</u>
Total 2007-08 Extensions	\$8,850,000

<u>2007-08 Project Purpose</u>	<u>Amount</u>
P-15 Dewey Avenue Fire House renovation	\$ 58,000
F-2 Hazardous Waste Remediation contaminated sites w/in city	61,000
F-2 Hazardous Waste Remediation Brooks Landing	100,000
G-8 Market Rate Downtown Development downtown development	230,000
G-8 Market Rate Housing Acquisition housing development	<u>1,000,000</u>
Total 2006-07 Extensions	\$1,449,000

<u>2007-08 Project Purpose</u>	<u>Amount</u>
G-8 Historic Aqueduct Redevelopment Broad St. aqueduct renovation	\$ 387,000
G-8 Oak View Hill Development market rate housing infrastructure	865,000
T-2 Westfield Street Street rehabilitation	104,000
F-2 Hazardous Waste Remediation contaminated sites within the city	30,000
G-7 Waterfront Planning & Acquisition Port development	<u>1,400,000</u>
Total 2005-06 Extensions	\$2,786,000

Each of these projects depends upon the partnership of developers and the cooperation of other governments. Like any business venture, delays are inevitable when financial or regulatory obstacles 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. AJ-68

Resolution No. 2010-21
(Int. No. 273)

Resolution Approving The 2010-11 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 2010-11 to \$16,339,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2008-09 and 2009-10 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 2007-08 relating to water quality improvements at Durand Eastman Park, hazardous waste remediation at contaminated City sites including but not limited to Olean Kennedy, Whitney and Orchard, and Emerson Street, Historic Aqueduct Redevelopment, Inner Loop improvements, rehabilitation of Westfield Street, University Avenue and ArtWalk II street rehabilitation, milling and resurfacing, and land acquisition, and for fiscal year 2006-07 relating to Dewey Avenue fire station, hazardous waste remediation at Brooks Landing and contaminated City sites, market rate downtown housing development and general market rate housing development, and for fiscal year 2005-06 relating to Historic Aqueduct Redevelopment, Oak View Hill Development, rehabilitation of Westfield Street, hazardous waste remediation at contaminated city sites, and waterfront planning and acquisition.

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-185
Re: Agreement, Strong Occupational
And Environmental Medicine,
Medical Services

Transmitted herewith for your approval is legislation authorizing a one-year agreement with Strong Occupational and Environmental Medicine (OEM) to provide medical services for non-uniformed City employees.

OEM, with offices in Rochester, NY, will provide the following services:

- Evaluations of applicants for City positions to ensure they are physically capable of performing the duties of the jobs for which they are being considered;
- Evaluations of current City non-uniformed employees to ensure they are physically capable of performing their job duties;
- Medical examinations and occupational medical consultations as needed.

The term of the contract will be for one year. The cost of this agreement will be funded from the 2010-11 Budget for Undistributed Expense and is based on a fee-for-service schedule, with an annual total not to exceed \$75,000. Service fees for work-related injuries are determined by the NYS Workers' Compensation Board. The agreement shall also provide for additional special services, the fees for which may be established.

A Request for Proposals was distributed to seven vendors and placed on the City of Rochester's website on May 10, 2010. Responses were received from two Rochester providers: Strong Occupational and Environmental Medicine, the current contract holder, and Dr. Boris M. Shmigel, MD. After reviewing the responses, we believe the timeframe of the RFP may have been too short for other providers to respond. An internal review committee interviewed both providers and references were contacted for additional information. After considering both providers, OEM is recommended to continue these services for a one-year term. The City has been satisfied with the services provided by OEM, and OEM is also implementing new systems to better address City needs. The one-year agreement will give the City the opportunity to further work with and evaluate these systems and will also allow the City and all possible providers time to plan for a possible longer agreement to be entered into next year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-185
(Int. No. 275)

Authorizing A Professional Services Agreement For Medical Services For Civilian Employees

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 civilian City employees and applicants for a term of one year. The agreement shall provide for all regular medical services and for additional special services, the fees for which may be established in the agreement.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$75,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 Budget for Undistributed Expense.

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 by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because he is employed by the University of Rochester.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-186
Re: 2010-11 Proposed Budget

Transmitted herewith for your approval is legislation amending the Proposed 2010-11 Budget to transfer a total of \$100,300 to the Department of Recreation and Youth Services to mitigate the unanticipated negative impact union and civil service bumping requirements would have had on the service delivery at the Ryan Center.

The transfer will be funded from the following 2010-11 Budgets:

Mayor's Office	\$ 20,000
Council/Clerk	20,000
Office of Management and Budget	20,000
Undistributed	<u>40,300</u>
Total	\$100,300

Comments provided at the June 9, 2010 public hearing on the Proposed Budget brought to the attention of Council and the Administration that Ryan Center service delivery would be seriously impacted due to the bumping of displaced employees currently working elsewhere in the City. The Ryan Center is a jewel and an example of how the City, City School District, and Library can work collaboratively to benefit city youth.

The Administration and Council collaborated on finding a solution to offset this situation that could not have been anticipated. Six recreation positions will be restored to stop the bumping that would have displaced three key staff at the Ryan Center.

These restorations are made possible by fewer layoffs than anticipated thus reducing unemployment costs, reductions to the Mayor and City Council travel and personnel budgets, and a reduction in the Office of Management Budget personnel budget enabled by delaying scheduled hiring at the 311 Call Center.

Respectfully submitted,
Robert J. Duffy Lovely A. Warren
Mayor City Council President

Ordinance No. 2010-186
(Int. No. 278)

Amending The Proposed 2010-11 Budget Of The City Of Rochester In Regard To The Thomas P. Ryan, Jr. Community Center

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

Section 1. The proposed 2010-11 Budget of the City of Rochester is hereby amended by transferring \$20,000 from the Mayor's Office, \$20,000 from the Council/Clerk, \$20,000 from the Office of Management and Budget and \$40,300 from Undistributed Expense to the Department of Recreation and Youth Services to fund staffing at the Thomas P. Ryan, Jr. Community Center.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-187
Re: Budget Amendments - \$49,500

Transmitted herewith for your approval are amendments to the Proposed 2010-11 Budget that transfers \$49,500 from the Contingency Account to various departments to enhance opportunities in four major areas: Youth Development, Citizen Support, Cultural Development, and Community Beautification. Funding will be provided for the following initiatives:

Youth Development \$ 23,500

Teen Empowerment - \$1,500 for initiatives to reduce teen violence among our city youth through a variety of activities and efforts.

Leadership Rochester - \$1,500 in support of the Emerging Leaders Program which brings city and suburban youth together to look at issues affecting Rochester through a 6 program series and 1 overnight retreat.

Pop Warner League Monroe County Cowboys - \$3,000 to continue support for this organization's second year in the county's Pop Warner league to offer city youth the opportunity to participate in the Pop Warner league.

Tuck-Murphy's Basketball Tournament - \$ 2,000 to support this annual event that encourages sportsmanship and athletic competition. The event is organized by adult volunteers and held in Rochester City School District facilities.

Building Strong Communities Sports Camp - \$1,500 to support a sports camp for inner city youth giving them a summer camp experience while teaching the youth the importance of team work and the skills of various sports.

Corn Hill Navigation - \$5,500 to support a program for all Rochester City School District 4th graders for part of their Erie Canal Studies. This money will allow 4th graders the opportunity to ride on the Mary Jemison boat.

Mighty Liberators II Drum Corps - \$3,000 to support this organization which is a drum, dance and flag corps which engages young people in music, dance and synchronized movement instruction as a means of assisting them in increasing their self-image, self-discipline, value of team work, and commitment to positive attitudes and behaviors.

Partners in Community Development - \$5,500 in support of this organization which provides services and activities onsite yearlong to children in 4 low-income housing sites throughout the city: Los Flamboyanes, Rochester Highlands, Keeler Park Apartments and East Court Apartments.

Citizen Support \$6,250

Charles Neighbors in Action - \$1000 in support of the Clarkes House for neighborhood building and community leadership activities. Some examples of how this funding will be used are supplies for flyers/newsletters, tools and supplies for garden and vacant lot clean up, food for community meetings and block parties, postage for mailings and other miscellaneous expenses that may arise in the support of the community.

Mary's Place - \$500 in support of literacy and other services to the Karin and Chin refugees living in the Maplewood Neighborhood.

Maplewood Neighborhood Association - \$1,000 in total support. \$500 for community gardens in the Maplewood area specifically for an urban farm in the old subway bed and \$500 for sign language interpreters for the 2010 River Romance gorge tours.

Charlotte Community Association - \$500 in support of signage in the Charlotte area in order to enhance the overall aesthetics of the neighborhood.

Wide Water Garden - \$1,000 in support of a community garden and urban farming on Rosedale Street off Monroe Avenue.

North Winton Village - \$500 in support of "Be On Your Way" which is a volunteer transportation service proposed by the Browncroft - Home for a Lifetime Committee. This funding will help launch the service this fall by helping to purchase and pay

for cell phones, communication regarding the program and recognition for the volunteer drivers.

MOCHA - \$1,750 in support of a MOCHA weekend with LGBT people of color. The weekend highlights the work that MOCHA does and encourages people to get HIV and STI testing and engage in healthy lifestyles and healthy sexual activity.

Cultural Development \$7,500

Downtown Community Forum - \$2,500 in support of a 3 part series on issues the City of Rochester faces. This series, "One City Series", uses these forums to explore the urban experience through a Rochester perspective. These series look specifically at Rochester and apply best practices for issues that we face.

Arts and Cultural Council - \$2,000 in support of the Arts and Cultural Council's magazine, *Metropolitan Magazine*, which is in its 5th year of publication with over 60,000 readers per issue. The magazine is central to the mission of the organization and directly supports tourism and economic development in our region.

Clarissa Street Reunion - \$2,500 in support of the annual Clarissa Street Reunion. The Clarissa Street Reunion is an annual event that grew out of a reunion of former residents to celebrate the good old days of Clarissa Street, into a street festival with music, food and vendors. It is held on Clarissa Street in August. It is sponsored by the Clarissa St. Reunion Committee.

Neighborhood of the Arts - \$500 in support of Friday night concerts at the Village Gate. The events are run through the Bop Shop.

Community Beautification - \$12,250

Sector 3 - \$1,000 in support of artfully painting traffic switch boxes within the Sector 3 major intersections, specifically in the Lyell Avenue area.

Charlotte Community Association - \$500 in support of planting pots for flowers in the Charlotte area.

Project Hope - \$1,500 in support to paint utility boxes in the South Clinton and Upper Falls neighborhood.

Bridges to Wellness - \$1,500 in support to paint utility boxes through the Jordan Health Center in the Portland/Hudson/Draper neighborhood.

Marketview Heights Collective Action - \$1,500 in support to paint utility boxes with Pathstones in the Marketview Heights Area.

North Edge Neighborhood Association - \$1,750 in support to paint utility boxes in the North Edge Area.

PARC (Park Avenue Revitalization Committee) - \$1,500 in support to paint utility boxes at the main intersections on Park Avenue.

Beechwood Community Association - \$2,000 in support of beautification efforts for Grand Avenue Park.

Monroe Village Task Force - \$1,000 in support of community beautification projects on Monroe Avenue between Meigs and Goodman.

Respectfully submitted,
Lovely A Warren Elaine M. Spaul
Council President Council Vice President

Carolee A. Conklin Matt Haag
Councilmember Councilmember
At-Large At-Large

Adam C. McFadden Dana K. Miller
Councilmember Councilmember
South District At-Large

Jacklyn Ortiz Carla M. Palumbo
Councilmember Councilmember
At-Large Northwest District

Loretta C. Scott
Councilmember
At-Large

Ordinance No. 2010-187
(Int. No. 263A)

Amending The Proposed 2010-11 Budget Of The City Of Rochester - \$49,500

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

Section 1. The proposed 2010-11 Budget of the City of Rochester is hereby amended by transferring \$23,500 from the Contingency Account to the Department of Recreation and Youth Services for the following youth development activities, \$18,500 from the Contingency Account to the Department of Neighborhood and Business Development for the following citizen support and community beautification activities, and \$7,500 from the Contingency Account to the Bureau of Communications for the following cultural development activities:

Youth Development:

- Teen Empowerment - \$1,500.
- Leadership Rochester - \$1,500.
- Pop Warner League Monroe County Cowboys - \$3,000.
- Tuck-Murphy's Basketball Tournament - \$2,000.
- Building Strong Communities Sports Camp - \$1,500.
- Corn Hill Navigation - \$5,500.
- Mighty Liberators II Drum Corps - \$3,000.
- Partners in Community Development - \$5,500.

Citizen Support:

- Charles Neighbors in Action - \$1,000.
- Mary's Place - \$500.
- Maplewood Neighborhood Association - \$1,000.
- Charlotte Community Association - \$500.

- Wide Water Garden - \$1,000.
- North Winton Village - \$500.
- MOCHA - \$1,750.

Cultural Development:

- Downtown Community Forum - \$2,500.
- Arts and Cultural Council - \$2,000.
- Clarissa Street Reunion - \$2,500.
- Neighborhood of the Arts - \$500.

Community Beautification:

- Sector 3 - \$1,000.
- Charlotte Community Association - \$500.
- Project Hope - \$1,500.
- Bridges to Wellness - \$1,500.
- Marketview Heights Collective Action - \$1,500.
- North Edge Neighborhood Association - \$1,750.
- PARC (Park Avenue Revitalization Committee) - \$1,500.
- Beechwood Community Association - \$2,000.
- Monroe Village Task Force - \$1,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to amend Introductory No. 263.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

- Ordinance No. 2010-188,
- Ordinance No. 2010-189,
- Ordinance No. 2010-190,
- Ordinance No. 2010-191,
- Ordinance No. 2010-192,
- Local Improvement Ordinance No. 1625,
- Ordinance No. 2010-193,
- Ordinance No. 2010-194,
- Ordinance No. 2010-195 and
- Introductory No. 272

Re: 2010-11 Budget

Transmitted herewith for your approval is legislation relating to the 2010-11 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and 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. South Avenue/Alexander Street 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
 - j. St. Paul Street Streetscape
 - k. Upper East Alexander Refuse
5. Authorize certain fee increases and Charter and Code changes.

Details of the above actions related to the 2010-11 proposed budget of the City submitted to City Council on May 14, 2010 are summarized below:

1. Total appropriations of \$1,159,127,560 allocated for the City and the School District:

<u>Proposed</u> <u>2010-11</u>	<u>Amended</u> <u>2009-10</u>	
Dollar <u>Difference</u>	Percent <u>Difference</u>	
City		
\$ 465,373,300	\$ 480,337,600	
\$ -14,964,300		-3.1
School District		
<u>693,754,260</u>	<u>715,713,600</u>	
<u>-21,959,430</u>		-3.1
Total		
\$1,159,127,560	\$1,196,051,290	
\$ -36,923,730		-3.1

Total non-tax revenue distributed between the City and the District:

<u>Proposed</u> <u>2010-11</u>	<u>Amended</u> <u>2009-10</u>	
Dollar <u>Difference</u>	Percent <u>Difference</u>	
City		
\$ 422,839,995	\$ 438,753,345	
\$ -15,913,350		-3.6
School District		
<u>580,609,260</u>	<u>602,568,690</u>	
<u>-21,959,430</u>		-3.6
Total		
\$1,003,449,255	\$1,041,322,035	
\$ -37,872,780		-3.6

2. Total tax levies of \$163,871,900 for the City and City School District:

<u>Proposed</u> <u>2010-11</u>	<u>Amended</u> <u>2009-10</u>	
Dollar <u>Difference</u>	Percent <u>Difference</u>	
Tax Revenue		
\$155,678,305	\$154,729,255	
\$949,050		0.6
Tax Reserve		
<u>8,193,595</u>	<u>8,143,645</u>	
<u>-49,950</u>		0.6
Tax Levy		
\$163,871,900	\$162,872,900	
\$999,000		0.6

3. Total appropriations for the Local Works fund of \$17,365,400 and total assessments of \$17,388,000:

<u>Proposed</u> <u>2010-11</u>	<u>Amended</u> <u>2009-10</u>	
Dollar <u>Difference</u>	Percent <u>Difference</u>	
Street Maintenance		
\$ 4,400,124	\$ 3,802,255	
\$ 597,869		15.7
Sidewalk Repair		
1,797,136	1,588,778	
208,358		13.1
Roadway Plowing		
8,768,443	8,129,833	
638,610		7.9
Sidewalk Plowing		
<u>2,422,297</u>	<u>2,261,334</u>	
<u>-160,963</u>		7.1
Total		
\$17,388,000	\$15,782,200	
\$1,605,800		10.2

4. The budgets for the various street malls and the Public Market were approved on March 17, 2010. The budgets for the lighting, Cascade and Norton Streetscapes, and Downtown Special Services (previously known as Downtown Guides) were approved on April 13, 2010. The budgets for the Downtown Enhancement District, High Falls Improvement District, East Avenue and Alexander Street Entertainment District, parking lots, and open spaces were approved on May 11, 2010. The assessments required for the various programs consist of the following:

<u>Proposed</u> <u>2010-11</u>	<u>Amended</u> <u>2009-10</u>	
Dollar <u>Difference</u>	Percent <u>Difference</u>	
Street Malls		
\$ 81,124	\$ 81,285	
\$ -161		-0.2
Parking Lots		
74,366	72,345	
2,021		2.8
Public Market		
38,477	36,276	
2,201		6.1

Lighting and Sidewalks	40,797	39,557	
	1,240		3.1
Open Space Districts	6,500	6,500	
	0		0.0
Downtown Special Services	479,042	449,941	
	29,101		6.5
Downtown Enhancement	557,500	553,200	
	4,300		0.8
High Falls Improvement District	25,000	25,000	
	0		0.0
Atlantic Avenue Improvement	3,045	3,045	
	0		0.0
St. Paul Street Streetscape	20,649	20,649	
	0		0.0
Upper East/Alexander Refuse	17,930	17,930	
	0		0.0

5. The proposed additions to the tax roll consist of the following charges:

<u>Proposed</u> <u>2010-11</u>	<u>Amended</u> <u>2009-10</u>	
Dollar <u>Difference</u>		<u>Percent</u> <u>Difference</u>
Delinquent Refuse		
\$ 541,106	\$ 565,688	
\$ -24,582		-4.3
Delinquent Water		
6,900,745	6,809,125	
91,620		1.3
Code Enforcement		
50,341	44,373	
5,968		13.4
Supplemental and Omitted Taxes		
168,969	176,818	
-7,849		-4.4
Local Improvements		
13,175	17,166	
-3,991		-23.2
Encroachments		
4,400	4,375	
25		0.6
Rehabilitation/Demolition		
160,077	264,732	
-104,655		-39.5
Code Violations		
1,386,518	1,191,568	
194,950		16.4
Arnold Park Monuments		
7,055	7,055	
0		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 \$1,448,000 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 ex-

pected to result in a net increase of \$885,000 in residential 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 \$1,000,000 in revenue.
9. Amend the City Code to increase alarm permit and avoidable alarm fees. This change will result in incremental revenues of approximately \$100,000.
10. Amend the City Code to define pay station as well as increase parking meter fees for on-street parking, and change the short term rates for parking garages to \$1 for the first two hours.
11. Amend the City Charter to authorize the fingerprinting of all applicants for full time employment.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-188
(Int. No. 263, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2010-11 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, 2010 to June 30, 2011, providing for the expenditure of \$465,373,300, 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 2010-11 are hereby authorized to be expended and the sum of \$465,373,300 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	\$[1,837,800]	<u>1,817,800</u>
Administration	[9,645,900]	<u>9,613,400</u>
Neighborhood and Business Development	[13,796,000]	<u>13,814,500</u>
Environmental Services	85,821,500	
Finance	9,204,500	
Information Technology	4,675,900	
Law	1,879,200	
Library	11,416,700	
Recreation and Youth Services	[11,855,900]	<u>11,979,700</u>

Emergency		
Communications	11,210,700	
Police	78,504,700	
Fire	41,910,500	
Undistributed		
Expenses	[107,725,300]	<u>107,685,000</u>
Contingency	[13,714,000]	<u>13,664,500</u>
Cash Capital	30,008,000	
Debt Service	32,166,700	
Sub-total	\$465,373,300	
Tax Reserve	2,238,595	
Total	\$467,611,895	

Subtotal	693,754,260
Tax Reserve	<u>5,955,000</u>
Total	\$699,709,260

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 2010-11 is hereby fixed and determined at \$422,839,995 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2010-11 providing for the raising of taxation on real estate for municipal purposes of the sum of \$44,771,900 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 2010-11.

Section 6. This ordinance shall take effect on July 1, 2010.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2010-189
(Int. No. 264)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011, 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, 2010 to June 30, 2011, providing for the expenditure of \$693,754,260, 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 2010-11 are hereby authorized to be expended and the sum of \$693,754,260 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$652,998,168
Cash Capital	12,516,214
Debt Service	<u>28,239,878</u>

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2010-11 is hereby fixed and determined at \$580,609,260 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2010-11 providing for the raising of taxation on real estate for school purposes of the sum of \$119,100,000 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2010.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul 8.

Nays - Councilmember Conklin - 1.

Ordinance No. 2010-190
(Int. No. 265)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011

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

Section 1. The sum of \$44,771,900, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2010 and expiring June 30, 2011 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, 2010 and expiring June 30, 2011.

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, 2010 and expiring June 30, 2011.

Section 3. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Ordinance No. 2010-191
(Int. No. 266)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011

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

Section 1. The sum of \$119,100,000, which sum

is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2010 and expiring June 30, 2011 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, 2010 and expiring June 30, 2011.

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, 2010 and expiring June 30, 2011.

Section 3. This ordinance shall take effect on July 1, 2010.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

Ordinance No. 2010-192
(Int. No. 267)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2010 And Expiring June 30, 2011

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, 2010 and expiring June 30, 2011 are hereby in all respects confirmed:

Street and Lot Maintenance	\$4,400,124.00
Roadway Snow Removal	8,768,443.00
Sidewalk Snow Removal	2,422,297.00
Hazardous Sidewalk Repair	1,797,136.00
Delinquent Refuse	541,105.83
Delinquent Water Charges	6,900,745.43
Supplemental Taxes	156,962.10
Omitted Taxes	12,007.03
Street Malls	81,124.00
Arnold Park Monuments	7,055.29
Parking Lots	74,366.00
Code Enforcements	50,341.25
Code Violations	1,386,518.00
Local Improvements	13,174.57
Downtown Enhancement	557,500.00
Public Market Plowing	5,625.66
Public Market Security	32,851.07
Encroachment Fees	4,400.00
Rehabilitation Charges	160,077.13
Downtown Special Services	479,042.00
Lyell Avenue Street Lights - District I	2,404.83
Lyell Avenue Street Lights - District II	2,628.58

Wilson Blvd. Street Lights	507.37
Blossom Road Lights	609.42
Monroe Avenue Lights I	7,104.01
Monroe Avenue Lights and Sidewalk II	9,532.98
Norton Street District	4,097.10
Cascade District	6,525.22
Lake Avenue Lights	3,738.98
High Falls Business Improvement District	25,000.00
South Avenue-Alexander Open Space	6,500.00
St. Paul Street Streetscape	20,649.38
St. Paul Street Lighting	480.09
Rundel Park Lighting	3,168.68
Atlantic Avenue Landscape	3,045.12
Upper East Alexander Refuse	17,930.00

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1625
(Int. No. 268)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2010 And Expiring June 30, 2011

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, 2010 to June 30, 2011; (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, 2010 to June 30, 2011:

- 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 2010-11 fiscal year shall be assessed against all parcels of property that abut a street, reflecting the benefit to be derived by such parcels from such services. The cost of providing such sidewalk repair and snow removal services for the 2010-11 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, 2010 shall be \$17,388,000, consisting of \$4,400,124 for street and lot maintenance, \$1,797,136 for sidewalk repair, \$8,768,443 for roadway snow removal and \$2,422,297 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, 2010 and June 30, 2011, 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, 2010 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, 2010.

Passed unanimously.

Ordinance No. 2010-193
(Int. No. 269)

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	\$359.00
2	719.00
3	798.00

Section 2. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Ordinance No. 2010-194
(Int. No. 270)

Amending The Municipal Code With Respect To Alarm Permits

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

Section 1. Section 27-5 of the Municipal Code, Alarm user permits; fees, as amended, is hereby further amended by changing the alarm user permit fee established in subsection B(3) from "\$15" to "\$20".

Section 2. Section 27-5 of the Municipal Code is hereby further amended by amending subsection E(1) thereof to read in its entirety as follows:

(1) The annual permit renewal fee shall be based upon the number of avoidable alarms recorded for each alarm user as follows:

- (a) For an alarm user with zero avoidable alarms during the preceding year, a renewal fee of \$20 shall be charged.
- (b) For an alarm user with one avoidable alarm during the preceding year, a base permit renewal fee of \$20 shall be charged, plus an additional excessive use fee of \$5.
- (c) For an alarm user with two avoidable alarms during the preceding year, a base permit renewal fee of \$20 shall be charged, plus an additional excessive use fee of \$30.
- (d) For an alarm user with three avoidable alarms during the preceding year, a base permit renewal fee of \$20 shall be charged, plus an additional excessive use fee of \$50.
- (e) For an alarm user with four avoidable alarms during the preceding year, a base permit renewal fee of \$20 shall be charged, plus an additional excessive use fee of \$90.

(f) For an alarm user with more than four avoidable alarms during the preceding year, a base renewal fee of \$20, plus an additional excessive use fee of \$90 and an additional excessive use fee of \$50 for each subsequent avoidable alarm, shall be charged; except that such excessive use fees shall not be charged for systems with any combination of more than 500 pull stations, or heat, smoke, flame or fire gas detectors, or water flow sensing devices, not including sprinkler heads, until the alarm user has had more than 20 avoidable alarms during the preceding year; and such excessive use fees shall not be charged for residential child-care facilities with any combination of more than 100 pull stations, or heat, smoke, flame or fire gas detectors, or water flow sensing devices, not including sprinkler heads, until such a facility has had more than 40 avoidable alarms during the preceding year. At the time of renewal, an alarm user shall receive credit for any amounts paid during the permit year to reinstate a revoked permit.

Section 3. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Ordinance No. 2010-195
(Int. No. 271)

Amending The Municipal Code With Respect To Parking

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

Section 1. Section 111-73 of the Municipal Code, Parking restrictions during snow operations, as amended, is hereby further amended by amending subsection C thereof by adding the words "and Parking Bureau personnel" after the words "Police Department" where they are contained therein.

Section 2. Section 111-85 of the Municipal Code, Fines and penalties for offenses and fees, as amended, is hereby further amended by amending subsection A(1)(a) thereof to read in its entirety as follows:

- (a) Overtime or expired time for meter, paystation, or non-meter parking: \$10.

Section 3. Article II of Chapter 111 of the Municipal Code is hereby amended to read in its entirety as follows:

Article II
On-Street Parking

§ 111-86 Definitions.

For the purpose of this article, the following terms shall have the meanings indicated in this section:

PARKING METER - A device mechanically capable, when properly operated, of recording the length of time a vehicle remains legally parked in an adjacent parking space, and displaying a signal when such vehicle remains parked beyond such legal limit.

PARKING ZONE - A portion of the paved surface of a street extending from the sidewalk curb into the street a sufficient distance to accommodate a vehicle when the same is parked parallel to the curb with the right wheels thereof not more than six inches from the curb, and which said portion of the street has been designated for on-street parking by the Traffic Control Board, through use of parking meters or paystations.

PAYSTATION - A mechanical device which dispenses receipts that permit legal parking for a designated period of time in parking spaces in designated parking zones, upon payment of the prescribed fees.

VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

§ 111-87 Establishment of parking meter zones.

The Traffic Control Board is hereby authorized and directed to establish and designate classes of parking zones in the streets, places, avenues, boulevards and highways in the City of Rochester. Such zones shall be classified as shown in Schedule B filed with the Traffic Control Board. A vehicle may be legally parked in any parking zone so established upon compliance with all provisions of this chapter for the maximum periods of time and fees shown in § 111-99.

§ 111-88 Establishment of parking meter or paystation spaces.

The Traffic Control Board shall establish and designate parking spaces in each designated parking zone, and the Parking Director shall cause parking meters or paystations to be placed along the sidewalk in said zone.

§ 111-89 Temporary suspension of parking.

The Chief of Police or the Parking Director may suspend temporarily the use of any parking space for parking purposes when, by reason of street improvements or repairs, a parade, festival or other special event, an emergency or for interests of public safety, it is deemed advisable, in which event signs or covers shall be appropriately placed on the meters and paystations so as to apprise operators of vehicles of such prohibition. Fees for such temporary suspension may be established by the Parking Director, subject to approval of the Mayor.

§ 111-90 Maximum period of parking in parking zone.

Each parking meter or paystation shall indicate

thereon, or there shall be indicated by signs or by letters on the curb or in the street adjacent to, or within the parking space, the maximum length of time during which a vehicle may be legally parked within said parking space upon payment of the prescribed fee, the fee for such parking and instructions as to the operation of said meter or paystation.

§ 111-91 Superseding of inconsistent provisions of traffic ordinance.

The provisions of this article shall supersede any inconsistent provision of the Traffic Ordinance of the City of Rochester (Article I of Chapter 111 of the Municipal Code of the City of Rochester) insofar as the latter relates to parts of streets duly established as parking zones under the authority of this article.

§ 111-92 Use of parking meter or paystation space.

Vehicles may occupy a parking meter or paystation space for the purpose of loading or unloading merchandise or passengers for a period no longer than necessary to load or unload such merchandise or passenger, in which event such loading or unloading shall be done as expeditiously as is reasonably possible. This section shall not be construed to permit use of the space during times parking and/or standing therein is prohibited.

§ 111-93 Limit of use by one vehicle of parking space.

Upon compliance by the owner or operator of a vehicle with all requirements contained in this article, a parking meter or paystation space in a parking zone may be lawfully occupied by such vehicle for not to exceed the maximum period of parking time prescribed and designated. Before or upon the expiration of such period, it shall be the duty of the owner or operator of such vehicle to remove the same from said parking space in any parking zone, and it shall be a violation of this article to allow said vehicle to remain there longer with or without the payment of an additional fee.

§ 111-94 Removal of vehicle to pound in case of illegal parking.

Any vehicle found parked overtime in any parking space in any parking zone, or in violation of any of the provisions of this chapter, may be removed, towed or conveyed by or at the direction of a member of the Rochester Police Department to any vehicle pound, and such removal shall be deemed the abatement of a nuisance and at the risk of the owner. Such owner or person entitled to possession of the vehicle so removed and stored may redeem the same by the payment of the redemption and storage fees established in § 111-72 to the Chief of Police. Nothing herein contained shall be construed to prohibit a police officer or other person authorized to issue parking violation tickets from affixing to a vehicle to be removed a parking violation ticket.

§ 111-95 Limitation of application of provisions of this chapter.

The provisions of Article II of this chapter relating to the maximum period of parking in a parking zone and the fees for parking in a parking zone shall apply to parking in any parking zone between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

§ 111-96 Collection of deposits.

The Parking Director shall take necessary and proper steps to collect all deposits in parking meters and paystations.

§ 111-97 Regulations governing the use of parking spaces.

- A. No person shall park a vehicle or allow a vehicle to be parked in a parking zone without immediately paying through use of the parking meter or paystation the amount prescribed for use of the specific parking space for the period for which he or she wishes to park.
- B. No person shall park a vehicle overtime in a parking space or in violation of any of the provisions of this article or in any parking space when the use thereof for parking purposes has been temporarily suspended as provided by § 111-89 of this article.
- C. No person shall park a vehicle so that any part of said vehicle extends beyond the boundaries of a parking space in a parking zone as indicated by markings in the street or across markings separating such parking spaces.
- D. No person shall deposit in any parking meter or paystation any slug, device or substitute for a coin of the United States of America, or unauthorized or invalid bank card, or deface, injure, damage, tamper with, break, destroy or impair the usefulness of any parking meter or paystation; nor shall any person assist or participate in any such act.
- E. No person shall stop, stand or park a vehicle in a parking space designated for handicapped parking unless the vehicle bears a valid parking permit for handicapped persons or a special motor vehicle registration for vehicles owned by severely disabled persons and such vehicle is being used for the transportation of a severely disabled or handicapped person.

§ 111-98 Application of parking receipts.

The City Treasurer shall deposit the receipts received under and by virtue of the provisions of this article in the parking fund, to be used for the purchase of and maintenance of parking meters and paystations, the enforcement of the provisions of this article, the maintenance, upkeep, improvement and repair of parking zones and for traffic control.

§ 111-99 Parking rates for on-street parking.

The following rates are established for on-street parking:

CLASS				D
MINUTES	2	5	12	15
COST	\$0.05	\$0.10	\$0.25	\$0.30
CLASS		C		B
MINUTES	24	30	48	60
COST	\$0.50	\$0.65	\$1.00	\$1.25
CLASS	A	10 Hr.		
MINUTES	120	600		
COST	\$2.50	\$12.50		

Section 4. Article III of Chapter 111 of the Municipal Code is hereby amended to read in its entirety as follows:

Article III
Parking Stations

§ 111-103 Definitions.

For the purpose of this article, the following terms shall have the meanings indicated in this section:

PARKING METER - A device mechanically capable, when properly operated, of recording the length of time a vehicle remains legally parked in an adjacent parking space, and displaying a signal when such vehicle remains parked beyond the legal limit.

PARKING SPACE - A portion of ground, within a parking station, sufficient to accommodate a vehicle when the same is parked and which said portion of ground has been marked by logs or paint as a parking space.

PARKING STATION - A portion of ground owned by or leased to the City of Rochester and set apart by the Council or the Parking Director for the purpose of parking vehicles.

PARKING TAG - A weekly or monthly tag issued by the City of Rochester that permits legal parking within the period and times specified thereon, in designated parking stations, upon payment of the prescribed fees.

PAYSTATION - A mechanical device which dispenses receipts that permit legal parking for a designated period of time in parking spaces in designated parking stations, upon payment of the prescribed fees.

VEHICLE - Every device in, upon or by which a person or property is or may be transported or drawn upon a highway.

§ 111-104 Classification of parking stations.

Classification of parking stations shall be determined by the Parking Director, with the approval of the Mayor, provided that no determination or change in such determination shall be effective

until the same has been communicated to the City Council by means of a formal communication. Parking stations may be classified as fee-paying stations, stations for parking by City vehicles and authorized City officials and employees conducting City business and neighborhood residential parking lots or neighborhood commercial parking lots wherein parking may be restricted to residents or for businesses included in the special assessment district. The Parking Director, with the approval of the Mayor, may establish regulations governing the use of parking stations, which regulations may include restrictions upon the length of time a vehicle may be parked in a parking station and which may limit the persons authorized to park in each parking station in accordance with the station classification.

§ 111-105 Designation of parking stations.

All lands heretofore designated as parking stations shall be described in Schedule B on file with the Traffic Control Board. The Parking Director with the approval of the Mayor, is authorized to designate new parking stations and add them to Schedule B, provided that such designations shall be communicated to the City Council by means of a formal communication.

§ 111-106 Maximum period of parking.

Each parking meter or paystation shall indicate by signs or letters conspicuously displayed within each parking station the maximum length of time during which a vehicle may be legally parked, upon payment of the fee prescribed, the fee for such parking and instructions as to the operation of said payment devices.

§ 111-107 Fees for use of individual parking spaces.

- A. The Parking Director shall approve the fees for parking in parking stations.
- B. Except for parking lots at the Port of Rochester, the provisions of this section shall not apply to the use of parking areas in any parking station between the hours of 6:00 a.m. and 1:00 p.m., on Sundays, Thanksgiving and Christmas, and during such hours indicating that said parking areas may be used without charge.
- C. Permits for parking shall be issued by the City of Rochester in lieu of mechanical operations, in designated parking stations, upon payment of the prescribed fees. The period of use, instructions for proper display and restrictions shall be displayed on the parking tag. Parking tags will be valid for legal parking only in the parking station indicated thereon. Vehicles parked under such permits shall be securely locked.

§ 111-108 Limit of use by one vehicle of individual parking space.

Upon compliance by the owner or operator of a

vehicle with all the requirements in this article contained, an individual parking space in a City parking station may be lawfully occupied by such vehicle for not to exceed the maximum period of parking time prescribed and designated for the respective class of stations. Before or upon the expiration of the period for which payment has been made, it shall be the duty of the owner or operator of such vehicle to remove the same from such parking space in any parking station, and it shall be a violation of the Article to allow said vehicle to remain there longer than the time for which payment has been made.

§ 111-109 Removal of vehicle to pound in case of illegal parking in parking stations.

Any vehicle found parked overtime in any parking station, or in violation of any of the provisions of this article, may be removed, towed or conveyed by or at the direction of a member of the Rochester Police Department to any vehicle pound, and such removal shall be deemed the abatement of a nuisance and at the risk of the owner. Such owner or person entitled to possession of the vehicle so removed and stored may redeem the same by the payment of the redemption and storage fees established in § 111-72 to the Chief of Police. Nothing herein contained shall be construed to prohibit a police officer or other person authorized to issue parking violation tickets from affixing to a vehicle to be removed a parking violation ticket.

§ 111-110 Collection of deposits in parking stations.

The Parking Director shall take necessary and proper steps to collect all deposits in parking meters or paystations in parking stations.

§ 111-111 Regulations governing the use of parking stations.

- A. No person shall park a vehicle or allow a vehicle to be parked in a parking station without immediately paying through use of the parking meter or paystation the amount prescribed for use of the specific parking space for the period for which he or she wishes to park.
- B. No person shall park a vehicle overtime in any parking station or in violation of the provisions of this article.
- C. No person shall park a vehicle so that any part of said vehicle extends beyond the boundaries of an individual parking space in a parking station, as indicated by markings or logs separating such individual parking spaces.
- D. No person shall deposit in any parking meter or paystation any slug, device or substitute for a coin of the United States of America, or unauthorized or invalid bank card, or deface, injure, damage, tamper with, break, destroy or impair the usefulness of any parking meter or paystation installed under the pro-

vision of this article; nor shall any person assist or participate in any such act.

- E. No person shall park a vehicle which does not bear a current state license plate in any such parking station.
- F. No vehicle exceeding 20 feet in length shall be parked in any parking space in a parking station.
- G. No vehicle shall be parked perpendicular to the designated lines in any parking station.
- H. No vehicle in excess of seven feet in width shall be parked in a parking station unless it is parked in two contiguous parking spaces in such a manner as to provide adequate clearance for vehicles using adjacent parking spaces and the person so parking such vehicle shall have paid for parking in each of said spaces.
- I. No person shall park a vehicle in any parking space in said parking stations for the purpose of advertising.
- J. No person shall stop, stand or park a vehicle in a parking space designated for handicapped parking unless the vehicle bears a valid parking permit for handicapped persons or a special motor vehicle registration for vehicles owned by severely disabled persons and such vehicle is being used for the transportation of a severely disabled or handicapped person.
- K. No person shall park a vehicle in a parking space designated for parking for authorized vehicles only without displaying on said vehicle the proper authorization, nor shall any person park a vehicle in a parking station in violation of a regulation established for such parking station by the Parking Director, provided that a sign is placed in such parking station informing parkers of such regulation.

§ 111-112 Application of receipts from parking stations.

The City Treasurer shall deposit the receipts received under and by virtue of the provisions of this article in the parking fund to be used for the purpose of purchasing and maintaining parking fee collection devices, administration and enforcement of the provisions of this code relating to traffic and the maintenance, upkeep, improvement and repair of parking stations and for traffic control. This section shall not apply to receipts from parking lots at the Port of Rochester, which receipts shall be deposited in the general fund.

§ 111-113 Parking rates for parking stations.

The following rates are established for parking in parking stations:

CLASS				
MINUTES	2	5	12	15
COST	\$0.05	\$0.10	\$0.25	\$0.30

CLASS				
MINUTES	24	30	48	60
COST	\$0.50	\$0.65	\$1.00	\$1.25

CLASS	A	B
MINUTES	120	600
COST	\$2.50	\$12.50

Section 5. Section 111-117 of the Municipal Code, Definitions, as amended, is hereby further amended by amending the definition of PARKING METER SPACE to read in its entirety as follows and by adding thereto where it should appear in alphabetical order the following new definition of PAYSTATION:

PARKING METER SPACE - A parking space within a parking garage at which parking is controlled by use of a parking meter or paystation.

PAYSTATION - A mechanical device which dispenses receipts that permit legal parking for a designated period of time in parking spaces in designated parking garages, upon payment of the prescribed fees.

Section 6. Section 111-119 of the Municipal Code, Fees for use of space in parking garages and hours of operation, as amended, is hereby further amended by amending the first sentence of subsection A(1) to read in its entirety as follows:

Short-term rates, which shall apply from 6:00 a.m. or 6:30 a.m. to garage closing, depending upon the garage schedule: \$1 for the first 2 hours, and \$1 for each hour thereafter, or any part thereof, up to the daily maximum.

Section 7. Section 111-119 of the Municipal Code, is hereby further amended by amending subsection A(6)(f) to read in its entirety as follows:

(f) Mortimer Street Garage: \$35 for parking in the garage and in the surface lot.

Section 8. Section 111-119 of the Municipal Code is hereby further amended by repealing subsection A(8) and subsections C(1) and (2) thereof.

Section 9. Section 111-120 of the Municipal Code is hereby amended by changing the title from "Lot tickets" to "Lost tickets".

Section 10. Section 111-121 of the Municipal Code, Regulations for use of public parking garages, as amended, is hereby further amended by amending subsection C thereof to read in its entirety as follows:

C. No person shall deposit or attempt payment of parking fees due with any slug, device or substitute for a coin of the United States of America, or unauthorized or invalid bank card, or deface, injure, damage, tamper with,

break, destroy or impair the usefulness of any public parking garage equipment, nor shall any person assist or participate in any such act.

Section 11. Section 111-121 of the Municipal Code is hereby further amended by repealing subsection K thereof.

Section 12. Section 111-121 of the Municipal Code is hereby further amended by amending subsection Q thereof to read in its entirety as follows:

Q. No person shall park a vehicle or allow a vehicle to be parked in a parking meter space in a parking garage without immediately paying through use of the parking meter or paystation the amount prescribed for use of the specific parking space for the period for which he or she wishes to park

Section 13. This ordinance shall take effect on July 1, 2010.

Passed unanimously.

Introductory No. 272

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO CRIMINAL HISTORY RECORD CHECKS TO BE CONDUCTED IN CONNECTION WITH EMPLOYMENT

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 2-11:

Section 2-11. Criminal history record checks in connection with employment.

Applicants for all full-time employment positions 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 state and federal criminal history records checks and the Mayor is authorized to enter into an agreement for such purpose. The fees for such records checks shall be the responsibility of the applicants. The information secured as a result of said records checks shall be reviewed by the Department Head, Director of Human Resource Management, and the Corporation Counsel, or their designees, for recommendation to the Civil Service Commission. If a prospective employee has been convicted of a felony and/or a misdemeanor, any decision regarding such prospective employee'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 im-

mediately.

Item held in Committee.

Councilmember Conklin moved to discharge Introductory No. 202 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - Councilmember Spaul - 1.

Councilmember Conklin moved to amend Introductory 202 by substituting Introductory No. 202A.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - Councilmember Spaul - 1.

The transmittal for Introductory No. 202A appears on page 193 of the current Council Proceedings.

Ordinance No. 2010-196
(Int. No. 202A)

Amending The Municipal Code With Respect To Towing

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

Section 1. Section 108A-3 of the Municipal Code, Application procedure; license requirements, as amended, is hereby further amended to read in its entirety as follows:

Section 108A-3. Application procedure; license requirements.

- A. An application for a towing company license shall be made to the Chief of Police on forms prescribed by the Chief of Police. The application shall contain the name and address of the owner and operator of the towing company, as well as the name and address of the owner of the premises where the towing company is to be located and of the premises where towed vehicles are to be stored. Where the owner is not directly involved with the day-to-day operation of said towing company, the operator must also be included on the application. If a partnership, corporation or other business association is involved, the names and addresses of the partners, officers or principals shall be listed on the application, and the application must

designate an operator who is involved in the day-to-day operation of the towing company. All addresses of persons involved shall be home addresses, listing street and number. The application shall also contain a complete listing of all towing and storage fees to be charged by the towing company. The Chief of Police may require such additional information as may be necessary in order to enforce this chapter and to ensure the safety of all persons.

- B. The application shall contain the address of the towing company and of the location where towed vehicles are to be stored and the telephone number called to retrieve towed vehicles. The application shall also contain the hours during which the towing company will be open for towing and for retrieval of towed vehicles. All towing company premises, including the location of the towing company and the location where towed vehicles are to be stored, shall be in compliance with zoning, building, fire, safety and property maintenance codes.
- C. Upon receipt of an application for a towing company license, the Chief of Police shall cause an inspection to be made by the appropriate authorities of the location of the towing company and of the premises where towed vehicles are to be stored, to determine compliance with zoning, building, fire, safety and property maintenance codes and whether public safety problems exist, and the Chief of Police shall cause an investigation to be made of the background of the owner and the operator of the towing company. The Chief of Police and his or her representatives shall have the right to enter upon all such premises for the purpose of making such inspections during normal business hours.
- D. The application shall also contain a complete listing of the vehicle make, year and license plate number of all towing vehicles to be used or operated by the applicant. All such towing vehicles shall have a properly affixed and current New York State motor vehicle inspection sticker.
- E. Any towing company that tows motor vehicles without permission of the vehicle owner, from privately owned property in the City of Rochester, other than property which is solely residential and contains fewer than five residential units, shall list on its application the owner and address of every private property that it tows from and shall list the storage facility to which such vehicles will be towed.
- F. The application shall also contain a complete listing of all drivers of towing vehicles and each driver's New York State driver's license number.
- G. Any changes in any facts or information

required on said application occurring after filing and before any action is taken on the application thereof shall be reported by the licensee in writing to the Chief of Police immediately.

Section 2. Section 108A-4 of the Municipal Code, Operation of towing companies, as amended, is hereby further amended by adding the following new sentence to the end of Subsection J thereof:

Such records shall be available for review at the towing company's premises by the Police Department immediately upon demand.

Section 3. Section 108A-4 of the Municipal Code, Operation of towing companies, as amended, is hereby further amended by adding thereto the following new subsection:

M. The towing company's storage facility shall be clearly marked and identified by proper signage which is in compliance with all zoning requirements and that is visible from the roadway, so that the owner or operator of a towed vehicle can easily recognize the location where a vehicle is stored.

Section 4. Section 108A-5 of the Municipal Code, License fees, as amended, is hereby further amended by deleting the annual license fee of "\$150" and by inserting in its place an annual license fee of "\$[500] 350".

[Section 5. Section 108A-7 of the Municipal Code, Towing from private property without the vehicle owner's permission, as amended, is hereby further amended by amending subsection B to read in its entirety as follows:

B. In no event shall a towing company charge a fee in excess of \$120 for towing, without permission of the vehicle owner, of passenger vehicles, including cars, pickup trucks and passenger vans, or motorcycles or minibikes, from privately owned property in the City. Storage fees for such towed vehicles shall not exceed the storage fees charged at the City Auto Pound pursuant to § 111-72G of the Municipal Code, and no storage fees shall be charged for the first 24 hours after the vehicle is delivered to the storage lot. No mileage fees or fees for an additional person or additional fees of any type shall be charged for such tows. A towing company must be open to allow the retrieval of such towed vehicles between 9:00 a.m. and 5:00 p.m. daily or whenever such company provides towing services, whichever time period is greater.]

Section [6] 5. Section 108A-7 of the Municipal Code is hereby further amended by adding thereto the following new subsections:

G. Any towing or storage charges accrued by the vehicle owner or operator shall be payable by the use of any major bank credit card or debit card, in addition to being pay-

able in cash. The towing company must have enough bills and coins available to provide change on bills of \$100. or less.

H. (1) No towing company, officer, employee, subcontractor or agent shall remove or cause the removal of a vehicle from private property unless, at the time the vehicle is to be removed:

- (a) the property owner signs written authorization for removal of the vehicle by the towing company; or
- (b) a current written agreement exists between the property owner and the towing company authorizing removal of illegally parked or unauthorized vehicles from the property.

(2) The written authorization for removal required by Subsection (1)(a) must contain:

- (a) a description of the vehicle to be removed, including the year, make, model, color, state license plate number, and vehicle identification number of the vehicle;
- (b) the date and time of the vehicle's removal;
- (c) the location from which the vehicle is removed;
- (d) the reasons for removing the vehicle; and
- (e) the signature of the property owner.

(3) The written agreement required by Subsection (1)(b) must:

- (a) contain a clear election, signed by the property owner or the property owner's duly authorized agent, which cannot be an officer or employee of the towing company, as to whether the towing company is authorized to remove illegally parked and unauthorized vehicles from the property at all times or only during the normal business hours of the property owner; and
- (b) be renewed at least annually and whenever there is a change in ownership of the property.

Section [7] 6. Section 108A-8 of the Municipal Code, Denial of License, as amended, is hereby further amended by adding thereto the following new Subsection C:

C. When the investigation 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 license. The conditional license shall state the grounds for the conditional license, 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 license, as solely determined by the City of Rochester, shall be deemed to be grounds for revoking the conditional license.

Section [8] 7. Section 108A-10 of the Municipal Code, Exemptions, is hereby amended by adding to the end thereof the following new sentence:

This chapter shall not apply to the lawful repossession of vehicles where the required notice has been provided pursuant to §425 of the New York State Vehicle and Traffic Law.

Section 8. City staff, to include representatives from the Law Department, the Rochester Police Department, and the City Clerk's Office, shall review the remaining portions of Int. No. 202, solicit input from City-licensed towers and property owners, and report back to the City Council by September, 2010, regarding any additional changes to City Code Chapter 108A--Towing that should be considered.

Section 9. Sections 7 and 8 of this ordinance shall take effect immediately. Sections 1 through [7] 6 of this ordinance shall take effect on September 1, 2010, and the requirements and fees established therein shall be in effect for all applications and renewals for licenses submitted at any time for the 2010-11 licensing year.

Substituted in its entirety for Introductory No. 202.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - Councilmember Spaul - 1.

Councilmember Conklin moved to discharge Introductory No. 203 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

Councilmember Conklin moved to amend Introductory No. 203.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

The transmittal for Introductory No. 203 appears on page 193 of the current Council Proceedings.

Ordinance No. 2010-197
(Int. No. 203, As Amended)

Amending The Municipal Code With Respect To Licenses

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

Section 1. Section 68-1 of the Municipal Code, Licenses and permits, as amended, is hereby further amended by deleting the following references from the chart contained therein :

- Chapter 28 Ambulance Service Operator
- Chapter 35 Bill Posting and Advertising
- Chapter 36A Body Rub Parlors
- Chapter 51 Employment Agencies
- Chapter 65 Junk Dealers
- Chapter 71 Miscellaneous Trades

Section 2. Section 68-1 is hereby further amended by adding to the chart contained therein where it should appear in numerical order the reference "Chapter 108A Towing".

Section 3. Section 34-6 of the Municipal Code, Regulations, as amended, is hereby further amended by repealing Subsection A thereof.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

By Councilmember Palumbo
June 15, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 221 - Authorizing The Sale Of Real Estate And Amending Ordinances, As Amended

Int. No. 222 - Authorizing Additional Funding For The Housing Opportunities For Persons With AIDS Program

Int. No. 223 - Authorizing An Agreement For The Rochester Walks Program

Int. No. 224 - Authorizing An Agreement For The Lead Hazard Reduction Demonstration Grant Program

Int. No. 225 - Authorizing Agreements For The Emergency Shelter Grant Program And Amending Ordinance No. 2008-213

Int. No. 226 - Establishing Maximum Compensation For A Professional Services Agreement For A Public Market Mural

Int. No. 227 - Authorizing An Application And Agreement For A Brownfields Economic Development Initiative Grant For The Midtown Plaza Revitalization Project

Int. No. 229 - Appropriating Funds And Authorizing Agreements For The Home Rochester Program

Int. No. 248 - Authorizing An Agreement For The Exterior And Security Rehabilitation Program

Int. No. 276 - Approving A Loan Agreement For The Asian Court Rental Project

Int. No. 277 - Amending The Official Map By Abandonment Of A Portion Of Mortimer Street And Authorizing Its Sale For Construction Of A Transit Center, And Changing The Traffic Flow On Mortimer Street From St. Paul Street To North Clinton Avenue From Two-Way To One-Way Eastbound

Int. No. 228 - Approving Business Programs

The Neighborhood & Business Development Committee recommends for consideration the following entitled legislation:

Int. No. 230 - Changing The Zoning Classification Of 5, 7-9, 11 And 13 Sigel Street From R-2 Medium Density Residential And 17-25 Bay Street From C-1 Neighborhood Center To C-2 Community Center

Int. No. 249 - Approving The Consolidated Community Development Plan/2010-2014 Five Year Strategic Plan And 2010-11 Annual Action Plan

Int. No. 250 - Authorizing Submission Of The Consolidated Community Development Plan/2010-2014 Five Year Strategic Plan And 2010-11 Annual Action Plan And Execution Of Grant Agreements With The United States Department Of Housing And Urban Development

Int. No. 251 - Appropriation Of Funds For The City Development Fund

Int. No. 252 - Authorizing Amendatory Community Development Program Plans And Amending Ordinances

Int. No. 253 - Authorizing Amendatory HOME Program Plans And Amending Ordinances

Int. No. 254 - Amending Ordinances Relating To The Appropriation Of Funds For The Neighbors Building Neighborhoods Program

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin (*Voted against Int. No. 277*)
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul (*Abstained on Int. No. 225*)
NEIGHBORHOOD & BUSINESS COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-198
Re: Sale of Real Estate and
Amending Prior Ordinances

Transmitted herewith for your approval is legislation approving the sale of four properties and amending ordinances related to the Eastman Commons Rental Project. 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 Bureau of Inspection and Compliance Services 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 was sold at the July 13, 2009 public auction. The purchaser will be required to complete the rehabilitation of the structure within nine months of conditional closing.

The next two properties are buildable vacant lots being sold at appraised value to their respective adjoining owners. Both owners plan to combine the parcels they are purchasing with their currently owned properties.

The last property is an unbuildable vacant lot being sold for \$1 to an adjacent owner who will combine the parcel with their own lot.

The first year projected tax revenue for these properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,694.

All City taxes and other charges, except water charges, against properties being sold by the City will be cancelled 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.

Three ordinances relating to the Eastman Commons Rental Project are also being amended to change the name of the developer from Eastman Commons Housing Development Fund Corporation to 1630 Dewey Avenue Housing Development Fund Corp., an affiliate of Common Ground Community. Common Ground Community, a national nonprofit developer of supportive housing, has been a cosponsor of the Eastman Commons project from the beginning. In order to meet the requirements of the

tax credit financing, it was mutually decided that Common Ground would become lead sponsor of the project in place of Eastman Commons Community, Inc.

Eastman Commons Community, Inc., whose director is David Agostinelli, will remain involved in the project in a supporting role.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-69

Ordinance No. 2010-198
(Int. No. 221, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinances

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 Use	S.B.L.# Price	Lot Size Purchaser
75 Berlin St 1 Family	106.24-1-20 \$9,200	32x107 M. Austin

Section 2. The Council hereby approves the negotiated sale of the following parcels of buildable vacant land:

Address Sq. Ft.	S.B.L.# Price	Lot Size Purchaser
51 Hoeltzer St 6,098	106.39-2-23.2 \$475	50x99 T. Smalls
43 Selye Ter 4,838	90.83-1-39 \$425	41x118 P. Tamburello

Section 3. The Council hereby approves the sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address Sq. Ft.	S.B.L.# Price	Lot Size Purchaser
350 First St 3,185	106.43-3-59 \$1.00	35x91 B. & R. Hardaway

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.

Section 5. Ordinance No. 2010-44, approving a loan for the Eastman Commons Rental Project; Ordinance No. 2010-45, authorizing a property tax exemption for the Eastman Commons Rental Project; and Ordinance No. 2007-30, authorizing the sale of real estate at 149 and 161 Palm Street to

Eastman Commons Housing Development Fund Corporation, are all hereby amended to substitute 1630 Dewey Avenue Housing Development Fund Corp. for and in place of Eastman Commons Housing Development Fund Corporation.

Section 6. Ordinance No. 2007-242, authorizing the sale of real estate, is hereby amended by changing the address and SBL Number of 56 Orange Street to 56 Grape Street, SBL #105.84-1-62.1 in Section 1 thereof.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-199
Re: 2010-11 Housing Opportunities for Persons with AIDS - Appropriation Of Additional Funds

Transmitted herewith for your approval is legislation appropriating additional funds and authorizing amendatory agreements for the Housing Opportunities for Persons with AIDS (HOPWA) program. This legislation will:

1. Appropriate \$49,180 from the Housing Opportunities for Members of Protected Classes and Low/Mod Households allocation of the 2010-11 Consolidated Community Development Plan Promote Housing Choice Fund.
2. Authorize amendatory agreements with two providers as follows:
 - a. Increase maximum compensation for AC Center, Inc. d/b/a AIDS Care by \$30,491, bringing the total for the agreement to \$822,559. The cost of this increase will be funded from the 2010-11 HOPWA appropriation above;
 - b. Increase maximum compensation for Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services by \$18,689, bringing the total for the agreement to \$504,150. This increase will be funded from the 2010-11 HOPWA appropriation above.

The agreements with Aids Care and Catholic Charities Community Services were originally authorized in March 2010 (Ord. No. 2010-73) and were funded with 2009-10 HOPWA funds. These agreements were authorized for a period of 15 months in order to bring agreement terms and reporting periods in line with the Consolidated Plan fiscal year; it was anticipated that the 2010-11 allocation would be equal to the 2009-10 allocation. However, HUD has allocated a larger amount for 2010-11, necessitating these amendments.

The objective of HOPWA is to provide housing assistance and services to individuals with HIV/AIDS and related complications and their families. This legislation supports the *Promote Housing Choice* objective of the City Housing Policy.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-199
(Inc. No. 222)

Authorizing Additional Funding For The Housing Opportunities For Persons With AIDS Program

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

Section 1. In addition to the funding authorized in Ordinance No. 2010-73, the Mayor is hereby authorized to enter into agreements to provide additional funding with the following organizations for services under the Housing Opportunities for Persons with AIDS Program:

<u>Organization</u>	<u>Amount</u>
AC Center, Inc., d/b/a AIDS Care	\$30,491
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	18,689

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$49,180, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Housing Opportunities for Persons with AIDS Account) of the 2010-11 Housing Opportunities for Persons with AIDS Grant.

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 Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None -0.

Councilmember Haag abstained because his partner is employed by one of the agencies receiving funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-200
Re: Agreement - University of Rochester,
Rochester Walks

Transmitted herewith for your approval is legislation establishing \$69,622 as annual maximum compensation for a four year agreement with the University of Rochester (Center for Community Health) to implement the Rochester Walks program, and appropriating the remaining balance of \$287,000 of a grant from the New York State Department of Health/Healthy Heart Program grant (NYS HEALD) to fund the agreement. The grant, totaling \$358,875, was awarded to the City in 2009. The funding for the first year of the program, and the agreement for 2009-10 with the University, were authorized in December 2009 (Ord. No. 2009-443).

Rochester Walks is a City program to encourage physical exercise in the Focused Investment Strategy neighborhoods. This will be accomplished through the creation and/or enhancement of walking routes to key destinations in the neighborhoods. Rochester Walks will also engage residents in developing and implementing physical activity programming that is specific to their needs and that addresses their particular barriers to physical activity.

The five-year budget for the program is summarized below:

	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	
	<u>2012-13</u>	<u>2013-14</u>	<u>Total</u>	
City	\$ 2,153	\$ 2,153	\$ 2,153	
	\$ 2,153	\$ 2,153	\$ 10,765	
UR				
Project Coordinators	\$60,000	\$60,000	\$60,000	
	\$60,000	\$60,000	\$300,000	
Overhead/travel	<u>9,622</u>	<u>9,622</u>	<u>9,622</u>	
	<u>9,622</u>	<u>9,622</u>	<u>48,110</u>	
UR Total	<u>\$69,622</u>	<u>\$69,622</u>	<u>\$69,622</u>	
	<u>\$69,622</u>	<u>\$69,622</u>	<u>\$348,110</u>	
Grand Total	\$71,775	\$71,775	\$71,775	
	\$71,775	\$71,775	\$358,875	

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-200
(Int. No. 223)

Authorizing An Agreement For The Rochester Walks 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 University of Rochester to implement the Rochester Walks Pro-

gram for a term of four years.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$69,622 annually. The sum of \$287,000 is hereby appropriated from New York Department of Health Healthy Heart Program Grant Funds to fund this agreement and City 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 by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None -0.

Councilmember Haag abstained because his partner is employed by one of the agencies receiving funding.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-201
Re: Agreement - Environmental Education Associates, Inc., Lead Hazard Reduction Demonstration Program

Transmitted herewith for your approval is legislation authorizing \$40,000 as maximum compensation for an agreement with Environmental Education Associates, Inc. (EEA) for lead hazard reduction training services. This agreement is to be funded from the City's 2008 Lead Hazard Reduction Demonstration Program. The term of the agreement will be for one year beginning June 1, 2010.

The 2008 program did include training services in a work plan and budget that was approved by HUD. However, due to low market demand at the time, it was decided to delay training services to allow for the possibility of reprogramming these funds for an alternate activity. New regulations have created a high demand for training.

As of April 22, 2010, any paid contractor undertaking lead hazard control activities must maintain EPA certification and successfully completed the course, USEPA/HUD Certified - Lead Safety for Renovation, Repair and Painting. There is major demand for this certification, which affects the City's entire contractor base that offers lead hazard control services. These funds will enable the training required for certification over the next six to twelve months.

Council most recently approved an agreement for these services with EEA in March 2010. EEA was selected through a request for proposal process.

Two courses will be offered: Lead Safety for Renovation, Repair and Painting: Initial; and Lead Safety for Renovation, Repair and Painting: Refresher. The refresher course is designed for contractors that maintain EPA certification as lead abatement contractors, in which case, they are only required to receive four hours of course work to comply with the EPA RRP requirement. It is estimated that 21 contractors will complete one of the two courses to maintain their EPA certification.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-201
(Int. No. 224)

Authorizing An Agreement For The Lead Hazard Reduction Demonstration 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 Environmental Education Associates, Inc. for training services for the 2008 Lead Hazard Reduction Demonstration Grant Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation of 2008 Lead Hazard Reduction Demonstration Grant Program Funds made in Ordinance No. 2009-101.

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. 2010-202
Re: 2010-11 Emergency Shelter Grant Program (ESG) Service Agreements

Transmitted herewith for your approval is legislation related to the Emergency Shelter Grant (ESG) Program. This legislation will:

1. Appropriate a total of \$402,135 from the ESG allocation of the Housing Choice Fund of the 2010-11 Consolidated Community Development plan;
2. Establish maximum compensation for agreements with service providers as summarized below;
3. Amend Ordinance No. 2008-213 to reappropriate \$8,437 in unused funds from the

ESG allocation of the General Community Needs Fund of the 2008-09 Consolidated Community Development Plan to partially fund the agreement with Alternatives for Battered Women, Inc. The amendment will reduce amounts of the original appropriations for the following agencies:

<u>Agency</u>	<u>Amount</u>
Catholic Charities	\$ 2
Dimitri House	49
Enriche House	2,018
Hillside Children's Center	55
Mercy Residential/Families First	195
Mercy Residential/Melita House	254
Sojourner House	<u>5,864</u>
Total	\$ 8,437

Agreements and allocations for the 2010-11 ESG program are as follows:

<u>Agency</u>	<u>Allocation</u>
Alternatives for Battered Women, Inc.	\$ 13,053
Baden Street Settlement of Rochester, Inc.	20,000
Catherine McAuley Housing d/b/a Mercy Residential Services	
Families First Transitional Housing	13,000
Melita House Emergency Housing	13,000
Catholic Charities of Diocese of Rochester d/b/a Catholic Charities Community Services	20,000
Catholic Family Center - Francis Center	15,000
Catholic Family Center - Sanctuary House	15,000
Catholic Family Center - Women's Place	15,000
Dimitri House, Inc.	20,000
Recovery Houses of Rochester, Inc.	25,000
Rochester Area Interfaith Hospitality Network, Inc.	22,814
Sojourner House at PathStone, Inc.	30,458
Spiritus Christi Prison Outreach, Inc. - Jennifer House	15,000
Spiritus Christi Prison Outreach, Inc. - Nielson House	15,000
The Center for Youth Services, Inc.	30,000
The Community Place of Greater Rochester, Inc.	20,000
The Salvation Army a New York Corporation/Booth Haven	37,810
Volunteers of America of Western New York, Inc.	20,000
Wilson Commencement Park	20,000
YWCA of Rochester and Monroe County	<u>22,000</u>
Total	\$402,135

The ESG program provides housing opportunities and support services for individuals and their families that are homeless or at risk of homelessness. Eligible activities include:

Essential Services: Case management to address the needs of homeless persons living on the street, in emergency shelter or in transitional housing.

Operating Costs: A broad array of emergency shelter and transitional housing operating costs.

Homeless Prevention Activities: Financial assistance (rent or utility arrears) to prevent eviction.

Attached are three documents that provide background and details regarding the request for proposal solicitation and review process.

This legislation supports the *Promote Housing Choice* section of the City Housing Policy.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-70

Ordinance No. 2010-202
(Int. No. 225)

Authorizing Agreements For The Emergency Shelter Grant Program And Amending Ordinance No. 2008-213

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, Inc.	\$21,490
Baden Street Settlement of Rochester, Inc.	20,000
Catherine McAuley Housing d/b/a Mercy Residential Services/Families First	13,000
Catherine McAuley Housing d/b/a Mercy Residential Services /Melita House	13,000
Catholic Charities of the Diocese of Rochester d/b/a Catholic Charities Community Services	20,000
Catholic Family Center/Francis Center	15,000
Catholic Family Center/Sanctuary House	15,000
Catholic Family Center/Women's Place	15,000
Dimitri House, Inc.	20,000
Recovery Houses of Rochester, Inc.	25,000
RAIHN, Inc. (Rochester Area Interfaith Hospitality Network)	22,814
Sojourner House at PathStone, Inc.	30,458
Spiritus Christi Prison Outreach, Inc. - Jennifer House	15,000
Spiritus Christi Prison Outreach, Inc. - Nielsen House	15,000
The Center for Youth Services, Inc.	30,000
The Community Place of Greater Rochester, Inc.	20,000
The Salvation Army, a New York Corp./Booth Haven	37,810
Volunteers of America of Western New York, Inc.	20,000

Wilson Commencement Park 20,000
 YWCA of Rochester and Monroe County 22,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$410,572, and of said amount, or so much thereof as may be necessary, \$8,437 is hereby reappropriated from 2008-09 Emergency Shelter Grant Program Funds and \$402,135 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Emergency Shelter Program Account) of the 2010-11 Emergency Shelter Grant.

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

Section 4. Ordinance No. 2008-213, relating to the 2008-09 Emergency Shelter Grant Program, is hereby amended by reducing the amounts authorized and appropriated therein for the following agreements, which amounts are reappropriated in Section 2 herein:

<u>Organization</u>	<u>Amount</u>
Catholic Charities Community Services	\$ 2
Dimitri House, Inc.	49
Enriche House	2,018
Hillside Children's Center	55
Mercy Residential/Families First	195
Mercy Residential/Melita House	254
Sojourner House	<u>5,864</u>
	\$8,437

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott - 8.

Nays - None - 0.

Councilmember Spauld abstained because she is an employee of one of the agencies receiving funding.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2010-203
 Re: Agreement - PathStone Realty Corporation, Public Market Mural

Transmitted herewith for your approval is legislation establishing \$11,200 as maximum compensation for an agreement with PathStone Realty Corporation of Rochester to provide services related to design, creation and installation of a seven-panel mural on the wall of the facility facing the Trinidad Street parking lot at the Rochester Public Market. The cost of this agreement will be funded from 2008-09 Cash Capital (\$8,200) and the 2009-10 Budget of the Department of Recreation and Youth Services (\$3,000).

PathStone will involve local artists, as well as youth and residents from the Marketview Heights neighborhood in the planning and execution of the project. The mural, *Picture Us*, will depict the history of the Market in a series of panels featuring images with a graffiti, abstract background. PathStone will provide all necessary materials and equipment, and City staff will have final approval of all aspects of the project.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Ordinance No. 2010-203
 (Int. No. 226)

Establishing Maximum Compensation For A Professional Services Agreement For A Public Market Mural

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

Section 1. The sum of \$11,200, 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 PathStone Realty Corporation for the design, creation and installation of a mural on the wall of the Rochester Public Market's Trinidad Street Parking Lot. Of said amount, \$3,000 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services and \$8,200 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2010-204
 Re: Midtown Plaza Revitalization Project

Transmitted herewith for your approval is legislation authorizing an application to and an agreement with the U.S. Department of Housing and Urban Development (HUD) for receipt of a Brownfields Economic Development Initiative (BEDI) grant totaling \$2 million for the Midtown Plaza Revitalization Project.

The grant funds will be used for the development of the PAETEC headquarters. The total cost of the development is anticipated to be \$53 million. The funding sources are being finalized and will consist of new markets tax credits, a Section 108 loan guarantee, PAETEC equity, bonds, and/or conventional financing.

The purpose of the BEDI Program is to enhance the security of loans guaranteed by HUD under the Section 108 Program in order to stimulate development by local governments and the private sector of brownfield sites and return those sites to productive, economic use. The BEDI funds can be util-

ized in a number of ways including, but not limited to, construction and permanent financing, debt service reserve, and a loan loss reserve. The maximum BEDI grant application is limited by HUD to \$2 million. All BEDI grants must be used in conjunction with a new Section 108-guaranteed loan commitment. It is anticipated that the City will apply to HUD for a Section 108 loan guarantee for the PAETEC headquarters during the summer of 2010. City Council authorization for the submission of the Section 108 application will be requested at that time.

Once the City is notified of the amount of the 2010 grant, Council will be asked to appropriate the funds and to amend the Consolidated Plan.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-204
(Int. No. 227)

Authorizing An Application And Agreement For 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 Mayor is hereby authorized to submit an application to and enter into a Brownfields Economic Development Initiative Grant Agreement with the Department of Housing and Urban Development for funding for the Midtown Plaza Revitalization 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. 2010-205
Re: 2009-10 Consolidated Community
Development Plan, Home Rochester
Program

Transmitted herewith for your approval is legislation relating to the Home Rochester Program. This legislation will:

1. Appropriate \$200,000 for development subsidies from the Improving the Housing Stock and General Property Conditions, Home Rochester allocation of the 2009 HOME Program; and
2. Authorize agreements with the Rochester Housing Development Fund Corporation (RHDFC), and with organizations that have

been designated and certified as Community Housing Development Organizations (CHDO).

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. The program is administered by RHDFC.

The appropriation of HOME funds will provide subsidies averaging \$20,000 for the acquisition and rehabilitation of approximately ten vacant structures by participating developers. Developers include the Urban League of Rochester Economic Development Corporation, Pathstone, and the following CHDOs: Marketview Heights Association, NCS Community Development Corporation, Group 14621, North East Area Development, Isla Housing and Development Corporation, South Wedge Planning Committee, and the Ibero-American Development Corporation.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income (MFI). All purchasers are required to attend pre- and post-purchase homebuyer training classes and to reside in the properties for a minimum of ten years.

These programs support the Housing Development Fund objective of the City Housing Policy.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-205
(Int. No. 229)

Appropriating Funds And Authorizing Agreements For The Home Rochester Program

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

Section 1. There is hereby appropriated from 2009 HOME Program funds the sum of \$200,000, or so much thereof as may be necessary, to fund housing development subsidies through the Home Rochester Program by designated Community Housing Development Organizations (CHDOs) and non-profit developers.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDOs and non-profit developers 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-206
Re: Focused Investment Strategy -
Exterior and Security Rehabilitation
Program

Transmitted herewith for your approval is legisla-
tion establishing \$1,150,000 as maximum compen-
sation for an agreement with NCS Community
Development Corporation, Inc. (NCS) for the con-
tinued administration of the Focused Investment
Strategy Exterior and Security Rehabilitation Pro-
gram (ESRP). This agreement will be funded as
follows:

\$400,000 from 2007-08 Cash Capital allocation;

\$250,000 from the Improving the Housing Stock
and General Property Conditions allocation of
the 2007-08 Community Development Block
Grant; and

\$500,000 from the Improving the Housing Stock
and General Property Conditions allocation of
the 2008-09 Community Development Block
Grant.

The most recent Council action for this program
was authorized in May 2009 (Ord. No. 2009-145).

A collaboration of neighborhood-based organiza-
tions, known as joint venture partners (JVPs), have
worked aggressively to market the ESRP to owner-
occupants in their respective FIS-designated neigh-
borhoods. Activities used by JVPs to raise com-
munity awareness of the program in an effort to
enroll property owners include: direct mailings,
announcements at neighborhood meetings, neigh-
borhood walks, door-to-door visits, phone calls,
and e-mails. As a result, 23 owner-occupants have
been enrolled, with an additional 32 applications in
process.

The \$400,000 in Cash Capital funding will be used
by NCS to enroll owner-occupants who exceed the
HUD income guidelines established for CDBG
funding, and will be available for households earn-
ing up to 120% of Area Median Income. This will
provide equivalent resources for moderate income
participants. These funds will serve approximately
ten homeowners, and will include FIS exterior and
security repairs (up to \$20,000 per unit) as well as
costs for lead hazard control (up to \$20,000 per
unit).

The term of the agreement will be for one year
beginning July 1, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-206
(Int. No. 248)

**Authorizing An Agreement For The Exterior
And Security Rehabilitation 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 NCS Community
Development Corporation, Inc. for the Exterior and
Security Rehabilitation Program as a part of the
Focused Investment Strategy.

Section 2. The agreement shall obligate the City
to pay an amount not to exceed \$1,150,000, and of
said amount, or so much thereof as may be neces-
sary, \$250,000 is hereby appropriated from the
Improving the Housing Stock and General Property
Conditions allocation of the 2007-08 Community
Development Program, \$500,000 is hereby approp-
riated from the Improving the Housing Stock and
General Property Conditions allocation of the
2008-09 Community Development Program and
\$400,000 shall be funded from the 2007-08 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 im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-207
Re: Asian Court

Transmitted herewith for your approval is legisla-
tion authorizing a loan agreement with Larry Wong
(55 Brooklawn Drive, Rochester 14618) and ap-
propriating \$80,000 from the HOME allocation
included in the 2009-10 Housing Development
Fund of the Consolidated Community Development
Plan. The loan will be used to support the rehabili-
tation of 1045 South Clinton Avenue.

The project, known as Asian Court, consists of a
commercial space on the ground level, an apart-
ment on the second floor, and a second building
with two residential units. The structures were fire
damaged in January 2009 and purchased by Mr.
Wong in July 2009. The property is located along a
portion of the South Clinton commercial corridor
that has been a focus of a planning process and
revitalization effort. It is anticipated that this de-
velopment will help to spur other investment in the
area. In January 2010, the City provided a \$50,000
short-term loan through the Business Development
Financial Assistance Program to the owner to assist
with repairs due to fire damage, add structural
reinforcement, and restore the building shell. This
loan will be paid off with funds from the private
loan noted below as project sources of funds.

The City's HOME funds will be used to help reha-
bilitate the residential units into affordable housing
for households with incomes under 50% AMI. The
total development of the project is \$215,000. Be-
low is the budget for the project.

Costs:	Acquisition	\$ 55,000
	Takeout of City Loan	50,000
	Soft Costs	7,800
	Construction	88,860
	Contingency	<u>13,340</u>
	Total	\$215,000
Sources:	Equity	\$ 85,000
	Private Loan	50,000
	HOME	<u>80,000</u>
	Total	\$215,000

The City funding of \$80,000 will be used as construction financing at 0% interest. At the end of construction, \$40,000 will be converted to a fifteen-year permanent loan at 1% interest. The remaining \$40,000 will become a grant to the project. The project is expected to commence in July and be completed by the fall of 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-207
(Int. No. 276)

Approving A Loan Agreement For The Asian Court Rental 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 Larry Wong whereby the City shall provide a loan to partially finance the costs of the reconstruction of rental units as a part of the Asian Court Rental Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, \$40,000 of the loan may be converted to a 15 year loan with interest at the rate of 1%, payable annually, and \$40,000 shall be converted into a grant. Payment of 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 or for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$80,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 HOME Program Funds.

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. 2010-208
Re: Actions in Support of a Transit Center

Transmitted herewith for your approval is legislation approving the abandonment and subsequent sale, and change in traffic flow, of portions of Mortimer Street in support of the construction of a Transit Center by the Rochester Genesee Regional Transportation Authority (RGRTA). This legislation is in compliance with the commitment set forth in Resolution No. 2010-16, adopted at the May 11, 2010 meeting.

The portion of Mortimer Street to be abandoned comprises a strip of approximately 25 feet along the north side from St. Paul Street to North Clinton Avenue. The abandonment is necessary to accommodate the footprint of the Transit Center on the site. The abandonment will be subject to RGRTA compliance with the conditions identified in Resolution No. 2010-16 and relocation of utilities on the site, and obtaining a Federal Transit Administration determination that a Finding of No Significant Impact with respect to the Transit Center Project is appropriate under the National Environmental Protection Act. The legislation further requires that the Transit Center Project proceed in accordance with the Schedule of Public Outreach Activities which is submitted herewith. The traffic flow on the remaining portion of Mortimer Street from St. Paul Street to North Clinton Avenue will be changed to one-way eastbound to allow for traffic and bus parking. RGRTA shall be responsible for the relocation of utilities and necessary street modifications for the abandonment and traffic change as required by the City Engineer.

The legislation also approves the sale of the City-owned abandonment area to the RGRTA for the sum of \$1.00 for use in connection with the construction of the Transit Center.

The City Planning Commission will review this abandonment at its meeting of June 14, 2010. A copy of the recommendation of the Commission will be provided to the Council prior to its meeting. RGRTA, as lead agency, has made a negative declaration pursuant to Article 8 of the New York State Environmental Conservation Law and no environmental action by the Council is required.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-71

Ordinance No. 2010-208
(Int. No. 277)

Amending The Official Map By Abandonment Of A Portion Of Mortimer Street And Authorizing Its Sale For Construction Of A Transit Center, And Changing The Traffic Flow On Mortimer Street From St. Paul Street To North Clinton Avenue From Two-Way To One-Way Eastbound

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 Mortimer Street:

All that tract or parcel of land, situated in the City of Rochester, County of Monroe, and State of New York, and being more described as follows:

Beginning on the easterly right of way of St. Paul Street (row varies) with its intersection with the northerly right of way of Mortimer Street (61' row); thence,

1. North 72°18'19" east, along the northerly right of way of Mortimer Street, a distance of 612.58 feet to a point, said point is the intersection of the northerly right of way of Mortimer Street with the westerly right of way of North Clinton Avenue, (66' row); thence,
2. South 17°14'25" east, a distance of 25.00 feet to a point; thence,
3. South 72°18'19" west, a distance of 612.35 feet a point on the projection of the easterly right of way of St. Paul Street; thence,
4. North 17°46'49" west, along the projection of the easterly right of way of St. Paul Street, a distance of 25.00 feet to the point of beginning, encompassing 15,312 sq. ft., or 0.352 acres of land, more or less.

Intending to describe the northerly 25 feet of Mortimer Street from the easterly right of way of St. Paul Street to the westerly right of way of North Clinton Avenue.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the following conditions:

- The Transit Center Project supported by this Ordinance proceeds in accordance with Council Resolution No. 2010-16.
- The Federal Transit Administration determines that a Finding of No Significant Impact with respect to the Transit Center Project is appropriate under the National Environmental Protection Act.
- The Transit Center Project proceeds in accordance with the Schedule of Public Outreach Activities submitted to the City Clerk with the Transmittal for this Ordinance.
- RGRTA and the City engage in discussions to determine the involvement in the Transit Center Project of the City-owned property adjacent to the Mortimer Street Garage; provided, however, that both parties acknowledge that separate review under the State Environmental Quality Review Act and the National

Environmental Protection Act would be required in order to include such City-owned property in the Transit Center Project; and that the inclusion of such City-owned property in the Transit Center Project is not a condition to this Ordinance.

- RGRTA acknowledges that it has responsibility for the safety and security of the Transit Center, and the City is willing to provide assistance to RGRTA in fulfilling that responsibility and will discuss with RGRTA the level and nature of such assistance.
- RGRTA shall be responsible for the relocation of utilities and necessary street modifications for the abandonment and traffic change as required by the City Engineer.

Section 3. Upon abandonment of the portion of Mortimer Street as authorized herein, the Council hereby approves the sale of the City-owned abandonment area to the Rochester-Genesee Regional Transit Authority (RGRTA) for the sum of \$1.00 for use in connection with the construction of a Transit Center.

Section 4. The Council hereby further approves a change in the traffic flow of Mortimer Street from St. Paul Street to North Clinton Avenue from two-way to one-way eastbound as part of the Transit Center Project.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Ortiz, Palumbo, Scott, Spaul - 7.

Nays - Councilmembers Conklin, Miller - 2.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-209
Re: 2010-11 Consolidated Community
Development Plan, Business
Programs

Transmitted herewith for your approval is legislation related to the City of Rochester's Business Programs. This legislation will:

1. Appropriate a total of \$1,116,996 from the Promoting Economic Stability Objective of the 2010-11 Community Development Block Grant to fund business programs;
2. Appropriate and re-appropriate a total of \$851,410 from previous annual CDBGs (1995-96 through 2008-09) for Business Programs, as summarized in separate legislation before you related to the 2010-11 Consolidated Plan;
3. Authorize agreements necessary to implement the following specific programs; and

4. Authorize the Director of Finance to make adjustments to the reprogrammed amounts set forth below which may have changed prior to the date of this ordinance.

<u>Program</u>	<u>CDBG Year</u>	<u>Amount</u>
ED Financial Assistance Loan & Grant Programs	1995-96	\$ 58,042.00
	1996-97	9,723.96
	1997-98	2,121.11
	1998-99	2,000.00
	1999-2000	7,990.62
	2000-01	7,176.51
	2001-02	108,773.70
	2002-03	23,382.60
	2003-04	68,133.68
	2004-05	104,065.82
	2010-11	<u>456,996.00</u>
Total		\$848,406.00

Section 108 Loan Loss Reserve
2010-11 \$300,000.00

<u>Targeted Façade Improvement Program</u>		
	2004-05	\$ 24,368.19
	2005-06	196,209.24
	2006-07	106,880.39
	2007-08	29,424.25
	2008-09	<u>3,117.93</u>
Total		\$360,000.00

Neighborhood Commercial Assistance Program
2010-11 \$360,000.00

Brownfields Cleanup Revolving Loan Program
2006-07 \$100,000.00

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-72

Ordinance No. 2010-209
(Int. No. 228)

Approving Business Programs

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

Section 1. There is hereby appropriated from the following accounts of the Community Development Block Grants the sum of \$1,968,406, or so much thereof as may be necessary, to fund the following programs:

<u>Account/Program</u>	<u>Consolidated Plan</u>	<u>Amount</u>
ED Financial Assistance Loan & Grant Programs	1995-96	\$ 58,042.00
	1996-97	9,723.96
	1997-98	2,121.11
	1998-99	2,000.00
	1999-2000	7,990.62

2000-01	7,176.51
2001-02	108,773.70
2002-03	23,382.60
2003-04	68,133.68
2004-05	104,065.82
2010-11	<u>456,996.00</u>
Total	\$848,406.00

Section 108 Loan Loss Reserve
2010-11 \$300,000.00

<u>Targeted Façade Improvement Program</u>		
	2004-05	\$ 24,368.19
	2005-06	196,209.24
	2006-07	106,880.39
	2007-08	29,424.25
	2008-09	<u>3,117.93</u>
Total		\$360,000.00

Neighborhood Commercial Assistance Program
2010-11 \$360,000.00

Brownfields Cleanup Revolving Loan Program
2006-07 \$100,000.00

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. The Director of Finance shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-210
Re: Zoning Map Amendment - 5, 7-9,
11, 13 Sigel Street and 17-25 Bay
Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the properties at 5, 7-9, 11 and 13 Sigel Street from R-2 Medium Density Residential District and 17-25 Bay Street from C-1 Neighborhood Center District to C-2 Community Center District.

The rezoning is being requested by the owner of the properties to facilitate construction of an auto repair facility with a retail component on the Sigel Street properties. This new use will be operated in conjunction with the existing self-serve car wash located at 17-25 Bay Street. The current R-2 and C-1 districts do not permit auto-related uses.

The development proposal on Sigel Street requires Site Plan Review approval and is currently in re-

view. Upon the successful rezoning of the properties to C-2, the auto repair portion of the project will then require special permit approval by the City Planning Commission and possible area variance approval by the Zoning Board of Appeals, yet to be determined through Site Plan Review process.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on April 19, 2010. There were no speakers in support or in opposition to this proposal. By a vote of 6-0, the Planning Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-73

Ordinance No. 2010-210
(Int. No. 230)

Changing The Zoning Classification Of 5, 7-9, 11 And 13 Sigel Street From R-2 Medium Density Residential And 17-25 Bay Street From C-1 Neighborhood Center To C-2 Community 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 5, 7-9, 11 and 13 Sigel Street from R-2 Medium Density Residential, and 17-25 Bay Street from C-1 Neighborhood Center, 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, being part of Town Lot 65, 2nd Division, and more particularly bounded and described as follows:

Beginning at the centerline intersection of Bay Street (ROW Varies) and Sigel Street (30' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Southwesterly, along said centerline of Sigel Street, a distance of 400.0 feet, more or less, to the easterly projection of the south line of Lot 6 of the August Bott Estate Subdivision, as filed in the Monroe County Clerk's Office in Liber 42 of Maps, Page 26; thence
- 2) Northwesterly, along said south line of

Lot 6, a distance of 120.0 feet, more or less, to the southwest corner thereof; thence

- 3) Northeasterly, along the rear line of said Lot 6 and the rear line of Lots 22 & 23 of the P. Davis Subdivision (not recorded), a distance of 133.5 feet, more or less, to the northwest corner of said Lot 23; thence
- 4) Northwesterly, along the south line of Lot 13 of said P. Davis Subdivision, a distance of 36.1 feet, more or less, to the east line of lands of Laurro Properties, Inc., as conveyed in Liber 8855 of Deeds, Page 542; thence
- 5) Northeasterly, along said east line of Laurro Properties, Inc., a distance of 175.0 feet, more or less, to the said centerline of Bay Street; thence
- 6) Easterly, along said centerline of Bay Street, a distance of 200.0 feet, more or less, to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-211,
Ordinance No. 2010-212,
Ordinance No. 2010-213,
Ordinance No. 2010-214,
Ordinance No. 2010-215 and
Ordinance No. 2010-216

Re: Consolidated Community Development Plan 2010-2014/Five Year Strategic Plan and 2010-11 Annual Action Plan

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan 2010-2014/Five Year Strategic Plan and 2010-11 Annual Action Plan. The legislation will:

- 1. Approve the 2010-2014 Five Year Strategic Plan and the 2010-11 Annual Action Plan.
- 2. Authorize the submission of the plan to and any grant agreements with the US Department of Housing and Urban Development (HUD).
- 3. Appropriate Urban Development Action Grant principal and interest repayments projected to be received during the 2010-11 program year for the City Development Fund.
- 4. Amend previous Consolidated Community Development Plans and corresponding Ordinances to create three new accounts within the Economic Stability allocation of the specified Consolidated Plans and one new account within Improving the Housing Stock and General Property Conditions of the specified

Consolidated Plans. The affected CDBG and HOME funds are summarized in the attachment, *Consolidated Plan Funds for Reprogramming*.

5. Amend Ordinance 2010-48, to reappropriate \$1,940 for the purpose identified in Ordinance 2008-294, relating to an agreement for the Neighbors Building Neighborhoods Program.
6. Authorize the Director of Finance to record all transfers herein and to make adjustments to the amounts set forth below which may have changed prior to the date of this ordinance.

The Consolidated Community Development Plan ("Consolidated Plan") consists of a five-year strategic plan and annual action plans, which outline the City's use of HUD formula grants, which include: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant Program, and Housing Opportunities for Persons with AIDS.

The City's Five Year Strategic Plan contains a community development needs assessment, a housing market analysis, and long term strategies to meet priority needs. The annual action plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs.

Mullin & Lonergan Associates, Inc., was contracted by the City to assist with the preparation of plans. During the process of developing the plans, input was sought from City departments, County agencies, local non-profits and community groups, and the Rochester Housing Authority. Community needs were identified through a series of interviews, surveys, and public meetings. A public needs meeting was held on January 26, 2010. In addition, focus groups were held on January 26 and 27, 2010 to gather community input. The Citizen Participation Plan is on file in the Department of Neighborhood and Business Development.

The estimated total of funds available is \$17,450,964 from the following sources:

2010-11 Community Development Block Grant	\$10,439,918
2010-11 HOME Program	3,492,596
Emergency Shelter Grant	423,300
Housing Opportunities for Persons with AIDS Program	709,220
Loan and interest repayments/Program Income/Reallocation of prior year funds	<u>2,385,930</u>
Total	<u>\$17,450,964</u>

These funds are allocated to the following objectives:

<u>Objective</u>	<u>Amount</u>	<u>Percent Of Total</u>
Promote Economic Stability	\$ 2,238,406	12.8%
Improve the Housing Stock	12,934,419	74.1%
Respond to General Community Needs	1,306,039	7.5%
Other	<u>972,100</u>	<u>5.6%</u>
Total	<u>\$17,450,964</u>	<u>100.0%</u>

Significant funding highlights include:

- \$1,118,406 for Economic Development Financial Assistance Loan & Grant Program
- \$360,000 for Targeted Façade Improvement Program
- \$5,348,857 for the Housing Development Fund
- \$775,000 for the Homeownership Fund
- \$965,000 for financing physical improvements in low and moderate income neighborhoods
- \$153,439 for Job Creation And Youth Development to be determined by a request for proposals
- \$2,207,983 for the Focused Investment Strategy areas

A public hearing on the Consolidated Community Development Plan 2010-2014/Five Year Strategic Plan, the 2010-11 Annual Action Plan and the reprogramming of funds is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-74

Ordinance No. 2010-211
(Int. No. 249)

Approving The Consolidated Community Development Plan/2010-2014 Five Year Strategic Plan And 2010-11 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/ 2010-2014 Five Year Strategic Plan and the 2010-11 Annual Action Plan to be financed with \$17,450,964 available to the City of Rochester from the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS 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, notice of the proposed plan was published in the legal section of the Democrat and Chronicle on May 14, 2010; and

WHEREAS, citizens, public agencies and other interested parties were invited to submit comments by June 15, 2010; 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/2010-2014 Five Year Strategic Plan and 2010-11 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/2010-2014 Five Year Strategic Plan and 2010-11 Annual Action Plan.

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.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Scott - 7.

Nays - Councilmember Spaul - 1.

Councilmember Palumbo abstained because she is employed by one of the agencies receiving funding.

Ordinance No. 2010-212
(Int. No. 250)

Authorizing Submission Of The Consolidated Community Development Plan/2010-2014 Five Year Strategic Plan And 2010-11 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/2010-2014 Five Year Strategic Plan and 2010-11 Annual Action Plan 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, 2010.

Section 2. This ordinance shall take effect immediately.

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Scott - 7.

Nays - Councilmember Spaul - 1.

Councilmember Palumbo abstained because she is employed by one of the agencies receiving funding.

Ordinance No. 2010-213
(Int. No. 251)

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 Plan/2010-11 Annual Action Plan, the Council hereby appropriates the sum of \$400,000 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.

Ordinance No. 2010-214
(Int. No. 252)

Authorizing Amendatory Community Development Program Plans And Amending Ordinances

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

Section 1. The Council hereby approves amend-

amendments to the 1995-96 through 2008-09 Community Development Program Plans whereby, within the Promoting Economic Stability allocations, a total of \$391,410 will be transferred to new or existing ED Financial Assistance Loan and Grant Program Accounts, \$360,000 to new or existing Targeted Façade Improvement Program Accounts, and \$100,000 to a new or existing Brown-fields Cleanup Revolving Loan Program Account, as set forth in Section 2, from the following accounts:

<u>Account</u>	<u>CDBG Year</u>	<u>Ord. No.</u>	<u>Amount</u>
Micro Enterprise Dev. Program	1995-96	99-433	\$ 58,038.00
Ryan Community Center	1995-96	06-226	4.00
Downtown Loan Guarantee Program	1996-97	93-090	6,666.66
Commercial Ext. Improvement Program	1996-97	04-276	2,000.00
Adopt-A-Block	1996-97	03-144	1,057.30
Business Assistance Program	1997-98	97-222	450.00
Targeted Business Assistance	1997-98	98-099	1,171.11
Rehab Rochester Program	1997-98	97-212	500.00
Rehab Rochester Program	1998-99	98-279	2,000.00
Rehab Rochester Program	1999-2000	99-260	1,000.00
Neighbors Shopping Neighborhoods	1999-2000	99-217	187.33
Entertainment District Support	1999-2000	99-217	6,803.29
Graffiti Control	2000-01	00-208	4.00
Landlord/Tenant Services	2000-01	00-165	2.51
Rehab Rochester Program	2000-01	01-024	7,170.00
Sector Planning Support	2001-02	02-285	1,901.44
Lead Paint Hazard Reduction	2001-02	03-373	310.90
Targeted Business Assistance	2001-02	07-345	93,206.00
Neighbors Building Neighborhoods	2001-02	02-285	435.00
Entertainment District Support	2001-02	01-191	920.36
Homesteading/Vacant Grant	2001-02	01-348	11,535.00
RW-Play It Smart	2001-02		465.00
Business Assistance Program	2002-03	02-185	3,037.73
Architectural Services Grant	2002-03	06-226	5,447.25
Business Assistance Program	2002-03	06-226	5,492.33
Lead Hazard Reduction	2002-03	03-373	560.85
Neighbors Building Neighborhoods	2002-03	04-238	3,928.10

Homesteading/Vacant Grant	2002-03	03-025	3,754.00
Landlord/Tenant Services	2002-03	02-168	519.99
Home Room	2002-03	02-269	47.44
Dubois Urban Youth Training Program	2002-03	03-053	594.91
Sector Planning Support	2003-04	05-252	7,455.25
Business Association Support	2003-04	03-174	5,870.37
Business Assistance Program	2003-04	03-174	11,740.00
Community Leadership Development	2003-04	05-252	7,700.00
Community Exterior Improvement	2003-04	03-174	35,202.50
Brown Street Gateway	2003-04	04-108	164.42
NW Youth Support	2003-04	03-129	1.14
Sector Planning Support	2004-05		49,442.00
Business Assistance Program	2004-05	04-191	5,000.00
Business Assistance Program	2004-05	05-317	3,240.70
Entrepreneurial Training	2004-05	04-191	12,000.00
Business Association Support	2004-05	04-191	2,809.92
Technical Assistance Program	2004-05	04-191	12,956.97
Commercial Ext. Improvement	2004-05	04-191	685.00
Community Leadership Development	2004-05		25,000.00
Huther - Doyle Drug Prev.	2004-05	04-391	964.07
Aids Prevention Project	2004-05	05-157	1,908.06
Sector Funding Initiative	2004-05	06-035	68.00
Mini - Grant Program	2004-05	05-151	5,502.00
Consolidation CD Plan	2004-05	05-005	8,857.29
Business Assistant Program	2005-06	05-154	2,333.84
Architect. Assistance	2005-06	05-154	3,942.25
Signage Program	2005-06	05-154	7,303.01
Security Camera/Lighting	2005-06	05-154	12,749.57
Small Area Design	2005-06	03-137	52,508.63
Culture Builds Community	2005-06	05-215	10,491.42
Sector Funding Initiative	2005-06	05-379	47,500.50
Program Management - Staff	2005-06	03-135	6,822.88
Smoke/Carbon Monoxide Detectors	2005-06	08-217	107.08
Business Association Support	2005-06	05-154	11,980.42
Lead Hazard Reduction	2005-06	07-067	29,586.64

Business Association Support		
2005-06	07-064	5,000.00
Mini - Grant Program		
2005-06		5,883.00
Culture Builds Community		
2006-07	06-347	9,000.00
Business Assistance Program		
2006-07	06-205	0.44
Architectural Services Grant		
2006-07	06-205	924.00
Signage Program		
2006-07	06-205	19,148.55
Business Association Support		
2006-07	06-205	445.10
Security Camera/Lighting Grant		
2006-07	06-205	34,255.45
Wheatley Youth Renovation		
2006-07	06-213	100,000.00
Program Management - Staff		
2006-07	03-235	43,106.85
Lead Hazard Reduction		
2007-08	08-354	21,424.25
NBN Streetscapes		
2007-08		8,000.00
Rental Housing Fund		
2008-09		2,091.00
Neighborhood & Asset Based Planning		
2008-09		<u>1,026.93</u>
Total		\$851,410.00

Section 2. The amounts set forth in Section 1 shall be transferred to the following new or existing accounts:

<u>Account</u>	<u>Consolidated Plan</u>	<u>Amount</u>
ED Financial Assistance Loan & Grant Programs		
1995-96		\$ 58,042.00
1996-97		9,723.96
1997-98		2,121.11
1998-99		2,000.00
1999-2000		7,990.62
2000-01		7,176.51
2001-02		108,773.70
2002-03		23,382.60
2003-04		68,133.68
2004-05		<u>104,065.82</u>
Total		\$391,410.00
Targeted Façade Improvement Program		
2004-05		\$ 24,368.19
2005-06		196,209.24
2006-07		106,880.39
2007-08		29,424.25
2008-09		<u>3,117.93</u>
Total		\$360,000.00
Brownfields Cleanup Revolving Loan Program		
2006-07		\$100,000.00

Section 3. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart.

Section 4. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which

may have changed prior to the adoption of this ordinance.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-215
(Int. No. 253)

Authorizing Amendatory HOME Program Plans And Amending Ordinances

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

Section 1. The Council hereby approves amendments to the 1999-2000, 2003-04, 2004-05, 2005-06, 2006-07 and 2007-08 HOME Program Plans whereby a total of \$214,520 will be transferred to the Housing Development Fund from the following accounts:

<u>Program</u>	<u>Year</u>	<u>Ord. No.</u>	<u>Amount</u>
Rehab Rochester	1999-2000	99-260	\$ 202.04
Rehab Rochester	2003-04	05-254	2,834.00
Lead Hazard Control	2004-05	04-387	109,905.20
Rehab Rochester	2004-05	05-254	1,780.00
Rehab Rochester	2005-06	05-254	38,585.00
Lead Hazard Control	2006-07	07-067	59,468.72
CHDO Operating	2007-08	07-259	<u>1,745.05</u>
			\$214,520.01

Section 2. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart.

Section 3. The Director of Finance shall record all transfers herein and shall have the authority to make adjustments to the amounts set forth which may have changed prior to the adoption of this ordinance.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-216
(Int. No. 254)

Amending Ordinances Relating To The Appropriation Of Funds For The Neighbors Building Neighborhoods Program

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

Section 1. Ordinance No. 2010-48, relating to an appropriation of funds for Quadrant Planning, is hereby amended by amending Section 2 thereof, which amended Ordinance No. 2008-294, by changing the amount which was reduced and reappropriated therein to fund an agreement for the Neighbors Building Neighborhoods Program from the sum of \$24,433 to the sum of \$22,493.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
June 15, 2010

To the Council:

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

Int. No. 231 - Establishing Maximum Compensation For A Professional Services Agreement For Commercial Driver's License Training

Int. No. 232 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For East End Garage Repairs

Int. No. 233 - Authorizing Professional Services Agreements For Motor Vehicle Collision Repair Services

Int. No. 234 - Establishing Maximum Compensation For A Professional Services Agreement For Forest Resource Management Services

Int. No. 235 - Establishing Maximum Compensation For A Professional Services Agreement For Heavy Equipment Training

Int. No. 255 - Establishing Maximum Compensation For A Professional Services Agreement For The Arnett Branch Library

Int. No. 256 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$259,000 Bonds Of Said City To Finance The Cost Of Repairs To The Operations Center In The City

Int. No. 257 - Establishing Maximum Compensation For A Professional Services Agreement For Firehouse Ventilation Upgrades

Int. No. 258 - Establishing Maximum Compensation For A Professional Services Agreement For The Erie-Lackawanna Rails-To-Trails Pedestrian Bridge Project And Appropriating Funds

Int. No. 259 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The Erie-Lackawanna Rails-To-Trails Pedestrian Bridge Within The City

Int. No. 260 - Amending The 2009-10 Budget For A Trails Planning Study

Int. No. 274 - Establishing Maximum Compensation For A Professional Services Agreement For The North Street Community Center Renovation Project

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

Int. No. 236 - Establishing Maximum Compensation For A Professional Services Agreement For The Lawrence Street Group Rehabilitation Project

Int. No. 237 - Local Improvement Ordinance - Window Well Abandonments As A Part Of The Lawrence Street Group Rehabilitation Project

Int. No. 238 - Amending The Official Map By Abandonment Of An Unnamed Alley At The Midtown Plaza Site Behind 249-253 And 255-257 East Main Street

Int. No. 239 - Amending The Official Map By Abandonment Of A Portion Of Lavigne Alley North Of Montrose Street

Int. No. 240 - Approving Changes In The Pavement Width Of Cedarwood Terrace

Int. No. 241 - Approving Changes In The Pavement Width Of Saratoga Avenue At Smith Street And Lind Street

Int. No. 242 - Authorizing An Agreement And Appropriating Funds For The Saratoga Avenue Group Curb Replacement Project

Int. No. 261 - Amending Changes In The Pavement Width Of Mt. Hope And South Clinton Avenues Made In Ordinance No. 2009-121

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-217
Re: Agreement - BOCES 2, PRIME
Commercial Drivers License
Training

Transmitted herewith for your approval is legislation establishing \$16,000 as maximum compensation for an agreement with BOCES 2, Buffalo Road, Rochester, to provide Commercial Drivers License (CDL) training for 12 participants of the PRIME program (Providing Real Incentives to Maintain Employment). The cost of the agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

In 2009, 11 City residents completed PRIME CDL Training, which lead to employment with various agencies. This year, BOCES 2 will provide training services to be conducted at the City's Colfax Street facility. Participants will receive 30 hours of classroom and road training in preparation for licensing.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-217
(Int. No. 231)

Establishing Maximum Compensation For A Professional Services Agreement For Commercial Driver's License Training

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

Section 1. The sum of \$16,000, 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 Board of Cooperative Educational Services (BOCES) 2 to provide commercial driver's license training for PRIME participants. Said amount shall be funded from the 2009-10 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. 2010-218
Re: Agreement - FRA Engineering and Architecture P.C., East End Garage

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with FRA Engineering and Architecture P.C., Rochester, for additional design, construction phase and resident project representation services for repairs to the East End Garage. The original agreement with FRA for engineering planning and design services was authorized in November 2009. This amendment will increase maximum compensation by \$85,000 to a total of \$385,000. The additional cost will be financed from the Cultural Center Commission Reserve Fund.

On May 7, 2010, the Cultural Commission authorized \$500,000 towards the first of three phases of a comprehensive repair project for the East End Garage. This work is based on a comprehensive evaluation of the entire garage, currently underway by FRA, and as a follow-up to post-tension tendon repairs completed in early 2010. These repairs have been identified and prioritized through the City's comprehensive garage maintenance program.

The project will incorporate priority-based concrete

repairs on all garage levels, column repairs, waterproof membrane repairs, cleaning and application of new paint on structural steel, expansion joint replacement, additional investigation of post tensioning strands, power washing of façade panels, and replacement of broken glass. It is anticipated that this work will prevent metal/concrete corrosion and extend the garage's serviceable life, while also providing for an improved visual aesthetic.

The estimated cost of construction is \$415,000, which will be financed from the Cultural Center Reserve fund. Construction is scheduled to begin September 2010, with completion by spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-218
(Int. No. 232)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For East End Garage Repairs

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

Section 1. The sum of \$85,000, 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 FRA Engineering & Architecture, P.C. for additional design, construction phase and resident project representation services for the East End Garage 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 funds appropriated by the Cultural Center Commission.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-219
Re: Agreements - Collision Repair Services

Transmitted herewith for your approval is legislation authorizing agreements for the provision of collision repair services for City vehicles. The most recent agreement was approved by City Council on June 20, 2006 (Ord No. 2006-154). The term of the agreements shall be one year, with the option of three additional one-year renewals.

A list of qualified vendors is periodically established by the City based on specific repair experience, location and regulatory compliance. When specific repairs are needed, these vendors are requested to provide a price quote for the work; based on cost and time estimates, the appropriate vendor is selected to complete the repairs.

The three recommended, qualified vendors are:

- Alliance Collision
532 North Street Rochester 14605
- Middlebrook Collision
1425 Clifford Avenue Rochester 14621
- Sofia Collision
20 Palmers Street Rochester 14609

Funding for these repair services is included in the annual Budgets of the Department of Environmental Services.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-219
(Int. No. 233)

Authorizing Professional Services Agreements For Motor Vehicle Collision Repair Services

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

Section 1. The Mayor is hereby authorized to enter into professional services agreements with following companies for motor vehicle collision repair services for a term of one year, with options for three one-year renewals:

- Alliance Collision, Inc., 532 North Street, Rochester, NY 14605
- Middlebrook Collision, 1425 Clifford Avenue, Rochester, NY 14621
- Sofia Collision, 20 Palmer Street, Rochester, NY 14609

Section 2. The agreements shall obligate the City to pay a total amount not to exceed that set forth in the annual Budgets for said services.

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. 2010-220
Re: Agreement - Bruce E. Robinson,
Inc., Watershed Resource
Management Services

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for a five-year agreement with Bruce E. Robinson, Inc., Jamestown, New York, for forest resource management services for the watershed at Hemlock and Canadice Lakes. The annual cost of the agreement, not to exceed \$6,000, will be funded from the annual Budgets of the Department of

Environmental Services (Water Fund), beginning with 2010-11.

While the ownership of the watershed will transfer to the New York State Department of Conservation, the City will retain responsibility for evaluating water quality, and ensuring the watershed property is managed in a manner that maintains or exceeds current water quality.

Mr. Robinson is the principal author of the City's 1993 Forest Resource Management Plan and 2005 Forest Resource Plan Update. He has provided various watershed consultation services to the City since 1991.

The consultant will conduct semi-annual forest inspections to assess the health and vigor of the forest cover, and provide reports to the City regarding disease or pests that could potentially harm the watershed. Mr. Robinson will also review plans or proposals of natural resource projects within the watershed and conduct other reviews as requested.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-220
(Int. No. 234)

Establishing Maximum Compensation For A Professional Services Agreement For Forest Resource Management Services

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

Section 1. The sum of \$6,000, 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 Bruce E. Robinson, Inc. for Forest Resource Management Services for the watershed at Hemlock and Canadice Lakes for a term of six years. Said amount shall be funded from the 2010-11 and subsequent budgets of the Department of Environmental Services (Water Fund), contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-221
Re: Agreement - BOCES, Heavy
Equipment Training

Transmitted herewith for your approval is legislation establishing \$42,650 as maximum compensation for an agreement with the Board of Cooperative Educational Services, Spencerport, for heavy equipment training services. The cost of the agreement will be funded from the 2009-10 Budget of the Department of Environmental Services.

DES equipment operators will receive lecture and hands-on instruction in the safe operation of dump trucks, wheel loaders, and backhoes. This agreement will also provide for one-on-one instruction for Commercial Driver's License road test preparation. Approximately forty employees will receive training under the agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-221
(Int. No. 235)

Establishing Maximum Compensation For A Professional Services Agreement For Heavy Equipment Training

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

Section 1. The sum of \$42,650, 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 Board of Cooperative Educational Services (BOCES) to provide heavy equipment training for employees of the Department of Environmental Services. Said amount shall be funded from the 2009-10 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. 2010-222
Re: Agreement - Stantec Consulting Services, Inc., Arnett Branch Library Solar Installation

Transmitted herewith for your approval is legislation establishing \$51,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, for engineering design services for a solar panel installation at the Arnett Branch Library. The cost of the agreement will be funded from a grant awarded by the NY State Energy Research and Development Authority (NYSERDA) and appropriated in May 2010 (Ord. No. 2010-158).

A 50 kilowatt solar electric system will be installed at the library. The project cost is \$415,000, of which \$215,000 is awarded through the NYSERDA grant. The City is providing matching funding of \$200,000 from the 2009-10 Cash Capital allocation of the Department of Environmental Services.

Proposals were solicited from six firms with prior experience with similar projects as included on a list from NYSERDA. Proposals were received from all six: Stantec Consulting Services, Inc., Barton & Loguidice, Clough Harbour & Associates LLP, LaBella Associates P.C., and O'Brien & Gere

Engineers, Inc. Based on the strength of the project team, prior experience and overall project concept, Stantec is recommended.

Design for the project will commence in summer 2010; construction is anticipated in spring 2011 to meet grant completion requirements of September 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-222
(Int. No. 255)

Establishing Maximum Compensation For A Professional Services Agreement For The Arnett Branch Library

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

Section 1. The sum of \$51,000, 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, Inc. for engineering design services for a solar panel installation at the Arnett Branch Library. 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 2009-10 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-223
Re: Central Vehicle Maintenance Facility Roof Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of \$259,000 in bonds, and appropriating the proceeds thereof to finance construction of the roof replacement project.

The Central Vehicle Maintenance Facility (Building 200 Operations Center) was originally constructed in 1940 and acquired by the City in 1982. Various additions have led to divergent roof systems at the facility, and over 31,000 square feet of roof is past its useful life and requires replacement.

The project includes a comprehensive roof replacement, asbestos removal, insulation, masonry repairs, flashing, and minor structural repairs. The repairs and roof replacement will provide for a thirty-year useful life and material warranty period.

Bids for construction of the project were received on April 22, 2010. The work will be performed by Elmer W. Davis, Inc. at a cost of \$409,877. Construction will be funded from the bonds issued

herein (\$259,000) and the 2009-10 Cash Capital allocation of the Department of Environmental Services (\$150,877). An additional \$96,000 in 2007-08 and 2009-10 Cash Capital will be allocated for project contingencies, masonry repair items and resident project representation services not included in the contract.

It is anticipated that construction will commence in July 2010, with anticipated completion in fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-223
(Int. No. 256)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$259,000 Bonds Of Said City To Finance The Cost Of Repairs To The Operations Center 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 implementing repairs to the City's Central Vehicle Maintenance Facility (CVMF) Building 200 Operations Center at 945 Mt. Read Boulevard in the City, including replacement of the roof (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$505,877. The plan of financing includes the issuance of \$259,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$246,877 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 \$259,000 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 \$259,000. 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. 2010-224
Re: Agreement - IBC Engineering, P.C.,
Firehouse Ventilation Upgrades

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with IBC Engineering, P.C., Rochester 14623, for engineering design services for firehouse kitchen and bathroom ventilation upgrades. The cost of this agreement will be funded from the 2008-09 Cash Capital allocation of the Department of Environmental Services.

The following firehouses, all built in the 1960s, have ventilation systems original to the structure. In many cases, the exhausts, specifically in the kitchen areas, are no longer functional or in compliance with the current building code. Ventilation and exhaust systems will be replaced or installed at these facilities:

Engine 3	1051 Emerson Street
Truck 5,	57 Gardiner Street
Quint/Midi 7	740 North Goodman Street
Engine 19	4090 Lake Avenue
Truck 4	977 University Avenue

The cost of the project, \$165,000, was identified in the 2008-09 Capital Improvement Program. The consultant will provide comprehensive design, construction administration, and mechanical system commissioning services. The project will be administered by the City's Department of Environmental Services, Bureau of Architecture & Engineering.

Qualifications were solicited from 13 firms and the proposal was posted on the City's website. Six firms responded: Clough Harbour Associates; KCI Engineering of NY; FRA Engineering, P.C.; IBC Engineering, P.C.; Pathfinders Engineers; and Turner Engineering. Based on their qualifications, experience in completing similar projects, and cost, IBC Engineering was selected.

Design will begin in summer 2010; it is anticipated that construction will begin in summer 2011 with completion scheduled for early 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-224
(Int. No. 257)

Establishing Maximum Compensation For A Professional Services Agreement For Firehouse Ventilation Upgrades

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 IBC Engineering, P.C. for engineering design services for firehouse kitchen and bathroom ventilation upgrades. 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 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-225,
Ordinance No. 2010-226 and
Ordinance No. 2010-227
Re: Agreement - FRA Engineering &
Architecture, and Appropriations
For Trail Projects

Transmitted herewith for your approval is legislation related to two trail projects.

Erie-Lackawanna Railroad Bridge Rails-to-Trails Pedestrian Bridge Project. This legislation will:

1. Establish \$200,000 as maximum compensation for an agreement with FRA Engineering and Architecture, for engineering inspection, design, and resident project representation services. The cost of the agreement will be financed from the proceeds of the bonds requested herein (\$100,000) and from the appropriation of a grant funds requested herein (\$100,000);
2. Authorize the issuance of bonds totaling \$600,000 and the appropriation of the proceeds thereof to finance the agreement and partially finance construction costs; and
3. Appropriate \$600,000 from anticipated reimbursements from a grant under Title 11 of the New York State Environmental Protection Fund Local Waterfront Revitalization Program (LWRP) to partially finance the project. The grant agreement was approved in Ordinance No. 2007-455.

The historic Rochester Erie-Lackawanna Railroad Bridge spans the Genesee River connecting the Genesee Riverway Trail and the Plymouth/Exchange neighborhood on the west bank to the Genesee Riverway Trail, Bausch & Lomb Park, and the University of Rochester River Campus on the east bank.

Proposals for planning and design services were solicited from 20 firms. Responses were received from eight firms: Bergmann Associates, P.C., Clark

Patterson Lee, Fisher Associates, FRA, Hunt Engineers, Architects and Land Surveyors, LaBella Associates P.C., Stantec Consulting Services, Inc., and Prudent Engineering LLP (Syracuse). A review of proposals resulted in the selection of FRA based on their qualifications, assigned personnel, and overall familiarity and expertise with the scope of the planned work.

FRA will provide engineering, inspection, design, and resident project representation services, including final design documents, specifications, and estimates for the bridge conversion and multi-use trail alignments at each bridge approach.

The estimated cost of construction is \$1 million. Initial planning and preliminary design will begin in summer 2010, with an anticipated construction completion date of November 2011.

Eastman and Genesee Riverway Trails. This legislation will amend the 2009-10 Budget by transferring \$15,000 from Contingency to Cash Capital to fund the local match portion of the Eastman and Genesee Riverway Trails Urban Linkages Planning Study.

The study, identified in the 2011-12 Capital Improvement Program, has been recommended by the Genesee Transportation Council, for an allocation of federal funding in 2010-11, earlier than expected. The total estimated cost of the study is \$90,000; the City is required to provide a minimum of \$15,000 to obtain \$75,000 in Federal grant funds.

The study will provide conceptual layouts for the trail, an improvement plan, and will provide two trail alternatives and corresponding estimates. The project will include a trail through the Eastman Business Park to connect the Genesee Riverway Trail at Kings Landing and the New York State Route 390 Trail in the Town of Greece, as well as improvements to the Genesee Riverway Trail between Kings Landing and Turning Point Park.

Subsequent Council action to appropriate the federal funds and authorize planning services will be requested at a later date.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-75

Ordinance No. 2010-225
(Int. No. 258)

Establishing Maximum Compensation For A Professional Services Agreement For The Erie-Lackawanna Rails-To-Trails Pedestrian Bridge Project And Appropriating Funds

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 FRA Engineering & Architecture, P.C. for engineering inspection, design and resident project representation services for the Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$100,000 shall be funded from a bond ordinance adopted for this Project and \$100,000 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the New York State Environmental Protection Fund Local Waterfront Revitalization Program the sum of \$600,000, or so much thereof as may be necessary, to fund the Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-226
(Int. No. 259)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$600,000 Bonds Of Said City To Finance The Cost Of Reconstruction Of The Erie-Lackawanna Rails-To-Trails Pedestrian 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 Erie-Lackawanna Rails-to-Trails Pedestrian Bridge over the Genesee River, connecting the Genesee Riverway Trail and the Plymouth/Exchange neighborhood on the west bank to the Genesee Riverway Trail and the Bausch & Lomb Park and the University of Rochester River Campus on the east bank, 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 \$1,200,000. The plan of financing includes the issuance of \$600,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$600,000 in New York State Environmental Protection Fund Local Waterfront Revitalization Program 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 \$600,000 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 \$600,000. 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 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. 2010-227
(Int. No. 260)

Amending The 2009-10 Budget For A Trails Planning Study

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$15,000 from the Contingency allocation to the Cash Capital allocation to fund the Eastman and Genesee Riverway Trails Urban Linkages Planning Study.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-228
Re: Agreement - DeWolff Partnership
Architects LLP, North Street
Community Center Renovation

Transmitted herewith for your approval is legislation establishing \$210,000 as maximum compensation for an agreement with DeWolff Partnership Architects LLP, Rochester, for architectural and engineering design services for the North Street Community Center Renovation project. The cost of this agreement will be funded from 2008-09 Cash Capital.

North Street Community Center is a 28,900 square foot City-owned facility constructed in 1973. It is used for various City programs, and is occupied by the ABC Child Development Center. It is also used by community organizations and by the Rochester City School District for the School #6 recreation

program.

The current layout of the facility is not conducive to programming needs or the potential for increased partnership projects. This project will result in the design and construction of a renovated, efficient space, based on a review of current and projected programming needs. The total project budget is \$1,350,000, inclusive of design services.

Funding for the project is available from the following sources:

<u>Source</u>	<u>Amount</u>	<u>Related Ordinance No.</u>
New York State Dormitory Authority Grant	\$600,000	2010-22
City Cash Capital	\$600,000	2009-268
Daisy Marquis Jones Foundation Grant	\$150,000	2010-93

The DASNY grant was made possible through the efforts of Assemblyman David Gantt; the Daisy Marquis Jones grant is specified for kitchen renovations.

Qualifications were solicited from 15 firms and the proposal was posted on the City's Website. Eleven Rochester firms responded: Architectura P.C., DeWolff Partnership Architects LLP, FRA Engineering and Architecture, P.C., Konopka Architecture, P.C., LaBella Associates, P.C., Pardi Partnership Architects, Mossien Associates Architects, P.C., MRA Architecture, P.C., Simbari Design, SWBR Architects, and Rhen Design. Based on their qualifications, project team, and successful representative projects dealing with similar public and community facilities, DeWolff was selected.

Design will begin in summer 2010; it is anticipated that construction will begin in summer 2011 with scheduled completion in early 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-228
(Int. No. 274)

Establishing Maximum Compensation For A Professional Services Agreement For The North Street Community Center Renovation 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 DeWolff Partnership Architects LLP for architectural and engineering design services for the North Street Community Center Renovation 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

2008-09 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-229 and
Local Improvement Ordinance No. 1626
Re: Lawrence Street Group Improvements

Transmitted herewith for your approval is legislation related to the Lawrence Street Group Improvement Project. The Group includes the following: Lawrence Street (East Avenue to Charlotte Street); Anson Place (East Avenue to Dryer Alley); and Charlotte Street (Union Street to Alexander Street). This legislation will:

1. Establish \$112,000 as maximum compensation for an agreement with LaBella Associates P.C., Rochester, for resident project representation services for the project. The cost of the agreement will be financed from Bond Ord No. 2009-44 (\$76,000) and Bond Ord No. 2009-45 (\$36,000);
2. Appropriate \$2,200 from the Local Improvement Fund balance to finance private costs for the abandonment of two window wells on Lawrence Street, and;
3. Authorize the subsequent assessment of this amount against the affected property, to replenish the Local Improvement Fund.

The project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering. Work includes reconstruction and rehabilitation of the pavement; installation of new curbs, new water mains and services on Anson and Charlotte Streets, driveway aprons, and catch basins; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed. Pavement width changes on Lawrence Street and Anson Alley were previously approved by City Council in January 2010.

Qualifications were solicited openly through the City's web site; eleven firms responded. Staff reviewed the qualifications and selected three firms to submit detailed proposals for the services: LaBella Associates, Passero Associates, and Stantec Consulting Services. Based on qualifications, experience, and availability of staff, LaBella Associates is recommended.

The owner of 336 East Avenue, RRB Properties, LLC, requested the abandonment of two existing window wells on the Lawrence Street frontage of his property. The project contractor will perform the work and the City will assist in financing the cost through a Local Improvement Ordinance. The cost of this work will be repaid at 1% over the City's borrowing rate in two equal annual installments.

It is anticipated that the project will begin construction in summer, 2010 and be complete in fall, 2010. The construction cost estimate is \$977,000. RPR services will begin with project construction.

A public informational meeting will be held prior to start of the construction.

A public hearing is required on the Local Improvement Ordinance.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-76

Ordinance No. 2010-229
(Int. No. 236)

Establishing Maximum Compensation For A Professional Services Agreement For The Lawrence Street Group Rehabilitation Project

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

Section 1. The sum of \$112,000, 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 resident project representation services for the Lawrence Street Group Rehabilitation Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$76,000 shall be funded from Bond Ordinance No. 2009-44 and \$36,000 shall be funded from Bond Ordinance No. 2009-45.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1626
(Int. No. 237)

Local Improvement Ordinance - Window Well Abandonments As A Part Of The Lawrence Street Group Rehabilitation Project

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

Section 1. As part of the Lawrence Street Group Rehabilitation Project, the Council hereby authorizes the special treatment of the window wells in the form of the abandonment of said 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 Assessment for the improvements and work shall be the following properties, in amounts not to exceed the following, payable over the following terms:

Name: RRB Properties LLC
Address: 336 East Avenue
SBL#: 121.260-1-41
LIO Amount: \$2,200

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 \$2,200, 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 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 two equal annual installments. 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 \$2,200, 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-230
Re: Official Map Amendment -
Midtown Project

Transmitted herewith for your approval is legislation amending the Official Map by abandoning an unnamed alley at the site of the former Midtown Plaza (behind 249-253 and 255-257 East Main Street). The area is a landlocked public right-of-way to be incorporated into the Midtown Redevelopment Area.

The City Planning Commission on May 18, 2010, recommended approval of this abandonment by a vote of 5-0-0. Minutes of that meeting 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 on the abandonment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-77

Ordinance No. 2010-230
(Int. No. 238)

Amending The Official Map By Abandonment Of An Unnamed Alley At The Midtown Plaza Site Behind 249-253 And 255-257 East Main 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 changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting an unnamed alley at the Midtown Plaza Site behind 249-253 and 255-257 East Main Street:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of the original Johnson & Seymour Tract, as filed in the Monroe County Clerk's Office in Liber 21 of Deeds, Page 391 (1831) and being more particularly bounded and described as follows:

Commencing at the intersection of the south ROW line of East Main Street (ROW Varies) and the former west ROW line of Cortland Street (33' ROW) as abandoned by Ordinance No. 70-451; thence

- A) Southerly, along said former west ROW line of Cortland Street, a distance of 92.0 feet to the northeast corner of an unnamed alley (8' ROW), said corner being the Point or Place of Beginning; thence
 - 1) Southerly, continuing along said former west ROW line of Cortland Street, a distance of 8.0 feet to the southeast corner of said unnamed alley; thence
 - 2) Westerly, parallel with said East Main Street and along the south line of said unnamed alley, a distance of 61.0 feet, more or less, to the southwest corner thereof; thence
 - 3) Northerly, parallel with South Clinton Avenue (66' ROW) and along the west line of said unnamed alley, a distance of 8.0 feet to the northwest corner thereof; thence
 - 4) Easterly, parallel with said East Main Street and along the north line of said unnamed alley, a distance of 61.0

feet, more or less, to the said west line of former Cortland Street and the Point or Place of Beginning.

Hereby intending to describe an unnamed public alley, containing approximately 488 square feet, adjacent to the former Midtown Plaza.

Section 2. This ordinance shall take effect upon acquisition by the City of the parcels adjacent to the alley to be abandoned.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-231
Re: Official Map Amendment -
Lavigne Alley

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a 487 square foot portion of the dead end of Lavigne Alley, approximately 90 feet north of the north line of Montrose Street.

The abandonment will allow this portion of the alley to be incorporated into the play area of Rochester City School District School #57.

The City Planning Commission, in its April 19, 2010 meeting recommended approval of this abandonment by a vote of 6-0. Minutes of that meeting 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. AJ-78

Ordinance No. 2010-231
(Int. No. 239)

Amending The Official Map By Abandonment Of A Portion Of Lavigne Alley North Of Montrose 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 changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a dead end portion of Lavigne Alley north of Montrose Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New

York, and being further described as follows:

Beginning at a point in the easterly bounds of Lavigne Alley, said point being N29°20'13"W a distance of 90.09 feet from the intersection of the easterly bounds of Lavigne Alley with the northerly bounds of Montrose Street; thence

S59°03'12"W a distance of 15.00 feet to a point in the westerly bounds of Lavigne Alley; thence

N29°20'13"W along the westerly bounds of Lavigne Alley, a distance of 32.50 feet to the northwest corner of said alley; thence

N59°03'12"E along the north bounds of said alley, a distance of 15.00 feet to the northeast corner thereof; thence

S29°20'13"E along the easterly bounds of Lavigne Alley, a distance of 32.50 feet to the point of beginning.

Containing about 487 square feet or 0.011 acres more or less.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-232
Re: Cedarwood Terrace Improvement
Project (Jersey Street to Akron Street)

Transmitted herewith for your approval is legislation authorizing changes in pavement width for Cedarwood Terrace from the existing 20 feet to 26 feet, beginning at Jersey Street and extending easterly to Akron Street.

Cedarwood Terrace is currently an unimproved street with no gutters or curb; the pavement width changes will allow for two thirteen-foot lanes and on-street parking. No additional right-of-way is required to accommodate the changes in pavement width.

The project is being designed by the City's Department of Environmental Services, Bureau of Architecture and Engineering. In addition to the pavement width changes, the project will include reconstruction of the pavement; installation of new curbs and underdrain; new catch basins; new water mains and services; new driveway aprons; replacement of sidewalks as needed; street lighting upgrades as required; and topsoil and seed.

It is anticipated design will be completed in summer 2010; construction is projected to begin in fall 2010, with substantial completion by summer 2011.

A public informational meeting was held on April 8, 2010; copies of the meeting minutes are at-

tached. The pavement width changes were endorsed at the May 18, 2010 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-79

Ordinance No. 2010-232
(Int. No. 240)

Approving Changes In The Pavement Width Of Cedarwood Terrace

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

Section 1. The Council hereby approves an increase of 6 feet, from 20 feet to 26 feet, in the pavement width of Cedarwood Terrace, beginning at Jersey Street easterly to Akron Street, as a part of the Cedarwood Terrace 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:

Ordinance No. 2010-233 and
Ordinance No. 2010-234
Re: Saratoga Avenue Group (Rhinos Stadium) Curb Replacement Project

Transmitted herewith for your approval is legislation related to the Saratoga Avenue Group (Rhinos Stadium area) Curb Replacement Project. This legislation will:

1. Authorize the following changes in pavement width on Saratoga Avenue:
 - a. Lind Street Intersection, on the west side: a tapered decrease of six feet, from the existing 32 foot width to a 26 foot width starting at a point 105 feet north of Lind Street to the north edge of Lind Street;
 - b. Smith Street Intersection, on both sides: a decrease of 12 feet, 6 foot on each side, from the existing 32 foot width to a 20 foot width starting at a point 40 feet north of Smith Street to the north edge of Smith Street; and
2. Authorize an agreement with the New York

State Department of Transportation for the receipt and use of \$400,000 in Capital Project Multi-Modal Program funding to partially finance the cost of the project. This funding was made possible through the efforts of Assemblyman David Gantt.

The project includes improvements on Verona Street (Lyell Avenue to Smith Street), Saratoga Avenue (Lyell Avenue to Smith Street), and Lind Street (Oak Street to Saratoga Avenue). Project design will be provided by the Department of Environmental Services, Bureau of Architecture and Engineering. It will include installation of new curbs; replacements of sidewalks as needed; catch basin replacement; new driveway aprons; and topsoil and seed.

The proposed pavement width changes will allow for bumpouts at the identified intersections. These curbed bumpouts act as a traffic calming device, and help with pedestrian crossings.

It is anticipated that design will be complete in the summer of 2010; construction is projected to begin in fall 2010, with substantial completion before winter.

A public informational meeting for the project was held on May 25, 2010. Copies of the meeting minutes are attached. The pavement width changes will be presented for endorsement at the June 1, 2010 Traffic Control Board meeting.

Public hearings on the pavement width changes are required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-80

Ordinance No. 2010-233
(Int. No. 241)

Approving Changes In The Pavement Width Of Saratoga Avenue At Smith Street And Lind Street

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

Section 1. The Council hereby approves a tapered decrease of 6 feet, from 32 feet to 26 feet, in the pavement width of Saratoga Avenue, from a point 105 feet north of Lind Street to Lind Street, as a part of the Saratoga Avenue Group Curb Replacement Project.

Section 2. The Council hereby further approves a decrease of 12 feet, from 32 feet to 20 feet, in the pavement width of Saratoga Avenue, from a point 40 feet north of Smith Street to Smith Street, as a part of the Saratoga Avenue Group Curb Replacement Project.

Section 3. 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 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-234
(Int. No. 242)

Authorizing An Agreement And Appropriating Funds For The Saratoga Avenue Group Curb Replacement 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 Transportation for Capital Project Multi-Modal Funding for the Saratoga Avenue Group Curb Replacement Project.

Section 2. There is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation the sum of \$400,000, or so much thereof as may be necessary, to fund the Saratoga Avenue Group Curb Replacement 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. 2010-235
Re: Mt. Hope Avenue, South Clinton Avenue Enhancement Project

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-121 to accommodate additional pavement width changes for the Mt. Hope Avenue and South Clinton Enhancement Project.

The project includes enhanced crosswalks, curbed bumpouts, lighting upgrades, and enhanced pavement at various intersections. The curbed bumpouts act as a traffic calming device, and help with pedestrian crossings.

The proposed amendments to pavement width are to incorporate policy changes from the Monroe County's Department of Transportation, following monitoring of accident information at past bumpouts installed within the City. Data has indicated the need for longer bumpouts to the right side of intersecting streets to provide for longer sight distances for cars entering from those streets.

The pavement width changes affect Karges Place

and Comfort Street, and the Alexander Street and South Clinton Avenue intersection. A bumpout will be added on the west side of Karges Street, as requested by the adjacent property owner, for traffic calming and pedestrian safety. The island at the eastern approach to Alexander and South Clinton will be extended to channel vehicles earlier in their approach to the intersection. The change to Comfort Street at South Clinton will allow for more on-street parking, while maintaining acceptable sight distance for cars entering from the side street.

A public informational meeting for Mt. Hope Avenue was held March 2, 2009 and a public informational meeting for South Clinton Avenue was held November 6, 2008. Copies of the meeting minutes were previously submitted. The amended pavement width changes will be presented at the June 1, 2010 Traffic Control Board meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-81

Ordinance No. 2010-235
(Int. No. 261)

Amending Changes In The Pavement Width Of Mt. Hope And South Clinton Avenues Made In Ordinance No. 2009-121

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

Section 1. Ordinance No. 2009-121, approving changes in the pavement width of Mt. Hope Avenue and South Clinton Avenue, is hereby amended by amending the changes in the pavement width of Mt. Hope Avenue set forth in Subsection 1(a) therein to read in their entirety as follows:

- a. Hickory Street Intersection, on the eastside: A decrease of 8 feet, from the existing 44 foot width to a 36 foot width, beginning at a point 80 feet north of the center of Hickory Street to Hickory Street;

Section 2. Ordinance No. 2009-121 is hereby further amended by amending the changes in the pavement width of South Clinton Avenue set forth in Subsections 2(b), (c), (d) and (g) therein to read in their entirety as follows:

- b. Comfort Street Intersection, both west and eastside: a decrease of 12 feet, 6 feet on each side, from the existing 40 foot width to a 28 foot width, beginning at a point 52 feet south of the center of Comfort Street to a point 58 feet north of the center of Comfort Street, and a decrease of 6 feet on the westside, from the existing 40 foot width to a 34 foot width, beginning at a point 58 feet north of the center of Comfort Street to a point 103 feet north of the center of Comfort Street;

- c. An additional change at the Alexander Street intersection also includes an island on Alexander Street, starting at a point 86 feet east of the centerline of South Clinton Avenue to a point 223 feet east of the centerline of South Clinton Avenue. The island will be located 23 feet south of the north curblineline of Alexander Street;
- d. Hamilton Street Intersection, on the westside: a decrease of 6 feet, from the existing 40 foot width to a 34 foot width, beginning at 95 feet south of the center of Hamilton Street to a point 111 feet north of the center of Hamilton Street;
- g. Karges Place Intersection, on the eastside: both west and eastside: a decrease of 12 feet, 6 feet on each side, from the existing 40 foot width to a 28 foot width, beginning at a point 20 feet south of the center of Karges Place to a point 25 feet north of the center of Karges Place, and a decrease of 6 feet on the eastside, from the existing 40 foot width to a 34 foot width, beginning at a point 47 feet south of the center of Karges Place to a point 20 feet south of the center of Karges Place, and beginning at a point 47 feet north of the center of Karges Place to a point 25 feet north of the center of Karges Place.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
June 15, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 243 - Authorizing An Agreement For Improvements To The Genesee WaterWays Center And Amending The 2009-10 Budget

Int. No. 244 - Authorizing Agreements For Sexual Health Promotion For Young People, As Amended

Int. No. 245 - Authorizing Agreements For The 2010 Justice Assistance Grant Program

Int. No. 246 - Establishing Maximum Compensation For A Professional Services Agreement For The Biz Kid\$ Program

Int. No. 262 - Authorizing Agreements Relating To The 2010 Summer Of Opportunity Program

Respectfully submitted,
Adam C. McFadden
Matt Haag (Abstained on Int. No. 244)
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul

PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2010-236 Re: Agreement - Genesee WaterWays Center, Receipt and Use of a Grant

Transmitted herewith for your approval is legislation authorizing an agreement with Genesee WaterWays Center of Rochester (GWC) for the receipt and use of a \$45,000 grant and amending the 2009-10 Cash Capital Budget of the Department of Recreation and Youth Services to reflect the grant.

The rowing and paddling center at Genesee Valley Park is a City-owned facility and operated by GWC. Improvements to the toilet and meeting rooms will be administered by the City. The total cost of the project, \$90,000, is being shared equally between the City and GWC. The Center's share is a grant from the NYS Environmental Protection Fund (the application was endorsed by City Council in January 2008), which will be used to reimburse the City. The City share of \$45,000 will be funded from the 2008-09 Cash Capital allocation.

Respectfully submitted, Robert J. Duffy Mayor

Ordinance No. 2010-236 (Int. No. 243)

Authorizing An Agreement For Improvements To The Genesee WaterWays Center And Amending The 2009-10 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 Genesee WaterWays Center for funding for improvements to the Genesee WaterWays Center facility at Genesee Valley Park. City matching funds in an amount not to exceed \$45,000 shall be funded from the 2008-09 Cash Capital allocation.

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

Section 3. Ordinance No. 2009-188, the 2009-10 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 \$45,000, which amount is hereby appropriated from the 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. 2010-237 Re: Agreements - New York State Department of Health Grant

Transmitted herewith for your approval is legislation related to a New York State Department of Health/AIDS Institute grant to promote sexual health among young people through youth leadership and community engagement. This legislation will:

- 1. Authorize an agreement with the New York State Department of Health/AIDS Institute for receipt and use of a grant for \$193,735. This grant was anticipated and included in the proposed 2010-11 Budget.
2. Establish \$92,639 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential, to recruit and supervise program leaders, create a social marketing campaign, and conduct project outreach to local youth health clinics from July 1, 2010 to May 31, 2011. The cost of this agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.
3. Establish \$20,000 as maximum compensation for an agreement with AIDS Care, Rochester, to provide a part-time health education coordinator for grant project activities from July 1, 2010 to May 31, 2011. The cost of this agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.
4. Authorize additional agreements as necessary to fund smaller community organizations, to purchase educational supplies, and for staff development. These agreements and purchases will be funded from the remaining grant funds (\$81,096).

The goal of the program is to reduce HIV and sexually transmitted infections, and unintended pregnancies among Rochester youth (ages 13 to 24) of color by engaging youth leaders, parents, health clinics, and community volunteers to support and promote optimal sexual health for young people. Optimal sexual health refers to the support available to adolescents from their community, school, and family to assist them in realizing their individual potential around critical developmental tasks related to sexuality. Engaging youth leadership in facilitating the needed community changes is a unique aspect of this program.

Respectfully submitted, Robert J. Duffy Mayor

Attachment No. AJ-82

Ordinance No. 2010-237 (Int. No. 244, As Amended)

Authorizing Agreements For Sexual Health Promotion For Young People

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 Health/AIDS Institute for funding for a Sexual Health Promotion for Young People through Youth Leadership and Community Engagement Project.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential in an amount not to exceed \$92,639 to provide Project services.

Section 3. The Mayor is hereby further authorized to enter into an agreement with AIDS Care in an amount not to exceed \$20,000 to provide a part-time health education coordinator for Project activities.

Section 4. The Mayor is hereby further authorized to enter into such additional agreements as may be necessary to provide services for the Project, with the total amount of such agreements and the purchase of supplies not to exceed \$81,096.

Section [4] 5. The agreements and the purchase of supplies for the Project shall obligate the City to pay an amount not to exceed \$[112,639] 193,735, and said amount, or so much thereof as may be necessary, [is hereby appropriated from funds to be received under the grant agreement authorized herein] shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section [5] 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [6] 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - None - 0.

Councilmember Haag abstained because his partner is employed by one of the agencies receiving funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-238
Re: Agreement - US Department of Justice, 2010 Justice Assistance Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of Justice for the application for, and receipt and use of, a \$338,643 grant through the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) program, and authorizing an agreement with the County of Monroe for the distribution and use of funds under this program.

As in prior years, the award is shared with the County of Monroe, which intends to use its share to support the Probation Department *Operation Nightwatch* program. The Police Department intends to use JAG funds to underwrite the salary costs of a victims services specialist position in the Family and Victims Services Section of the Police Department, which oversees and provides services to victims and participates in multi-jurisdictional crime taskforces.

As administrator for the grant, the City is allowed 10%, or \$33,864, to cover administrative costs. The remaining funds will be allocated between the City and the County for their respective programs. The City share will be a total of \$186,253.50, which includes the grant administrative cost. The County share is \$152,389.50. No match is required for this grant.

These funds were anticipated and included in the proposed 2010-11 Budget. The application for this grant is to be submitted by June 30, 2010. Final award acceptance and draw down of funds is contingent upon local legislative approval and development of the agreement between the partner agencies. The term of this grant is October 1, 2009 to September 30, 2013. The previous Justice Assistance grant was authorized in September 2009 under Ordinance No. 2009-327.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-238
(Int. No. 245)

Authorizing Agreements For The 2010 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 2010 Edward Byrne Memorial Justice Assistance Grant Program for the term of October 1, 2009 through September 30, 2013.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe to fund the Monroe County Probation Department Grant Program.

Section 3. The agreement shall obligate the City to pay to the County an amount not to exceed \$152,390, 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 2010 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-239
Re: Agreement - Coordinated Care Services, Inc., Biz Kid\$ Coordinator

Transmitted herewith for your approval is legislation authorizing \$54,500 as maximum compensation for an agreement with Coordinated Care Services, Inc. of Rochester to provide a coordinator for the Biz Kid\$ program. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

The coordinator will have responsibility for the overall operation and logistics of all portions of the program for the term of July 1, 2010 through June 30, 2011.

Since 1999, the Biz Kid\$ program, a weeklong camp offered four times per year, provides an opportunity for City youth to participate in an entrepreneurial program which teaches basic business skills and encourages youth enterprise. Biz Kid\$ also operates two ongoing programs to encourage more in-depth entrepreneurial education and experience with Biz Kid\$ and Beyond and Biz Kid\$ Real.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-83

Ordinance No. 2010-239
(Int. No. 246)

Establishing Maximum Compensation For A Professional Services Agreement For The Biz Kid\$ Program

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

Section 1. The sum of \$54,500, 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 Coordinated Care Services, Inc. to provide a coordinator for the Biz Kid\$ Program. Said amount shall be funded from the 2009-10 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. 2010-240
Re: 2010 Summer of Opportunity Program

Transmitted herewith for your approval is legislation related to the 2010 Summer of Opportunity Program (SOOP). This legislation will:

1. Appropriate \$10,000 and \$100,000 respectively, from the Job Creation/Youth Development allocations of the 2006-07 and 2010-11 Community Development Block Grants to partially fund agreements for implementation of the program; and
2. Establish maximum compensation for agreements as summarized below for provision of services related to the program. These agreements will be funded from the appropriations above and from the 2009-10 (\$29,200) and the 2010-11 (\$295,900) Budgets of the Department of Recreation and Youth Services.

The total number of youth to be served in 2010 is 335 for a total cost of \$435,100.

SOOP provides City high school students between the ages of 14-20 with a summer work experience or vocational exploration opportunity. SOOP gives priority for placement to students with at least a 90% school attendance rate, and no long-term school suspensions for the current school year.

As with last year, the City is collaborating with RochesterWorks, for joint recruitment and application processes. In an effort to improve efficiency in these processes, the Children's Institute will manage applications, scheduling and other data through an agreement authorized by Council in April 2010.

Again this year, a request for proposals (RFP) was issued jointly by the City and RochesterWorks to coordinate the summer employment programs and jobs through community-based organizations and not-for-profits. The scope of the RFP was to serve all youth, with a priority on serving 14- and 15-year old youth by providing significant opportunities for work readiness, community service and academic enrichment activities during the summer. For youth 16 and older, the RFP requested participation in work experience as a major activity, as well as civic engagement, and academic enhancement if needed during the summer.

Thirty-four proposals were received. RochesterWorks will be funding nine agencies. The following 14 programs are recommended for City funding based on the description of proposed services, past performance, and the amount of funding available; these programs will serve a total of 255 students at

a cost of \$295,556:

<u>Agency/Program</u>	<u># Youth</u>	<u>Cost</u>	<u>Cost Per</u>
Academy for Career Development - VidTech	10	\$ 10,234	\$1,023
Career exploration through media, arts and technology			
Boys & Girls Club	20	23,694	1,184
Career exploration and life skill development			
Baden Street Settlement - In Control	20	25,056	1,252
Career exploration in theater and video production			
Baden Street Settlement - WearArt	20	27,414	1,370
Entrepreneurial design and construction program			
Charles Street Settlement	20	26,554	1,327
Career exploration in virtual and community work			
Iglesia Educational Centers - Pre-Engineering Academy	30	31,510	1,050
Career exploration in science, math & engineering, and community service			
Ibero - Science, Technology, Engineering & Math (STE2M)	25	26,559	1,062
Career exploration in the fields of science, math & engineering			
PathStone	6	10,005	1,667
Career exploration in urban agriculture			
RCSD - Garden Project	10	17,949	1,794
Career exploration in gardening, sculpting, journalism			
RCSD - Law Prep	16	15,845	990
Career exploration in law			
Rochester Community Television (RCTV)	12	16,016	1,334
Career exploration in television production & editing			
Rochester Housing Authority (RHA)	20	9,286	464
Exploration in residential maintenance, arts & culture, and management; RHA in-kind to cover 50% of wages			
Volunteers of America (VOA)	16	12,895	805
Career exploration through child care services			
Youth for Christ (YFC)	30	42,539	1,417
Career exploration in a variety of industries			
Total	255	\$295,556	

An additional 110 students will be served through the following programs, for a total cost of \$139,544.

Community Conservation Corps (CCC) will employ 25 youth, and Teens on Patrol (TOPS) will employ 15 youth at minimum wage of \$7.25 per hour to work in city recreation centers and/or with police-sponsored programs. The youth will be ages 16 and older, and will work for 7- 8 weeks, depending on the work site. The cost of this program is \$83,314, which is included in the 2010-11 DRYS Budget.

Summer of Opportunity Plus (SOOP+) will provide work experience for 15 high school youth 16 and older. Students will work in internships in the private and non-profit sectors, as well as in selected City offices. Positions include: Office Clerk, Receptionist, Customer Service Representative, Summer Program Assistant and Student Intern. Additionally, 15 youth will also work in the Jr. Recreation Leader program as recreation interns, working 20 hours a week for 8 weeks. The cost of this program is \$23,030, and will be funded from the 2009-10 DRYS Budget.

This year, the City will provide payroll processing services and check distribution for the CCC, TOP, and the SOOP+ programs, which was previously done by the City School District. Payroll services for the Jr. Recreation Leader program will be provided through an agreement with Baden Street Settlement House for students under the age of 16; all others will be provided by the City. The cost of this agreement is \$23,200 to cover wages and fringe for 17 youth, and will be funded from the 2009-10 (\$19,200) and 2010-11 (\$4,000) DRYS Budgets.

Finally, an agreement with Monroe Community College's (MCC) Youth Sports Camp will employ 10 Assistant Camp Counselors, at a cost of \$10,000 to be funded from the 2006-07 CDBG appropriation above.

The most recent agreements for these services were approved by Council on June 16, 2009, Ordinance # 2009-219.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-84

Ordinance No. 2010-240
(Int. No. 262)

Authorizing Agreements Relating To The 2010 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 2010 Summer of Opportunity Program:

<u>Organization</u>	<u>Total</u>
Academy for Career Development - VidTech	\$10,234
Boys & Girls Club	23,694
Baden Street Settlement - In Control	25,056
Baden Street Settlement - WearArt	27,414
Charles Street Settlement	26,554
Iglesia Educational Centers - Pre Engineering Academy	31,510
IBERO - STE2M Program	26,559
PathStone	10,005
Rochester City School District - Garden Project	17,949
Rochester City School District - Law Prep	15,845
Rochester Community Television	16,016
Rochester Housing Authority	9,286
Volunteers of America	12,895
Youth for Christ	42,539
Baden Street Settlement - Payroll Services	23,200
MCC - National Youth Sports	10,000

Section 2. The agreements and allocations for City sponsored programs shall obligate the City to pay an amount not to exceed \$435,100, and of said amount, or so much thereof as may be necessary, \$29,200 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services, \$295,900 shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services, \$10,000 is hereby appropriated from the Job Creation/Youth Development allocation of the 2006-07 Community Development Program and \$100,000 is hereby appropriated from the Responding to General Community Needs Objective, Job Creation/Youth Development allocation of the 2010-11 Community Development Block Grant.

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.

The meeting was adjourned at 11:23 p.m.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
JULY 20, 2010

Present - Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Scott, Spaul - 7.

Absent - President Warren, Councilmember Palumbo - 2.

The Council Vice President requested the Coun-

cil to rise for a Moment of Silence.

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

Recognition Ceremony

- Retirement:
 - Human Resource Management
 - *Doris M. Anderson
 - Mayor's Office
 - *Richard W. Hannon
 - Management & Budget
 - *Mary H. Kirkendale
 - Fire Department
 - *Robert L. Frasier
 - *Samuel Insalaco
 - Police Department
 - Jeffrey C. Clark
 - *Bradford T. Goater
 - *Glenn A. Hoff

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Conklin

RESOLVED, that the minutes of the Public Hearing on June 9, 2010 and the minutes of the Regular Meeting of June 15, 2010 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 4016-10
 - Public Disclosure - HOME Participation 4017-10
 - Quarterly Reports 4018-10
 - Claims Reports
 - Professional Services Agreements

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 Condemnation Of 255-257 East Main Street Int. No. 291 1 speaker Tom Richards.

Changing The Zoning Classification Of 213-215 Oxford Street From Rochester Museum And Science Center Planned Development District No. 4 To R-2 Medium Density Residential Int. No. 293 No speakers.

Approving A Decrease In The Pavement Width Of Jefferson Avenue At Magnolia Street Int. No. 303 No speakers.

Amending The Official Map By Dedicating Parcels To Street Purposes For The East Henrietta Road Improvement Project Int. No. 319 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin July 20, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 279 - Amending The Municipal Code With Respect To The Designation Of Depositories

Int. No. 280 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

Int. No. 281 - Resolution Approving Standard Work Day For Retirement Purposes

Respectfully submitted, Carolee A. Conklin Jacklyn Ortiz (Did not vote on Int. Nos. 279 and 280)

Loretta C. Scott Elaine M. Spaul FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2010-241 Re: City Code Amendment - Depositories

Transmitted herewith for your approval is legislation amending the City Code to increase the maximum deposit amount for designated depositories for City funds as follows:

Table with 3 columns: Depository, Current Amount, New Amount. Lists banks like JP Morgan Chase Bank, HSBC Bank, Bank of America, etc.

The designation by the City Council of depositories is required by section 6-22 of the City Charter and

section 39 of the NYS General Municipal Law. The banks currently designated represent all of those located within the city that have appropriate asset capacity for City purposes.

The most recent change with respect to maximum deposit amounts occurred April 15, 2008. Since then, an historically low interest rate environment has resulted in more favorable interest rates from government money market investments as opposed to other investment options, such as certificates of deposit, repurchase agreements, and State and Local Government Securities.

Increasing the limits will allow the City to enhance its earnings capacity in the current environment while maintaining diversification of deposits with respect to designated depositories.

In addition, the combined City and City School District average investment balance has increased from approximately \$306 million in 2007-08 to \$344 million estimated for 2009-10.

Respectfully submitted, Robert J. Duffy Mayor

Ordinance No. 2010-241 (Int. No. 279)

Amending The Municipal Code With Respect To The Designation Of Depositories

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

Section 1. Section 8-9 of the Municipal Code, Designation of Depositories, as amended, is hereby further amended by amending the chart therein to read in its entirety as follows:

Table with 2 columns: Depository Name, Maximum Amount. Lists banks like JP Morgan Chase Bank, HSBC Bank, Bank of America, etc.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2010-242 Re: Agreement - The Ferguson Group, Federal Lobbying Services

Transmitted herewith for your approval is legislation establishing \$64,000 as maximum compensation for an agreement with The Ferguson Group of Washington, D.C. for federal lobbying services. The term of this agreement will be for six months, July 1 through December 31, 2010. The cost of this agreement will be funded from the 2010-11 Budget of the Office of the Mayor.

The Ferguson Group (TFG) has provided federal lobbying services for the City of Rochester since December, 2006. Highlights of their work with the City over the past year include:

- Securing funding as follows:
 - \$1.36 million in Department of Transportation funding for improvements associated with the Midtown revitalization project;
 - \$340,900 in HUD funding for remediation and site preparation associated with the Midtown revitalization project;
 - \$600,000 in EPA funding for capital improvements to the Highland Reservoir;
 - \$200,000 in Department of Justice funding for the city's After-School Jobs program;
 - \$963,000 in Army Corps funding for rehabilitation of the Charlotte Pier.
- TFG helped to prepare, submit and advocate for the City's FY 2011 appropriations requests, which are currently pending in the House and Senate Appropriations Committees;
- TFG helped to prepare, submit, and advocate for the inclusion of the City's priority projects in the Transportation Reauthorization bill and the Water Resources Development Act, which are currently pending in the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee;
- TFG continued to facilitate communications with senior Economic Development Administration officials regarding Rochester's funding application, which was submitted in April, 2010.

Over the coming six months, TFG will continue to work with the City on the following activities:

- Advocate for the City's priority projects to be included in the FY 2011 appropriations bills;
- Advocate for the City's priority projects to be included in legislation to reauthorize the nation's surface transportation law;
- Advocate for the City's projects to be included in the next version of the Water Resources Development Act; and
- Develop the City's priority requests for the

FY 2012 appropriations process, which will begin in January, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-242
(Int. No. 280)

Establishing Maximum Compensation For A 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 \$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 The Ferguson Group LLC for the provision of Federal lobbying services. Said amount, shall be funded from the 2010-11 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Haag, McFadden, Miller, Ortiz, Scott, Spaul - 6.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-22
Re: City Council Standard Work Day
and Reporting Resolution

Transmitted herewith for your approval is legislation which will standardize the City Council workday in accordance with the New York State Comptroller's Regulation 315.4 in the following ways:

1. City Council members enrolled in the New York State Retirement System will be required to keep a 90 day consecutive log of their daily activities and time spent on City Council business; and
2. This resolution will set the standard City Council workday for full pension credit at 6 hours per day or a thirty hour work week; and
3. All logs will be kept on file with the City Clerk in accordance with Regulation 315.4.

Going forward, new members that are elected to City Council will be required to keep a 90 log with the first 120 days of taking office.

Respectfully submitted,
Carolee A. Conklin
At-large Member, City Council
Chair, City Council Finance Committee

Resolution No. 2010-22
(Int. No. 281)

Resolution Approving Standard Work Day For Retirement Purposes

WHEREAS, members of the City Council who are enrolled in the New York State and Local Retirement System have maintained a log of work-related activities pursuant to 2 NYCRR 315.4 and desire to establish the standard work day and number of days to be reported to the Retirement System for each member based on the submitted logs.

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

Section 1. The Council hereby establishes a six hour standard work day and a thirty hour standard work week (the equivalent of five standard work days) for members of the City Council.

Section 2. The Council hereby certifies that it has received logs of work-related activities pursuant to 2 NYCRR 315.4 from Councilmembers Lovely A. Warren, Elaine M. Spaul, Adam C. McFadden, Carla M. Palumbo and Matt Haag that form the basis for the number of days to be reported.

Section 3. Based on the logs, the monthly reporting for retirement purposes for Councilmembers Lovely A. Warren, Elaine M. Spaul, Adam C. McFadden, Carla M. Palumbo and Matt Haag shall be the total number of work days occurring each month based on those members working the equivalent of full five day standard work weeks throughout the month.

Section 4. The current terms of office of Councilmembers Lovely A. Warren, Elaine M. Spaul, Adam C. McFadden and Carla M. Palumbo began on January 1, 2008 and expire on December 31, 2011. The current term of office of Councilmember Matt Haag began on January 1, 2010 and expires on December 31, 2013.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Conklin
July 20, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 282 -Authorizing The Sale Of Real Estate, As Amended

Int. No. 283 - Amending Ordinance No. 2009-62 Relating To the Sale Of Real Estate

Int. No. 284 - Accepting The Donation Of Real Estate

Int. No. 285 - Approving The Donation Of The Midtown Monorail And An Agreement

Int. No. 286 - Approving A Loan Agreement For The Windsor Lofts Rental Project

Int. No. 287 - Approving Consolidated Plan Housing Development Fund Programs

Int. No. 288 - Approving Consolidated Plan Homeownership Promotion Fund Programs

Int. No. 290 - Authorizing Agreements For The Neighborhood Leadership Institute And Appropriating Funds, As Amended

Int. No. 318 - Authorizing Agreements For The Extension Of Loans For The HUD Asset Control Area Partnership Program

The Neighborhood & Business Development Committee recommends for consideration the following entitled legislation:

Int. No. 291 - Authorizing The Acquisition By Condemnation Of 255-257 East Main Street

Int. No. 292 - Determinations And Findings Relating To The Acquisition Of 255-257 East Main Street

Int. No. 293 - Changing The Zoning Classification Of 213-215 Oxford Street From Rochester Museum And Science Center Planned Development District No. 4 To R-2 Medium Density Residential

The following entitled legislation is being held in Committee:

Int. No. 289 - Approving Consolidated Plan Rental Market Fund Programs

Int. No. 324 - Authorizing Execution Of An Agreement Of Cooperation And Approving The Issuance Of Bonds For St. John's Health Care Corporation By The Village Of East Rochester Housing Authority In Order For The Interest On The Series 2010 Bonds To Qualify For Exemption From Federal Income Taxation

Respectfully submitted,
Carolee A. Conklin
Dana K. Miller
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-243 and
Ordinance No. 2010-244
Re: Sale of Real Estate and Amending
Ordinance 2009-62

Transmitted herewith for your approval is legisla-

tion approving the sale of ten properties and amending Ordinance 2009-62. 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 Bureau of Inspection and Compliance Services 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 being sold by proposal to the adjoining owner, who will use the parcel for parking. Zoning discrepancies do not allow it to be combined with the adjoining property, but the buyer does have preliminary approval from Zoning to use the lot for parking.

The next seven properties are buildable vacant lots, the first being sold to the adjacent owner who will combine the parcel with their current property. The purchasers of the second lot will be constructing a new 3,984 SF laundromat. The sale is subject to issuance of all City approvals and required permits. The remaining five properties are being purchased by Flower City Habitat for Humanity to build new single-family homes as part of the JOSANA development.

The last two properties are unbuildable vacant lots being sold to the adjacent owners, each for \$1.00. Both owners intend to combine these parcels with their respective adjoining lots.

The first year projected tax revenue for these ten properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$6,437.

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.

Ordinance No. 2009-62

This ordinance requires an amendment to correct a typographical error. The ordinance states that sale of 20 King Street to Marlene Sutliff approved for \$50. However, the correct amount is \$500. All offering documents, as well as the development proposal and executed purchase contract reflect the \$500 price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-85

Ordinance No. 2010-243
(Int. No. 282, 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 negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
539 Columbia Ave 120.66-2-40	33x44	1,540	\$ 400	Ray & Beverly James

Section 2. The Council hereby approves the negotiated sale of the following parcels of buildable vacant land:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
1350 E. Main St 107.69-1-48	42x125	5,227	\$ 450	Kevin Thompson
593 Hudson Ave 106.33-1-24.2	194x124	24,056	\$7,000	Canopy Coin Laundry II, LLC*
377 Jay St 105.83-3-20	50x163	8,150	\$ 525	Flower City Habitat for Humanity**
392 Jay St 105.83-2-40	45x104	4,680	\$ 425	Flower City Habitat for Humanity
47 Love St 120.34-2-26	33x160	5,313	\$ 450	Flower City Habitat for Humanity
63 Love St 120.34-2-24.1	92x97	8,924	\$ 550	Flower City Habitat for Humanity
112 Silver St 120.35-1-39.1	66x78	5,226	\$ 450	Flower City Habitat for Humanity

* Principals: Mark Dembs, President/Owner; Robert Huberty, Vice President[; Tony Longo, Vice President]

** Principals: Thomas Rogers, Chairman; David Rodriguez, Vice Chairman; Jeffrey Lewis, Treasurer; Ann McCormick, Secretary; Arthur Woodward, President & CFO

Section 3. The Council hereby 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>Sq. Ft.</u>	<u>Price</u>	<u>Purchaser</u>
376 Denise Rd 060.28-1-1.8	305x123	29,185	\$1	Russell Landon
558 Seward St 120.84-3-60	33x164	5,445	\$1	Ping Sun

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.

Section 5. This ordinance shall take effect im-

mediately.

Ordinance No. 2010-245
(Int. No. 284)

Bracketed material deleted.

Passed unanimously.

Ordinance No. 2010-244
(Int. No. 283)

Amending Ordinance No. 2009-62 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2009-62, relating to the sale of real estate, is hereby amended by changing the purchase price for the sale of 20 King Street to Marlene Sutliff, as approved in Section 1, from \$50 to \$500.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-245
Re: Real Estate Donation - 32 Jefferson Terrace

Transmitted herewith for your approval is legislation accepting the donation of title to the property at 32 Jefferson Terrace from the owner, Zion Hill Missionary Baptist Church. The property consists of a vacant single-family residence in deteriorated condition. The church acquired the house by donation in 2002, at which time the house was vacant and in disrepair. Needed repairs proved to be cost prohibitive, and the church has not been successful with efforts to repair or sell the house. The property is located in the Jefferson Avenue FIS Impact Area. The City owns the adjoining vacant land both to the east and west of the property.

Acceptance of this donation will allow the City to demolish the structure, thereby removing a blighted property from the FIS Impact Area. This action furthers the goals of the Focused Investment Strategy, which focuses on strengthening property values by addressing challenges such as housing over-supply and deteriorated structures. The resulting 1,960 sq. ft. lot, together with adjoining City-owned properties, will create a suitable site for neighborhood greening.

Upon acquisition by the City, the 2010-11 City taxes are to be canceled. Any taxes or charges levied after the date of closing shall also be canceled. The property is to be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-86

Accepting The 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 32 Jefferson Terrace, SBL #120.52-3-56, from the current owner, Zion Hill Missionary Baptist Church.

Section 2. City taxes and other charges against said parcel are hereby 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 outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-246
Re: Agreement - Artisan Works, Midtown Monorail

Transmitted herewith for your approval is legislation related to the Midtown Revitalization Project. This legislation will:

1. Authorize the donation of the Midtown Monorail to Artisan Works for public display at their facility located in the city at 565 Blossom Road, within the city limits of Rochester, New York; and
2. Establish \$10,000 as maximum compensation for an agreement with Artisan Works to assist in funding the relocation and customization of the monorail to fit in the designated space at Artisan Works. The cost of the agreement will be funded from the appropriation authorized in Ordinance No. 2008-152.

Following its removal from Midtown Plaza in August 2008, the monorail has been stored at a cost of \$600 per month. It was offered to organizations the City thought would have an interest, including Strong National Museum of Play and the Rochester Museum and Science Center. Artisan Works is the only organization that has expressed interest in taking ownership.

The total cost to move the monorail from storage to the Blossom Road facility and to install it is estimated at \$24,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-246
(Int. No. 285)

Approving The Donation Of The Midtown Monorail And An Agreement

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

Section 1. The Council hereby approves the donation of the Midtown Monorail to Artisan Works for public display.

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 an agreement between the City and Artisan Works for the relocation and customization of the Midtown Monorail to fit the designated space for public display. Said amount shall be funded from the appropriation made in Section 5 of Ordinance No. 2008-152.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-247
Re: Loan Agreement - 480 Eastman LLC,
Windsor Lofts at 480 East Main Street

Transmitted herewith for your approval is legislation authorizing a \$300,000 loan agreement with 480 Eastman LLC, or a subsidiary to be formed by 480 Eastman LLC, for the rehabilitation of a mixed-use building at 480 East Main Street, and authorizing the Mayor to adjust the interest rate and other terms and conditions of the loan as needed. The loan will be funded from 2007-08 Cash Capital.

The rehabilitation of the building at 480 East Main Street, formerly known as the Cathay Pagoda building, will include upgrading and renovation of 19 residential units, and at least four retail spaces.

The building is owned by 480 Eastman LLC which was formed by John Nolan and Arturo Picicci to pursue the redevelopment.

The loan from Cash Capital requires the developer to keep four of the residential units affordable for rent to households earning no more than 120% of the area median income for the term of the loan. There is a maximum rent allowable for City-assisted units based on the median family income and the family size.

The renovation project comprises nineteen residential units and at least four commercial spaces. Renovation activities have already begun and completion is anticipated before the end of the year. A demand and pricing evaluation conducted by 480 Eastman LLC indicates a market for University of Rochester and Eastman School of Music students. The Windsor Loft project will bring additional investment to an active part of downtown, which includes the Eastman School of Music, Eastman Theatre, the YMCA, and Downstairs Cabaret.

This will be a six-year loan with an interest rate of 3%. Principal and interest payments will be deferred in the first year, and principal and accrued interest will be amortized over the remaining five year period. The sources and uses of funds for Windsor Lofts are summarized below:

<u>Sources of Funds</u>	
Permanent mortgage	\$ 484,000
Developer equity	450,000
City loan	<u>300,000</u>
Total	\$1,234,000

<u>Uses of Funds</u>	
Property acquisition	\$ 734,000
Soft costs - construction	2,500
Hard costs - construction	197,500
Kitchen and floor upgrades	<u>300,000</u>
Total	\$1,234,000

SEQR review has been completed; this is a Type II action and is not subject to further SEQR requirements.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-247
(Int. No. 286)

Approving A Loan Agreement For The Windsor Lofts Rental 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 480 Eastman LLC whereby the City shall provide a loan to partially finance the costs of the reconstruction of rental units as a part of the Windsor Lofts Rental Project. The loan shall be for a term of six years with interest at the rate of 3%. Principal and interest payments shall be deferred in year one, and principal and accrued interest shall be payable over the remaining five year period. 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 or for the Project.

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, shall be funded from the 2007-08 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:

Ordinance No. 2010-248
 Re: Agreements and Appropriations -
 2009-10 and 2010-11 Consolidated
 Community Development Plans,
 Housing Development Fund

Transmitted herewith for your approval is legislation related to housing programs to be financed from the Housing Development Funds of the 2009-10 and 2010-11 Consolidated Community Development Plans. Specifically, this legislation will authorize agreements and appropriate HOME grant and Community Development Block Grant (CDBG) to fund the agreements as follows:

HOME \$195,000

\$150,000 from the 2009-10 and \$45,000 from the 2010-11 New Construction allocations will fund an agreement with Flower City Habitat for Humanity for development subsidies.

2010-11 CDBG \$1,071,000

- \$750,000 from the Housing Development Support allocation for the City of Rochester's demolition program;
- \$186,000 from the Housing Development Support allocation as maximum compensation for an agreement with the Rochester Housing Development Fund Corporation;
- \$80,000 from the Housing Development Support allocation as maximum compensation for an agreement with the Greater Rochester Housing Partnership; and
- \$55,000 from the NeighborWorks Revolving Loan allocation as maximum compensation for an agreement with NeighborWorks Rochester.

The Housing Development Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. Program descriptions are attached for individual activities listed above.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AJ-87

Ordinance No. 2010-248
 (Int. No. 287)

Approving Consolidated Plan Housing Development Fund 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 following organizations in the following amounts, or the following amounts are allocated, for Housing Development Fund Programs:

Flower City Habitat for Humanity	\$195,000
Demolition Program	750,000
Rochester Housing Development Fund Corp.	186,000
Greater Rochester Housing Partnership	80,000
NeighborWorks Rochester	55,000

Section 2. The Programs in Section 1 shall obligate the City to pay an amount not to exceed \$1,266,000, and of said amount, or so much thereof as may be necessary, \$1,016,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Housing Development Support Account) of the 2010-11 Community Development Block Grant, \$55,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (NeighborWorks Revolving Loan Account) of the 2010-11 Community Development Block Grant, \$150,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, New Construction allocation of the 2009-10 HOME Program and \$45,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, New Construction allocation of the 2010-11 HOME 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. 2010-249
 Re: Agreements and Appropriations - 2009-10
 And 2010-11 Consolidated Community
 Development Plans, Homeownership
 Promotion Fund

Transmitted herewith for your approval is legislation related to housing programs to be financed from the Homeownership Promotion Funds of the 2009-10 and 2010-11 Consolidated Community Development Plans. Specifically, this legislation will authorize agreements and appropriate HOME and Community Development Block Grant funds as follows:

2009-10 HOME \$171,079

- Appropriate \$156,079 from the Buyer Assistance allocation and authorize agreements to be funded by the appropriation for down payment and closing cost assistance.
- Appropriate \$15,000 from the Homebuyer Training allocation funds and establishing \$37,500 as maximum compensation for an agreement with NeighborWorks Rochester for

homebuyer training. The balance of the agreement will be funded from the 2005-06 City Development Fund as follows; \$14,488 from the Buyer Assistance allocation and \$8,012 from the Housing Promotion Fund allocation.

2010-11 CDBG \$375,000

- Appropriate \$335,000 from the Foreclosure Prevention allocation as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc.
- Appropriate \$40,000 from the Foreclosure Prevention allocation funds as maximum compensation for an agreement with the Empire Justice Center.

The Homeownership Promotion Fund supports the City's Housing Policy objective to promote home ownership. Program descriptions are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-88

Ordinance No. 2010-249
(Int. No. 288)

Approving Consolidated Plan Homeownership Promotion Fund 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 following organizations in the following amounts, or the following amounts are allocated, for Homeownership Promotion Fund Programs:

Down Payment/Closing Cost Assistance	\$156,079
NeighborWorks Rochester	37,500
The Housing Council in the Monroe County Area, Inc.	335,000
Empire Justice Center	40,000

Section 2. The Programs in Section 1 shall obligate the City to pay an amount not to exceed \$568,579, and of said amount, or so much thereof as may be necessary, \$375,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homeownership Promotion allocation (Foreclosure Prevention Account) of the 2010-11 Community Development Block Grant, \$156,079 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Buyer Assistance allocation of the 2009-10 HOME Program, \$15,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Homebuyer Training allocation of the 2009-10 HOME Program and \$22,500 shall be funded from the 2005-06 City Development Fund.

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. 2010-250
Re: Agreements and Appropriations - 2010-11
Community Development Funds,
Neighborhood and Asset Planning Fund

Transmitted herewith for your approval is legislation related to the Neighborhood and Asset Planning Fund of the 2010-11 Consolidated Community Development Plan. Specifically, this legislation will:

1. Establish \$13,504 as maximum compensation for an agreement with PathStone Inc., 400 East Avenue, for the Neighborhood Leadership Institute (NLI);
2. Appropriate \$13,504 from the Community Development and Leadership Fund of the Community Development Block Grant (CDBG) to fund the agreement; and
3. Authorize any additional agreements required to implement the program.

The NLI is a training model developed by AmericaWorks, the NeighborWorks parent organization. The mission of the NLI model is to cultivate community leaders by training residents to plan, design, and implement activities that identify and build upon their communities' unique assets. The workshop offerings include, but are not limited to: developing leadership potential, organizing for community safety, dealing with absentee landlords, and fundamentals of community organizing.

In addition, special workshops targeted for youth and seniors that focus on their unique talents and perspectives are also available. The NLI will be offered in Rochester for the first time and will be conducted at the Damon Campus of Monroe Community College, August 27-29, 2010.

The NLI plans to train a total of 100 local residents at a cost of \$422 per person. Each participant is expected to develop an "Action Project" that will be implemented in their respective neighborhood as a follow-up and commitment to the NLI. The City's funds will be used to cover the cost of training 32 individuals to be identified by the four Focused Investment Strategy Teams.

The Neighborhood and Asset Planning Fund is designed to support the comprehensive planning, technical assistance, and resources to the NSC Quadrant management process and the Focused Investment Strategy.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-250
(Int. No. 290, As Amended)

Authorizing Agreements For The Neighborhood Leadership Institute And Appropriating 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 PathStone Inc. and such other agreements as may be necessary to implement the Neighborhood Leadership Institute.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$13,504, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Community Plan & Leadership Development Account) of the 2010-11 Community Development Block Grant.

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

Section 4. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Neighborhood and Asset-Based Planning allocation (Arts Rochester Account) of the 2010-11 Community Development Block Grant the sum of \$8,000, or so much thereof as may be necessary, to fund the promotion of the arts through the Arts & Cultural Council of Greater Rochester.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-251
Re: Asset Control Area Program (ACA) -
Phase 4 Financing

Transmitted herewith for your approval is legislation related to the financing of Phase IV of the City's participation in the U.S. Department of Housing and Urban Development (HUD) Asset Control Area Program (ACA). This legislation will:

1. Authorize agreements with the Rochester Housing Development Fund Corporation (RHDFC) and/or JPMorgan Chase Bank to extend a \$2,000,000 loan, without interest, through August 28, 2011 and replace the

source of funds for the loan. The loan will fund a capital loan pool to support property acquisition and rehabilitation activities.

2. Amend the 2007-08 City Development Fund (CDF), a component of the 2007-08 Consolidated Community Development Plan, to extend a loan of \$238,000 through August 28, 2011 for the use of the RHDFC as a loan loss reserve fund for the loan pool.

3. Authorize any additional agreements necessary to implement the program financing.

The original loan of \$2,000,000, authorized through Ordinance No. 2008-12, was financed with HOME funds; however, the ability to use the HOME funds for this purpose expires in August 2010. In order to continue the acquisition and rehabilitation of properties, it is necessary to extend the loan for another year and to replace the HOME funds. The extended loan will be funded from 2008-09 (\$1,460,000) and 2010-11 (\$540,000) Cash Capital.

The RHDFC allows the City to fulfill its obligation to HUD, through the Asset Control Area Program (ACA) agreement, by acquiring properties from the City for rehabilitation and resale to income-eligible, owner-occupants. The twelve-month extension of these loans will allow for the rehabilitation and sale of the 46 properties remaining of the 99 acquired through the fourth loan agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-251
(Int. No. 318)

Authorizing Agreements For The Extension Of Loans For The HUD Asset Control Area Partnership 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 Rochester Housing Development Fund Corporation and/or JPMorgan Chase Bank, N.A. to extend through August 28, 2011, without interest, the loans to fund a capital loan pool in the amount of \$2,000,000 and a loss reserve account in the amount of \$238,000 for the 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 for resale as a part of Phase 4 of the HUD Asset Control Area (ACA) Partnership Program, as approved in Ordinance No. 2008-12.

Section 2. The Council hereby approves an amendment to the 2007-08 City Development Fund Plan, a component of the 2007-08 Community Development Program Plan, whereby the loan approved in Ordinance No. 2008-12 in the amount of \$238,000 to fund the loss reserve account for the capital loan pool for Phase 4 of the HUD Asset

Control Area (ACA) Partnership Program shall be extended through August 28, 2011.

Section 3. Of the sum of \$2,000,000, or so much thereof as may be necessary to fund the capital loan pool, \$1,460,000 shall be funded from the 2008-09 Cash Capital allocation and \$540,000 shall be funded from the 2010-11 Cash Capital allocation.

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. 2010-252 and
Ordinance No. 2010-253

Re: Real Estate Acquisition - Midtown
Revitalization Project

Transmitted herewith for your approval is legislation authorizing the condemnation of the property at 255-257 East Main Street, owned by Richard C. Fox, as part of the Midtown Revitalization Project. City Council is also requested to adopt determinations and findings at this meeting regarding this condemnation.

The acquisition of this property by negotiation and the issuance of bonds to finance the acquisition cost of \$325,000 were previously authorized by City Council pursuant to Ordinance Nos. 2010-109 and 2010-110. Negotiations to obtain this parcel have so far been unsuccessful. In the event that acquisition cannot be accomplished by negotiation, this legislation will enable the Corporation Counsel to commence condemnation proceedings.

The determinations and findings support the acquisition of this parcel for the Midtown site assembly and are consistent with the determinations and findings for the acquisition of the Midtown Plaza properties in Ordinance No. 2007-480. Acquisition will allow for redevelopment of the entire Midtown site in order to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan. All other necessary parcels for the project have been or are in the process of being acquired, and portions of Midtown Plaza are being demolished for this purpose.

A public hearing on the condemnation is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-252
(Int. No. 291)

Authorizing The Acquisition By Condemnation Of 255-257 East Main Street

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

Section 1. The Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of 255-257 East Main Street, SBL #121.24-1-5, owned by Richard C. Fox, to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan. The amount set forth in Ordinance No. 2010-109 for the acquisition of this parcel shall be the amount of the offer. Nothing in this ordinance shall be deemed to limit in any way the liability of the City for further claims arising from the acquisition of said parcel pursuant to the Eminent Domain Procedure Law.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-253
(Int. No. 292)

Determinations And Findings Relating To The Acquisition Of 255-257 East Main Street

WHEREAS, the City of Rochester proposes to acquire 255-257 East Main Street, SBL #121.24-1-5, owned by Richard C. Fox, to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan, and

WHEREAS, the Council of the City of Rochester held a public hearing on July 20, 2010 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 255-257 East Main Street:

Project Location:

The City proposes the public acquisition of the parcel as a part of the site assembly for the Midtown Revitalization Project to further the objectives of the Midtown Urban Renewal Plan and the Center City Master Plan. The City has acquired 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. Asbestos has been abated in Midtown Plaza and portions of Midtown Plaza are being demolished. The City has also acquired 233-247 East Main Street, SBL #121.24-1-3, and 249-253 East Main Street, SBL #121.24-1-4, from the current owners so that the full Midtown plaza site can be assembled for redevelopment.

Public purpose:

The public purpose behind the acquisition is the removal of the blighted Midtown Plaza properties and the subsequent redevelopment of the entire Midtown site. 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 site 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. These determinations and findings are consistent with and support the determinations and findings for the acquisition of the Midtown Plaza properties adopted in Ordinance No. 2007-480.

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 redevelopment of the Midtown Plaza site. 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. No negative environmental effects will result from the acquisition of the parcel by the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-254
Re: Zoning Map Amendment -

213-215 Oxford Street

Transmitted herewith for your approval is legislation amending the Zoning Map of the City of Rochester by rezoning the property at 213-215 Oxford Street from Rochester Museum and Science Center Planned Development District #4 (PD#4) to R-2 Medium Density Residential District.

The rezoning is being requested by the property owner, Rochester Museum and Science Center (RMSC) located at 657-687 East Avenue. There are seven properties which comprise PD#4, partially bounded by East Avenue, Oxford Street, Park Avenue and South Goodman Street. Three of these properties are on Oxford Street; 203 and 209 Oxford Street have been developed as driveways and parking to serve RMSC; and 213-215 Oxford Street is a vacant 2 1/2-story residential structure.

RMSC no longer has any long-range plans for either the dwelling or the land if the structure were to be demolished. The change in zoning to R-2 will facilitate the marketing and sale of the property for single-family or two-family redevelopment, and will return the parcel to the City tax base. PD#4 does not permit the establishment of residential uses, nor does RMSC have a need for a dwelling on their campus.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on May 17, 2010. There was one speaker in support and no speakers in opposition to this proposal. By a vote of 5-0, the Planning Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-89

Ordinance No. 2010-254
(Int. No. 293)

Changing The Zoning Classification Of 213-215 Oxford Street From Rochester Museum And Science Center Planned Development District No. 4 To R-2 Medium Density Residential

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 213-215 Oxford Street from Rochester Museum and Science Center Planned Development District No. 4 to R-2 Me-

dium Density Residential:

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 intersection of the centerline of Oxford Street (50' ROW) and the easterly projection of the south line of Lot 8 of the Samuel Wilder Subdivision, as filed in the Monroe County Clerk's Office in Liber 5 of Maps, Page 45, said intersection being the Point or Place of Beginning; thence

- 1) Westerly, along said projection and the south line of Lot 8, a distance of 151.6 feet, more or less, to the southwest corner thereof; thence
- 2) Northerly, along the rear line of said Lot 8, a distance of 50.0 feet to the northwest corner thereof; thence
- 3) Easterly, along the north line of said Lot 8, a distance of 151.6 feet, more or less, to the said centerline of Oxford Street; thence
- 4) Southerly, along said centerline, a distance of 50.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Int. No. 324 from Committee.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

Ayes -Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Scott, Spaul - 7.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-255

Re: Agreement - East Rochester Housing Authority, St. John's Home

Transmitted herewith for your approval is legislation authorizing an agreement with the Village of East Rochester Housing Authority (ERHA) for the City's approval of the issuance of \$33,000,000 in Revenue Refunding Bonds to refinance existing debt. Section 37(1)(aa) of the Public Housing Law authorized housing authorities to assist projects outside their territorial jurisdiction, upon the consent of the jurisdiction where the project will be built.

These bonds will allow ERHA to refinance certain capital costs incurred by St. John's Health Care Corporation in connection with the construction, renovation and equipping of St. John's Home residential health care facility at 150 Highland Avenue

in the City of Rochester.

By approving issuance of the bonds, the City assumes no liability for payment of principal or interest on the bonds. City Council authorized a similar agreement in July, 2002 to enable ERHA financing of projects at St. Mary's Hospital.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-255
(Int. No. 324)

Authorizing Execution Of An Agreement Of Cooperation And Approving The Issuance Of Bonds For St. John's Health Care Corporation By The Village Of East Rochester Housing Authority In Order For The Interest On The Series 2010 Bonds To Qualify For Exemption From Federal Income Taxation

Whereas, St. John's Health Care Corporation (the "Institution"), a not-for-profit corporation organized under the laws of the State of New York having its offices at 150 Highland Avenue, Rochester, New York proposes to refinance the capital costs incurred in connection with the construction, renovation and equipping of the residential health care facility located at 150 Highland Avenue, Rochester, New York and known as St. John's Home (the "Project"); and

Whereas, the Project is owned and operated by the Institution; and

Whereas, the Institution has advised the City that the refinancing of the Project would be facilitated by the issuance by the Village of East Rochester Housing Authority (the "Authority") of its Village of East Rochester Housing Authority Revenue Refunding Bonds (GNMA Security - St. John's Health Care Corporation Project), Series 2010 (the "Series 2010 Bonds") pursuant to section 41 of the Public Housing Law of New York State; and

Whereas, it is intended that interest on all or substantially all of the Bonds will be exempt from federal income taxation pursuant to Section 145 of the Code; and

Whereas, as special obligations of the Authority payable solely out of the revenues, receipts or other payments derived from or in connection with the Project, the Bonds would not be a debt of the United States of America, the State of New York, the County of Monroe, the Village of East Rochester or the City of Rochester; and

Whereas, under the provisions of Section 37(1)(aa) of the Public Housing Law of the State of New York, the Authority is empowered to enter into an agreement of cooperation with a municipality which need not be within the territorial jurisdiction of the Authority to assist such municipality with the construction, maintenance, operation or management of a housing project.

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

Section 1. In consequence of the foregoing, the Mayor is hereby authorized to enter into the Agreement of Cooperation with the Village of East Rochester Housing Authority pursuant to Section 37(1)(aa) of the Public Housing Law of the State of New York. The Mayor of the City of Rochester is hereby authorized, on behalf of the City, to execute and deliver (by manual or facsimile signature) the Certificate of Public Approval of the Mayor and the Agreement of Cooperation and the City Clerk is hereby authorized to affix the seal (or a facsimile thereof) of the City to the Agreement of Cooperation and to attest to it, all in substantially the form presented to this meeting with changes, variations, omissions and insertions as the Mayor shall approve. The execution by the Mayor shall constitute conclusive evidence of that approval.

Section 2. In consequence of the foregoing, the City hereby approves the issuance by the Authority of its \$33,000,000 Revenue Refunding Bonds (GNMA Security - St. John's Health Care Corporation Project), Series 2010 for the purpose of refinancing the cost of constructing, renovating and equipping the Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 289
Re: Agreements and Appropriations - 2010-11 Consolidated Community Development Plan, Rental Market Fund

Transmitted herewith for your approval is legislation related to the Rental Market Fund of the 2010-11 Consolidated Community Development Plan. Specifically this legislation will authorize agreements and appropriate a total of \$193,688 from the CDBG grant to fund the Agreements as follows:

1. \$170,000 from the landlord Tenant Services allocation of 2010-11 CDBG funds and authorizing an agreement with Legal Aid Society of Rochester, NY, Inc.; and
2. \$23,688 from the Tenant Education allocation of the 2010-11 CDBG funds and authorizing an agreement with The Housing Council in the Monroe County Area, Inc.

The activities will be aimed at encouraging landlords to successfully maintain rental housing and supporting tenants to reestablish or attain stable housing situations. Services include landlord training and education courses, and individual counseling. Tenants will be offered education, owner-tenant mediation, and eviction prevention services.

The Rental Housing Fund supports the City Housing Policy objective to support efforts to strengthen

the rental market. Program descriptions are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 289

APPROVING CONSOLIDATED PLAN RENTAL MARKET FUND 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 following organizations in the following amounts for Rental Market Fund Programs:

Legal Aid Society of Rochester, NY, Inc.	\$170,000
The Housing Council in the Monroe County Area, Inc.	23,688

Section 2. The Programs in Section 1 shall obligate the City to pay an amount not to exceed \$193,688, and of said amount, or so much thereof as may be necessary, \$170,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Landlord Tenant Services Account) of the 2010-11 Community Development Block Grant and \$23,688 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Tenant Education Account) of the 2010-11 Community Development Block Grant.

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.

Held in Committee.

By Councilmember Miller
July 20, 2010

To the Council:

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

Int. No. 294 - Amending The 2010-11 Budget For Distressed Ash Tree Removal

Int. No. 295 - Authorizing The Participation In The Lake Avenue Improvement Project

Int. No. 296 - Authorizing Participation In The Waring Road Improvement Project

Int. No. 297 - Amending The 2010-11 Budget For Drainage Repairs At Riverside Cemetery

Int. No. 298 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,150,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2010 Street Improvement Program

Int. No. 299 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$155,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The 2010 Street Improvement Program

Int. No. 300 - Establishing Maximum Compensation For A Professional Services Agreement For The Highland Parkway Rehabilitation Project

Int. No. 301 - Authorizing Applications And Agreements For Historic Preservation Grants

Int. No. 302 - Amending The 2010-11 Budget And Ordinance No. 2010-53 For The High Falls District Improvement Project

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

Int. No. 303 - Approving A Decrease In The Pavement Width Of Jefferson Avenue At Magnolia Street

Int. No. 319 - Amending The Official Map By Dedicating Parcels To Street Purposes For The East Henrietta Road Improvement Project

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2010-256
Re: Budget Amendment - Distressed Ash Tree Removal

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$150,000 from the insurance reserve fund to Cash Capital to fund the removal and replacement of approximately 300 distressed ash trees.

The City's forestry inventory includes approximately 60,000 individual trees; approximately 5,000 of those are ash trees. In anticipation of the arrival of the emerald ash borer, which has the potential to devastate the ash tree population, the Forestry Division of the Department of Environmental Services' Bureau of Operations and Parks has surveyed the condition and mapped the location of all ash trees in the right-of-way and City parks.

In an effort to mitigate the anticipated impact of the

emerald ash borer insect, recently detected as close as Cattaraugus County, Forestry staff will proactively remove all ash trees in poor condition and some ash trees in fair condition in areas where ash trees comprise a high percentage of the street tree population. Approximately 155 street trees and seventeen park trees in poor condition will be removed and replaced with other types of trees. In addition, about 128 street trees in fair condition will be removed and replaced. Removal will be done under an existing term contract; Forestry employees will perform stump grinding and tree planting.

Owners of adjacent properties will be notified several weeks prior to planned removals. Forestry Division staff will also provide information to quadrant teams and be available to answer questions from neighborhood stakeholders if requested. Information on scheduling of tree replacement cycles and requests for information regarding Emerald Ash Borer will be available from 311 and the City Website.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-90

Ordinance No. 2010-256
(Int. No. 294)

Amending The 2010-11 Budget For Distressed Ash Tree Removal

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$150,000, which amount is hereby appropriated from the Insurance Reserve Fund to fund the removal and replacement of distressed ash trees.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-257
Re: Lake Avenue Improvement Project

Transmitted herewith for your approval is legislation related to the Lake Avenue (Merrill Street to 600 feet south of Burley Road) Improvement Project. This legislation will:

1. Authorize the Mayor to enter into any necessary agreements with the New York State Department of Transportation (NYSDOT) to participate in and administer the project;
2. Appropriate \$516,000 from anticipated reim-

bursements from the Federal Highway Administration to partially finance the planning, engineering and right-of-way incidentals phases of the project; and

3. Appropriate \$96,750 from anticipated reimbursements from New York State Department of Transportation Marchiselli Aid Program to partially finance the planning, engineering and right-of-way incidentals phases of the project.

The Lake Avenue project includes street reconstruction, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting and tree planting.

The current estimated cost of the project is \$8,404,750, which will be funded as follows:

Federal	\$6,711,000
NYS	114,750
General Cash Capital	30,000
General Debt	1,100,000
Water Cash Capital	14,000
Water Debt	316,000
Pure Waters	52,000
Monroe County Traffic	<u>67,000</u>
Total	<u>\$8,404,750</u>

The street survey and project administration will be performed by Environmental Services, Architecture and Engineering staff with federal and state reimbursement for the eligible portion of the work. Authorization for the engineering planning and design services will be requested in a future Council item.

Design of the project will begin in fall 2010 and is anticipated to be completed in spring 2013. Construction of Lake Avenue is expected to take place starting in 2013.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-91

Ordinance No. 2010-257
(Int. No. 295)

Authorizing Participation In The Lake Avenue Improvement 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 Lake Avenue (Merrill Street to 600 feet south of Burley Road) Improvement 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. The Mayor is hereby further authorized to enter into necessary agreements with

the New York State Department of Transportation providing for City responsibility for the maintenance and repair of the streets.

Section 3. The sum of \$516,000 is hereby appropriated from Federal Highway Administration funds for the Lake Avenue Improvement Project.

Section 4. The sum of \$96,750 is hereby appropriated from New York State Department of Transportation funds for the Lake Avenue Improvement 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. 2010-258
Re: Waring Road Improvement Project

Transmitted herewith for your approval is legislation related to the Waring Road (Culver Road to Norton Street) Street Improvement Project. This legislation will:

1. Authorize the Mayor to enter into any necessary agreements with the New York State Department of Transportation (NYSDOT) to participate in and administer the project; and
2. Appropriate \$393,000 from anticipated reimbursements from the Federal Highway Administration to partially finance the planning, engineering and right-of-way incidentals phases of the project.

The Waring Road project includes street reconstruction, new curbing, sidewalks, water main and services, hydrants, receiving basins, street lighting, and tree planting.

The current estimated cost of the project is \$7,350,000, which will be funded as follows:

Federal	\$5,148,000
General Cash Capital	155,000
General Debt	867,000
Water Cash Capital	104,000
Water Debt	975,000
Pure Waters	40,000
Monroe County Traffic	<u>61,000</u>
Total	<u>\$7,350,000</u>

The street survey and project administration will be performed by the Bureau of Architecture and Engineering with federal and state reimbursement for the eligible portion of the work. Authorization for the engineering planning and design services will be requested at a later date.

Design of the project will begin in fall 2010 and is

anticipated to be completed in spring 2013. Construction of Waring Road is expected to begin in 2015.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-92

Ordinance No. 2010-258
(Int. No. 296)

Authorizing Participation In The Waring Road Improvement 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 Waring Road (Culver Road to Norton Street) Improvement 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. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Department of Transportation providing for City responsibility for the maintenance and repair of the streets.

Section 3. The sum of \$393,000 is hereby appropriated from Federal Highway Administration funds for the Waring Road Improvement 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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-259
Re: Appropriation - Riverside Cemetery
Drainage Repairs

Transmitted herewith for your approval is legislation appropriating \$150,000 from the Cemetery Fund balance and amending the 2010-11 Budget by including this amount in Cemetery Cash Capital. These funds will be used to partially fund drainage repairs at Riverside Cemetery.

Persistent flooding adjacent to the Cemetery's southwest retention pond has the potential to impact nearby burial grounds. Efforts to mitigate the standing water by cleaning existing catch basins have not been successful. Further investigation has revealed failures of the underground pipe connecting to the pond overflow. Significant portions of the original clay tile pipe is in poor to inoperable condition, including root infiltration, failed repairs,

and partial collapse at some locations.

The Department of Environmental Services, Bureau of Architecture and Engineering, will oversee the design and construction of approximately 800 feet of piping, catch basins for surface drainage, and manholes for cleaning access. The estimated project cost is \$235,000, which shall be funded as follows:

2010-11 Cemetery Cash Capital	\$150,000
2009-10 DES Cash Capital	50,000
2010-11 Cemetery Cash Capital	<u>35,000</u>
Total	\$235,000

Construction is anticipated for the 2011 construction season.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-259
(Int. No. 297)

Amending The 2010-11 Budget For Drainage Repairs At Riverside Cemetery

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$150,000, which amount is hereby appropriated from the Cemetery Fund to fund drainage repairs at Riverside Cemetery.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-260,
Ordinance No. 2010-261 and
Ordinance No. 2010-262
Re: Appropriations and Agreement -
Street Improvement Programs

Transmitted herewith for your approval is legislation related to the 2010 Milling & Resurfacing and Highland Parkway Improvement Projects. This legislation will:

1. Authorize the issuance of bonds totaling \$2,150,000 and the appropriation of the proceeds thereof to finance portions of the Street Improvement Program;
2. Authorize the issuance of bonds totaling \$155,000 and appropriation of the proceeds thereof to finance water improvements; and
3. Establish \$86,000 as maximum compensation for an agreement with Passero Associates

P.C., Rochester 14604, for resident project representation (RPR) services for the Highland Parkway Project. The cost of the agreement will be funded from the proceeds of the bonds appropriated herein.

Both projects were designed by the Department of Environmental Services, Bureau of Architecture and Engineering. This year's Milling & Resurfacing Program provides for the resurfacing of approximately 5.3 miles of streets and other related improvements; affected streets are provided in the attached list.

The Highland Parkway project incorporates construction of improvements on Highland Parkway from South Goodman Street to South Clinton Avenue. Work will include: reconstruction of the pavement, new water mains and services between South Goodman and Greenview Drive; new curb; new sidewalks as needed; driveway aprons; catch basins; and topsoil and seed.

The proposed request for bonding is consistent with the 2010-11 Capital Improvement Program.

<u>Project</u>	<u>Street</u>	<u>Water</u>
2010 M&R	\$1,650,000	\$ 20,000
Highland Parkway	<u>500,000</u>	<u>135,000</u>
	\$2,150,000	\$155,000

Qualifications were solicited openly through the City's web site; eleven firms responded. Staff reviewed the qualifications and selected three firms to submit detailed proposals for RPR services: LaBella Associates, Passero Associates, and Stantec Consulting Services. Based on qualifications, experience, and availability of staff, Passero Associates is recommended.

It is anticipated that project construction will begin in fall 2010 and be complete in spring 2011. The construction cost estimate for the 2010 M&R is \$2,500,000, and \$543,000 for Highland Parkway. RPR services for the Highland Parkway Project will begin with project construction.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-93

Ordinance No. 2010-260
(Int. No. 298)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,150,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The 2010 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 reconstruc-

tion of certain streets related to the 2010 Street Improvement Program in the City, including but not limited to the streets contained on the list on file with the City Clerk (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 \$2,150,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,150,000 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 \$2,150,000 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 \$2,150,000. 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. 2010-261
(Int. No. 299)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$155,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The 2010 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 2010 Street Improvement Program in the City, including but not limited to the streets contained on the list on file with the City Clerk (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 \$155,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$155,000 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 \$155,000 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 \$155,000. 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. 2010-262
(Int. No. 300)

Establishing Maximum Compensation For A Professional Services Agreement For The Highland Parkway Rehabilitation Project

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

Section 1. The sum of \$86,000, 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 P.C. for resident project representation services for the Highland Parkway Rehabilitation Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$69,000 shall be funded from a bond ordinance for street purposes and \$17,000 shall be funded from a bond ordinance for water purposes for the Street Improvement Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-263
Re: Grant Applications - 2010 New York
State Office of Parks, Recreation and
Historic Preservation

Transmitted herewith for your approval is legislation authorizing applications to New York State for Historic Preservation grants totaling \$800,000 and agreements with New York State as needed, if the grants are awarded. The grants would be used to partially finance the cost of masonry and window stabilization at the Mount Hope Cemetery New Chapel, and installation of a fire suppression system at the Rundel Memorial Library, respectively. Each grant requires a minimum local share of 25% of the project budget.

Mount Hope Cemetery New Chapel

The City will apply for \$400,000 in grant funding for repairs to the clerestory windows and for minor masonry stabilization. The total cost is estimated at \$500,000; the local match (\$100,000) will be requested for inclusion in the 2011-12 Capital Improvement Plan.

Constructed in 1912, the Gothic Revival style Chapel designed by J. Foster Warner is suffering from deterioration caused by exposure to harsh environmental conditions. In October 2008, PLAN Architectural Studio, P.C., under a Term Services Agreement, conducted an assessment of the condition of the building envelope. They determined the highest priority of stabilization and repairs is for the upper areas of the main body of the Chapel, including clerestory and end wall masonry and window systems.

PLAN consulted with Mesick, Cohen, Wilson, Baker Architects, LLP, lead design consultant for the current City Hall Brownstone Restoration Project, to prepare restoration recommendations with cost projections for the Chapel's window and masonry systems.

Rundel Memorial Library Fire Suppression System

The City will apply for \$400,000 in grant funding for the installation of a fire suppression system in the Rundel Building. Total cost is estimated at \$500,000; the local match (\$100,000) will be requested for inclusion in the 2011-12 Capital Improvement Plan.

In November 2009, the Department of Environmental Services, Bureau of Architecture & Engineering assisted the Central Library in reviewing and recommending an approach to fire suppression system installation. LaBella Associates was retained under term contract to determine project cost estimates and recommended approach to repairs. The proposed project incorporates various systems on the lower and upper stack levels of the library, as well as portions of the building leased by the Rochester Historical Society. These areas total approximately 40,000 square feet.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-263
(Int. No. 301)

Authorizing Applications And Agreements For Historic Preservation Grants

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 State of New York for Historic Preservation Grants for the Mount Hope Cemetery New Chapel Project and the Rundel Library Fire Suppression System Project.

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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-264
Re: Heritage Areas Program Grant - High Falls District

Transmitted herewith for your approval is legislation related to the High Falls District Improvement Project. This legislation will:

1. Amend the 2010-11 Budget of the Department of Environmental Services, Cash Capital allocation to reflect the receipt and use of the \$320,000 grant from the New York State Office of Parks, Recreation & Historic Preservation. The agreement with New York State was previously authorized by Council in September 2009.
2. Amend Ordinance No. 2010-53 to increase maximum compensation for the agreement with LaBella Associates, P.C. by \$58,000 to a total of \$129,000 for structural engineering services for the project. The agreement will be funded from 2008-09 Cash Capital (year-end budget amendment Ordinance No. 2009-268).

This grant will support current investigation and design of repairs for several areas within the District, including the Raceway at Brown's Race, the Festival Site Wheel Pit, and the Festival Site Gorge Wall. The project also includes repairs to the Brown's Race raceway, which is currently leaking water and is causing deterioration of the adjacent building foundations.

The Department of Environmental Services, Bureau of Architecture and Engineering, chose to proceed with the priority portion due to deferred announcements of the 2009 Heritage Area Program awards by the State. The City was notified in late May of the full award amount. The grant award will allow for additional raceway repairs, restoration of the Triphammer Water Wheel, relocation and installation of an historic millstone, and various

other aesthetic repairs and maintenance.

LaBella was authorized to proceed with portions of the project in spring 2010, including an investigation of the gorge anchoring wall, which will inform future Capital Improvement Program requests. This investigation is incorporated in the grant activities. Additional services include design and construction administration for the additional work scope provided for by the grant.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-264
(Int. No. 302)

Amending The 2010-11 Budget And Ordinance No. 2010-53 For The High Falls District Improvement Project

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$320,000, which amount is hereby appropriated from funds to be received from the New York State Office of Parks, Recreation & Historic Preservation to fund the High Falls District Improvement Project.

Section 2. Ordinance No. 2010-53, relating a professional services agreement with LaBella Associates for structural engineering services for the High Falls District Improvement Project, is hereby amended by increasing the maximum compensation from \$71,000 to \$129,000. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-265
Re: Jefferson Avenue Revitalization Project
Geometric Changes

Transmitted herewith for your approval is legislation authorizing changes in pavement width required for the Jefferson Avenue Revitalization Project as follows:

A decrease of 10 feet, from 38 feet to 28 feet, beginning at a point 70 feet south of Magnolia Street at the intersection of Jefferson Avenue, to a point 70 feet north of the same intersection.

In addition to pavement width changes, this project includes resurfacing of the street; curb replacement and driveway apron improvements as necessary; new concrete sidewalks as needed in addition to

decorative sidewalks in the commercial core area; decorative crosswalks and striping; street trees; gateway features; and new street and pedestrian level lighting. Pavement width changes were requested by the Monroe County Department of Transportation in order for the removal of the flashing red signal at Magnolia Street. The project is being designed by Fisher Associates.

No additional right-of-way is required to accommodate the changes in pavement width.

Public meetings were held on November 30, 2009 and March 24, 2010. The meeting minutes are on file with the City Clerk's Office.

Another public meeting will be held on July 6, 2010. Meeting minutes will be forwarded prior to the July Council meeting. The pavement width changes will be presented for endorsement at the July 13, 2010 Traffic Control Board meeting.

It is anticipated the design will be completed in late summer 2010 and construction will begin in fall 2010, with substantial completion by summer 2011.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-94

Ordinance No. 2010-265
(Int. No. 303)

Approving A Decrease In The Pavement Width Of Jefferson Avenue At Magnolia Street

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

Section 1. The Council hereby approves a decrease of 10 feet, from 38 feet to 28 feet, in the pavement width of Jefferson Avenue, beginning at a point 70 feet south of Magnolia Street to a point 70 feet north of Magnolia Street, as a part of the Jefferson Avenue Revitalization 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:

Ordinance No. 2010-266
Re: Official Map Amendment - East Henrietta Road Improvement Project (Mt. Hope Avenue to South Avenue)

Transmitted herewith for your approval is legislation amending the Official Map by dedicating the five parcels and one permanent easement as public rights-of-way for street purposes as part of the East Henrietta Road Improvement Project. The affected properties are:

<u>Address</u>	<u>Type</u>	<u>Sq. Ft.</u>
135 Redfern Drive	parcel	71
136 Redfern Drive	parcel	40
1 Warren Street	parcel	29
2 Warren Street	parcel	44
1 Rosemount Street	parcel	24
1432 Mt. Hope Avenue	perm. easement	499

City Council approved the acquisition of a portion of these six parcels in May 2009, and the purchase of all the parcels was completed in November 2009. The partial acquisitions were required for sidewalk construction on the East Henrietta Road Improvement Project (Mt. Hope Avenue to South Avenue). Five of these partial acquisitions are now being dedicated as City-owned parcels and one as a public right-of-way for street purposes.

These amendments will be presented to the City Planning Commission at its July 19, 2010 meeting. Recommendations and meeting minutes will be forwarded prior to the July 20, 2010 City Council Meeting.

A public hearing on the map amendment is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-95

Ordinance No. 2010-266
(Int. No. 319)

Amending The Official Map By Dedicating Parcels To Street Purposes For The East Henrietta Road Improvement Project

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 to street purposes the following parcels as part of the East Henrietta Road Improvement Project, and by adding said parcels to Redfern Drive:

All that piece or parcel of property designated as Parcel No. 1, as shown on the accompanying map of Michael C. Bogardus, L.S., dated May 13, 2009, on file in the Office of the City Clerk.

Beginning at the point of intersection of the westerly Highway Boundary of East Henrietta Road (State Route 15A) and the southerly Highway Boundary of Redfern Drive, said point being 59.99 feet left of the hereinafter described

2005 Survey Baseline and at right angles to Station 184+10.44; thence S 17°45'21" E along the aforementioned westerly Highway Boundary of East Henrietta Road (State Route 15A), a distance of 8.91 feet to a point, said point being 60.0± feet left of the 2005 Survey Baseline and at right angles to Station 184+01.5±; thence S 73°19'22" W through the lands now or formerly owned by Ayanna M. Chastine, a distance of 5.48 feet to a point, said point being 65.44 feet left of the 2005 Survey Baseline and at right angles to Station 184+01.62; thence N 35°45'02" W continuing through the aforementioned lands now or formerly owned by Ayanna M. Chastine, a distance of 11.68 feet to a point on the southerly Highway Boundary of Redfern Drive, said point being 69.1± feet left of the 2005 Survey Baseline and at right angles to Station 184+12.7±; thence N 86°25'56" E along the aforementioned southerly Highway Boundary of Redfern Drive, a distance of 9.37 feet to the POINT OF BEGINNING.

The above described parcel contains 0.002 acres (71± sq. ft.).

All that piece or parcel of property designated as Parcel No. 2, as shown on the accompanying map of Michael C. Bogardus, L.S., dated May 13, 2009, on file in the Office of the City Clerk.

Beginning at the point of intersection of the northerly Highway Boundary of Redfern Drive and the westerly Highway Boundary of East Henrietta Road (State Route 15A), said point being 60.11 feet left of the hereinafter described 2005 Survey Baseline and at right angles to Station 184+62.01; thence S 86°25'56" W along the aforementioned northerly Highway Boundary of Redfern Drive, a distance of 6.79 feet to a point, said point being 66.7± feet left of the 2005 Survey Baseline and at right angles to Station 184+63.7±; thence N 14°30'04" E through the lands now or formerly owned by David R. McCagg & Stephen McCagg, a distance of 12.33 feet to a point on the westerly Highway Boundary of East Henrietta Road (State Route 15A), said point being 60.1± feet left of the 2005 Survey Baseline and at right angles to Station 184+74.1±; thence S 17°45'21" E along the aforementioned westerly Highway Boundary of East Henrietta Road (State Route 15A), a distance of 12.10 feet to the POINT OF BEGINNING.

The above described parcel contains 0.001 acres (40± sq. ft.).

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following parcel as part of the East Henrietta Road Improvement Project, and by adding said parcel to Mt. Hope Avenue:

All that piece or parcel of property designated as Parcel No. 8, as shown on the accompanying map of Michael C. Bogardus, L.S., dated May 26, 2009, on file in the Office of the City Clerk.

Beginning at the point of intersection of the northerly Highway Boundary of Fort Hill Terrace and the easterly Highway Boundary of Mount Hope Avenue (State Route 15), said point being 20.72 feet right of the hereinafter described 2005 Survey Baseline and at right angles to Station 200+97.41; thence N 16°20'16" E along the aforementioned easterly Highway Boundary of Mount Hope Avenue (State Route 15), a distance of 65.80 feet to a point, said point being 24.67± feet right of the 2005 Survey Baseline and at right angles to Station 201+63.10±; thence S 72°57'57" E through the lands now or formerly owned by Jeanne M. Blaisdell, trustee of the Hoffend Family Trust U/A along an arc to the right, said curve having a radius of 5051.50 feet, the chord of which is S 16°50'35" W for a distance of 30.30 feet to a point of reverse curvature, said point being 29.76 feet right of the 2005 Survey Baseline and at right angles to Station 201+32.35; thence continuing southwesterly through the aforementioned lands now or formerly owned by Jeanne M. Blaisdell, trustee of the Hoffend Family Trust U/A along an arc to the left, said curve having a radius of 162.00 feet, the chord of which is S 10°42'35" W for a distance of 35.58 feet to a point on the northerly Highway Boundary of Fort Hill Terrace, said point being 31.12 feet right of the 2005 Survey Baseline and at right angles to Station 200+96.79; thence N 73°40'46" W along the aforementioned northerly Highway Boundary of Fort Hill Terrace, a distance of 10.42 feet to the POINT OF BEGINNING.

The above described parcel contains 0.011± acres (499± sq. ft.).

Section 3. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following parcel as part of the East Henrietta Road Improvement Project, and by adding said parcel to Rosemount Street:

All that piece or parcel of property designated as Parcel No. 5, as shown on the accompanying map of Michael C. Bogardus, L.S., dated May 13, 2009, on file in the Office of the City Clerk.

Beginning at the point of intersection of the southerly Highway Boundary of Rosemount Street and the easterly Highway Boundary of East Henrietta Road (State Route 15A), said point being 45.46 feet right of the hereinafter described 2005 Survey Baseline and at right angles to Station 197+54.30; thence N 86°02'34" E along the aforementioned southerly Highway Boundary of Rosemount Street, a distance of 6.25 feet to a point, said point being 51.4± feet right of the 2005 Survey Baseline and at right angles to Station 197+52.3±; thence S 25°05'02" W through the lands now or formerly owned by

John R. Cahoon, a distance of 8.92 feet to a point on the easterly Highway Boundary of East Henrietta Road (State Route 15A), said point being 44.8± feet right of the 2005 Survey Baseline and at right angles to Station 197+46.3±; thence N 17°45'21" W along the aforementioned easterly Highway Boundary of East Henrietta Road (State Route 15A), a distance of 8.03 feet to the POINT OF BEGINNING.

The above described parcel contains 0.001 acres (24± sq. ft.).

Section 4. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating to street purposes the following parcels as part of the East Henrietta Road Improvement Project, and by adding said parcels to Warren Street:

All that piece or Parcel of property designated as Parcel No. 3, as shown on the accompanying map of Michael C. Bogardus, L.S., dated May 13, 2009, on file in the Office of the City Clerk.

Beginning at the point of intersection of the existing easterly Highway Boundary of East Henrietta Road (State Route 15A) and the existing southerly Highway Boundary of Warren Street, said point being 24.6± feet right of the hereinafter described 2005 Survey Baseline and at right angles to Station 194+97.73; thence N 86°02'34" E along the aforementioned southerly Highway Boundary of Warren Street, a distance of 6.4± feet to a point, said point being 30.6± feet right of the 2005 Survey Baseline and at right angles to Station 194+95.7±; thence S 21°33'18" W through the lands now or formerly owned by Julian M. Clarke, a distance of 9.9± feet to a point on the easterly Highway Boundary of East Henrietta Road (State Route 15A), said point being 23.8± feet right of the 2005 Survey Baseline and at right angles to Station 194+88.6±; thence N 17°45'21" W along the aforementioned easterly Highway Boundary of East Henrietta Road (State Route 15A), a distance of 9.2± feet to the POINT OF BEGINNING.

The above described parcel contains 0.001 acres (29± sq. ft.).

All that piece or parcel of property designated as Parcel No. 4, as shown on the accompanying map of Michael C. Bogardus, L.S., dated May 13, 2009, on file in the Office of the City Clerk.

Beginning at the point of intersection of the northerly Highway Boundary of Warren Street and the easterly Highway Boundary of East Henrietta Road (State Route 15A), said point being 28.73 feet right of the hereinafter described 2005 Survey Baseline and at right angles to Station 195+49.04; thence N 17°45'21" W along the aforementioned easterly Highway Boundary of East Henrietta Road (State Route 15A), a distance of 6.69 feet to a point, said point being 29.3± feet right of the 2005 Survey Baseline and at right angles to Station 195+55.7±; thence S

70°29'29" E through the lands now or formerly owned by Jonathan Davis, a distance of 16.32 feet to a point on the northerly Highway Boundary of Warren Street, said point being 41.4± feet right of the 2005 Survey Baseline and at right angles to Station 195+44.8±; thence S 86°02'34" W along the aforementioned northerly Highway Boundary of Warren Street, a distance of 13.38 feet to the POINT OF BEGINNING.

The above described parcel contains 0.001 acres (43± sq. ft.).

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
July 20, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 304 - Authorizing Agreements Relating To The Rochester After School Academy 4 Program

Int. No. 305 - Establishing Maximum Compensation For A Professional Services Agreement For A Competitive Swimming Program For Youth

Int. No. 306 - Authorizing An Agreement For Funding For The Summer Of Opportunity Program And Amending The 2010-11 Budget, As Amended

Int. No. 307 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 308 - Establishing Maximum Compensation For A Professional Services Agreement For The Officer Assistance Program

Int. No. 309 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

Int. No. 310 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

Int. No. 311 - Authorizing An Agreement For Project SEARCH

Int. No. 313 - Authorizing An Agreement For Funding For Recreation Programs And Amending The 2010-11 Budget

Int. No. 314 - Amending The 2010-11 Budget For The 2009 Urban Area Security Initiative

Int. No. 315 - Appropriation Of Funds For Smoke Detectors

Int. No. 316 - Amending The 2009-10 Budget For Recreation Center Book Purchases

Int. No. 320 - Authorizing An Agreement With Respect To The Anti-Violence Targeted Initiative And Amending The 2010-11 Budget

Int. No. 321 - Authorizing Agreements With Respect To Project IMPACT VII And Amending The 2010-11 Budget

Int. No. 322 - Authorizing An Agreement With Respect To The Operation Impact Warrant Initiative And Amending The 2010-11 Budget

Int. No. 323 - Authorizing An Agreement For Reimbursement For School Resource Officers

Int. No. 325 - Amending The 2010-11 Budget For Pathways To Peace

Int. No. 326 - Authorizing Amendments For The Red Light Camera Program

The following entitled legislation is being held in Committee:

Int. No. 312 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Police Mobile Data Terminals

Respectfully submitted,
 Adam C. McFadden
 Matt Haag (Abstained on Int. No. 307)
 Jacklyn Ortiz
 Elaine M. Spaul (Abstained on Int. No. 304)
 PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2010-267
 Re: Agreement - New York State Department Of Education, Rochester After School Academy

Transmitted herewith for your approval is legislation related to the Rochester After School Academy program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of \$847,771 in funding through the New York 21st Century Community Learning Centers Program for the Rochester After School Academy, Round 4 (RASA-4), for the 2010-11 school year. This is the third year of a five-year grant. This year's amount includes up to \$7,904 in City indirect costs.
2. Establish maximum compensation, funded from the appropriation above, for agreements with the following entities for implementation of the program. The terms of these agreements will be for one year.

<u>Program Delivery</u> <u>School Partner</u>	<u>Amount</u>
Ibero-American Action League Rochester STEM (Science, Technology, Engineering, and Mathematics) HS	\$126,376
Community Place of Greater Rochester Dr. Freddie Thomas Learning Center, Northeast Prep. & Northwest Prep.	150,240
The Center for Youth Services East High School	153,200
<u>Consultant</u> <u>Services</u>	
Children's Institute Evaluation and Surveys	15,000
Coordinated Care Services, Inc. Professional Development, Parent University, APR Evaluation	178,992
Margaret C. Lancer, Consultant Fiscal Reporting Services 2010-11	15,000
Furaha Moye, Consultant Monitoring, Parent Involvement Projects, Inventory Control	<u>25,000</u>
Total	\$663,808

Margaret C. Lancer and Furaha Moye are both located in the City of Rochester.

3. Authorize an amendatory agreement with Margaret C. Lancer for additional reporting services for the 2009-10 program year recently added to state requirements for the 2009-10 program year. This amendment will increase maximum compensation by \$2,175, for a total of \$11,925. The additional cost will be financed from the 2009-10 budget of the Department of Recreation and Youth Services (DRYS).

A portion of the RASA-4 funds, \$183,963, was included in the 2010-11 DRYS Budget. Of that amount, \$73,054 will be used for the Jefferson High School site with DRYS acting as the lead agency. The remaining \$103,005 will cover administration and management.

In 2010-11, each site will serve a minimum of 60 youth and their families.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AJ-96

Ordinance No. 2010-267
 (Int. No. 304)

Authorizing Agreements Relating To The Rochester After School Academy 4 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-Round 4 (RASA-4) Program.

Section 2. The Mayor is hereby authorized to enter into the following agreements for projects under the RASA-4 Program:

<u>Agency</u>	<u>Amount</u>
<u>School Partner</u>	
IBERO-American Action League Rochester STEM High School Community Place of Greater Rochester	\$126,376
Dr. Freddie Thomas, NE & NW Prep	150,240
The Center for Youth Services East High School	153,200

<u>Consultant</u>	<u>Amount</u>
<u>Services</u>	
Children's Institute Evaluation and Surveys	\$ 15,000
Coordinated Care Services, Inc. Professional Development, Parent University, APR Evaluation	178,992
Margaret C. Lancer Fiscal Reporting Services	15,000
Furaha Moye Monitoring, Parent Involvement Projects, Inventory Control	25,000

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$663,808, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York 21st Century Community Learning Centers Program Funds. A Department of Recreation and Youth Services Program at Jefferson High School and administrative and indirect costs in a total amount of \$183,963 shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 4. The Mayor is hereby further authorized to enter into an amendatory agreement with Margaret C. Lancer in an amount not to exceed \$2,175 for fiscal reporting services for the 2009-10 RASA-4 Program Year. Said amount shall be funded from the 2009-10 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 by the following vote:

Ayes - Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Scott - 6.

Nays - None - 0.

Vice President Spauld abstained because she is employed by one of the agencies receiving funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-268
Re: Agreement - Rochester Rapids Swim
Team, Competitive Swimming Program

Transmitted herewith for your approval is legislation establishing \$13,500 as maximum annual compensation for an agreement with Rochester Rapids Swim Team (RRST), 85 Adams Street, for continued operation of a competitive swimming program for youth. The agreement will be financed from the 2010-11 Budget of the Department of Recreation and Youth Services, and subsequent annual budgets, contingent upon approval. The agreement will have an initial term of one year with a provision for renewal for four additional one-year periods.

RRST has operated the City's competitive swimming program since 1984. The most recent agreement was authorized in September 2005 (Ord. No. 2005-287) and expired on June 30, 2010.

The program serves youth of all skill levels between the ages of 4 and 19 years, and operates at the Adam Street Recreation Center and Genesee Valley Park pools. The team competes in the United States Swimming and Genesee Valley Swim Leagues.

Participation in the program is limited to 120 youths with preference provided to city residents. During the past three years, approximately 64% participants were city residents, and 28% were minorities.

RRST will continue management of most aspects of the program, including the selection and supervision of the coaching staff, scheduling of practices and meets, affiliations with various swimming associations, and recruitment and coordination of volunteers. The annual fee will be increased from \$275 to \$325 for city participants and from \$325 to \$425 for non-city participants.

City youth whose families can demonstrate a financial hardship or inability to pay will continue to be eligible for up to 20 scholarships that are subsidized by the City and RRST. The City will provide \$125 for each scholarship while RRST absorbs the balance of the costs. During the current season, five scholarships were provided; 19 scholarships were provided over the previous three years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-268
(Int. No. 305)

Establishing Maximum Compensation For A Professional Services Agreement For A Competitive Swimming Program For Youth

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

Section 1. The sum of \$13,500, 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 Rochester Rapids Swim Team for continued operation of a competitive swimming program and instruction for youth for a term of one year, with four one-year renewal options. Said amount shall be funded from the 2010-11 and subsequent Budgets of the Department of Recreation and Youth Services, contingent upon the adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-269
Re: Agreement - RochesterWorks, Inc.,
Summer of Opportunity Program

Transmitted herewith for your approval is legislation authorizing an agreement with RochesterWorks, Inc. for the receipt and use of a \$76,000 grant, and amending the 2010-11 Budget of the Department of Recreation and Youth Services to reflect the grant.

On June 14, 2010, as part of emergency budget legislation, New York State appropriated \$15 million dollars in Temporary Aid to Needy Families (TANF) funding to support summer youth employment statewide. RochesterWorks received approximately \$500,000 of these funds to support local summer youth employment efforts, and will provide \$76,000 in support of the Summer of Opportunity Program.

This funding will support 37 Summer of Opportunity Program Recreation SOOP Youth Worker and SOOP Office Assistant positions in the program. This will bring the total number of youth to be served through the 2010 Summer of Opportunity Program to 372, for a total cost of \$511,100.

The most recent legislation for these services was approved by Council on June 15, 2010, Ordinance No. 2010-240.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-269
(Int. No. 306, As Amended)

Authorizing [An] Agreements [For Funding] For The Summer Of Opportunity Program And Amending The 2010-11 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 RochesterWorks, Inc.

for the receipt and use of funding for the Summer of Opportunity Program.

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

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$76,000, which amount is hereby appropriated from funds received through the grant agreement authorized herein.

Section 4. The Mayor is hereby further authorized to enter into an amendatory agreement with Baden Street Settlement of Rochester, Inc. for payroll services for the Summer of Opportunity Program.

Section 5. The amendatory agreement shall obligate the City to pay an amount not to exceed \$28,614, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 6. The amendatory agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-270
Re: Agreement - Center for Dispute Settlement,
Complaint Management Services

Transmitted for your approval is legislation establishing maximum compensation of \$93,825 for an agreement with the Center for Dispute Settlement, Inc. (CDS), for the provision of services relating to complaints involving members of the Rochester Police Department. The cost of the agreement will be funded from the 2010-11 Budget of the Police Department.

The most recent agreement for this purpose was authorized in July 2009. The term of the new agreement will be from July 1, 2010 through June 30, 2011, and the amount is increased by \$1,875, or 2% from the previous year.

The citizen complaint review process was established by City Council Resolution No. 92-40, and modified by Resolution No. 95-8. CDS will select and train panelists, conduct hearings, and maintain related records. CDS will continue to provide complaint intake services at its own offices. CDS will also provide conciliation services for less

serious complaints against RPD personnel, and will supply civilian panelists for internal hearings.

During calendar 2009, CDS administered 37 Citizen Review Board hearings, and there were no conciliation sessions.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-270
(Int. No. 307)

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 \$93,825, 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 2010-11 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-271
Re: Agreement - University of Rochester,
Officer Assistance Program

Transmitted herewith for your approval is legislation establishing \$20,000 as annual maximum compensation for an agreement with the University of Rochester for continued administration of the Officer Assistance Program (OAP) at the University Medical Center. The term of this agreement will be for one year, with the option of two one-year renewals. Funding for the agreement is included in the 2010-11 Budget of the Police Department and will be included in subsequent budgets, dependent upon approval.

Strong Behavioral Health Employee Assistance Program at Strong Memorial Hospital provides a confidential and therapeutic setting to address the mental health and psychological needs of Rochester Police Department members and their families. The program accommodates both self-referrals and mandatory referrals due to critical incidents.

The OAP provides intake and counseling sessions, as well as a mobile Critical Incident Stress Management Team, which is available 24 hours a day, seven days a week.

The University of Rochester Medical Center developed the current OAP program specifically for the Rochester Police Department and has administered the program since November 1996. The most recent OAP agreement, authorized by Ordinance No. 2005-184, expired June 30, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-271
(Int. No. 308)

Establishing Maximum Compensation For A Professional Services Agreement For The Officer Assistance Program

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 annual compensation to be paid for a professional services agreement between the City and the University of Rochester Medical Center for continued administration of the Officer Assistance Program, for a term not to exceed one year, with two one-year renewal options. Said amount shall be funded from the 2010-11 and subsequent budgets of the Rochester Police Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmember Conklin, McFadden, Miller Ortiz, Scott, Spaul - 6.

Nays - None - 0.

Councilmember Haag abstained because he is employed by the agency receiving funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-272 and
Ordinance No. 2010-273
Re: Agreements - Veterinary Services

Transmitted for your approval is legislation authorizing agreements for veterinary services for the City's Animal Services shelter and the Police Department's Canine Unit during 2010-11.

Animal Services

A total of \$80,000 will be used for agreements with several licensed veterinarians to provide routine veterinary services to animals in custody at the Verona Street animal shelter. These services include spay/neuter surgeries, which are provided primarily on-site. 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. There also is an agreement with the Humane Society at Lollypop Farm, to provide services at their facility, should coverage be needed on occasion.

The estimated veterinary services expenses for 2010-11 are as follows:

On-site veterinary services	\$72,500
Animal Emergency Services	<u>7,500</u>
Total	\$80,000

Funding is included in the 2010-11 Budget of the Police Department.

Canine Unit

A total of \$23,000 will be used to fund an agreement with Stone Ridge Animal Hospital to provide veterinary services to the dogs assigned to the Canine Unit of the Police Department's Special Operations Division. These services include examination of new police dogs before they are accepted by the Police Department for duty, immunizations and tests, and medical care as needed. Stone Ridge has provided satisfactory services to the City for over thirteen years. The amount requested includes \$18,000 for services anticipated during fiscal year 2010-11 and \$5,000 for unanticipated expenses for sick and injured dogs retroactive to April 2010.

The cost of this agreement will be funded from the 2010-11 (\$18,000) and 2009-10 (\$5,000) Budgets of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-272
(Int. No. 309)

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 \$80,000, 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. Said amount shall be funded from the 2010-11 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-273
(Int. No. 310)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

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

Section 1. The sum of \$23,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for an amendatory professional services agreement with Stone Ridge Animal Hospital for veterinary services for the Canine Unit of the Police Department for 2010-11 and retroactive to April 2010. Of said amount, \$5,000 shall be funded from the 2009-10 Budget of the Rochester Police Department and \$18,000 shall be funded from the 2010-11 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-274
Re: Agreements - Project SEARCH

Transmitted herewith for your approval is legislation authorizing agreements with the University of Rochester, the Rochester City School District, and Arc of Monroe County to implement Project SEARCH, an internship program for persons with developmental disabilities.

Project SEARCH is a one-year, high school transition program for students with disabilities between the ages of 18-21, that provides training and education with the goal of obtaining competitive employment. The City, as host employer, is obligated to identify a minimum of twelve intern work assignments. A list of assignments is attached.

Participating students will attend a one-hour class on employability skills to be held at City facilities. Then students will spend 4-5 hours at the City department work sites. They will participate in three 10-week unpaid internships that focus on specific job skills.

Support for students will be provided by a teacher and paraprofessional from the School District, and a job coach from Arc of Monroe County. Staff costs will be funded by the school district and Arc of Monroe County. The City will provide on-site classroom and office resources.

Project SEARCH is a national program founded in 1994 at the Cincinnati Children's Hospital to provide transitional work experience for students with disabilities.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-97

Ordinance No. 2010-274
(Int. No. 311)

Authorizing An Agreement For Project SEARCH

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 University of Rochester, the Rochester City School District and the ARC of Monroe County to provide on-site classroom and office resources for Project SEARCH.

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. 2010-275
Re: Greater Rochester Health Foundation Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Health Foundation for the receipt and use of a grant for \$14,300, and amending the 2010-11 Budget of the Department of Recreation and Youth Services to reflect this grant.

A total of \$7,500 of the grant will be used to support the Love-15 tennis instruction program. The program is operated by the YMCA with a total budget of \$22,500, and provides instruction for 55-100 participants at City sites

The remaining funds, \$6,720, will support a hip-hop aerobic fitness program for up to 150 youth at Gardiner Recreation Center.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-275
(Int. No. 313)

Authorizing An Agreement For Funding For Recreation Programs And Amending The 2010-11 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 Greater Rochester Health Foundation for the receipt and use of funding for the operation of tennis and aerobics programs.

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

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$14,300, which amount is hereby appropriated from funds received through the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-276
Re: Appropriation - 2009 UASI Grant

Transmitted herewith for your approval is legislation appropriating a total of \$559,792 in 2009 Urban Area Security Initiative (UASI) funds from the New York State Office of Homeland Security (NYSOHS); and amending the 2010-11 Budget by including portions of these funds as follows: \$536,000 in Cash Capital, and \$7,000 in the Budget of the Fire Department. The remaining amount, \$16,792, is the 3% allowed for administrative overhead and was included in the 2010-11 Budget of the Fire Department.

The activities related to UASI are closely coordinated among the law enforcement and emergency management entities in the City, Monroe County, and outlying counties, creating a regional approach to homeland security. This year the primary focus of funding is for equipment for detecting and responding to chemical, biological, and/or explosive device incidents.

The agreement with NYSOHS for this award was authorized by City Council Ord. No. 2009-437 in December 2009.

The term of this grant is August 1, 2009 to July 31, 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-276
(Int. No. 314)

Amending The 2010-11 Budget For The 2009 Urban Area Security Initiative

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$7,000, and to the Cash Capital allocation by the sum of \$536,000, which amounts are hereby appropriated from funds to be received from the New York State Office of Homeland Security under the 2009 Urban Area Security Initiative (UASI).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-277
Re: Appropriation - Smoke Detector Installation Program

Transmitted herewith for your approval is legislation appropriating \$75,000 from the 2010-11 Consolidated Community Development Plan-Annual Action Plan, General Community Needs allocation for the purchase of smoke and carbon monoxide detectors and replacement batteries.

The Rochester Fire Department provides and installs free smoke and carbon monoxide detectors to low- and moderate-income families in residential properties. In February 2009, the New York State Uniform Fire Prevention and Building Code mandated installation of carbon monoxide detectors in all residential properties, further increasing the likelihood of installation requests.

The RFD coordinates and implements fire prevention and education programs to reach at-risk target populations. In 2009-10, the RFD installed 1,662 smoke detectors, 1,068 carbon monoxide detectors, and 799 batteries in residential properties throughout the city. As an additional effort to educate residents, firefighters performed 387 home safety surveys and provided assistance in developing Home Escape Plans for residents as a voluntary component of the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-277
(Int. No. 315)

Appropriation Of Funds For Smoke Detectors

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

Section 1. There is hereby appropriated from the General Community Needs Objective, Fire Department Small Equipment allocation of the 2010-11 Community Development Block Grant the sum of \$75,000, to fund the purchase of smoke and carbon monoxide detectors and batteries.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-278
Re: Recreation Center Book Purchases

Transmitted herewith for your approval is legislation amending the 2009-10 Budget by transferring \$25,000 from Contingency to the Cash Capital allocation of the Department of Recreation and Youth Services. These funds will be used to purchase books for use at recreation centers.

A collaborative planning process between the Department of Recreation and Youth Services (DRYS) and the Rochester Public Library (RPL) highlighted the need for access to reading materials in the spaces that youth congregate. While recreation centers continue to solicit and accept donations of books, the current supply is extremely limited. Purchasing books will allow for age- and interest-appropriate selections.

Children of low-income families are less likely to have books in their homes, and are less likely to see reading as a recreational activity. Our recreation center participants need to see reading as a recreational and enjoyable activity for themselves and for their peers. Literacy impacts school attendance and graduation rates.

Books will be purchased in partnership with the RPL, which will give Recreation Center Directors access to collection experts. This will also allow participating youth an opportunity to play an active role in book selections.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-278
(Int. No. 316)

Amending The 2009-10 Budget For Recreation Center Book Purchases

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency Account to the Cash Capital allocation to fund the purchase of books for recreation centers.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-279,
Ordinance No. 2010-280 and

Ordinance No. 2010-281
Re: New York State Division of Criminal
Justice Services Grants

Transmitted herewith for your approval is legislation related to New York State Division of Criminal Justice Services (DCJS) grants. This legislation will:

1. Authorize agreements with DCJS for applications for, and receipt and use of, Impact VII, Operation Impact Warrant Initiative, and Anti-Violence Targeted Initiative grants; and amend the 2010-11 Budget of the Police Department by a total of \$615,100 to reflect the grants.
2. Establish \$45,000 as maximum compensation for an agreement with the Rochester Institute of Technology for data analysis services related to Impact VII. The cost of the agreement will be funded from the 2010-11 Budget of the Police Department. The term of the agreement will be for one year, beginning July 1, 2010.
3. Amend the 2010-11 Budget by transferring \$16,000 from Contingency to Undistributed to cover fringe benefits related to overtime staffing for the Anti-Violence Targeted Initiative.

Impact VII

The Operation Impact grant award of \$499,100 will be used to continue initiatives to reduce violent crime in Rochester through improved coordination among federal, state, and local criminal justice agencies using data driven strategies. The law enforcement efforts of Impact VII 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 utilized to inform the taskforce in setting its priorities and direction. The primary use of the Impact VII funds will be for overtime details and equipment purchases to support the initiative. This is the seventh round of Impact funding and covers the year beginning July 1, 2010. The previous award of \$463,751 was authorized in September 2009.

Operation Impact Warrant Initiative

The Warrant Initiative is a special one-time award of \$16,000 to conduct joint details with the Monroe County Sheriff's Office, and the Office of Probation and Community Corrections to target violent felons and sex offenders under existing warrants. The start date for use of these funds was May 25, 2010 and final vouchering will occur by July 31, 2010.

Anti-Violence Targeted Initiative

This award of \$100,000 through the Justice Assistance program will be targeted for areas with a high concentration of violent crime. The funds will be used for overtime and for covert vehicle rental. No

match is required for these funds. This is the first time the City has received funding under this program which runs from April 1, 2010 through December 31, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-279
(Int. No. 320)

Authorizing An Agreement With Respect To The Anti-Violence Targeted Initiative And Amending The 2010-11 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 for the Anti-Violence Targeted Initiative.

Section 2. Ordinance No. 2010-188, the 2010-11 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 \$100,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein. Said Budget is hereby further amended by transferring the sum of \$16,000 from the Contingency Account to Undistributed Expense to fund fringe benefits for the Initiative.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-280
(Int. No. 321)

Authorizing Agreements With Respect To Project IMPACT VII And Amending The 2010-11 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 for Project IMPACT VII.

Section 2. The sum of \$45,000, 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 crime data analysis services for Project IMPACT VII. Said amount shall be funded from the 2010-11 Budget of the Rochester Police Department.

Section 3. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Po-

lice Department by the sum of \$499,100, 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.

Ordinance No. 2010-281
(Int. No. 322)

Authorizing An Agreement With Respect To The Operation Impact Warrant Initiative And Amending The 2010-11 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 for the Operation Impact Warrant Initiative.

Section 2. Ordinance No. 2010-188, the 2010-11 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 \$16,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-282
Re: Agreement - Rochester City School District,
School Resource Officers

Transmitted herewith for your approval is legislation authorizing a three-year agreement with the Rochester City School District (RCSD) for the annual receipt and use of \$1,100,000 as partial reimbursement of the cost to provide sworn City of Rochester police personnel to serve as School Resource Officers in RCSD schools. This agreement is the result of extended negotiations with the District regarding number of personnel to be assigned and other contract terms. The term of this agreement extends retroactively from July 1, 2009 through June 30, 2012.

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, truancy enforcement, and handling calls for service that originate within the school setting.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AJ-98

Ordinance No. 2010-282
(Int. No. 323)

Authorizing An Agreement For Reimbursement For School Resource Officers

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 in the annual amount of \$1,100,000 to reimburse the City for School Resource Officers placed in City Schools from July 1, 2009 through June 30, 2012.

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. 2010-283
Re: Budget Amendment - Pathways to Peace

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$34,000 from Contingency to the Department of Recreation and Youth Services.

The funding will be used to hire five part-time, temporary (20 hours per week, 16 weeks) Youth Intervention Specialists to work with Pathways to Peace. These additional staff will provide necessary resources to address the increase in youth violence seen in recent weeks. They will engage in outreach activities and intervene in conflicts showing a high probability for escalating into violence. The specialists will work with individuals unwilling to cooperate with law enforcement. Outreach will consist of presenting violence-prone city residents with multiple positive alternatives and possible mediation that can assist in preventing any further violence, assaults, or homicide.

This corps of individuals will create a visually-identifiable public presence on the street that will both aid youth in re-engaging with positive adults and assist residents in engaging in positive conflict resolution strategies.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-283
(Int. No. 325)

Amending The 2010-11 Budget For Pathways To Peace

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$34,000 from the Contingency Account to the Department of Recreation and Youth Services to fund additional staff for Pathways to Peace.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Haag, McFadden, Miller, Ortiz, Scott, Spuall - 6.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-284
Re: Agreements - Red Light Camera Project

Transmitted herewith for your approval is legislation related to the installation of the red light traffic enforcement camera system. This legislation will:

1. Authorize funding for an agreement with the County of Monroe for access to their traffic control system. The City will pay \$3,000 per intersection for the initial installation of red light traffic enforcement camera system equipment, as well as the ongoing system costs for power, conduit, pole and pullbox usage, stakeouts, and detector loop replacements. The City will also pay the County \$30,000 annually, or the cost of County services provided, whichever is greater, for additional County costs related to the system.
2. Authorize an amendatory agreement with Redflex Traffic Systems, Inc., Phoenix, AZ, whereby the costs for which Redflex is responsible, \$2,200 of the initial installation costs and the ongoing system costs, will be deducted from the amounts owed Redflex by the City.

On April 2, 2009, the City Council adopted Resolution No. 2009-7, a home rule message asking New York State to authorize the City to establish a pilot program for the installation of cameras at up to fifty intersections to monitor red light violations. The State Legislature authorized the program by Chapter 22 of the Laws of 2009. By Local Law No. 13 of 2009 and Ordinance No. 2009-436, City Council approved the establishment of the program and authorized agreements with Redflex and the County and the State for the installation of the red light traffic enforcement camera system.

The goal of the Red Light Camera Project is to increase public safety through the reduction of

traffic accidents caused by drivers who fail to stop at red lights. Using cameras for traffic enforcement will also allow the Police Department more flexibility in assigning officers for other purposes.

The County owns and maintains most of the traffic control signals in the City. The City and Redflex have been working with the County to identify the connections needed to the County traffic control system and the services required of the County. The County costs associated with the red light camera system will be initially reimbursed by the City under the agreement. These costs will then be apportioned between the City and Redflex. Funds to pay for the agreement will be provided in the annual budgets of the Police Department.

The agreements run through December 1, 2014, the end date of the State's authorization of the demonstration program. Options for two two-year renewals are included on condition of the State's continuation of the program.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-284
(Int. No. 326)

Authorizing Amendments For The Red Light Camera Program

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

Section 1. The agreement with the County of Monroe for the red light camera program approved by Ordinance No. 2009-436 shall obligate the City of Rochester to pay an amount not to exceed \$3,000 per intersection for the initial installation of red light traffic enforcement camera system equipment, as well as the ongoing system costs for power, conduit, pole and pullbox usage, stakeouts, and detector loop replacements. The City shall also pay the County the annual sum of \$30,000, or the cost of County services provided, whichever is greater, for additional County costs relating to the system. Said amounts, or so much thereof as may be necessary, shall be funded from the 2010-11 and subsequent Budgets of the Rochester Police Department, subject to adoption of subsequent Budgets.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Redflex Traffic Systems, Inc. for the red light camera program approved by Ordinance No. 2009-436. The amendatory agreement shall allow the City to deduct from the amounts owed Redflex \$2,200 of the initial County installation costs per intersection, and the ongoing system costs of the County for which Redflex is responsible.

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 im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 312
Re: Amendatory Agreement - Brite Computers,
Mobile Equipment Standardization and
Support

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Brite Computers, Rochester, NY to provide services related to the Police Department's Mobile Data Terminals. The original agreement, authorized in June 2008, established maximum compensation at \$75,000 and was amended in June 2009 to increase the maximum to \$150,000. This agreement will further increase this amount by \$75,000 for a total of \$225,000. The additional amount will be funded from the 2010-11 Budget of the Information Technology Department.

Each police patrol car is equipped with a Mobile Data Terminal (MDT), which includes a computer, scanner, printer, and two data network connections. Brite Computers has been working to bring the RPD system into compliance with the County's MDT standard. The additional funds will enable Brite Computers to provide the following services:

- Continue to assist in the deployment of the automatic vehicle locator technology (AVL) for RPD marked vehicles and provide day-to-day trouble shooting during implementation. To date, approximately 300 RPD vehicles have been equipped with AVL capability; An additional 80 more vehicles need to be equipped with Nexus Hawk GPS devices;
- Upgrade the TraCS system, which is used to facilitate electronic citations for motor vehicle accidents. As part of this project, equipment, including scanners, printers and computers, will be replaced in potentially 280 marked RPD vehicles;
- Install Nexus Hawk mobile IP routers in fifty new RPD vehicles;
- Replace radio modems with Nexus Hawk devices for connections to 9-1-1.

Brite Computers was selected to provide this service based on price, their expertise, experience and success in providing these services within RPD's MDT equipment and operational environment.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 312

**ESTABLISHING MAXIMUM COMPEN-
SATION FOR AN AMENDATORY PROFES-
SIONAL SERVICES AGREEMENT FOR PO-**

LICE MOBILE DATA TERMINALS

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 an amendatory professional services agreement with Brite Computers for services for the Rochester Police Department's Mobile Data Terminals (MDTs). Said amount shall be funded from the 2010-11 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Vice President Spaul
July 15, 2010

To the Council:

The following entitled legislation is being held in The Committee Of The Whole

Int. No. 317 - Resolution Confirming The Ap-
pointment Of The Commissioner Of Recreation
And Youth Services

Respectfully submitted,
Elaine M. Spaul
Carolee A. Conklin
Matt Haag
Adam C. McFadden
Dana K. Miller
Jacklyn Ortiz
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 317
Re: Confirming the Appointment of the
Commissioner of Recreation and Youth
Services

Transmitted herewith for your approval is legisla-
tion confirming, as required by the City Charter,
the appointment of Luis Burgos as Commissioner
of the Department of Recreation and Youth Serv-
ices.

Mr. Burgos' resume is available in the City Clerk's
office for your review.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 317

**RESOLUTION CONFIRMING THE AP-
POINTMENT OF THE COMMISSIONER OF
RECREATION AND YOUTH SERVICES**

WHEREAS, the Mayor has appointed Luis Burgos to the position of Commissioner of Recreation and Youth Services, 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 Luis Burgos as Commissioner of Recreation and Youth Services.

This resolution shall take effect immediately.

Held in Committee.

The meeting was adjourned at 8:30 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
August 17, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 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

Welcoming Sister Cities Guests from the People's Republic of China
Laisi Ma
Shaoyang Liu

Retirement:

- Mayor's Office/Communications
 - *Ira Srole
- Environmental Services
 - Richard Gombatto
 - *Maria Oliver
 - Albert Smith
- Fire Department
 - *Daniel C. Pignato
 - *Peter J. Scirotno
- Library
 - *Gaye L. Poness
- Police Department
 - *Beatrice H. Nettin

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of July 20, 2010 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 4019-10
- Public Disclosure - HOME Participation 4020-10
- Public Disclosure - Lead Hazard Control Program Participation (2) 4021-10, 4022-10
- Quarterly Reports (2) 4023-10, 4024-10
- Delinquent Receivables
- Insurance Claims
 - General Liability Claims
 - Workers Compensation Claims

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 Chapter 120 Of The Municipal Code, The Zoning Code Int. No. 344 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Capron Street And Accepting An Easement Int. No. 337. No speakers.

Amending Consolidated Community Development/2010-11 Annual Action Plan And Approving A Section 108 Business Loan And A Brownfields Economic Development Initiative Grant For The Midtown Plaza Revitalization Project Int. No. 359 No speakers.

Amending Consolidated Community Development Program, Homelessness Prevention Fund No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-285
Re: Amending the 2010-11 Consolidated Community Development Plan - Midtown Plaza Revitalization Project

Transmitted herewith for your approval is legislation amending the 2010-11 Consolidated Community Development Plan related to financing sources for the Midtown Plaza Revitalization Project. This legislation will:

1. Authorize an agreement with the US Department of Housing and Urban Development for the application for and receipt and use of \$16,500,000 in funding for a Section 108 program;
2. Amend the 2010-11 Consolidated Community Development Plan to add Section 108 Loan authority in the amount of \$16,500,000 and a Brownfields Economic Development Initiative (BEDI) grant in the amount of \$2,000,000 for the Midtown Plaza Revitalization Project;
3. Authorize the Mayor to adjust the terms and conditions of the Section 108 Loan application, agreements and other instruments for the Section 108 Loan and BEDI grant as the Mayor deems appropriate; and
4. Authorize agreements or instruments necessary to implement the Section 108 Loan and BEDI programs.

The City proposes to assist in the private development of a new corporate headquarters building (222,426 +/- sq. ft.) for PAETEC, a publicly-held corporation. The building will include three stories above ground, a basement, and a rooftop event center to be constructed at the northwest corner of the former Midtown Plaza site. The assistance includes a \$2,000,000 BEDI grant and a \$16,500,000 Section 108 Loan. A Section 108 Loan is a loan directly to the City which is repaid through payments the City receives from a loan in the same amount to the developer, which in this case, will be a wholly-owned subsidiary of PAETEC.

The BEDI grant application was previously authorized by Council in June through Ordinance No. 2010-204. BEDI grants must be used in conjunction with a new Section 108 guaranteed loan commitment. This enhances the security of the HUD guaranteed loan in order to stimulate the economic development of brownfield sites by local governments and the private sector to return those sites to productive, economic use.

Section 108 is the loan guarantee provision of the Community Development Block Grant (CDBG) Program. Section 108 provides CDBG entitlement communities with a source of financing for economic development, housing rehabilitation, public facilities and large scale physical development projects. A local government borrowing funds guaranteed by Section 108 must pledge its current and future CDBG allocations to cover the loan amount as security for the loan and from which to make any loan payments that are in default. The maximum repayment period for a Section 108 loan is 20 years. Section 108 assisted activities must comply with CDBG rules and requirements.

The City proposes to use a Section 108 loan financing in lieu of CDBG funds in order to keep CDBG funds free for other neighborhood stabilization and improvement activities.

An entitlement community may apply for up to five times the latest approved CDBG entitlement amount, minus any outstanding Section 108 commitments and/or principal balances of Section 108 loans. As shown below, the City currently has six outstanding Section 108 loans with a combined principal balance of \$6,996,255; the current Section 108 loan capacity of the City is \$45,202,835. The City is current on all its payments to HUD.

<u>Item</u>	<u>Amount</u>
2010-2011 CDBG Entitlement Grant	\$10,439,818
Multiplication Factor	<u> x 5</u>
Maximum Loan Authority	52,199,090
Current Approved Loan Balances	<u> 6,996,255</u>
Remaining Section 108 Loan Capacity	\$45,202,835

If approved by HUD, the BEDI and Section 108 funds will be utilized as construction/permanent financing for the development of the PAETEC headquarters.

The sources and uses of funds for the proposed PAETEC corporate headquarters are as follows:

<u>Sources of Funds</u>	
Bank Loan	\$17,392,107
Section 108 Loan	16,500,000
New Markets Tax Credits	14,893,131
PAETEC Equity	5,000,000
BEDI grant	<u> 2,000,000</u>
Total	\$55,785,238

<u>Uses of Funds</u>	
Site Acquisition	\$ 1
Construction	38,841,391
Professional Services	5,550,000
Finance Costs	2,015,000
Carrying Costs	628,571
Project Contingency	3,500,000
Fees/Permits	120,000
Development Fees	0
NMTC Fees	4,330,275
General & Admin.	<u> 800,000</u>
Total	\$55,785,238

PAETEC has committed equity in the amount of \$5,000,000 to the project and is working on obtaining a bank loan of \$17,392,107. HUD approval of the BEDI application is expected within approximately 90 days of the submission of the application. HUD approval of the Section 108 loan application is not expected until winter 2010, at which time City Council authorization will be requested to enter into the loan and grant agreements with PAETEC, or an entity to be formed by PAETEC.

A public hearing is required to amend the Consolidated Community Development Plan.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-285
(Int. No. 359)

Amending Consolidated Community Development/2010-11 Annual Action Plan 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 Consolidated Community Development/2010-11 Annual Action Plan to add Section 108 Loan authority in the amount of \$16,500,000 and Brownfields Economic Development Initiative Grant authority in the amount of \$2,000,000 for the development of the PAETEC Headquarters as a part of the Midtown Plaza Revitalization Project.

Section 2. The Mayor is hereby authorized to submit an application to and enter into a Section 108 Loan Agreement with the Department of Housing and Urban Development, and to execute such other agreements or instruments as may be necessary to implement the Section 108 Loan and Brownfields Economic Development Initiative Grant Programs for the development of the PAETEC Headquarters as a part of the Midtown Plaza Revitalization Project.

Section 3. The Section 108 Loan in the amount of \$16,500,000 and Brownfields Economic Development Initiative Grant in the amount of \$2,000,000 for the development of the PAETEC Headquarters as a part of the Midtown Plaza Revitalization Project are hereby appropriated for this purpose.

Section 4. The Mayor is hereby authorized to adjust the terms and conditions of the Section 108 Loan application, the agreements and other instruments necessary to implement the Section 108 Loan and Brownfields Economic Development Initiative Grant Programs as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
August 17, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 327 - Authorizing An Agreement For Parking Garage Services

Int. No. 342 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 343 - Establishing Maximum Compensation For A Professional Services Agreement For The World Canals Conference

Int. No. 346 - Establishing Maximum Compensation For An Agreement For The Restoration Of A Mural

Int. No. 347 - Standardization Of The CALE Parking PayStations

The following entitled legislation is being held in Committee:

Int. No. 348 - Establishing Maximum Compensation For A Professional Services Agreement For An After-School Program And Amending The 2010-11 Budget

Int. No. 353 - Amending The 2009-10 Budget

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-286
Re: Agreement - Allpro Parking, LLC for
Customer Service and Maintenance
Staffing of City Garages

Transmitted herewith for your approval is legislation establishing \$455,000 as maximum compensation for an agreement with Allpro Parking, LLC (Buffalo, NY) to provide customer service staffing and maintenance in six City garages. The cost of this agreement will be funded from the 2010-11 Budget of the Department of Finance (Parking Fund). Allpro is the current operator of Mortimer, Court Street and East End garages.

As proposed in the re-organization of the Bureau of Parking, the City will become the operator of six City parking facilities and will contract for customer service and maintenance. This will allow economies of scale for a variety of contracts and also ensure that the City facilities are maintained in a more closely controlled and critical manner.

A request for proposals for these services was issued in June, 2010. Responses were received from five national firms, including: Allpro Parking, Ampco System Parking, LAZ Parking, Standard Parking, and USA Parking.

Proposals were reviewed by a team of City staff; Allpro Parking received the highest rating by all team members. This unanimous rating was based on their approach and understanding of the project. The references listed in their proposal were contacted and they received high ratings from all.

Outsourcing the customer service and maintenance aspects of the operation to Allpro Parking will allow for a comprehensive transition. They are already familiar with equipment used in the garages, and are also aware of the high standards of performance required by the City.

Of the total amount of \$455,000, \$320,000 is for customer service staffing, \$75,000 is for maintenance, \$40,000 is for management and insurance, and \$20,000 is for special event staffing.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-99

Ordinance No. 2010-286
(Int. No. 327)

Authorizing An Agreement For Parking Garage 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 Allpro Parking, LLC for customer service staffing and maintenance in six City parking garages in 2010-11.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$455,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 Budget of the Department of Finance (Parking 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. 2010-287
Re: Agreement - Picture Fest
International, Inc.

Transmitted herewith for your approval is legislation establishing \$41,000 as maximum compensation for an agreement with Picture Fest International, Inc., d/b/a "360 | 365", for a six-day film festival and additional programming throughout the year. The cost of this agreement will be financed from the 2010-11 Budgets of the Bureau of Communications (\$16,000) and the Office of the Mayor (\$25,000).

The 2011 festival will be held April 27-May 2, 2011, and will showcase and celebrate contemporary and historic film and video from around the world. A portion of the programming of the festival will focus on the achievements of women in film-

making. Programming will also include a wide range of films that appeal to all audiences. Films from past festivals have gone on to win Academy Awards, Golden Globe Awards, and recognition at other festivals, from Sundance to Berlin.

Funding will support two feature films of the festival, the 360 | 365 Shorts Contest, the New Director Series, and the Rochester Teen Film Festival. The 360 | 365 Shorts Contest is a quarterly contest for both amateurs and pros to create films of three minutes or less. The New Director Series is a quarterly event during which emerging directors screen their films and interact with our audiences about the filmmaking process. In partnership with Nazareth College, the Rochester Teen Film Festival attracts the best new-generation talent in this competitive industry. The Teen Festival will be held August 4th, 2011.

In addition, 360 | 365 is teaming collaboratively with other film-related organizations throughout the region to create a unique, world-class independent film community. Rochester is home to many companies and organizations focused on film. 360 | 365 is uniquely positioned to connect these players.

360 | 365 completed its 9th annual festival in May, 2010. Attendance at 90 films exceeded 12,000. In addition, the festival hosted 40 filmmakers from around the world and provided numerous opportunities for the filmmakers and audience to interact.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-100

Ordinance No. 2010-287
(Int. No. 342)

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 \$41,000, 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 Picture Fest International, Inc. d/b/a 360 | 365 Film Festival for the 2011 360 | 365 Film Festival. Of said amount, \$16,000 shall be funded from the 2010-11 Budget of the Bureau of Communications and \$25,000 shall be funded from the 2010-11 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. 2010-288
Re: Agreement - World Canals Conference

Transmitted herewith for your approval is legislation establishing \$30,000 as maximum compensation for an agreement with The Canal Society of New York State, to present the 23rd World Canals Conference in Rochester. The cost of the agreement will be funded from the 2009-10 Budget of the Bureau of Communications (\$10,000) and the 2010-11 Undistributed allocation (\$20,000).

The World Canals Conference will take place September 19-24, 2010 at the Rochester Plaza Hotel. Hundreds of delegates from approximately 20 nations are expected to convene to share the information on community and economic development, tourism, recreation, rehabilitation, and operation of canals and inland waterways.

The City's sponsorship will support the Opening Day and Community Event Festivities at Corn Hill Landing and the Blue Cross Arena at the War Memorial. All of the Opening Day activities will be free and open to the public. Activities include: a flotilla of more than 90 boats, a flotilla bicycle ride, a barge concert featuring members of the Rochester Philharmonic Orchestra, entertainment, exhibits, presentations by authors, aqueduct tours, wine and beer tastings, and a farmers' market. Anticipated attendance is between 6,500 and 7,500 people.

Rochester hosted the World Canals Conference in 2000, the last time the event was held. This is the first time that the Conference has returned to the same city.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-288
(Int. No. 343)

Establishing Maximum Compensation For A Professional Services Agreement For The World Canals Conference

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 The Canal Society of New York State for the 23rd World Canals Conference in Rochester. Of said amount, \$10,000 shall be funded from the 2009-10 Budget of the Bureau of Communications and \$20,000 shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-289
Re: Agreement - Rochester Historical Society, Rochester Mural Restoration

Transmitted herewith for your approval is legislation establishing \$33,000 as maximum compensation for an agreement with the Rochester Historical Society for the restoration of one of nine large painted murals to be displayed at City Hall. The cost of the agreement will be funded from 2010-11 Cash Capital.

The murals were painted circa 1910 by local artists who were, or became, well-known, including John J. Inglis, Edward S. Siebert, and Seth C. Jones. Several taught at the Mechanics Institute (now RIT), and were teachers to the next generation of Rochester painters. The murals hung for 15-20 years at the Café DeLuxe at 113 East Main Street, which was owned by Joseph C. Holloran. Each is approximately 5 feet tall by 12 feet long.

Mr. Holloran donated the murals to the Historical Society in 1927, and they were "re-discovered" during the Society's recent move from their East Avenue location to the Rundel Library Building. Unfortunately, they had not been stored properly and suffered significant, but not irreparable, damage.

Four of the murals have been sent to West Lake Conservators (Skaneateles, NY) to be unrolled, evaluated, photographed and stabilized. These include *The Aqueduct* (Inglis), *Main St. Bridge from Andrews St.* (Siebert), *Lower Genesee Falls* (Inglis), and *Col. Rochester's Arrival in the Genesee Valley* (Raschen). Several of these will be displayed at the World Canals Conference to be held in Rochester September 19-24, 2010 to kick off a fundraising campaign for their restoration.

Initial evaluation of *The Aqueduct* indicates that, when restored, it will be a vibrant depiction of an historic Rochester feature. The cost for conservation, based on size and condition, and including cleaning, stabilization, restoration, finish, and re-installation, is estimated to be \$30,000. Total costs are summarized below:

West Lake evaluation/analysis	\$ 900
West Lake conservation/restoration	29,638
Historical Society administration	2,000
	<u>\$32,538</u>

The City proposes to be the lead donor for the restoration of one of the murals which will be displayed at City Hall. Once the original four have been evaluated, the most appropriate will be selected as the one "adopted" by the City. Selection by the Mayor will be based on a recommendation from the City Arts Policy Team.

This project represents the first expenditure from the Percent For Art, fund, financed in 2010-11 for the first time since the enabling legislation was passed in December 2007.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-289
(Int. No. 346)

**Establishing Maximum Compensation For
An Agreement For The Restoration Of A Mural**

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

Section 1. The sum of \$33,000, 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 Historical
Society for the restoration of a mural to be dis-
played at City Hall. Said amount shall be funded
from the 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-290
Re: Standardization of CALE Parking
PayStations

Transmitted herewith for your approval is legisla-
tion authorizing the standardization of CALE Sys-
tems, USA, Inc, as the provider of parking paysta-
tions for the City of Rochester. In December 2009,
bids were solicited for parking paystations. CALE,
with corporate headquarters in Tampa Florida, and
an office in Buffalo, won the bid.

Five machines were purchased in April 2010 and
installed to evaluate their use. Given the flawless
operation and positive feedback from the public, it
is proposed that the City purchase an additional 100
paystations for installation before winter. For
customer convenience and to avoid confusion,
standardizing the current CALE paystations, city-
wide, is preferred. Standardizing is also requested
for the following reasons:

- Spare parts come from one source. This makes repairs and stocking of parts more efficient and cost effective.
- Maintenance tracking is in one software location. This allows Parking Personnel to troubleshoot, track, and efficiently repair equipment.
- Audit reports are at one website. This allows parking to audit and track usage of meters, types of payments, and amounts collected and deposited from one set of reports.
- Only one credit card clearinghouse is required, which will reduce charges to the City.
- Warranty issues, if any, are with one vendor.

- Citizens learn to use and look for one type of machine. This reduces staff time in training users how to operate different types of machines.
- Trial machines have performed without issue and audit reports are accurate.
- Standard installation for all machines allows for prep work to be done in advance of delivery. This will allow the work to be done, even before the winter season, as there will be only one set of specifications.
- Only one set of tools, keys and replacement parts makes it more cost effective to purchase and store these items.

Since installation, the three paystations installed on-street have collected over \$4,200, of which 21% is credit card. Since people parking on-street are used to paying with coin, this is typical for the first few months of conversion to paystations. The two off-street meters at the Chestnut Street Lot, across from the Eastman Theater, have seen much more activity. They have collected over \$6,500, of which 86% is credit card.

The total cost of \$900,000 will be financed from 2009-10 (\$329,100) and 2010-11 (\$570,900) Cash Capital.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-101

Ordinance No. 2010-290
(Int. No. 347)

**Standardization Of The CALE Parking
PayStations**

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

Section 1. Based on a transmittal submitted by the Mayor, and information collected by the Department of Finance, the Council finds that standardization of the CALE Parking PayStations will have the following advantages:

1. Spare parts will come from one source. This makes repairs and stocking of parts more efficient and cost effective.
2. Maintenance tracking is in one software location. This allows Parking Personnel to troubleshoot, track, and efficiently repair equipment.
3. Audit reports are at one website. This allows parking to audit and track usage of meters, types of payments, and amounts collected and deposited from one set of reports.
4. Only one credit card clearinghouse is needed. In the long run, this should reduce

credit card company charges back to the City as more transactions will be processed through one clearinghouse.

5. Warranty issues, if any, are with one vendor.
6. Citizens will learn to use and look for one type of machine. This reduces staff time in training users how to operate different types of machines.
7. The original bid mentioned a trial period with the potential of additional units to be purchased.
8. Trial machines have performed without issue and audit reports are accurate.
9. Standard installation for all machines allows for preparation work to be done in advance of delivery. This will allow the work to be done, even before the winter season, as there will be only one set of specifications.
10. Only one set of tools, keys and replacement parts makes it more cost effective to purchase and store these items.

Section 2. For reasons of efficiency, economy and performance, the Council hereby standardizes upon and directs the purchase of the CALE Parking PayStations in all purchases of parking paystations.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Conklin moved to discharge Introductory Nos. 348 and 353 from Committee.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-291

Re: Agreement - Children's Institute, Aggressive and Delinquent Behavior Prevention

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Children's Institute (Dirk Hightower, Executive Director) for the implementation of Rochester Coping Power Plus (RCP+), a program to reduce violent and aggressive behavior in city school children, and amending the 2010-11 Budget by transferring \$50,000 from Contingency to the Mayor's Office to finance the

agreement.

The Children's Institute will act as manager and coordinator of the project, which is a three-pronged, evidence-based program with the goal of reducing violent and aggressive behavior in youth ages 10 to 13. The program was in operation at Schools #28 and #35 during the 2009-10 school year; the positive results extended to non-participating children, resulting in a 60% decrease in suspensions and aggressive incidents for all children in the schools. RCP+ incorporates three existing programs that have been successful:

- Promoting Alternative THinking Strategies (PATHS) promotes social and emotional learning and character development, and builds abilities for positive relationships. This is offered to all students in target schools.
- Primary Project provides support for children in kindergarten to third grade who have emerging school adjustment problems. They receive 15 one-on-one sessions with a child associate who is directly supervised by the school social worker or school psychologist.
- Rochester Coping Power is a small group after-school program for high-risk children in fourth through sixth grades who are exhibiting behaviors correlated with violent behaviors.

The RCP+ program will be implemented in three Rochester City School District schools - #17, #28, and #35. Additional details are provided in the attached documents. The program extension is being jointly supported by the United Way, the Rochester Area Community Foundation, and the City. The RCP+ provides full support for the PATHS program. The budget summary is below:

<u>Income</u>	
United Way	\$ 68,000
RACF	47,000
City	<u>50,000</u>
Total	\$165,000
<u>Expenses</u>	
Personnel (salary + benefits)	\$ 75,353
Professional fees	27,370
Supplies, postage, printing	21,390
Occupancy	290
Travel and meetings	8,993
Other expense	5,494
Indirect/admin	<u>26,110</u>
Total	\$165,000

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-102

Ordinance No. 2010-291
(Int. No. 348)

Establishing Maximum Compensation For A Professional Services Agreement For An After-

School Program And Amending The 2010-11 Budget

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 the Children's Institute for implementation of the "Rochester Coping Power Plus" Initiative. Said amount shall be funded from the 2010-11 Budget of the Office of the Mayor.

Section 2. Ordinance No. 2010-188, the 2010-11 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 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. 2010-292
Re: 2009-10 Year-End Budget Amendment

Transmitted herewith for your approval is legislation amending the 2009-10 Budget. This legislation will:

1. Transfer \$1,451,000 from Contingency to Cash Capital to fund one-time capital expenditures described below;
2. Transfer \$372,000 from Contingency and \$1,628,000 from Undistributed to Cash Capital to assist funding the Midtown Revitalization Project; and
3. Transfer \$5,870,000 from Contingency to the Police (\$2,817,000) and Fire (\$1,858,000) departments and to the Undistributed allocation (\$1,195,000) for pending wage and salary settlements.

The appropriation transfers are authorized pursuant to Section 6-13 of the City Charter.

The City Council has previously authorized 55 other amendments to the 2009-10 budget. These amendments reflected 10 appropriation transfers, 44 appropriation increases based upon the receipt of additional revenues, and one technical amendment.

Actual receipts and expenditures for 2009-10 will be audited by the City's external auditors Freed, Maxick, and Battaglia. The proposed amendments are required to complete the audit process and ensure adherence to Section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

The proposed increase to the Cash Capital allocation is to fund capital projects discussed during City Council's review of the City's Capital Improvement Program as follows:

Port North East Riverfront Lot Project \$1,200,000 is for construction to improve the existing paved and unpaved parking lots located north of the Port Terminal Building and adjacent to the public river walkway. In February 2010, Council authorized funds and an agreement for engineering design and resident project representation services with Passero Associates (Ord. 2010-50). Final design plans are expected this summer with the bid and award phase in Fall, 2010 and construction to begin in Spring, 2011.

West River Wall Reconstruction \$201,000 is the 50% local match required. The west wall of the Genesee River between Corn Hill Landing and the Ford Street Bridge is a flood control wall that is crumbling, obscures the river view, and is overgrown with vegetation. In October 2009 (Ord. 2009-347), Council authorized an agreement with New York State Department of State (NYS DOS) for application for and receipt of a grant through the Local Waterfront Revitalization Program for planning and design work related to the reconstruction of the wall. Execution of the agreement is expected in late Fall, 2010 with the bid and award phase in early 2011 and final report and drawings in Spring, 2012.

RocCity Park \$50,000 will provide seed money for the development of a skateboard park at a downtown site to be determined. In light of the prevalence of obesity among school-age children the proposed skate park will provide opportunity for vigorous physical activity.

As reflected in the 2010-11 Budget the combination of one-time adjustments, reduced overtime, and early payment resulted in a lower than budgeted retirement bill for 2009-10. Also, the actual health insurance costs were lower than budgeted. A portion of these savings is proposed to be reallocated to Cash Capital to assist in the financing of the Midtown Revitalization Project.

When the 2009-10 Budget was adopted by Council in June 2009, salary and wage rates had not yet been established for uniformed or non-uniformed employees represented by the International Association of Firefighters, Inc (IAFF) or the Rochester Police Locust Club, Inc. Collective bargaining agreements for the uniformed employees of the Rochester Police Locust Club and the IAFF expired June 30, 2008, and the agreement with the non-uniformed members of IAFF expired June 30, 2009. Negotiations (including utilization of the mediation process) regarding both uniformed contracts have not resulted in successor agreements being reached. Therefore, the City and both uniformed organizations have proceeded with the interest arbitration process. Negotiations for the non-uniformed IAFF organization are currently underway. An allowance is being made for the projected anticipated costs for these contracts not yet settled.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-292
(Int. No. 353)

Amending The 2009-10 Budget

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

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,451,000 from the Contingency Account to the Cash Capital allocation.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$372,000 from the Contingency Account and the sum of \$1,628,000 from Undistributed Expense to the Cash Capital allocation to fund the Midtown Revitalization Project.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$5,870,000 from the Contingency Account to the following appropriations:

Police	\$2,817,000
Fire	1,858,000
Undistributed	1,195,000

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
August 17, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 328 - Authorizing The Sale Of Real Estate

Int. No. 329 - Authorizing Agreements And Appropriating Funds For Lead Hazard Reduction

Int. No. 330 - Authorizing An Agreement For Fair Housing Lending Monitoring Services

Int. No. 349 - Repealing Ordinance No. 2009-103 And Authorizing Agreements For The Two-Family Initiative

Int. No. 350 - Authorizing The Sale Of Real Estate For The Two-Family Initiative

The following entitled legislation is being held in Committee:

Int. No. 344 - Amending Chapter 120 Of The Municipal Code, The Zoning Code

Int. No. 356 - Amending Ordinance No. 2009-10 Relating To A Loan Agreement For The Erie Harbor Project

Int. No. 357 - Approving The Acceptance And Abandonment Of Easements For Public Access Through The Erie Harbor Project Site

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS COMMUNITY
DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-293
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of five 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 Bureau of Inspection and Compliance Services 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 being sold by proposal to the adjoining owner who will combine the parcel with their current property.

The last four properties are unbuildable vacant lots being sold to the adjacent owners, each for \$1.00. All the owners plan to combine these parcels with their respective adjoining lots.

The first year projected tax revenue for these five properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,286.

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. AJ-103

Ordinance No. 2010-293
(Int. No. 328)

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>	<u>Price</u>
223 Warwick Av 120.65-2-34	40x135 L. Balkum	5,400	\$450

Section 2. The Council hereby 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>
29 Bloomingdale St 106.23-1-6	38x96 V. Mendez	3,484
23 Laser St 091.80-1-4	39x105 C.R. Mynter	4,095
572 N. Plymouth Av 106.69-1-1.1	16x100 CDR Frankfort Street LLC*	1,742
56 Treyer St 106.22-4-53	41x97 A. Mercado	4,018

* Officers and Board of Directors: Bruce Darling, CDR CEO; Eugene Spinning, Chairman; Jo Ann Armstrong, Vice Chair; Mark Giampaola, Treasurer; Fernan Cepero, PHR, Secretary; Amerine Douse, member; Murray Stahl, member; Trilby de Jung, Esq., member; Fr. Ray Fleming, member

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.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-294
Re: Amendatory Agreements - Lead Hazard Reduction Program

Transmitted herewith for your approval is legislation related to the Lead Hazard Reduction program, which is financed through the Housing Development Fund of the 2010-11 Consolidated Community Development Plan. This legislation will:

1. Appropriate \$50,000 from the 2010-11 Community Development Block Grant Lead Hazard Reduction Account; and
2. Authorize amendatory agreements with Envi-

ronmental, Testing & Consulting, Envoy Environmental, and Lew Corporation for additional lead hazard evaluation services. This amendment will provide an additional aggregate amount of \$65,000 to be funded from the appropriation, and from 2007-08 Cash Capital (\$15,000).

These three providers, along with two others, were originally authorized to provide lead hazard evaluation services through Ordinance No. 2010-72 for an aggregate amount not to exceed \$65,000. This amendment will bring total maximum compensation for these services to \$130,000.

The Housing Development Fund supports the City Housing Policy objective to promote the rehabilitation, redevelopment and new construction of housing. A program description is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-104

Ordinance No. 2010-294
(Int. No. 329)

Authorizing Agreements And Appropriating Funds For Lead Hazard Reduction

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation (Lead Hazard Reduction Account) of the 2010-11 Community Development Block Grant the sum of \$50,000, or so much as may be necessary, to fund lead hazard reduction services.

Section 2. The Mayor is hereby authorized to enter into amendatory agreements with the following in an aggregate amount not to exceed \$65,000 for lead hazard evaluation services. The agreements shall be funded from the appropriation made in Section 1 and \$15,000 from the 2007-08 Cash Capital allocation.

Environmental Testing & Consulting, Inc.
Envoy Environmental Consultants, Inc.
Lew Corporation

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. 2010-295
Re: Agreement and Appropriations - Consolidated

Community Development Plans, Empire Justice Center

Transmitted herewith for your approval is legislation establishing \$66,312 as maximum compensation for an agreement with Empire Justice Center to continue to analyze and report on mortgage lending patterns in the Rochester community, and appropriating a total of \$66,312 of Community Development Block Grant funds as follows to finance the agreement:

- 1. \$16,312 from the 2007-08 Fair Housing Activities allocation; and
- 2. \$50,000 from the 2010-11 Housing Choice Fund - Fair Housing/Lending Monitoring allocation.

The most recent agreement for these services was authorized by Council in July 2009. This is a component of the City's commitment to affirmatively further fair housing, a requirement stipulated by Federal CDBG and HOME grant awards. The Empire Justice Center monitors mortgage lending practices and trends of the Rochester area's largest banks obligated by the Federal Community Reinvestment Act. A program description is attached.

The Housing Choice Fund supports the City Housing Policy objective to promote housing choice.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-105

Ordinance No. 2010-295
(Int. No. 330)

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 \$66,312, and of said amount, or so much thereof as may be necessary, \$50,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Choice allocation (Fair Housing Activities Account) of the 2010-11 Community Development Block Grant and \$16,312 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. 2010-296 and
Ordinance No. 2010-297
Re: Neighborhood Stabilization Program:
FIS Two-Family Initiative

Transmitted herewith for your approval is legislation related to the Neighborhood Stabilization Program (NSP): Focused Investment Strategy (FIS) Two-Family Initiative to develop affordable rental housing. This legislation will:

- 1. Repeal Ordinance No. 2009-103, which appropriated \$175,000 in HOME funds from the 2008-2009 Rental Housing account, and reappropriate that amount to partially finance the rehabilitation of seven vacant properties identified for the program. Ordinance No. 2009-103 appropriated this amount for a loan to Providence Housing Development Corporation's Northwest Apartments project which has been unable to move forward due to a significant financing gap.
- 2. Establish maximum compensation of \$9,026 and \$165,974 for agreements with Marketview Heights Association and Ibero-American Development Corporation, respectively, to be funded from the 2008-09 HOME funds appropriated herein.
- 3. Authorize the sale of seven City-owned vacant properties to the developers for rehabilitation.

The Neighborhood Stabilization Program (NSP) funding received by the City, and appropriated by Ordinance No. 2009-415, included \$660,000 for the rehabilitation of foreclosed, vacant, two-family properties in the four FIS neighborhoods. The New York State Housing Finance Authority, which administers the fund, approved an additional \$240,000 from the NSP grant for this purpose, bringing the total NSP funding for the FIS Two-Family Initiative to \$900,000.

Using these funds, seven two-family structures (14 units) obtained by the City through tax foreclosure will be rehabilitated by not-for-profit developers as rental properties in the four FIS neighborhoods.

Proposals were solicited from ten developers with expertise in the substantial rehabilitation and management of affordable residential properties. Ibero-American Development Corporation and Marketview Heights Association were selected due to the overall quality of the proposed development plans, compatibility with FIS design standards, development timetable, related experience, and project costs. Rehabilitation costs will largely be financed by the \$900,000 in NSP funds. However, there is a financing gap that will be met by the appropriation

of \$175,000 in HOME dollars.

The seven City-owned properties being rehabilitated through this program will be sold to the selected developers, who will purchase, rehabilitate, own, and manage these rental properties in accordance with affordability requirements of the NSP and/or HOME funding sources which require the properties to remain affordable to renters with income levels less than 50% of Area Median Income for a minimum of ten years. Details regarding the property sales and funding sources for each are provided in the attachment.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-106

Ordinance No. 2010-296
(Int. No. 349)

Repealing Ordinance No. 2009-103 And Authorizing Agreements For The Two-Family Initiative

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

Section 1. Ordinance No. 2009-103, relating to a loan agreement for the Northwest Apartments Project, is hereby repealed.

Section 2. The Mayor is hereby authorized to enter into agreements or amendatory agreements with the Marketview Heights Association in an amount not to exceed \$9,026 and the Ibero-American Development Corporation in an amount not to exceed \$165,974 for the rehabilitation of properties through the Neighborhood Stabilization Program: Focused Investment Strategy Two-Family Initiative.

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$175,000, and said amount, or so much thereof as may be necessary, is hereby reappropriated from 2008-09 HOME 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.

Ordinance No. 2010-297
(Int. No. 350)

Authorizing The Sale of Real Estate For The Two-Family Initiative

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 as a part of the Neighborhood Stabilization Program: Focused Investment Strategy Two-Family Initiative:

<u>Address</u> <u>SBL#</u>	<u>Lot Size</u>	<u>Legal Use</u> <u>Purchaser</u>	<u>Price</u>
99 Copeland St 107.45-1-29	40 x 103	2 Family Ibero-American Dev Corp	\$4,000
27 Rainier St 105.26-3-44	40 x 82	2 Family Ibero-American Dev Corp	\$5,000
332 Tremont St 120.52-2-56	50 x 136	2 Family Ibero-American Dev Corp	\$5,000
273 Troup St 120.44-2-98	51 x 64	2 Family Ibero-American Dev Corp	\$7,000
7.5 Vetter St 106.58-2-5	34 x 81	2 Family Ibero-American Dev Corp	\$9,000
54-56 Waverly Pl 121.37-1-65.1	78 x 108	2 Family Ibero-American Dev Corp	\$8,500
136-138 Woodward St 106.74-1-20	45 x 70	2 Family Marketview Hghts Assn, Inc.	\$3,000

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. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

Councilmember Palumbo moved to discharge Introductory Nos. 356 and 357 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-298 and
Ordinance No. 2010-299
Re: Erie Harbor/Redevelopment of former
River Park Commons

Transmitted herewith for your approval is legislation related to funding for the development of Erie Harbor. This legislation will:

1. Amend Ordinance No. 2009-10 by increasing a loan to Conifer Realty LLC, or an affiliated partnership or housing development fund corporation to be formed by Conifer Realty LLC, by \$800,000 from \$2,000,000 to \$2,800,000 for the development of Erie Harbor;
2. Appropriate the following HOME funds in order to fund the increase in the above loan; 1) \$798,650 from the Housing Development Fund of the 2010-11 Consolidated Community Development Plan, and 2) \$1,350 from the Rental Housing Fund of the 2009-10 Consolidated Community Development Plan;
3. 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 and for the project;
4. Abandon an existing easement through the Erie Harbor site at 205-405 Mt. Hope Avenue;
5. Accept the donation of three new easements through the Erie Harbor site at 205-405 Mt. Hope Avenue.

Conifer Realty purchased the general partner interest in River Park Commons in April 2004 and has been redeveloping the site as two projects:

The Hamilton Apartments is now complete; it involved the rehabilitation of the 202 rental units in the high-rise and the environmental remediation of the site.

Erie Harbor involves the (now complete) asbestos abatement and demolition of the four low-rise structures and the proposed subsequent development of approximately 131 units of rental housing, 20% of which will be reserved for households with incomes under 50% Median Family Income (MFI) and the balance of 80% will be market-rate rental units. The environmental remediation of the site is also complete.

To date, the City has committed a total of \$2,900,000 to the redevelopment of the former River Park Commons. A legislative history is attached.

Conifer is requesting additional funding in the amount of \$800,000 from the City to cover part of the increased costs of the project that were related to the redesign of the entire Erie Harbor, the change in the value of the tax credit equity market, increased environmental remediation costs, and the elapsed time. In addition, Conifer's application to DHCR for Low Income Housing Tax Credits was not approved.

Conifer has used \$1,261,000 of the current \$2,000,000 loan for asbestos abatement and demolition; the balance and the proposed additional

\$800,000 will be used for construction financing. The entire \$2,800,000 would be converted to permanent financing upon the completion of construction. The terms of the loan remain unchanged: during construction, the City loan will be provided as construction financing at a 1% interest rate. When the loan is converted to permanent financing, the loan will extend for a term of 30 years, with annual interest-only payments of 1% and payment of the principal due in full at the end of the term.

All funding approvals are in place except for a funding application that is under review by the NYS Housing Finance Agency (HFA); Conifer anticipates that this funding will be approved by the HFA at its September 2010 Board meeting. Construction of the new rental structures would start by the end of 2010; Conifer anticipates a 15-month construction schedule for the project.

Funding for Erie Harbor is as follows:

Sources of Funds

<u>Mortgages</u>	
1. Tax Exempt Bonds/HFA	\$16,725,000
2. City Loan	2,800,000
3. HFA Subsidy	2,623,098
Federal Tax Credit	1,632,000
Deferred Interest	283,295
Brownfield Credits	3,816,553
Equity - General Partner	3,646,852
Income from Operations	428,500
Total	<u>\$31,955,298</u>

Uses of Funds

Site Acquisition	\$ 0
Construction	20,608,297
Professional Services	1,383,500
Finance Costs	4,107,265
Carrying Costs	340,538
Project Contingency	849,350
Fees/Permits	120,000
Development Fees	4,148,843
Reserves	147,505
Working Capital	<u>250,000</u>
Total	<u>\$31,955,298</u>

The easement to be abandoned by the City is located at 205-405 Mt. Hope Avenue (SBL 121.55-1-59.1). It is no longer needed and will be replaced by three new easements through the parcel to provide access to the Genesee Gateway Park from Mt. Hope Avenue. The City of Rochester has received a \$400,000 Environmental Protection Fund grant from NYS for the enhancement of these easements. Legislation relating to this grant will be submitted to Council at a later date. The four easements are described in the attached legal descriptions and accompanying maps.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-107

Ordinance No. 2010-298
(Int. No. 356)

Amending Ordinance No. 2009-10 Relating To A Loan Agreement For The Erie Harbor Project

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

Section 1. Section 3 of Ordinance No. 2009-10, relating a loan agreement for the Erie Harbor Project, is hereby amended by increasing the amount of the loan by \$800,000, from \$2,000,000 to \$2,800,000. Of said amount, \$798,650 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation of the 2010-11 HOME Program and \$1,350 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into such agreements or amendatory agreements as may be necessary to implement the increase in the loan. The Mayor is further authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for 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 by the following vote:

Ayes - President Warren, Councilmembers McFadden, Miller, Palumbo, Ortiz, Scott, - 6.

Nays - Conklin, Haag, Spaul - 3

Ordinance No. 2010-299
(Int. No. 357)

Approving The Acceptance And Abandonment Of Easements For Public Access Through The Erie Harbor Project Site

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

Section 1. The Council hereby approves the acceptance of three permanent public access easements and the abandonment of one public access easement through the Erie Harbor Project site at 205-405 Mt. Hope Avenue, SBL #121.55-1-59.1.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers McFadden, Miller, Palumbo, Ortiz, Scott, - 6.

Nays - Conklin, Haag, Spaul - 3

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 344
Re: Zoning Text Amendments - Amendments to the Zoning Code

Transmitted herewith for your approval is legislation amending Chapter 120 of the Zoning Code of the City of Rochester by modifying various sections as recommended in the Zoning Code Evaluation Project completed in 2010.

When the City adopted the Zoning Code in 2003, it was recognized that technological, economic, and social conditions continue to change at an increasingly rapid pace and that these factors would continue to have a significant impact on land use in the City. Therefore, the City Code required that the Director of Zoning submit a report evaluating the effectiveness and performance of the Code two years after its effective date. That report was issued to the Mayor and City Council in the Spring of 2005. Since that time, it has been the intention of the Director of Zoning to continue to monitor the Code beyond the required two-year timeframe. That most recent evaluation was presented to you in April 2010.

As recommended in the latest evaluation, the attached amendments were identified as changes that would reduce numbers of unnecessary special zoning approval processes and would better control certain aspects of new development. The proposed amendments include: deletion of lot and building coverage requirements in all districts except the R-1 and R-2 districts; certain modifications to site plan review triggers, signs, M-1 uses, city-wide design, vehicle related uses, nonconforming uses, drive-through uses, special zoning approval time limits and accessory use controls; and, adding provisions related to carports, front yard handicapped ramps, towing operations, and roll-down shutters.

The Planning Commission held informational meetings on June 14 and July 19, 2010. There were no speakers. By a vote of 5-0, the City Planning Commission recommends 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 has been classified as Type II, requiring no further environmental review.

A public hearing is required for these Zoning Text Amendments.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 344

AMENDING CHAPTER 120 OF THE MUNICIPAL CODE, THE ZONING CODE

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 as follows:

- 1) Modify the purpose statement for the R-1 District:

§ 120-7. Purpose.

The R-1 Low-Density Residential District is intended to maintain residential areas at relatively low densities. The R-1 District is a distinct urban area that is characterized predominantly by owner-occupied, single-family detached and attached homes but often contains a diverse mix of other preexisting higher-density residential uses. Each R-1 neighborhood is unique in character, composition and scale. The district requirements ~~protect the existing are intended to preserve and promote neighborhoods and protect a quality of urban residential living characterized by unobstructed front yards and pedestrian-scale streetscapes and to protect from~~ against undesirable uses and residential conversions.

- 2) R-3 Lot and Building Coverage requirements: §120-28B(1)(c)[4]&[5] & §120-28B(2)(b)&(c),

B. Lot area requirements.

- (1) Residential uses.

(c) Multifamily.

~~[4] Maximum building coverage: 50%.~~

~~[5] Maximum lot coverage: 70%.~~

- (2) Nonresidential uses.

~~(b) Maximum building coverage: 50%.~~

~~(e) Maximum lot coverage: 70%.~~

- 3) C-1 Lot and Building Coverage requirements: §120-36B(1)(b)&(c) and §120-36B(2)(b)&(c),

B. Lot area requirements.

- (1) Residential uses.

~~(b) Maximum building coverage: 35%.~~

~~(e) Maximum lot coverage: 50%.~~

- (2) Nonresidential uses.

~~(b) Maximum building coverage: 70%.~~

~~(e) Maximum lot coverage: 80%.~~

- 4) C-2 Lot and Building Coverage Requirements §120-44B(1)(a)[3]&[4], §120-44B(1)(b)[3]&[4], §120-44B(2)(a)&(c)

B. Lot area requirements.

- (1) Residential uses.

(a) Single-family attached.

~~[3] Maximum building coverage: 70%.~~

~~[4] Maximum lot coverage: 80%.~~

- (b) Multifamily.

~~[3] Maximum building coverage: 70%.~~

~~[4] Maximum lot coverage: 80%.~~

- (2) Nonresidential uses.

~~(b) Maximum building coverage: 70%.~~

~~(e) Maximum lot coverage: 80%.~~

- 5) C-3 Lot and Building Coverage Requirements §120-52B(2) &(3)

B. Lot area requirements.

~~(2) Maximum building coverage: 70%.~~

~~(3) Maximum lot coverage: 80%.~~

- 6) PMV Lot and Building Coverage Requirements §120-76C(2)(a)[2][c]&[d], §120-76C(2)(b)[2]&[3]

(2) Lot area requirements.

- (a) Residential uses.

[2] Multifamily.

~~[e] Maximum building coverage: 50%.~~

~~[d] Maximum lot coverage: 70%.~~

- (b) Nonresidential uses.

~~[2] Maximum building coverage: 70%.~~

~~[3] Maximum lot coverage: 80%.~~

- 7) H-V Lot and Building Coverage Requirements §120-77C(2)(a)[3][b]&[c]

(2) Lot area requirements.

- (a) Residential uses.

[3] Multifamily.

~~[b] Maximum building coverage: 35%.~~

~~[e] Maximum lot coverage: 50%.~~

- 8) M-1 Lot and Building Coverage Requirements §120-84B(1)(b)&(c) and §120-84B(2)(b)&(c)

B. Lot area requirements.

- (1) Residential uses.

~~(b) Maximum building coverage: 70%.~~

~~(e) Maximum lot coverage: 80%.~~

- (2) Nonresidential uses.

~~(b) Maximum building coverage: 70%.~~

~~(e) Maximum lot coverage: 80%.~~

- 9) Carport Regulations in the R-1, R-2, R-3, PMV and H-V Districts

§120-11C(1)(a)[3]

[3] Minimum front yard setback, attached garages ~~and carports~~: front yard of the principal use or structure plus 10 feet.

§120-20C(1)(a)[3]

[3] Minimum front yard setback, attached garages ~~and carports~~: front yard of the principal use or structure plus 10 feet.

§120-28C(1)(a)[3]

[3] Minimum front yard setback, attached

garages and carports: the front yard of the principal use or structure plus 10 feet.

§120-76C(3)(a)[1][c]

[c] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

§120-77C(3)(a)[1][c]

[c] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

10) Permitting mixed uses in the C-1 District

§120-34M

M. Mixed uses, as listed in this section, not including industrial uses.

11) Front yard setback in C-1 and C-2 Districts

§120-36C(2)(a)

(2) Nonresidential uses.

(a) Maximum front yard setback: zero to five feet ~~or average front yard depth of building(s) along the corridor and within the commercial district where the property is located, but in no case more than five feet larger or smaller than the average of the front yard depth on buildings on the two adjoining lots.~~ In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed.

§120-44C(2)(a)

(2) Nonresidential uses

(a) Maximum front yard setback: zero to five feet ~~or the average front yard depth of building(s) along the corridor and within the commercial district in which the property is located, but in no case more than five feet larger or smaller than the average of the front yard depth on buildings on the two adjoining lots.~~ In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed.

12) CCD Design Review Clarification

§120-65D

D. Applications not meeting the design

criteria, within the specified tolerance limits set forth ~~in this article in the "Design Checklist" tables at the end of this Chapter,~~ shall require site plan approval.

13) CCD Tower District Correction

§120-71F(1)(b)[2]

(b) Lot size and coverage.

~~(2) The maximum building coverage shall be no more than 25% of the block.~~

14) Revisions to the M-1 District relating to wholesale, auto repair, contractor storage which would permit wholesale operations, limit vehicle repair to existing building, permit funeral parlors and mortuaries, specially permit construction equipment storage operations subject to distance separations:

§120-81A(4)

(4) Warehouses and wholesale distribution facilities.

§120-81A(6)

(6) Vehicle repair stations within an existing building, subject to the additional requirements for specified uses in § 120-152.

§120-81A(7)

(7) Vehicle and equipment rental, sales and storage within an existing building.

§120-81B

B. The following uses are permitted in the M-1 District when ~~developed~~ located in any existing multistory building or a single-story building not originally designed for industrial purposes:

§120-81B(10)

(10) Funeral parlors and mortuaries.

§120-83C(1) Renummer (2) through (6)

~~(1) Outdoor storage and/or sales of construction materials, equipment and vehicles.~~

§120-83M

M. The new construction of vehicle-related uses, including car washes, vehicle service and repair stations, vehicle rental services and vehicle sales, subject to the additional requirements for specified uses in Article XVIII.

§120-83N

N. Outdoor storage/sales of construction materials, equipment and vehicles subject to §120-175.

~~ments and from stored materials and erected and maintained in a manner to provide effective screening of the premises.~~

§120-175B(6)

(6) Contractor storage must be a minimum of 200 feet from a residential or open space district.

~~C. Storage piles shall not exceed the height of the fence surrounding the materials.~~

Reletter D through F

15) Correct a spelling error in §120-113C

C. Studios for artists, crafters, photographers, ~~composes~~ composers, writers and the like.

§120-83 L

16) This amendment is being reconsidered and will be addressed during future discussions with neighborhood groups regarding off-street parking.

L. Junkyards or salvage yards, subject to the additional requirements for specified uses in § 120-142 and the following:

17) Amend drive-through provisions as follows:

§120-136. Drive-through.

Drive-throughs shall be subject to the following requirements:

~~A. In the C-2 District, Drive through establishments, as principal uses, shall meet the front yard setback requirements.~~

(1) All junkyard materials and activities not within completely enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, but no more than 15 feet, surfaced so as to be resistant to damage from the elements and from stored materials and erected and maintained in a manner to provide effective screening of the premises.

~~B. A. Except in C-3 and M-1 Districts, all elements associated with drive-throughs, including but not limited to service windows, vehicular queuing lanes, menu boards and intercoms. Drive throughs shall be prohibited in the front yard and shall not be located to prevent direct pedestrian access from the public right-of-way to the principal building.~~

(2) Storage piles shall not exceed the height of the fence surrounding the materials.

19) To add the installation of handicapped ramps as a permissible temporary use and delete the requirement for an administrative adjustment for handicapped ramps in the front yard.

Reletter C as B

18) Correct the junkyard regulations in §120-142

§120-142. Junkyards or salvage yards.

In addition to the requirements set forth in Chapter 66 of the Municipal Code, Junkyards and salvage yards shall be subject to the following requirements:

A. Junkyards shall be located at least 1,000 feet from any residential, planned development, Village Center, or open space district or the Genesee River or the CCD and at least 500 feet from any commercial district.

§120-149A(9) Renumber current (9) as (10)

(9) Handicapped ramps located in the front yard.

(a) Alternative locations to the front yard have been explored;

(b) Such use shall not obstruct access to required parking;

(c) Such use shall be landscaped to reduce visual impacts when necessary;

(d) The dimensions of such use shall not exceed Building Code requirements and shall not require significant alterations to front porches, entrances and other architectural features;

(e) Such use shall be removed when no longer necessary and the front yard shall be restored to its original condition.

~~B. All junkyard materials and activities not within completely enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, but no more than 15 feet, surfaced so as to be resistant to damage from the ele-~~

Delete §120-191A(4)(c)[7] Renumber [8] and [9]

~~{7} The Director of Planning and Zoning shall have the authority to approve an administrative adjustment for temporary hand-equipped facilities, such as ramps, lifts and the like, located in the required front yard setback.~~

20) Differentiate between storage yards associated with towing operations and vehicle sales lots

~~§120-153. Vehicle sales and storage.~~

Vehicle sales shall be subject to the following requirements:

- A. No vehicle sales ~~or storage~~ area shall be located within 50 feet of any residential district boundary line.
- B. Outdoor vehicle sales ~~and storage~~ areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public sewer system.
- C. No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.
- D. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. ~~Outdoor storage may be permitted in the C-3 and M-1 Districts subject to the requirements for outdoor storage set forth in § 120-175B.~~
- E. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.
- F. Perimeter landscaping shall be a minimum of 10 feet along the street frontage(s).
- G. Vehicle sales ~~storage~~ areas shall be subject to the off-street parking requirements set forth in § 120-173F(2) and (3).
- H. A sales office structure shall be located on the same lot as the vehicle sales.
- I. No partially dismantled or wrecked

vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

§120-154.1 Vehicle towing and storage.

In addition to the requirements set forth in Chapter 108A of the Municipal Code, vehicle towing and storage shall be subject to the following:

- A. No such use shall be established on a property located within 50 feet of any residential district boundary line.
- B. Perimeter landscaping shall be a minimum of 10 feet along a street frontage(s).
- C. No fence shall be constructed within 10 feet of any street frontage.
- D. An office structure shall be located on the same lot for all towing operations.
- E. No partially dismantled, wrecked or unlicensed vehicle shall be stored for more than 72 hours outside of a completely enclosed building.
- F. Vehicle towing and storage lots shall be subject to the requirements in §120-173. Off-street parking.
- G. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.

21) Amend the city-wide design regulations for nonresidential structures to prohibit the installation of roll down shutters, the orientation of buildings, garages.

§120-159B(5)

- (5) The installation of any exterior device which obstructs transparency or impacts the architectural design of a window is not permitted. This prohibition does not apply to non-permanent interior devices such as curtains, blinds, shades and non-opaque roll-down grills.

§120-159E

- E. All new construction within 5 feet of the front property line shall be built parallel to the property line for at least 80% of its frontage and up to a height of 20 feet. Up to 20% of the building frontage may be built skewed from the property line; any portion of the building above 20 feet in height may be built skewed from the property line.

Delete §120-160A(2) and renumber (3) through (7)

~~(2) Garage orientation and access (e.g., attached/front-loaded, attached/side-loaded, or detached/alley-loaded);~~

Add a new §120-160C Reletter current C as D

C. Accessory structures/uses.

(1) Garage orientation and access (e.g., attached/front-loaded, attached/side-loaded, detached/street-loaded, or detached/alley-loaded) shall conform with the majority of other existing residential parcels on the same block frontage within 200 feet.

(2) Single family attached dwellings shall not have street-loaded garages if alternative access can be provided.

(3) Garages, sheds, and other accessory structures over 100 square feet in area shall not be in the style of a "Quonset-hut" or other similarly formed metal or plastic structures designed and/or marketed for industrial or agricultural use.

22) Amend accessory structure provisions related to locating dish antennas as either roof top or rear yard installations and carports as a permitted rear yard installation.

§120-163A(1)(c)

(c) Detached residential garage or carport.

§120-163A(1)(f)

(f) Freestanding radio antennas and dish antennas limited to one meter or less in diameter.

§120-163A(5)

~~(5) Dish antennas one meter or less in diameter.~~

Renumber (6) through (8)

§120-163B (5), (10) and (14)

(5) Dish antennas two meters or less in diameter located in the rear yard in the C-1, C-2, C-3 and M-1 Districts.

(10) Solar energy systems located in the rear yard.

(14) Wind energy conversion system located in the rear yard, subject to site plan approval

23) To restore provisions inadvertently removed

from the Zoning Code, remove references to hedges and clarify the provisions relating to fence surfaces:

§120-163A(6) Also to be renumbered above

(6) Fences ~~and walls and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-163B(6)

(6) Fences ~~and walls and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-163C(1)

(1) Fences ~~and walls and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-167B(5)

(5) Within residential districts, no fence or wall over three feet in height shall ~~extend be constructed into~~ the front yard of any lot, other than a necessary retaining wall.

§120-167B(6) Amend to read in its entirety as follows

(6) Within nonresidential districts, a ten foot perimeter landscaped setback shall be required in conjunction with any fence or wall proposed along any street frontage except a decorative fence or wall of no more than 3 feet in height in conjunction with landscaping may encroach in the required setback area.

§120-167C(3)

(3) No chain-link fencing shall be permitted in the front yard of a residential structure or a property located in a residential district unless an administrative adjustment is approved as set forth in § 120-191.

24) Clarify the air quality requirements.

§120-164B

B. Notwithstanding the existence of any New York State or federal permits or approvals, ~~the development no use or structure~~ shall ~~not~~ emit smoke, dust, heat or heated air, noxious odors, odorous gases or other matter in such quantities as to be readily discernible on neighboring property and detrimental to the use and enjoyment of such neighboring property.

25) Amend the purpose statement for dwelling unit conversions:

§120-166

The intent of this section is to establish standards for the conversion of existing buildings to either increase or decrease the number of dwelling units. These standards are intended to reduce the overcrowding of dwelling units ~~and overly dense development of neighborhoods~~ and to ensure satisfactory amenities as conversions take place.

- 26) Delete landscaping requirements associated with the lot coverage requirements which are proposed to be deleted:

Delete §120-169A(1)

~~(1) The following minimum ground area of the total lot area shall be landscaped:~~

~~(a) Commercial uses: 10% of the site.~~

~~(b) Multifamily residential use: 15% of the site.~~

~~(c) Industrial use: 10% of the site.~~

Renumber (2) through (11)

- 27) Delete all noise regulations in the CCD:

Delete §120-66F, §120-67H, §120-68H, §120-69H, §120-70H, §120-71H and §120-72H. Reletter remaining subsections as appropriate.

§ 120-171. Noise.

~~All Uses in effect prior to the adoption of this chapter shall be subject to Chapter 75 of the Municipal Code. The following Uses approved after the adoption of this chapter shall be subject to the following regulations:~~

Delete §120-171B

- 28) Clarify parking demand analysis requirements:

§120-173B(3)

(3) Parking demand analysis. For uses expressly listed in this section requiring parking demand analysis, such analysis shall be submitted to the Director of Planning and Zoning for approval and will include, at a minimum:

- 29) Delete handicapped parking design requirements:

§120-173F(3)(a)

Handicapped	90°	18'00"	13'00"	24'00"
Handicapped	60°	21'00"	13'00"	18'00"
Handicapped	45°	19'10"	13'00"	13'00"

- 30) Clarify that outdoor storage requirements apply to nonresidential districts only:

§120-175. Outdoor storage.

Outdoor storage shall be allowed only in the following nonresidential districts in accordance with this section. Outdoor storage shall be subject to the following:

- 31) Clarify that the outdoor display requirements apply to retail uses:

§120-176. Outdoor retail displays.

Outdoor retail displays in association with an existing use on site shall be allowed in nonresidential districts and the Overlay Boutique District subject to the following:

A. ~~Outdoor~~ Such displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five feet from the wall.

B. Such displays shall not be permitted to block windows, entrances or exits and shall not impair the ability of pedestrians to use the building.

C. ~~Outdoor~~ Such displays shall be temporary or seasonal in nature and shall be discontinued at the close of business on a daily basis unless approved as a temporary use pursuant to §120-149.

- 32) Make minor revisions to the sign code in advance of a complete reassessment of sign regulations and appeal processes:

§120-177D

D. Permitted permanent signs for non-residential uses. The following signs are permitted subject to the requirements of this chapter:

District Permitted Signs

R-1, ~~and~~ R-2, O-O and O-B
1 attached or detached sign attached to a sign board, if applicable, not exceeding 15 square feet in area. Detached signs shall be posted no more than 4 feet in height from the finished grade of the lot.

R-3, C-1, C-2, H-V, PMV, C-V and PD
~~A maximum of 50 square feet of signage per lot including:~~

1 Attached signs identifying uses or services on the premises that include 0.5 square foot in area for every foot of the building frontage per street frontage; and/or

No more than 1 detached sign per parcel located in the front yard not exceeding 25 square feet in size per side of sign and posted no more than 4 feet in height

from the finished grade of the lot

§120-177F(11) and (13)

(11) Window signs shall not exceed 25% of the window ~~and shall be included in the calculation of the overall signage allowed for the use.~~

(13) ~~If more than one tenant is located in a building, individual signs for each will be allowed to be attached to the building as long as the total signage square footage for the development does not exceed the maximum signage for the district. In the case of buildings containing a grouping of two or more uses, tenancies or the like, such uses shall be permitted signs containing 0.5 square foot in area for every foot of building footage.~~

33) Modify the membership of the Project Review Committee in response to the NBD consolidation:

§ 120-181. Project Review Committee.

A. Membership.

(1) There shall be a Project Review Committee made up of the following individuals or a designee:

~~(a) The Director of Planning and Zoning;~~

(b) a) The Director of Planning;

~~(b) b) The Director of Housing and Project; the Bureau of Business and Housing Development;~~

~~(c) c) The Manager of Plan Review;~~

~~(d) d) The Commissioner of Economic Development;~~

(e) d) The City Engineer; and

(f) e) Three urban design specialists, appointed by the Mayor, that could include, but not be limited to, an architect, an urban planner and a landscape architect.

34) Add Official Map amendments to procedures requiring City Planning Commission recommendation and cases requiring public hearings and subdivisions to the listing of Planning Commission authorities.

§120-184J(1)

J. Jurisdiction and authority. The Planning Commission shall have the fol-

lowing jurisdiction and authority:

(1) To review and recommend on matters relevant to the Comprehensive Plan and the Official Map to the City Council.

§120-188K(1)

(1) Informational meetings shall be required for the following:

(b) Comprehensive Plan, Official Map, Zoning Map or zoning text amendments; and

§120-188L(1)(f)

(f) Comprehensive Plan, ~~or~~ Official Map, Zoning Map or zoning text amendments (by City Council);

Add §120-188L(1)(m)

(k) Appeals of administrative decisions; ~~and~~

(l) Site plan referrals; and

(m) Subdivisions per Chapter 128.

35) Revise site plan review triggers

§120-191D(3) to read in its entirety as follows

(3) Site plan review thresholds for Minor and Major Site Plan Reviews. Site plan review in accordance with this section shall be required in the following cases, with the exception of accessory structures not changing land use or density and projects involving no site or external structural alterations.

(a) Minor site plan review shall be required for any development or redevelopment that includes construction, enlargement or addition to any building, or any site preparation for a site or use that may not include or require a building and meets one of the following:

[1] New construction that does not meet the City-wide design standards set forth in this chapter, except those applications not meeting the residential building standards set forth in § 120-160B and C.

[2] Exterior alterations to existing buildings or structures and all new construction in the CCD that include minor deviations* from the design criteria.

- [3] Exterior alterations to existing buildings in Village Center Districts that do not meet the specific design standards listed in those districts.
- [4] Applications that do not comply with neighborhood design guidelines adopted pursuant to § 120-161.
- [5] Parking lots over 10 spaces, whether the principal use or serving a principal use on the same lot, that do not meet the requirements for parking lots in § 120-173F.
- [6] More than two loading spaces in any district adjacent to any residential district or Open Space District.
- [7] Any loading space which does not meet the dimension requirements specified in § 120-172.
- [8] Any new structure or structures having a total floor area, or covering a contiguous land area, in excess of 20,000 square feet which does not comply with the Citywide Design Standards and all other zoning requirements.
- [9] Any new construction on a vacant parcel of one acre or more.
- [10] Projects involving or abutting a designated landmark or those involving or abutting a site listed or eligible for listing on the State or National Register of Historic Places.
- [11] Projects within an OS-Open Space District and commercial and industrial development adjacent to the OS-Open Space District.
- [12] Any outdoor activity area accessory to a nonresidential use, excluding accessory outdoor seating.
- [13] Projects within 100 feet of waterfront.
- [14] New multifamily dwellings.
- [15] New advertising sign structures.
- [16] In Planned Development Districts, incremental development as defined in 120-126B of this Chapter.
- [17] The conversion of floor area designed for nonresidential use to a residential use and vice versa in any commercial, village center, overlay, or residential district.
- [18] Any development or redevelopment resulting in site grading exceeding the maximum slope requirements in § 120-178.
- (b) Minor site plan review shall be required for the following:
- [1] All junkyards or salvage yards, recycling centers and waste stations.
- [2] Prior to demolition, any site preparation, development or redevelopment where demolition is proposed in the C-1, C-2, and Village Center Districts.
- [3] Conversion to or from any of the following vehicle-related uses or the development or redevelopment of any sites devoted to such uses, including:
- [a] Vehicle service stations, vehicle repair, vehicle sales/rental.
- [b] Vehicle storage, wrecking, towing.
- [c] Car washes.
- [d] Drive-through facilities and uses.
- [e] Truck Centers.
- (c) Major site plan review required. Major site plan review will be required for any site plan meeting one or more of the thresholds of minor site plan review and one of the following:
- [1] All Type I actions as identified in § 48-4 of the City Code, excluding applications requiring certificates of appropriateness.
- [2] Applications in the CCD that include major deviations* from the design criteria.
- [3] All development concept plan approvals or amendments for planned develop-

ment districts.

[4] Construction of any principal building in the C-1, C-2, H-V or PMV Districts that does not meet City-wide design standards set forth in this chapter.

[5] A redevelopment plan contingent upon the demolition of a designated building of historic value, excluding applications requiring certificates of appropriateness.

[6] Sign proposals for designated buildings of historic value in the CCD with minor deviations of the design criteria relating to number, type and size.

* Refer to the pertinent Design Checklist at the end of this Chapter for list of major deviations

- 36) Clarify the provisions which allow work in a Preservation District without a Certificate of Appropriateness:

§120-194A(5)(a) and (e)

- (a) In-kind replacement. Replacement of historic features precisely in kind, using like material in the same configuration, size, and degree of detail.
- (e) The removal of diseased trees, even if on a landmark property, as certified by the City Forester. The removal of dead or diseased trees, as certified by a licensed arborist in writing to the Director of Planning and Zoning.

- 37) In advance of the overall modification of the nonconforming use procedures later this year, amend the prohibited variance provisions relating to the amount of floor area necessary to apply for a variance to reestablish an abandoned use.

§120-195B(5)(c)

- (c) Permit conversion of a single-family residential structure to any nonresidential uses or increase the number of residential units in the R-1 District, except that a variance may be approved to permit the reestablishment of a prior legally established nonconforming use in a residential structure containing more than 2,000 square feet of habitable floor area which has been abandoned as a result of vacancy or discontinuance;

- 38) Amend the definitions of community centers and ancillary parking garages and add a definition of the word adjacent as it pertains to zon-

ing regulation:

§120-208

ADJACENT - Having a common boundary or edge; abutting; touching.

ANCILLARY GARAGE OR PARKING LOT

ANCILLARY GARAGE OR PARKING LOT, ANCILLARY - A garage or parking lot which is ancillary to a principal use not situated on the same parcel as such garage or lot, which is not operated as a separate commercial enterprise available to the public at large.

COMMUNITY CENTER, PRIVATE - A building or structure and related facilities operated by a community-based group, governmental agency or organization on a nonprofit basis, the primary function of which is the provision of personal and other services to individuals, families and groups. Services may include information, socializing, recreation, education, culture and counseling but shall exclude the provision of sleeping quarters, except for one caretaker dwelling unit to be used for security and maintenance purposes. A "Private community center" does not include centers for the distribution of food, clothing or household goods, health care facilities, job training centers and sheltered workshops.

COMMUNITY CENTER, PUBLIC - A building or structure and related facilities operated by a governmental agency, the primary function of which is available to the public for civic, cultural, educational, philanthropic, recreational or social purposes.

- 39) Extend the expiration period for all special zoning approvals from 6 months to one year.

§120-191A(5)

- (5) Limitations on administrative adjustments. An administrative adjustment shall become null and void unless a certificate of zoning compliance and/or building permit is obtained and work is commenced within six months one year from the date of approval.

§120-191D(8)

- (8) Limitations on site plan approvals. A site plan approval shall become null and void six months one year after the date on which it was issued unless a building permit is obtained and maintained.

§120-192B(7)

- (7) Limitations on special permits. A special permit shall become null and void six months one year after the date on which it was issued unless a building permit is obtained and maintained. Where a violation of this chapter has

been cited against the property which is the subject of the special permit, the Commission may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors. A special permit shall be deemed to authorize only the particular use or its operation for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

§120-194A(9)

- (9) Limitation on certificates of appropriateness. A certificate of appropriateness shall become null and void ~~six months~~ one year after the date on which it was issued unless a building permit or certificate of zoning compliance is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the certificate of appropriateness, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors.

§120-195B(9)

- (9) Limitations on variances. A variance shall become null and void ~~six months~~ one year after the date on which it was issued, unless a building permit or certificate of occupancy is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the variance, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors.

- 40) To establish a new fee of \$100 for extensions of special approvals for over one year and delete obsolete fees previously charged in the former Science Park MIPD.

§120-206.1

~~Hazardous materials audit~~ M IPD No. 2 \$120

~~Hazardous materials evaluation~~ M IPD No. 2 Actual cost

Special approval extensions \$100/year (in cases of one or more approvals associated with a specific project, a single extension fee shall include all related approvals)

- 41) Amend the authority of the Director of Zoning to extend the expiration date of a special approval.

§120-182E(2)(i)

- (i) Extensions of time. The Director of Planning and Zoning may, upon written request by an applicant or a permittee prior to the expiration date of the approval, for good cause shown and without notice of hearing, extend the original time limit imposed on an applicant or permittee by this chapter or, unless a resolution shall expressly provide otherwise, by any resolution of any body acting pursuant to this chapter, for a period not to exceed the length of the original period. For any additional time limit extensions, The Director of Planning and Zoning shall notify the appropriate approval body that shall make a recommendation for or against the extension. A nonrefundable fee, as may be established from time to time by the City Council to defray administrative costs, shall accompany each request.

- 42) Continuing violations

§ 120-206. Continuing violations.

Pursuant to the procedures in Chapter 52, the following shall apply:

- A. Whenever a ticket or summons of such violation of this chapter has been served, each day the offender continues such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

~~B. Additional tickets will not be issued if:~~

- ~~(1) The violation is actively being cured pursuant to a written plan, including a clear time frame and deadline, accepted by the Director of Planning and Zoning. Failure to actively cure the violation as specified in the plan shall reactivate the enforcement process at the point where discontinued; or~~
- ~~(2) A complete application has been submitted to the applicable board~~

~~or commission to bring the violation into conformance until after the board or commission renders a decision~~

Section 2. This ordinance shall take effect on September 1, 2010.

Strikeout material deleted; underlined material added.

Held in Committee.

By Councilmember Miller
August 17, 2010

To the Council:

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

Int. No. 331 - Establishing Maximum Compensation For A Professional Services Agreement For the Saratoga Avenue Group Project

Int. No. 332 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services

Int. No. 333 - Authorizing Lease Agreements For Conduit Space

Int. No. 334 - Establishing Maximum Compensation For A Professional Services Agreement For Garage Improvements

Int. No. 335 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 336 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Reservoir Improvements, As Amended

Int. No. 351 - Establishing Maximum Compensation For A Professional Services Agreement For The Port Marina And Mixed Use Development Project And Amending Ordinance No. 2005-262

Int. No. 352 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$837,000 Bonds Of Said City To Finance The Cost Of Planning For The Port Marina And Mixed Use Development Project

Int. No. 358 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvement And ARTWalk Extension Enhancement Projects

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

Int. No. 337 - Amending The Official Map By

Abandonment Of A Portion Of Capron Street And Accepting An Easement

Respectfully submitted,
Dana K. Miller
Matt Haag
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-300
Re: Saratoga Avenue Group Project

Transmitted herewith for your approval is legislation establishing \$62,000 as maximum compensation for an agreement with Stantec Consulting Services, Inc., Rochester, for resident project representation (RPR) services for the Saratoga Avenue Group Project. The cost of the agreement will be financed from 2009 Street Improvement Bond Ordinance No. 2009-044 (\$12,000) and New York State Department of Transportation Multi Modal funding (\$50,000).

The project was designed by the Department of Environmental Services, Bureau of Architecture and Engineering. The project incorporates construction of improvements on Saratoga Avenue from Lyell to Smith; Verona Street from Lyell to Smith; and Lind Street from Oak to Saratoga. Work will include: new curbs; new sidewalks as needed; traffic calming features; driveway aprons; catch basin upgrades; and topsoil and seed.

Qualifications were solicited through the City's web site; eleven firms responded. Staff reviewed the qualifications and selected three firms to submit detailed proposals for the services: LaBella Associates, P.C., Passero Associates, P.C. and Stantec Consulting Services, Inc. Based on firm qualifications, experience, and availability of staff, Stantec was selected to provide RPR services for the duration of project construction.

It is anticipated that the project will begin construction in fall, 2010 and be complete in spring, 2011. The construction cost estimate is \$366,000. RPR services will begin with project construction. New York State Department of Transportation funding for the project, including a portion of RPR services, was appropriated in June 2010 (Ordinance No. 2010-234).

Funds for this project were made available through the efforts of Assemblyman David Gantt.

A public meeting will be held prior to start of the construction.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-108

Ordinance No. 2010-300
(Int. No. 331)

Establishing Maximum Compensation For A Professional Services Agreement For The Saratoga Avenue Group Project

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

Section 1. The sum of \$62,000, 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, Inc. for resident project representation services for the Saratoga Avenue Group Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$12,000 shall be funded from Bond Ordinance No. 2009-44 and \$50,000 shall be funded from New York State Multi Modal Funds appropriated in Ordinance No. 2010-234.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-301
Re: Agreement - Term Resident Project Representation Services

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for a two-year agreement with Vanguard Engineering P.C. (Joseph C. Ardieta, Principal), 241 Castlebar Road Rochester, 14610, for the provision of resident project representation (RPR) services. The cost will be financed from the 2008-09 (\$80,000) and 2009-10 (\$120,000) Cash Capital allocations of the Department of Environmental Services.

Typically, RPR or inspection services for City-designed construction projects are provided by DES personnel or consulting firms, determined on a project-by-project basis. However, during peak periods of the summer construction season, sufficient DES personnel are not available to inspect all City projects. To address this problem, DES utilizes general or temporary RPR services intended to expedite private consultant assignments. This enables project management and completion by providing greater flexibility with respect to RPR or inspection service assignments for various City construction projects.

Qualifications were solicited openly through the City's web site. The following firms responded: Bergmann Associates, P.C., Clark Patterson Lee, Corneles Engineering (Rochester 14623), Costich Engineering & Land Surveying, P.C., Cummings Construction LLC, Dewberry-Goodkind, Inc., LaBella Associates, P.C., Lu Engineers (Pittsford 14534), Passero Associates, P.C., Stantec Consult-

ing Services, Inc., and Vanguard Engineering. Vanguard Engineering was selected based on firm qualifications, past experience, and availability of staff.

The consultant will provide RPR services on various City construction projects during the two-year period.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-301
(Int. No. 332)

Establishing Maximum Compensation For A 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 \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Vanguard 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. Of said amount, \$80,000 shall be funded from the 2008-09 Cash Capital allocation and \$120,000 shall be funded from the 2009-10 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-302
Re: Agreements - Telecommunication Conduit Leases

Transmitted herewith for your approval is legislation renewing agreements with the following organizations for the lease of space in City telecommunication conduits:

1. AT&T, Inc. (acquisition firm of T.C. Systems), Hartford CT, for space within the Exchange Street right-of-way at an annual cost of \$3,744; and
2. Level 3 Communications, Inc. (formerly Williams Communications), Broomfield CO, for space within the Plymouth Avenue right-of-way at an annual cost of \$735.93.

In December 1999, the City entered into 10-year agreements with T.C. Systems and Williams Communications (Ord. No. 99-416). The current ownership of these firms have expressed interest in establishing new agreements for the existing conduit, which is not anticipated to be impacted by

current or planned construction projects.

AT&T will lease 960 linear feet of conduit under Plymouth Avenue, between Broad Street and the Inner Loop, for \$3.90 per linear foot. Level 3 Communications will lease 333 linear feet of conduit under Exchange Street between Broad Street and West Main Street for \$2.21 per linear foot.

The lease rates represent a 30% increase and were adjusted from the original lease agreements for inflation, and are within current market rates for similar installations in other municipalities. The variance in the unit rates reflect a difference in the amount of space utilized within the conduits.

The agreements will have a maximum term of ten years.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-302
(Int. No. 333)

Authorizing Lease Agreements For Conduit Space

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

Section 1. The City Engineer is hereby authorized to enter into a lease agreement with AT&T, Inc. for the use of approximately 960 linear feet of space in the conduit located within the Exchange Street right-of-way for a term not to exceed ten years at annual rent of \$3,744.

Section 2. The City Engineer is hereby authorized to enter into a lease agreement with Level 3 Communications, Inc. for the use of approximately 333 linear feet of space in the conduit located within the Plymouth Avenue right-of-way for a term not to exceed ten years at annual rent of \$735.93.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-303
Re: Agreement - LaBella Associates, P.C.,
Energy Optimization Upgrades, High
Falls and Court Street Garages

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with LaBella Associates, P.C., Rochester, for engineering design, resident project representation (RPR) services and commis-

sioning services for the first phase of the energy optimization upgrades at the High Falls and Court Street Garages. The cost of the agreement will be funded from the Energy Efficiency and Conservation Block Grant (EECBG) appropriated in March 2010 (Ordinance No. 2010-84).

This project includes replacing existing lighting with high efficiency lighting, and adding lighting design techniques and technology to maximize energy efficiency. Upgrades to existing lighting and the installation of additional lighting will be included in dim areas such as stairwells and cash pay areas.

Proposals were solicited on the City website as well directly from 22 firms. Seven firms responded, including LaBella Associates, P.C.; Stantec Consulting Services, Inc.; FRA Engineering, P.C.; Erdman Anthony Associates, P.C. (Rochester, 14623); IBC Engineering, P.C.; Pathfinder Engineers LLP; and Q-Tech Engineering, P.C. (East Rochester, 14445). Proposals were rated by department staff and LaBella was selected based on their qualifications, assigned personnel, overall familiarity and expertise with the scope of the planned work.

LaBella will provide engineering design, and RPR services, including final design documents, specifications, and estimates for each garage. The estimated cost of construction is \$500,000, financed from EECBG funds and grant funding provided by the New York State Energy Research and Development Authority (NYSERDA), appropriated in May 2010 (Ordinance No. 2010-158).

Design for the project will commence in summer 2010; construction is anticipated in spring 2011 to meet grant completion requirements of September 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-303
(Int. No. 334)

Establishing Maximum Compensation For A Professional Services Agreement For Garage Improvements

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 LaBella Associates, PC for engineering design, commissioning and resident project representation services for the first phase of energy upgrades at the High Falls and Court Street Garages. 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 United States Department of Energy Funds appropriated in Ordinance No. 2010-84.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-304
Re: Amendatory Agreement -
Dewberry-Goodkind, Inc.,
East Broad Street/Chestnut
Street/Court Street
Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Dewberry-Goodkind, Inc., 183 East Main Street, Rochester, for additional engineering planning and design services for this project. The original agreement for \$400,000 was authorized in October 2007. This amendment will increase maximum compensation by \$75,000 to a total of \$475,000. The cost of the agreement will be financed from the 2005-06 (\$11,250), 2006-07 (\$12,000) and 2008-09 (\$51,750) Cash Capital allocations of the Department of Environmental Services.

The project includes 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.

Dewberry-Goodkind will provide additional design services, based on changes to the project scope since inception, including the following:

Relocation of RGRTA Park and Ride: Currently, RGRTA has Park and Ride facilities along James Street and East Broad Street. These facilities consist of a series of bus shelters with electrical services. The proposed closure of James Street from East Broad Street to Chestnut Street as part of the project requires planning and design services for the relocation of these facilities.

Implementation of a proposed roundabout: It is proposed that a roundabout be constructed at the Broadway/East Broad Street/Court Street/Manhattan Square Drive intersection. Additional planning and design for the impact the roundabout will have on adjacent parking lots and the HSBC Building parking entrance is needed, as well as additional coordination with stakeholders and utilities.

Landscape design along Manhattan Square Park: Geometric changes to the roadways will result in large areas being created adjacent to the park at the Court Street/Chestnut Street corner and the Manhattan Square Drive/Court Street corner. Appropriate landscape design services will be provided that compliments the Park.

Other additional design services include providing additional traffic analysis and mapping and coordination for all items.

Construction will begin in spring 2011, with completion scheduled for spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-109

Ordinance No. 2010-304
(Int. No. 335)

Establishing Maximum Compensation For An Amendatory 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 \$75,000, 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 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, \$11,250 shall be funded from the 2005-06 Cash Capital allocation, \$12,000 shall be funded from the 2006-07 Cash Capital allocation and \$51,750 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-305
Re: Amendatory Agreement - Malcolm
Pirnie, Inc., Reservoir Improvement
Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Malcolm Pirnie, Inc., for additional engineering services related to the Highland Reservoir Improvement Project, and Cobbs Hill Reservoir. Completion of this project will bring the City into compliance with the Environmental Protection Agency's Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR).

The original agreement, authorized by Ordinance No. 2009-40 in February 2009, established \$630,000 as maximum compensation for Malcolm Pirnie. This amendment will increase compensation by an additional \$145,000 for a total not to exceed \$775,000. The additional cost will be financed from Bond Ordinance No. 2010-79 (\$107,000) and from the 2006-07 Cash Capital allocation of the Department of Environmental Services (\$38,000).

Additional design, construction administration, and resident project representation (RPR) work is required as part of the construction phase, to incorporate additional components into the project as requested by the City and to provide RPR services as part of the extended project schedule.

As part of this additional compensation, \$38,000 will support additional engineering services related to the preparation of an Emergency Action Plan (EAP) and an Inspection and Maintenance Plan (I & M) for Cobbs Hill Reservoir. The New York State Department of Environmental Conservation recently issued new dam safety regulations, and notified the City that an EAP and I&M plan is required for Cobbs Hill Reservoir dam. Since Malcolm Pirnie has prepared these plans for both the Highland and Rush Reservoir dams, and all reporting is required to be submitted to the DEC during 2010, Malcolm Pirnie is uniquely qualified and positioned to provide this service to the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-305
(Int. No. 336, As Amended)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Reservoir Improvements

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

Section 1. The sum of \$[145,000] 155,000, 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 Malcolm Pirnie for design, construction administration and resident project representation services for the Highland Reservoir Improvement Project and the preparation of plans for the Cobbs Hill Reservoir. The amendatory agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$[107,000] 117,000 shall be funded from Bond Ordinance No. 2010-79 and \$38,000 shall be funded from the 2006-07 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-306 and
Ordinance No. 2010-307

Re: Agreement - Edgewater Group, Port
Marina and Mixed-Use Development
Project

Transmitted herewith for your approval is legislation establishing \$1,239,000 as maximum compen-

sation for an agreement with The Edgewater Group, St. Joseph, Michigan, for final engineering and design services required to construct the first phases of the Port Marina and Mixed Use Development Project, and authorizing the issuance of bonds totaling \$837,000 to partially finance the cost of the agreement.

This legislation will also amend Ordinance No. 2005-262 to reduce the amount appropriated therein for design services as part of the Port Harbor Improvement Project by \$105,000, and re-appropriating that amount to partially fund the Edgewater agreement. Full funding for the agreement is as follows:

2008-2009 Cash Capital	\$ 88,000
2009-2010 Cash Capital	209,000
State Multimodal Transportation Program (Ord. No. 98-379 and 2005-262)	105,000
Proposed bond issuance	<u>837,000</u>
Total	\$1,239,000

Planning for the project was initiated on March 18, 2008 when City Council authorized an agreement with Abonmarche, teamed with Passero Associates, for the performance of a market and feasibility study for the project. Subsequently, on January 20, 2009, Council authorized an amendatory agreement with Abonmarche to provide preliminary engineering (30%) and design of the project. In May 2009, the agreement was amended to reflect a change in the corporate entity for Abonmarche's marina design and development group to The Edgewater Group.

The preliminary design was substantially completed in early spring 2010, and was shared with City Council in advance of an April 29, 2010 project presentation to the public. The City and the consultant team are now in the process of preparing a draft Environmental Impact Statement (EIS) for the project. After completion of the final EIS, receipt of required local, state and federal approvals and permits, and the completion of the final design, the first phase of construction is anticipated to begin in fall 2011.

The agreement will provide for final engineering and design of the Phase I marina, marina public promenade, realignment of North River Street, extension of Corrigan Street, relocation of County Pure Waters facilities and other utilities, and the infrastructure improvements required to support private development of residential and commercial space along Lake Avenue. It will also include final design of the River Street Extension project, formerly provided for under a \$130,000 agreement with LaBella Associates, P.C., authorized by Council in August, 2005 (Ord. No. 2005-262). LaBella completed preliminary design at the time the Port Marina and Mixed Use Development Market and Feasibility Study was initiated; final street design was deferred pending the outcome of the study. The remaining funding from that agreement, \$105,000, is being reallocated to partially finance the cost of the agreement with the Edgewater Group.

The Edgewater Group, teaming with three Rochester-based consultants, Passero Associates, Bergmann Associates, and LaBella Associates, will perform final engineering and design services for the Phase I Marina and River Street Extension projects, including, but not limited to the following scope of services:

- Assisting the City with completion of federal and state environmental reviews;
- Preparation of maps and legal descriptions for property acquisitions required for the River Street Extension project, and for an inter-municipal agreement with the County related to the public boat launch;
- Assisting the City in application for all associated re-subdivisions and map amendments;
- Assisting the City in preparation of design standards for private development;
- Assisting the City in preparation of minor revisions to the Zoning Code;
- Integration of the marina improvements with the Port Terminal building;
- Integration of the planned beneficial reuse of excavated iron slag into construction plans and specifications;
- Preparation of all project plans, specifications and construction estimates; and
- Assisting the City in bid and award of the construction contracts.

It is anticipated that construction of the phase I public marina improvements now including the extension of River Street will cost approximately \$18,970,000. Current construction funding for the project including the marina, promenade, roadway and infrastructure work includes:

- \$6.848 million in appropriated proceeds from the sale of the Hemlock Lake and Canadice Lake watershed;
- \$2.235 million in approved New York State Local Waterfront Revitalization Program competitive grant funds;
- \$1.303 million in New York State Multi Modal transportation funds for the River Street Extension project; and
- \$917,000 in 2008-09 General debt and water, sewer, and traffic project funding share allocations.

Planned additional marina funding includes \$4.945 million in 2012-13 City general debt as planned for in the Capital Improvement Program. A new application for federal Boater Infrastructure Grant (BIG) funds for eligible transient marina features will also be submitted in August 2010.

Subsequent project development phases would expand the marina to approximately 120 slips and provide for additional private residential and commercial development opportunities at specific locations within the Port Site. Future development areas will each be dependent on the completion of site specific preparation activities including the relocation of the current boat launch and parking area, relocation of the County Parks Operations Center currently located at 4650 Lake Avenue, and development of parking and traffic plans for special events and high use periods.

The total redevelopment of the Port site under the current plan provides for 280 to 430 residential units and about 575 public parking spaces in close proximity to the Ontario Beach Park. The preliminary cost estimate for subsequent phases is \$12 million and will involve alienation and mitigation of parkland. Total private investment upon full build-out is expected to result in \$89 to \$133 million in development-related improvements.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-110

Ordinance No. 2010-306
(Int. No. 351)

Establishing Maximum Compensation For A Professional Services Agreement For The Port Marina and Mixed Use Development Project And Amending Ordinance No. 2005-262

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

Section 1. The sum of \$1,239,000, 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 Edgewater Group for final engineering and design services for the Port Marina and Mixed Use Development Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$88,000 shall be funded from the 2008-09 Cash Capital allocation, \$209,000 shall be funded from the 2009-10 Cash Capital allocation, \$105,000 shall be funded from the appropriation made in Section 3 of Ordinance No. 98-379 and \$837,000 shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2005-262, relating to an agreement for the extension of River Street, is hereby amended by reducing the amount authorized therein from the appropriation made in Section 3 of Ordinance No. 98-379 by the sum of \$105,000, which amount is reauthorized in Section 1.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-307
(Int. No. 352)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$837,000 Bonds Of Said City To Finance The Cost Of Planning For The Port Marina And Mixed Use Development 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 for the Port Marina and Mixed Use Development Project, including but not limited to final engineering and design services for the Phase I Marina, marina public promenade, realignment of North River Street, extension of Corrigan Street, relocation of Pure Waters facilities and other utilities, and infrastructure improvements to support private development of residential and commercial space along Lake Avenue, at the Port of Rochester (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be \$1,239,000. The plan of financing includes the issuance of \$837,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$297,000 in current funds and \$105,000 in New York State Department of Transportation Funds appropriated in Ordinance No. 98-379, 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 \$837,000 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 \$837,000. 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.62(a) of the Local Finance 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 con-

tain 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. 2010-308
Re: Amendatory Agreement -
Bergmann Associates,
University Avenue Improvement
Project and ARTWalk Extension
Enhancement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates P.C., for additional services related to the ARTWalk Extension Project. The original agreement was authorized in August 2007 and subsequently amended in March 2008, May 2009, and November 2009. This amendment will increase maximum compensation by an additional \$25,000 for a total of \$1,200,000. The cost of the agreement will be financed from 2010-11 Cash Capital.

The project includes several artistic enhancements to functional street elements, including: sidewalks, benches, light poles, manhole covers, signal cabinets, and similar features. This amendment will allow Bergmann to sub-contract with ARTWalk of Rochester, Inc. to administer all aspects of these artistic elements. Their services will include oversight of the art selection process, promotion and hosting of local meetings for public input and events, and increased involvement in design workshops and educational lecture series that are part of the overall project.

The project design will be completed this summer with construction beginning in fall 2010; the project will be completed by spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-308
(Int. No. 358)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The University Avenue Improvement And ARTWalk Extension Enhancement Projects

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 Bergmann Associates, P.C. for final design engineering services for the University Avenue Improvement (Union Street to North Goodman Street) and ARTWalk Extension Enhancement Projects. 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 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-309
Re: Official Map Amendment -
Capron Street

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of a portion of Capron Street, and the acquisition of a permanent easement granted by Riverview Lofts LLC, 325 Alexander Street, Suite100, Rochester (Steven Kiner, Principal).

The proposed abandonment of Capron Street is a component of the Capron Street Lofts project at 228 South Avenue (owned by Riverview Lofts LLC), allowing the developer to add four-foot wide balconies to upper level lofts.

The City Code requires that balconies do not encroach more than two feet into the right-of-way, and any above-surface encroachment is not allowed closer than two feet to the curbline. To accommodate the four-foot balconies requested, two changes are required:

1. The seven-foot sidewalk will be moved to the south side of the street along the Capron Street frontage of 228 South Avenue. This will be done as part of the street construction scheduled to start in fall 2010. The street plans will be redesigned to accommodate this change.
2. Riverview Lofts, LLC has requested that two feet of right-of-way be abandoned along the Capron Street frontage of 228 South Avenue. There is no record with the City of any fee title to this portion of land; ownership will revert to Riverview Lofts, LLC upon abandonment.

These changes will allow for a two-foot encroachment under City Code 104-33 (4) by the City Engineer.

As a condition of the abandonment, Riverview Lofts, LLC will donate a permanent easement to the City for the abandoned area to allow for utility access and sidewalk plowing and maintenance.

The Official Map Amendment was endorsed by the City Planning Commission at its July 19, 2010 meeting by a vote of 5-0; the recommendation and minutes from that meeting 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

By Councilmember McFadden
August 17, 2010

Attachment No. AJ-111

Ordinance No. 2010-309
(Int. No. 337)

Amending The Official Map By Abandonment Of A Portion Of Capron Street And Accepting An 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 Capron 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 8, Township 13, Range 7, in Section 'M' of the Johnson & Seymour Tract, as filed in Liber 21 of Deeds, Page 391, and being more particularly bounded and described as follows: Beginning at the intersection of the easterly ROW line of South Avenue (ROW Varies) and the southerly ROW line of Capron Street (33' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Northerly, along said easterly ROW line of South Avenue, a distance of 2.0 feet to a point; thence
- 2) Easterly, parallel with said southerly ROW line of Capron Street, a distance of 135.0 feet to a point; thence
- 3) Southerly, parallel with said South Avenue, a distance of 2.0 feet to the said southerly ROW line of Capron Street; thence
- 4) Westerly, along said southerly ROW line of Capron Street, a distance of 135.0 feet to the Point or Place of Beginning.

Hereby intending to describe a parcel of land, 2.0' x 135.0' in size, containing 270 square feet, more or less.

Section 2. The abandonment shall be conditioned upon Riverview Lofts, LLC granting to the City a permanent easement over the abandonment area for utility access and sidewalk plowing and maintenance. The Council hereby approves the acceptance of said easement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 339 - Establishing Maximum Compensation For An Agreement For The AmeriCorps Program

Int. No. 340 - Establishing Maximum Compensation For A Professional Services Agreement For A Coordinator For After-School Programs

Int. No. 341 - Authorizing Agreements For Youth Voice, One Vision And Amending The 2010-11 Budget

Int. No. 345 - Authorizing Agreements For Urban Area Security Initiative Grants And Amending The 2010-11 Budget

The following entitled legislation is being held in Committee:

Int. No. 338 - Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 354 - Establishing Maximum Compensation For A Professional Services Agreement For Fire Department Studies

Int. No. 355 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For An EMS RFP

Respectfully submitted,
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-310
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 2010-11 Budget.

The AmeriCorps program is a Federal community service initiative for individuals aged seventeen or older. The City has participated since the program's inception in 1994. Since then, over 1,100 individuals have participated, contributing over 1.5 million hours of service. Participants perform a

minimum of 1,700 hours of community service in exchange for a stipend of \$11,800 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$5,350. 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 is budgeted at \$217,510 in non-federal cash, and over \$200,000 of in-kind contributions leverages \$633,470 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 is funded to enroll 45 individuals this year. City funding supports eleven placements - three with the Police Department's Victim Assistance Unit and eight in City recreation programs.

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.

Department of Recreation and Youth Services. Three participants conduct daily programs at recreation centers. Five members provide support city-wide to youth councils and youth advisors, and conduct activities related to job readiness, youth entrepreneurship, civic engagement, youth fitness, gender equity in sports programming, healthy lifestyle choices, media projects, etc.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-310
(Int. No. 339)

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 an agreement between the City and Monroe Community College for the continued support of the AmeriCorps Program. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-311
Re: Agreement - Baden Street Settlement of Rochester, Inc., After School Programs

Transmitted herewith for your approval is legislation establishing \$33,987 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc. to provide a program coordinator for the after school programs at Lake Riley Lodge and School #28. The cost of the agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Lake Riley Lodge is the site of the After School in the Parks program, a fee-for-service after-school program offered by the City. The program will provide care from 3-6:30 pm, Monday-Friday, for 35 city students between the ages of 6 and 13 at a cost of \$55 per week. Participants will be served a snack and a hot dinner from FoodLink, and will receive homework help and a variety of social and recreational activities. Rochester City School District students can be bused to the site via school district transportation at the end of the school day. The program will also offer care during both of the February and April school recess weeks from 9 a.m. to 5 p.m. for \$115 per week.

School 28 is an after school program serving grades 3-6 at Henry Hudson School. The program operates four days a week from October-May and is currently staffed for a capacity of 50-60 youth. Programming includes academic enrichment, homework help, youth development, and recreational enrichment.

The program coordinator will provide the following services at both sites: program oversight, including coordination with FoodLink; contact with parents; direct child care service coverage for staff absences; and delivery of the Healthy Lifestyles curriculum being used by Metro Council for Teen Potential of Baden Street to promote fitness, nutrition and positive self-esteem.

The total budget for the After School in the Parks program to run from September through the end of the current school year is \$93,900; anticipated revenue with full capacity is \$70,000. The cost of the program at School #28 is \$70,500, and is supported by tax dollars.

The term of this agreement will be September 7, 2010 to June 24, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-311
(Int. No. 340)

Establishing Maximum Compensation For A Professional Services Agreement For A Coordinator For After-School Programs

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

Section 1. The sum of \$33,987, 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 Baden

Street Settlement of Rochester, Inc. for a program coordinator for the after-school programs at Lake Riley Lodge and School #28. Said amount shall be funded from the 2010-11 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. 2010-312
Re: Agreements - Youth Voice,
One Vision

Transmitted herewith for your approval is legislation related to the 2010-11 Youth Voice, One Vision program. This legislation will:

1. Authorize an agreement with the Rochester Area Community Foundation for the receipt and use of a \$35,000 grant to support the program;
2. Amend the 2010-11 Budget of the Department of Recreation and Youth Services by \$35,000 to reflect the grant;
3. Establish \$13,500 as maximum compensation for an agreement with Nazareth College to provide service learning project coordination from September 1, 2010 to August 31, 2011;
4. Establish \$8,000 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide workshops on creative expression and social marketing. The term of this agreement will be for one year beginning September 1, 2010; and
5. Authorize additional agreements as needed for youth development skill building, catering, and bus transportation for youth led events and activities, to be funded from the remaining grant balance of \$13,500.

Youth Voice, One Vision is a youth leadership and youth development program administered by the City. The program currently has nine youth officers and approximately 80 active youth members. The participants range in age from under 10 to 18, with the majority between 10 and 15. About 25% of the participants are 16-18.

YVOV participants develop their own goals and strategies, conduct meetings, elect officers, meet with community leaders and carry out service learning projects. The members also plan, host and facilitate regular service learning projects, workshops, conferences and special events. YVOV members act as presenters and "youth experts" on local, regional, and national panels, forums and events.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-312
(Int. No. 341)

**Authorizing Agreements For Youth Voice,
One Vision And Amending The 2010-11 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 agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. The sum of \$8,000, 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 Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential to provide Youth Voice, One Vision services. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 4. The sum of \$13,500, 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 Nazareth College for service learning project coordination for Youth Voice, One Vision. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 5. The sum of \$13,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for additional professional services, catering and transportation services for Youth Voice, One Vision. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 6. Ordinance No. 2010-188, the 2010-11 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 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-313
Re: 2008 and 2009 Urban Area Security
Initiative Supplemental Grants

Transmitted herewith for your approval is legislation authorizing agreements with New York State Office of Homeland Security (NYS OHS) for receipt and use of funds under the 2008 and 2009 Urban Area Security Initiative (UASI); and amending the 2010-11 Budget by an amount not to exceed \$263,900 as follows: \$251,400 to Cash Capital, \$6,200 to the Police Department and \$6,300 to the Fire Department.

UASI 2008 Supplemental Grant

Additional funding of \$75,900 is part of the State's 20% of 2008 UASI funds that the State chooses to turn back to the local grantees. This funding will be used for law enforcement specialty teams' equipment, a Rochester Fire Department taskforce, and management and administrative expenses. The expenditure of the funding will conform to the term of the 2008 UASI grant term which ends on August 31, 2011. There is no match required. The agreement with NYS OHS for the basic 2008 UASI was authorized by Ord. No. 2008-390 in November 2008.

UASI 2009 Supplemental Grant

Additional funding of \$188,000 is part of the State's 20% of 2009 UASI funds that the State chooses to turn back to the local grantees. This funding will be used to purchase search and rescue equipment for the Fire Department and a Mobile Utility Surveillance Tower vehicle for the Police Department to allow more effective surveillance of crowds and incidents. The funding will conform to the term of the basic 2009 UASI grant which ends on August 31, 2012. There is no match required. The basic 2009 UASI award was authorized by City Council Ord. No. 2009-437 in December 2009 and funds were appropriated on July 20, 2010 (Ord. No. 2010-276).

The activities related to UASI are closely coordinated among the law enforcement and emergency management entities in the City, Monroe County, and outlying counties, creating a regional approach to homeland security.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-313
(Int. No. 345)

Authorizing Agreements For Urban Area Security Initiative Grants And Amending The 2010-11 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 New York State Office of Homeland Security for funding for the Rochester Police and Fire Departments under the 2008 and 2009 Urban Area Security Initiative Supplemental Grant Programs.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor

deems to be appropriate.

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$6,300, to the Rochester Police Department by the sum of \$6,200, and to the Cash Capital allocation by the sum of \$251,400, which amounts are hereby appropriated from funds to be received from the New York State Office of Homeland Security under the 2008 and 2009 Urban Area Security Initiative Supplemental Grant Programs.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Introductory No. 355 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-314
Re: Amendatory Agreement - TriData,
Development of an RFP for Provision
of Emergency Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with System Planning Corporation, TriData Division, Arlington, VA, to provide assistance with developing, and preparing for publication, the Request for Proposals (RFP) for the provision of emergency services. The original agreement for an analysis of EMS Service Provision, authorized in December, 2009, established maximum compensation at \$43,120. This amendment will increase the compensation by \$9,932, to a maximum total of \$53,052. This additional cost will be funded from the 2010-11 Undistributed Budget.

Ordinance 2007-542 authorized the provision of emergency services with National Ambulance and Oxygen Service, Inc., d/b/a Rural/Metro for a term of two years with two renewable terms of one year each at the City's option. The contract commenced on April 8, 2008 and has been renewed for one year. The one-year renewal expires March 31, 2011.

In order to have time to receive and review proposals in preparation for the contract expiration, the RFP for provision of emergency services should be posted and published in September 2010. The

Administration will share a draft of the RFP with Council prior to its release.

Based on TriData's qualifications, experience, cost, and previous experience between the City and TriData, it is recommended to use TriData for the development of the next emergency services RFP.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-314
(Int. No. 355)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For An EMS RFP

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

Section 1. The sum of \$9,932, 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 TriData Division, System Planning Corporation, for assistance in preparing a request for proposals for the provision of emergency medical services in the City. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Miller - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 338
Re: Greater Rochester Area
Narcotics Enforcement
Team

Transmitted herewith for your approval is legislation appropriating \$80,700 from federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2010-11 Budget of the Police Department by its inclusion.

The appropriated funds will be used to support GRANET operations for 2010-11. GRANET participates in joint investigations with the Greater Rochester Area Special Operations Group (GRASOG), which includes participants from federal, state, and local law enforcement 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 aggressively to investigate career criminals in the Greater Rochester/Monroe County area, utilizing 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 Attorney General. During its term of operation, GRANET will use 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 (March 1994). Salaries and overtime for participants will continue to be paid by each officer's respective agency.

The City administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in GRANET's forfeiture fund prior to this transfer is estimated at \$80,756. This will be the first appropriation of GRANET's forfeiture funds during 2010-11.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 338

AMENDING THE 2010-11 BUDGET BY APPROPRIATING FORFEITURE FUNDS FOR THE ROCHESTER POLICE DEPARTMENT

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$80,700, 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.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 354
Re: Agreement - Center for
Governmental Research,
Studies Related to Fire
Department Operations

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with the Center for Governmental Research (CGR), to provide an analysis of the field supervisory structure of the Rochester Fire Department, and to provide cost and operational analysis of the opportunity to consolidate the RFD Fire Apparatus Division with the DES Equipment Services Division. The cost of the agreement will be funded from the Undistributed allocation of the 2010-11 Budget.

The national recession is negatively impacting revenues and increasing pension costs for New York State and the City of Rochester. As a result the City must examine all of its current methods of service provision. The City of Rochester will explore opportunities of reducing costs through restructuring and consolidations. These studies will provide data and analysis to assist with decision making for ensuring public safety and budget efficiencies.

The first study will be complete by September 30, 2010. The second study will be complete by October 29, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 354

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR FIRE DEPARTMENT STUDIES

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 between the City and the Center for Governmental Research, Inc. for studies of the supervisory structure of the Rochester Fire Department and of the possible consolidation of the Fire Apparatus Division of the Rochester Fire Department and the Equipment Services Division of the Department of Environmental Services. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Hel in Committee.

By President Warren
August 17, 2010

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 317 - Resolution Confirming The Ap-

pointment Of The Commissioner Of Recreation And Youth Services

Respectfully submitted,
Lovely A. Warren
Elaine M. Spaul
Carolee A. Conklin
Matt Haag
Adam C. McFadden
Dana K. Miller
Jacklyn Ortiz
Carla M. Palumbo
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, Filed and Published.

Introductory No. 317 was introduced July 20, 2010 and appears in its original form with its transmittal letter on page 291 of the current Council Proceedings.

Resolution No. 2010-23
(Int. No. 317)

Resolution Confirming The Appointment Of The Commissioner Of Recreation And Youth Services

Adopted unanimously.

The meeting was adjourned at 8:50 p.m.

DANIEL B. KARIN
City Clerk

**REGULAR MEETING
SEPTEMBER 21, 2010**

Present - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Scott, Spaul - 7

Absent - Concilmembers McFadden, Palumbo - 2.

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:
 - Finance Department
 - *Anita L. Simmons
 - Police Department
 - *Mark A. Case
 - *James J. Criazzo
 - *Richard W. DeLorme
 - Library
 - *Leatrice J. Brantley

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Scott

RESOLVED, that the minutes of the Regular Meeting of August 17, 2010 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 4025-10
Public Disclosure - CDBG Participation 4026-10

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 2009-10 Community Development Plan And Approving Rental Market Fund Programs Int. No. 368 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
September 21, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 360 - Cancellation Of Taxes And Charges

Int. No. 361 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For State Lobbying Services

Int. No. 362 - Establishing Maximum Compensation For An Agreement For A Film Festival

Int. No. 363 - Resolution Authorizing Establishment Of A Three-Way Sister Cities Relationship With Rehovot, Israel And Albuquerque, New Mexico

Int. No. 387 - Authorizing An Agreement With The County Of Monroe With Respect To Unarraigned Prisoners

Respectfully submitted,
Jacklyn Ortiz
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul (Did not vote on Int. Nos. 363 and 387)

FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-315
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 \$17,166.01.

The property located at 837 Genesee Street transferred to Housing Opportunities HDFC Inc. for the 2011 tax year with a full exemption agreement. However, the partial taxable amount applied in prior years was erroneously retained on the file resulting in the overage as shown.

The property located at 821-831 N. Clinton Avenue was acquired by the City of Rochester in mortgage foreclosure by Referee's Deed recorded April 29, 2010, in Liber 10869, Page 280.

The owners of the properties located at 139 Burlington Avenue and 120 Valley Street are entitled to the Aged exemption and also the Enhanced STAR exemption.

If these cancellations are approved, total cancellations thus far for 2010-11 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	4	\$17,166.01
Administrative	8	989.49
Total	12	\$18,155.50

These cancellations represent .008% of the taxes receivable as of July 1, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-112

Ordinance No. 2010-315
(Int. No. 360)

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 property was acquired by the City of Rochester in mortgage foreclosure by Referee's Deed recorded April 29, 2010 in Liber 10869; Page 280.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
106.38-1-31	N/H	2008	\$ 2,851.21
821-831 N. Clinton Ave		2009	3,541.48
		2010	3,644.30
<p>(B) The property transferred to Housing Opportunities HDFC Inc. for the 2011 tax year with a full exemption agreement. The partial taxable amount applied in prior years was not removed.</p>			
135.26-3-33.2	N/H	2011	\$ 4,222.90
837 Genesee St			
<p>(C) The owners of the properties are entitled to the Aged and Enhanced STAR exemptions.</p>			
135.32-3-14	H	2011	\$ 1,312.02
139 Burlington Ave			
061.37-1-30	H	2011	<u>1,594.10</u>
120 Valley St			
Grand Total			\$17,166.01

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.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-316
Re: Amendatory Agreement - Bolton-St. Johns, LLC, State Lobbying

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bolton-St. Johns, LLC, for state lobbying services. The original agreement (Ord. No. 2009-295) established \$60,000 as maximum compensation. This amendment will increase compensation by \$30,000 for a maximum of \$90,000, and extend the term of the contract for six months, through February 28, 2011. The additional amount will be funded from the 2010-11 Budget of the Mayor's Office.

Bolton-St. Johns provided the following services during the past year:

- Worked with the legislature to create the new Tier V Pension System.
- Worked with the legislature to pass School Governance legislation in the Assembly and currently working with the Senate to pass it in that house as well.
- Worked to secure funding related to the

Rochester Rhino's Soccer Stadium:

- Helped move the City's Dormitory Authority application for \$612,275.
- Worked with Senate Leader Sampson to authorize the use of funds to repay LeChase for Phase 2A construction costs.

- Ensured that the AIM reductions were fair and proportionate to Rochester.
- Worked with the Assembly to secure \$200,000 in capital funding for improvements to Sebastian Park.
- Working with the legislature and Executive Chamber to create a remedy to resolve the 2% fund dispute.

Over the coming six months, Bolton-St. Johns will continue to work with the City on the following activities:

- Mayoral control of City schools.
- Finalizing authorization for repayment to LeChase (Soccer Stadium).
- Continue working to secure \$200,000 in capital funding for Sebastian Park (Susan John member item).
- Arrange meetings for the City Finance/Budget staff with NYS Budget staff to discuss Rochester's needs.
- Formulate and implement a legislative strategy for the upcoming 2011 legislative session.
- Advocate a legislative remedy to resolve the 2% Fund dispute.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-113

Ordinance No. 2010-316
(Int. No. 361)

Establishing Maximum Compensation For An Amendatory 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 \$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 Bolton-St. Johns, LLC for the provision of State lobbying services. Said amount shall be funded from the 2010-11 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. 2010-317
Re: Agreement - The Rochester Lesbian
And Gay Film Festival, Inc.

Transmitted herewith for your approval is legislation establishing \$13,000 as maximum compensation for an agreement with The Rochester Lesbian and Gay Film Festival, Inc., d/b/a/ ImageOut, to partially support a ten-day film festival, October 8-17, 2010, as well as special screenings throughout the year. The cost of this agreement will be funded from the 2010-11 Budget of the Bureau of Communications.

A similar agreement was authorized in September 2009. Now in its 18th year, ImageOut offers the following:

- The annual film festival, with more than 100 full-length, short, and documentary films. An average annual attendance of more than 10,000, making it one of the largest film festivals in Upstate/Western New York;
- A youth project, in partnership with the Youth Program of the Gay Alliance of the Genesee Valley as well as area high schools and universities, to offer programs that educate and foster dialogues about the many issues that Rochester's lesbian, gay, bisexual, and transgender (LGBT) youth may be facing in today's society. Free tickets to youth-designated films and other programs are made available to anyone under 21 years of age;
- Accessibility, particularly for hard-of-hearing patrons. ImageOut offers ASL interpreting for films, special events and committee meetings. ImageOut works with each venue to ensure accessibility for the physically challenged community;
- Outreach, in partnership with more than 40 community agencies, to offer free tickets to those who may be economically challenged. Working with area health agencies, ImageOut offers free film screenings each year during the annual LGBT Health Week. Each screening is followed by a post-film discussion with a panel of local health experts addressing community health issues;
- A visual arts exhibition, showcasing LGBT artists and/or LGBT themed work. The exhibition runs 3 weeks in October at the Visual Studies Workshop Gallery. The exhibition is free and open to the public.

The total budget for the festival is \$140,950; the City funds will be used to increase awareness and accessibility to the festival screenings and special

events with strategic marketing plans throughout upstate New York, and to increase awareness of ImageOut-Reach and Youth Projects.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-317
(Int. No. 362)

Establishing Maximum Compensation For An Agreement For A Film Festival

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

Section 1. The sum of \$13,000, 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 Lesbian and Gay Film Festival, Inc., d/b/a ImageOut, for a film festival. Said amount shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-24
Re: Authorizing a Sister Cities Agreement

Transmitted herewith for your approval is legislation authorizing a three-way Sister Cities agreement of cooperation and recognition among Rochester, the City of Rehovot, Israel, and the City of Albuquerque, New Mexico.

Resolution 72-117 established a Sister Cities agreement with Rehovot. Since then, the two cities have enjoyed a beneficial relationship. Many elected officials, students, college professors, musicians, and other private citizens have traveled between the two cities to enhance the people-to-people goodwill that is at the heart of the Sister Cities movement. On several occasions, Rochester's City Hall Atrium has been filled by the Rehovot Youth Orchestra, and by celebrants commemorating the major anniversaries of this Sister Cities pairing.

In a change of policy, Sister Cities International currently allows cities to enter into a partnership with more than one city from the same nation. As a result, in 2008, the cities of Albuquerque, New Mexico and Rehovot signed a Sister Cities agreement.

In order to take advantage of the increased possibilities for cultural, educational, and economic opportunities, the City would like to enter into a three-way Sister Cities agreement. The International Sister Cities of Rochester (ISCOR) board approved the creation of this arrangement at their March 2010 meeting.

Officials in Albuquerque and Rehovot have indicated their support for this plan, and a signing ceremony is expected to occur during the next several months.

Respectfully submitted,
Robert J. Duffy Carolee A. Conklin
Mayor Chair, Finance Committee
President, ISCOR

Attachment No. AJ-114

Resolution No. 2010-24
(Int. No. 363)

Resolution Authorizing Establishment Of A Three-Way Sister Cities Relationship With Rehovot, Israel And Albuquerque, New Mexico

WHEREAS, since 1972 the Cities of Rochester and Rehovot, Israel have enjoyed a Sister Cities relationship that has been extremely beneficial to both cities; and

WHEREAS, Rehovot has also entered into a Sister Cities relationship with Albuquerque, New Mexico, and the residents and elected officials of all three cities wish to enter into a three-way Sister Cities agreement of cooperation and recognition; and

WHEREAS, it is expected that this relationship will provide many beneficial results and be advantageous to the residents of Rochester and Albuquerque and Rehovot; and

WHEREAS, the Board of Trustees of International Sister Cities of Rochester, NY, Inc., recommends the establishment of a Sister Cities relationship with Albuquerque and Rehovot.

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

Section 1. The City Council of the City of Rochester approves the establishment of a three-way Sister Cities relationship between the City of Rochester and the Cities of Rehovot, Israel and Albuquerque, New Mexico.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Cities of Rehovot, Israel and Albuquerque, New Mexico for the establishment of a Sister Cities relationship.

Section 3. The City Clerk is directed to send a certified copy of this resolution to the Cities of Rehovot, Israel and Albuquerque, New Mexico.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-318
Re Agreement - Monroe County, Use

of the Monroe County Jail

Transmitted herewith for your approval is legislation authorizing the continuation of an inter-municipal agreement with Monroe County to secure confinement in the Monroe County Jail of individuals detained by the Rochester Police Department who have not yet been arraigned. This agreement will obligate the City to pay the County the sum of \$1,000,000 per year for services to be provided from January 1 to December 31 of each year. Services for which this compensation will be provided commenced on January 1, 2009 and extend for the three-year period ending on December 31, 2011. The sources of funds for this agreement are the 2009-10 and 2010-11 Budgets of the Police Department, and the 2011-12 Budget contingent upon Council appropriation.

New York Correction Law § 500-a (2-e) authorizes the City to enter into an agreement with Monroe County to provide services pertaining to the confinement of individuals arrested or detained and awaiting arraignment. Monroe County has provided these services to the City in the past, most recently pursuant to an agreement authorized in 2004 by the County and City Council (Ord. 2004-384).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-318
(Int. No. 387)

Authorizing An Agreement With The County Of Monroe With Respect To Unarraigned Prisoners

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 County of Monroe for the detention of unarraigned prisoners in the Monroe County Jail. The agreement shall extend for a term of three years, commencing January 1, 2009.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000 annually, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10, 2010-11 and 2011-12 Budgets of the Rochester Police Department, contingent upon approval of the latter budget.

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 Vice President Spaul
September 21, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 364 - Authorizing The Sale Of Real Estate

Int. No. 365 - Authorizing The Acquisition Of Land And An Easement For The Rochester Public Market

Int. No. 366 - Authorizing Amendatory Agreements For The Mills At High Falls Phase II Project

Int. No. 367 - Authorizing An Amendatory 2008-09 Community Development Program Plan And Amendatory Agreement For The Homelessness Prevention And Rapid Re-Housing Program And Amending The 2010-11 Budget And Ordinance No. 2009-280

Int. No. 344 - Amending Chapter 120 Of The Municipal Code, Zoning Code

The Neighborhood & Business Development Committee recommends for consideration the following entitled legislation:

Int. No. 368 - Amending The 2009-10 Community Development Plan And Approving Rental Market Fund Programs

Respectfully submitted, Dana K. Miller, Lovely A. Warren, Elaine M. Spaul, NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2010-319 Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of three 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 Bureau of Inspection and Compliance Services 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 structure being sold by proposal at appraised value. The prospective purchaser plans to demolish the existing structure and construct a new pharmacy.

The next two properties are unbuildable vacant lots being sold to the adjacent owners, each for \$1.00. Both owners intend to combine these parcels with their respective adjoining lots.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,397.

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. AJ-115

Ordinance No. 2010-319 (Int. No. 364)

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 request for proposal:

Table with 4 columns: Address (S.B.L.#), Lot Size, Legal Use, Price. Row 1: 780 Joseph Ave 106.23-3-18, 34x100, Retail, Neil Scheier, \$6,600

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Table with 4 columns: Address (S.B.L.#), Lot Size, Sq. Ft., Price. Row 1: 26.1 St. Jacob St (EH) 106.25-2-36.1, 19x115, 2,185, \$1, Jerold Wilkins. Row 2: 26.2 St. Jacob St (WH) 106.25-2-36.2, 19x115, 2,185, \$1, Anniesha Johnson

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.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2010-320 Re: Real Estate Acquisition - North Union Street

Transmitted herewith for your approval is legislation authorizing the acquisition from CSX Transportation, Inc., of approximately two acres of vacant land adjacent to the Public Market. A maintenance easement over the single-track rail bridge would also be granted to the City by CSX.

The purchase price of \$135,000 was established through an independent appraisal prepared by Kevin L. Bruckner, MAI. A total cost of \$150,000, which includes the purchase price and closing costs, will be funded from the Fiscal Year 2000-01 Cash Capital allocation.

This acquisition will allow the City to create a traffic-free connection from the City-owned parking lot on Hebard and Trinidad Streets to the Public Market. The rail bridge would also accommodate passenger shuttle and ultimately provide a trail connection linking the Market to Portland Avenue.

The rail bridge connection, trail and shuttle are priorities of the Marketview Heights Revitalization Strategy and the Focused Investment Group.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-116

Ordinance No. 2010-320
(Int. No. 365)

Authorizing The Acquisition Of Land And An Easement For The Rochester Public Market

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

Section 1. The Council hereby approves the acquisition of approximately 2 acres of vacant land adjacent to the Rochester Public Market, constituting a portion of SBL # 106.660-1-13, and a maintenance easement over a rail bridge, from the current owner, CSX Transportation, Inc. for the sum of \$135,000. Said amount, and necessary closing costs, shall be funded from the 2000-01 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-321
Re: Mills at High Falls Phase II

Transmitted herewith for your approval is legislation relating to the Mills at High Falls Phase II development project. This legislation will:

1. Authorize an amendatory agreement with the Urban League of Rochester Economic Development (ULREDC) to increase the interim construction loan authorized for the project by

Ordinance No. 2009-307 from \$800,000 to \$1,005,000, and extending the term from nine months to fifteen months. The additional cost, \$205,000, will be funded from 2008-09 Cash Capital.

2. Authorize an additional amendatory agreement with ULDREC, or a subsidiary to be formed for this project, to increase the construction/permanent financing loan authorized for the project by Ordinance No. 2010-42 from \$800,000 to \$1,005,000.
3. Appropriate \$205,000 in HOME funds from the Housing Development Fund of the 2010-11 Consolidated Community Development Plan to fund the construction/permanent loan increase.

Phase I, completed by ULDREC in spring 2010, included the construction of 67 mixed-income units and two commercial spaces located at 310-312 State Street. The City provided funding in the amount of \$2,450,000 for this development.

Phase II will include the redevelopment of four historic buildings located at 368-392 State Street into 21 mixed-income units (10 one-bedroom flats and 11 two-bedroom townhouses) for individuals at 60% or less of Area Median Income (11 units) and from 61-90% of AMI (10 units). The City's HOME loan will support the units which are affordable to households with incomes at or below 80% of AMI. The ULREDC is the developer for this project with consulting services being provided by Edgemere Development. Construction will start immediately after the closing on the project financing.

City Council has authorized two loans for this development. The first, the interim construction loan, was to stabilize the structures and closed in April 2010. The original project plan included substantial completion by fall 2010. The second loan is a construction/permanent financing loan using HOME funds, and has not yet closed due to delays explained below. The resulting delay requires additional funds (for the interim construction loan) for permanent roof repairs prior to closing.

Project costs have increased by \$307,000; the ULREDC is requesting additional construction/permanent financing of \$205,000 from the City to cover part of that cost. The increase is the result of several factors, including: 1) the deferral of benefits for NYS historic rehabilitation tax credits and NYS low-income housing tax credits which caused a drop in the amount of equity generated; and 2) an upgrade to a sub-slab depressurization system. The HOME loan will be used to repay the interim Cash Capital construction loan at the closing, and the HOME funds will become part of the construction/permanent financing for this project.

Initially, the City HOME loan will be provided as construction financing at a zero percent (0%) interest rate. When the loan is converted to permanent financing, the loan will extend for a term of 30 years at an interest rate of one percent (1%). Inter-

est-only payments of 1% will be made annually, subject to availability of cash flow; payment of the accrued interest, if any, and principal is due in full at the end of the term.

Mills at High Falls Phase II has been approved to receive low income housing tax credits (LIHTC) and Housing Trust Fund financing from New York State. In addition, the project is qualifying for Historic Rehabilitation Tax Credits (HTC) through NYS State Historic Preservation Office (SHPO) and the National Park Service. The budget is as follows:

Budget	
Acquisition	\$ 107,000
Soft costs	618,000
Construction	4,653,039
Carrying and financing charges	784,180
Contingency	465,303
Developer fee	870,054
Working capital	53,887
Operating reserve	<u>93,318</u>
Total	\$7,644,781
Sources	
New York State	\$2,000,000
City	1,005,000
Deferred developer fee	150,673
LIHTC and HTC equity	<u>4,489,108</u>
Total	\$7,644,781

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-321
(Int. No. 366)

Authorizing Amendatory Agreements For The Mills At High Falls Phase II 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 amendatory loan agreement for the Mills at High Falls Phase II Project whereby the loan authorized by Ordinance No. 2009-307 shall be increased from \$800,000 to \$1,005,000 and the term extended to 15 months. The additional sum of \$205,000 shall be funded from the 2008-09 Cash Capital allocation. All other terms and conditions of said ordinance shall remain in full force and effect.

Section 2. The Mayor is hereby further authorized to enter into an amendatory loan agreement for the Mills at High Falls Phase II Project whereby the loan authorized by Ordinance No. 2010-42 shall be increased from \$800,000 to \$1,005,000. The additional sum of \$205,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation of the 2010-11 HOME Program. All other terms and conditions of said ordinance shall remain in full force and effect.

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. 2010-322
Re: Amending the 2008-09 Consolidated
Community Development Plan

Transmitted herewith for your approval is legislation related to the 2008-09 Consolidated Community Development Plan/Homelessness Prevention and Rapid Re-housing Program (HPRP). This legislation will:

1. Amend the 2008-09 Consolidated Community Development Plan to reflect modification in the client services budget of the HPRP to increase funds for Homelessness Prevention and decrease funds for Rapid Re-housing.
2. Authorize an amendatory agreement with Coordinated Care Services, Inc. to decrease maximum compensation by \$79,700 to reflect the new budget, resulting in total compensation of \$3,618,699 for implementation of *Heading Home*, the principal component of the HPRP program.
3. Amend the 2010-11 Budget of the Department of Neighborhood and Business Development to include \$12,900 of the reduced amount above to provide for additional inspections.

HPRP was authorized by City Council through Ordinance No. 2009-149. Ordinance No. 2009-280 subsequently approved agreements for program implementation, including the agreement with Coordinated Care Services, Inc.

The current legislation amends the HPRP portion of the Consolidated Plan by modifying the client services budget. The City's total client services budget is \$3,748,535 and will remain the same; the amendment deals only with distribution of budget for client services. It changes original funding from 45% for Homelessness Prevention and 55% for Rapid Re-housing, to 70% and 30% respectively. Experience has proven that the rate of demand and expenditure for eviction prevention exceeds the amount estimated, and therefore the amendment is recommended.

A public hearing to amend the 2008-09 Consolidated Community Development Plan was held August 17, 2010. There were no speakers.

A program description is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-117

Ordinance No. 2010-322
(Int. No. 367)

Authorizing An Amendatory 2008-09 Community Development Program Plan And Amendatory Agreement For The Homelessness Prevention And Rapid Re-Housing Program And Amending The 2010-11 Budget And Ordinance No. 2009-280

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

Section 1. The Council hereby approves an amendment to the 2008-09 Community Development Program Plan whereby the Homelessness Prevention and Rapid Re-Housing Program funds received from the U.S. Department of Housing and Urban Development under the American Recovery and Reinvestment Act of 2009 pursuant to Ordinance No. 2009-149 shall be reallocated. The amendment shall result in the following new client service budgeted amounts: Financial Assistance to prevent eviction (Homelessness Prevention) - \$1,653,104; Financial Assistance to place homeless individuals and households in stable affordable housing (Rapid Re-Housing) - \$719,718; Housing Relocation and Stabilization Services (case management services to prevent eviction) - \$970,871; and Housing Relocation and Stabilization Services (case management services to assist households locate affordable housing) - \$404,842. The total of \$3,748,535 for client service remains the same.

Section 2. Ordinance No. 2009-280, relating to the Homelessness Prevention and Rapid Re-Housing Program, is hereby amended by reducing the amount authorized in Section 4 thereof for the agreement with the County of Monroe and Coordinated Care Services, Inc. by the sum of \$79,700.

Section 3. The Mayor is hereby authorized to enter into an amendatory agreement with the County of Monroe and Coordinated Care Services, Inc. for the provision of services under the Homeless Prevention and Rapid Re-Housing Program. The amendatory agreement shall provide for the modified allocations approved in Section 1 and shall also decrease the amount of the original agreement as approved in Section 2.

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

Section 5. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Neighborhood and Business Development by the sum of \$12,900, which amount shall be funded from the appropriation of Homeless Prevention and Rapid Re-Housing Program funds made in Section 1 of Ordinance No. 2009-280 to fund Program inspections.

Section 6. This ordinance shall take effect im-

mediately.

Passed unanimously.

President Warren moved to amend Introductory No. 344.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, Miller, Ortiz, Scott, Spaul - 7.

Nays - None - 0.

Introductory No. 344 was introduced August 17, 2010 and appears in its original form with its transmittal letter on page 305 of the current Council Proceedings.

Ordinance No. 2010-323
(Int. No. 344, As Amended)

Amending Chapter 120 Of The Municipal Code, The Zoning Code

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 as follows:

1) Modify the purpose statement for the R-1 District:

§ 120-7. Purpose.

The R-1 Low-Density Residential District is intended to maintain residential areas at relatively low densities. The R-1 District is a distinct urban area that is characterized predominantly by owner-occupied, single-family detached and attached homes but often contains a diverse mix of other preexisting higher-density residential uses. Each R-1 neighborhood is unique in character, composition and scale. The district requirements ~~protect the existing~~ are intended to preserve and promote neighborhoods and protect a quality of urban residential living characterized by unobstructed front yards and pedestrian-scale streetscapes and to protect from ~~against~~ undesirable uses and residential conversions.

2) R-3 Lot and Building Coverage requirements: §120-28B(1)(c)[4]&[5] & §120-28B(2)(b)&(c),

B. Lot area requirements.

(1) Residential uses.

(c) Multifamily.

~~[4] Maximum building coverage: 50%.~~

- ~~{5} Maximum lot coverage: 70%.~~
- (2) Nonresidential uses.
- ~~(b) Maximum building coverage: 50%.~~
- ~~(c) Maximum lot coverage: 70%.~~
- 3) C-1 Lot and Building Coverage requirements: §120-36B(1)(b)&(c) and §120-36B(2)(b)&(c),
- B. Lot area requirements.
- (1) Residential uses.
- ~~(b) Maximum building coverage: 35%.~~
- ~~(c) Maximum lot coverage: 50%.~~
- (2) Nonresidential uses.
- ~~(b) Maximum building coverage: 70%.~~
- ~~(c) Maximum lot coverage: 80%.~~
- 4) C-2 Lot and Building Coverage Requirements §120-44B(1)(a)[3]&[4], §120-44B(1)(b)[3]&[4], §120-44B(2)(a)&(c)
- B. Lot area requirements.
- (1) Residential uses.
- (a) Single-family attached.
- ~~{3} Maximum building coverage: 70%.~~
- ~~{4} Maximum lot coverage: 80%.~~
- (b) Multifamily.
- ~~{3} Maximum building coverage: 70%.~~
- ~~{4} Maximum lot coverage: 80%.~~
- (2) Nonresidential uses.
- ~~(b) Maximum building coverage: 70%.~~
- ~~(c) Maximum lot coverage: 80%.~~
- 5) C-3 Lot and Building Coverage Requirements §120-52B(2) &(3)
- B. Lot area requirements.
- ~~(2) Maximum building coverage: 70%.~~
- ~~(3) Maximum lot coverage: 80%.~~
- 6) PMV Lot and Building Coverage Requirements §120-76C(2)(a)[2][c]&[d], §120-76C(2)(b)[2]&[3]
- (2) Lot area requirements.
- (a) Residential uses.
- [2] Multifamily.
- ~~{c} Maximum building coverage: 50%.~~
- ~~{d} Maximum lot coverage: 70%.~~
- (b) Nonresidential uses.
- ~~{2} Maximum building coverage: 70%.~~
- ~~{3} Maximum lot coverage: 80%.~~
- 7) H-V Lot and Building Coverage Requirements §120-77C(2)(a)[3][b]&[c]
- (2) Lot area requirements.
- (a) Residential uses.
- [3] Multifamily.
- ~~{b} Maximum building coverage: 35%.~~
- ~~{c} Maximum lot coverage: 50%.~~
- 8) M-1 Lot and Building Coverage Requirements §120-84B(1)(b)&(c) and §120-84B(2)(b)&(c)
- B. Lot area requirements.
- (1) Residential uses.
- ~~(b) Maximum building coverage: 70%.~~
- ~~(c) Maximum lot coverage: 80%.~~
- (2) Nonresidential uses.
- ~~(b) Maximum building coverage: 70%.~~
- ~~(c) Maximum lot coverage: 80%.~~
- 9) Carport Regulations in the R-1, R-2, R-3, PMV and H-V Districts
- §120-11C(1)(a)[3]
- [3] Minimum front yard setback, attached garages and carports: front yard of the principal use or structure plus 10 feet.
- §120-20C(1)(a)[3]

[3] Minimum front yard setback, attached garages and carports: front yard of the principal use or structure plus 10 feet.

§120-28C(1)(a)[3]

[3] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

§120-76C(3)(a)[1][c]

[c] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

§120-77C(3)(a)[1][c]

[c] Minimum front yard setback, attached garages and carports: the front yard of the principal use or structure plus 10 feet.

10) Permitting mixed uses in the C-1 District

§120-34M

M. Mixed uses, as listed in this section, not including industrial uses.

11) Front yard setback in C-1 and C-2 Districts

§120-36C(2)(a)

(2) Nonresidential uses.

(a) Maximum front yard setback: zero to five feet ~~or average front yard depth of building(s) along the corridor and within the commercial district where the property is located, but in no case more than five feet larger or smaller than the average of the front yard depth on buildings on the two adjoining lots.~~ In cases where a specific design guideline or concept plan has been adopted, the recommended setbacks shall be followed.

§120-44C(2)(a)

(2) Nonresidential uses

(a) Maximum front yard setback: zero to five feet ~~or the average front yard depth of building(s) along the corridor and within the commercial district in which the property is located, but in no case more than five feet larger or smaller than the average of the front yard depth on buildings on the two adjoining lots.~~ In cases where a specific design guideline

or concept plan has been adopted, the recommended setbacks shall be followed.

12) CCD Design Review Clarification

§120-65D

D. Applications not meeting the design criteria, within the specified tolerance limits set forth ~~in this article in the "Design Checklist" tables at the end of this Chapter,~~ shall require site plan approval.

13) CCD Tower District Correction

§120-71F(1)(b)[2]

(b) Lot size and coverage.

~~[2] The maximum building coverage shall be no more than 25% of the block.~~

14) Revisions to the M-1 District relating to wholesale, auto repair, contractor storage which would permit wholesale operations, limit vehicle repair to existing building, permit funeral parlors and mortuaries, specially permit construction equipment storage operations subject to distance separations:

§120-81A(4)

(4) Warehouses and wholesale distribution facilities.

§120-81A(6)

(6) Vehicle repair stations within an existing building, subject to the additional requirements for specified uses in § 120-152.

§120-81A(7)

(7) Vehicle and equipment rental, sales and storage within an existing building.

§120-81B

B. The following uses are permitted in the M-1 District when ~~developed~~ located in any existing multistory building or a single-story building not originally designed for industrial purposes:

§120-81B(10)

(10)Funeral parlors and mortuaries.

§120-83C(1) Renumber (2) through (6)

~~(1) Outdoor storage and/or sales of construction materials, equipment and vehicles.~~

§120-83M

~~M. The new construction of vehicle-related uses, including car washes, vehicle service and repair stations, vehicle rental services and vehicle sales, subject to the additional requirements for specified uses in Article XVIII.~~

§120-83N

~~N. Outdoor storage/sales of construction materials, equipment and vehicles subject to §120-175.~~

§120-175B(6)

~~(6) Contractor storage must be a minimum of 200 feet from a residential or open space district.~~

15) Correct a spelling error in §120-113C

~~C. Studios for artists, crafters, photographers, ~~compose~~ composers, writers and the like.~~

16) This amendment is being reconsidered and will be addressed during future discussions with neighborhood groups regarding off-street parking.

17) Amend drive-through provisions as follows:

§120-136. Drive-through.

Drive-throughs shall be subject to the following requirements:

~~A. In the C-2 District, Drive through establishments, as principal uses, shall meet the front yard setback requirements.~~

~~B. A. Except in C-3 and M-1 Districts, all elements associated with drive-throughs, including but not limited to service windows, vehicular queuing lanes, menu boards and intercoms. Drive throughs shall be prohibited in the front yard and shall not be located to prevent direct pedestrian access from the public right-of-way to the principal building.~~

Reletter C as B

18) Correct the junkyard regulations in §120-142

§120-142. Junkyards or salvage yards.

~~In addition to the requirements set forth in Chapter 66 of the Municipal Code, Junkyards and salvage yards shall be subject to the following requirements:~~

~~A. Junkyards shall be located at least 1,000 feet from any residential,~~

~~planned development, Village Center, or open space district or the Genesee River or the CCD and at least 500 feet from any commercial district.~~

~~B. All junkyard materials and activities not within completely enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, but no more than 15 feet, surfaced so as to be resistant to damage from the elements and from stored materials and erected and maintained in a manner to provide effective screening of the premises.~~

~~C. Storage piles shall not exceed the height of the fence surrounding the materials.~~

Reletter D through F

§120-83 L

~~L. Junkyards or salvage yards, subject to the additional requirements for specified uses in § 120-142 and the following:~~

~~(1) All junkyard materials and activities not within completely enclosed buildings shall be surrounded by a solid stable fence or wall of acceptable design to be at least eight feet in height, but no more than 15 feet, surfaced so as to be resistant to damage from the elements and from stored materials and erected and maintained in a manner to provide effective screening of the premises.~~

~~(2) Storage piles shall not exceed the height of the fence surrounding the materials.~~

19) To add the installation of handicapped ramps as a permissible temporary use and delete the requirement for an administrative adjustment for handicapped ramps in the front yard.

§120-149A(9) Renumber current (9) as (10)

~~(9) Handicapped ramps located in the front yard.~~

~~(a) Alternative locations to the front yard have been explored;~~

~~(b) Such use shall not obstruct access to required parking;~~

~~(c) Such use shall be landscaped to reduce visual impacts when necessary;~~

~~(d) The dimensions of such use shall~~

not exceed Building Code requirements and shall not require significant alterations to front porches, entrances and other architectural features;

(e) Such use shall be removed when no longer necessary and the front yard shall be restored to its original condition.

Delete §120-191A(4)(c)[7] Renumber [8] and [9]

~~{7} The Director of Planning and Zoning shall have the authority to approve an administrative adjustment for temporary handicapped facilities, such as ramps, lifts and the like, located in the required front yard setback.~~

20) Differentiate between storage yards associated with towing operations and vehicle sales lots

§120-153. Vehicle sales ~~and storage.~~

Vehicle sales shall be subject to the following requirements:

- A. No vehicle sales ~~or storage~~ area shall be located within 50 feet of any residential district boundary line.
- B. Outdoor vehicle sales ~~and storage~~ areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public sewer system.
- C. No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.
- D. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. ~~Outdoor storage may be permitted in the C-3 and M-1 Districts subject to the requirements for outdoor storage set forth in § 120-175B.~~
- E. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residen-

tial property when viewed from ground level.

- F. Perimeter landscaping shall be a minimum of 10 feet along the street frontage(s).
- G. Vehicle sales ~~storage~~ areas shall be subject to the off-street parking requirements set forth in § 120-173F(2) and (3).
- H. A sales office structure shall be located on the same lot as the vehicle sales.
- I. No partially dismantled or wrecked vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

§120-154.1 Vehicle towing and storage.

In addition to the requirements set forth in Chapter 108A of the Municipal Code, vehicle towing and storage shall be subject to the following:

- A. No such use shall be established on a property located within 50 feet of any residential district boundary line.
- B. Perimeter landscaping shall be a minimum of 10 feet along a street frontage(s).
- C. No fence shall be constructed within 10 feet of any street frontage.
- D. An office structure shall be located on the same lot for all towing operations.
- E. No partially dismantled, wrecked or unlicensed vehicle shall be stored for more than 72 hours outside of a completely enclosed building.
- F. Vehicle towing and storage lots shall be subject to the requirements in §120-173, Off-street parking.
- G. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of operations from all points on such residential property when viewed from ground level.

21) Amend the city-wide design regulations for nonresidential structures to prohibit the installation of roll down shutters, the orientation of buildings, garages.

§120-159B(5)

(5) The installation of any exterior device which obstructs transparency or impacts the architectural design of a

window is not permitted. This prohibition does not apply to non-permanent interior devices such as curtains, blinds, shades and non-opaque roll-down grills.

§120-159E

E. All new construction within 5 feet of the front property line shall be built parallel to the property line for at least 80% of its frontage and up to a height of 20 feet. Up to 20% of the building frontage may be built skewed from the property line; any portion of the building above 20 feet in height may be built skewed from the property line.

Delete §120-160A(2) and renumber (3) through (7)

~~(2) Garage orientation and access (e.g., attached/front-loaded, attached/side-loaded, or detached/alley-loaded);~~

Add a new §120-160C Reletter current C as D

C. Accessory structures/uses.

(1) Garage orientation and access (e.g., attached/front-loaded, attached/side-loaded, detached/street loaded, or detached/alley-loaded) shall conform with the majority of other existing residential parcels on the same block frontage within 200 feet.

(2) Single family attached dwellings shall not have street-loaded garages if alternative access can be provided.

(3) Garages, sheds, and other accessory structures over 100 square feet in area shall not be in the style of a "Quonset-hut" or other similarly formed metal or plastic structures designed and/or marketed for industrial or agricultural use.

- 22) Amend accessory structure provisions related to locating dish antennas as either roof top or rear yard installations and carports as a permitted rear yard installation.

§120-163A(1)(c)

(c) Detached residential garage or carport.

§120-163A(1)(f)

(f) Freestanding radio antennas and dish antennas limited to one meter or less in diameter.

§120-163A(5)

~~(5) Dish antennas one meter or less in diameter.~~

Renumber (6) through (8)

§120-163B (5), (10) and (14)

(5) Dish antennas two meters or less in diameter located in the rear yard in the C-1, C-2, C-3 and M-1 Districts.

(10) Solar energy systems located in the rear yard.

(14) Wind energy conversion system located in the rear yard, subject to site plan approval

- 23) To restore provisions inadvertently removed from the Zoning Code, remove references to hedges and clarify the provisions relating to fence surfaces:

§120-163A(6) Also to be renumbered above

(6) ~~Fences and walls and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-163B(6)

(6) ~~Fences and walls and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-163C(1)

(1) ~~Fences and walls and hedges~~ subject to the provisions of § 120-167, Fences and walls.

§120-167B(5)

(5) Within residential districts, no fence or wall over three feet in height shall ~~extend be constructed into~~ the front yard of any lot, other than a necessary retaining wall.

§120-167B(6) Amend to read in its entirety as follows

(6) Within nonresidential districts, a ten foot perimeter landscaped setback shall be required in conjunction with any fence or wall proposed along any street frontage except a decorative fence or wall of no more than 3 feet in height in conjunction with landscaping may encroach in the required setback area.

§120-167C(3)

(3) No chain-link fencing shall be permitted in the front yard of a residential structure or a property located in

~~a residential district unless an administrative adjustment is approved as set forth in § 120-191.~~

- 24) Clarify the air quality requirements.

§120-164B

B. Notwithstanding the existence of any New York State or federal permits or approvals, ~~the development no use or structure~~ shall ~~not~~ emit smoke, dust, heat or heated air, noxious odors, odorous gases or other matter in such quantities as to be readily discernible on neighboring property and detrimental to the use and enjoyment of such neighboring property.

- 25) Amend the purpose statement for dwelling unit conversions:

§120-166

The intent of this section is to establish standards for the conversion of existing buildings to either increase or decrease the number of dwelling units. These standards are intended to reduce the overcrowding of dwelling units ~~and overly dense development of neighborhoods~~ and to ensure satisfactory amenities as conversions take place.

- 26) Delete landscaping requirements associated with the lot coverage requirements which are proposed to be deleted:

Delete §120-169A(1)

~~(1) The following minimum ground area of the total lot area shall be landscaped:~~

~~(a) Commercial uses: 10% of the site.~~

~~(b) Multifamily residential use: 15% of the site.~~

~~(c) Industrial use: 10% of the site.~~

Re-number (2) through (11)

- 27) Delete all noise regulations in the CCD:

Delete §120-66F, §120-67H, §120-68H, §120-69H, §120-70H, §120-71H and §120-72H. Reletter remaining subsections as appropriate.

§ 120-171. Noise.

~~All Uses in effect prior to the adoption of this chapter shall be subject to Chapter 75 of the Municipal Code. The following Uses approved after the adoption of this chapter shall be subject to the following regulations:~~

Delete §120-171B

- 28) Clarify parking demand analysis requirements:

§120-173B(3)

(3) Parking demand analysis. For uses expressly listed in this section requiring parking demand analysis, such analysis shall be submitted to the Director of Planning and Zoning for approval and will include, at a minimum:

- 29) Delete handicapped parking design requirements:

§120-173F(3)(a)

~~Handicapped 90° 18'00" 13'00" 24'00"~~
~~Handicapped 60° 21'00" 13'00" 18'00"~~
~~Handicapped 45° 19'10" 13'00" 13'00"~~

- 30) Clarify that outdoor storage requirements apply to nonresidential districts only:

§120-175. Outdoor storage.

Outdoor storage shall be allowed only in the following nonresidential districts in accordance with this section. Outdoor storage shall be subject to the following:

- 31) Clarify that the outdoor display requirements apply to retail uses:

§120-176. Outdoor retail displays.

Outdoor retail displays in association with an existing use on site shall be allowed in non-residential districts and the Overlay Boutique District subject to the following:

A. ~~Outdoor~~ Such displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five feet from the wall.

B. Such displays shall not be permitted to block windows, entrances or exits and shall not impair the ability of pedestrians to use the building.

C. ~~Outdoor~~ Such displays shall be temporary or seasonal in nature and shall be discontinued at the close of business on a daily basis unless approved as a temporary use pursuant to §120-149.

- 32) Make minor revisions to the sign code in advance of a complete reassessment of sign regulations and appeal processes:

§120-177D

D. Permitted permanent signs for non-residential uses. The following signs are permitted subject to the requirements of this chapter:

District
Permitted Signs

R-1, ~~and R-2, O-O and O-B~~
~~1 attached or detached sign attached to a sign board, if applicable, not exceeding 15 square feet in area. Detached signs shall be posted no more than 4 feet in height from the finished grade of the lot.~~

R-3, C-1, C-2, H-V, PMV, C-V and PD
~~A maximum of 50 square feet of signage per lot including:~~

~~1 Attached signs identifying uses or services on the premises that include 0.5 square foot in area for every foot of the building frontage per street frontage; and/or~~

~~No more than 1 detached sign per parcel located in the front yard not exceeding 25 square feet in size per side of sign and posted no more than 4 feet in height from the finished grade of the lot~~

§120-177F(11) and (13)

(11) Window signs shall not exceed 25% of the window ~~and shall be included in the calculation of the overall signage allowed for the use.~~

(13) ~~If more than one tenant is located in a building, individual signs for each will be allowed to be attached to the building as long as the total signage square footage for the development does not exceed the maximum signage for the district. In the case of buildings containing a grouping of two or more uses, tenancies or the like, such uses shall be permitted signs containing 0.5 square foot in area for every foot of building frontage.~~

33) Modify the membership of the Project Review Committee in response to the NBD consolidation:

§ 120-181. Project Review Committee.

A. Membership.

(1) There shall be a Project Review Committee made up of the following individuals or a designee:

~~(a) The Director of Planning and Zoning;~~

~~(b a) The Director of Planning;~~

~~(c b) The Director of Housing and Project the Bureau of Business and Housing Development;~~

~~(d c) The Manager of Plan Review;~~

~~(e) The Commissioner of Economic Development;~~

~~(f d) The City Engineer; and~~

~~(g e) Three urban design specialists, appointed by the Mayor, that could include, but not be limited to, an architect, an urban planner and a landscape architect.~~

34) Add Official Map amendments to procedures requiring City Planning Commission recommendation and cases requiring public hearings and subdivisions to the listing of Planning Commission authorities.

§120-184J(1)

J. Jurisdiction and authority. The Planning Commission shall have the following jurisdiction and authority:

(1) To review and recommend on matters relevant to the Comprehensive Plan and the Official Map to the City Council.

§120-188K(1)

(1) Informational meetings shall be required for the following:

(b) Comprehensive Plan, Official Map, Zoning Map or zoning text amendments; and

§120-188L(1)(f)

(f) Comprehensive Plan, ~~or~~ Official Map, Zoning Map or zoning text amendments (by City Council);

Add §120-188L(1)(m)

(k) Appeals of administrative decisions; ~~and~~

(l) Site plan referrals; and

(m) Subdivisions per Chapter 128.

35) Revise site plan review triggers

§120-191D(3) to read in its entirety as follows

(3) Site plan review thresholds for Minor and Major Site Plan Reviews. Site plan review in accordance with this section shall be required in the following cases, with the exception of accessory structures not changing land use or density and projects involving no site or external structural

alterations.

(a) Minor site plan review shall be required for any development or redevelopment that includes construction, enlargement or addition to any building, or any site preparation for a site or use that may not include or require a building and meets one of the following:

- [1] New construction that does not meet the City-wide design standards set forth in this chapter, except those applications not meeting the residential building standards set forth in § 120-160B and C.
- [2] Exterior alterations to existing buildings or structures and all new construction in the CCD that include minor deviations* from the design criteria.
- [3] Exterior alterations to existing buildings in Village Center Districts that do not meet the specific design standards listed in those districts.
- [4] Applications that do not comply with neighborhood design guidelines adopted pursuant to § 120-161.
- [5] Parking lots over 10 spaces, whether the principal use or serving a principal use on the same lot, that do not meet the requirements for parking lots in § 120-173F.
- [6] More than two loading spaces in any district adjacent to any residential district or Open Space District.
- [7] Any loading space which does not meet the dimension requirements specified in § 120-172.
- [8] Any new structure or structures having a total floor area, or covering a contiguous land area, in excess of 20,000 square feet which does not comply with the Citywide Design Standards and all other zoning requirements.
- [9] Any new construction on a vacant parcel of one acre or

more.

[10] Projects involving or abutting a designated landmark or those involving or abutting a site listed or eligible for listing on the State or National Register of Historic Places.

[11] Projects within an OS-Open Space District and commercial and industrial development adjacent to the OS-Open Space District.

[12] Any outdoor activity area accessory to a nonresidential use, excluding accessory outdoor seating.

[13] Projects within 100 feet of waterfront.

[14] New multifamily dwellings.

[15] New advertising sign structures.

[16] In Planned Development Districts, incremental development as defined in 120-126B of this Chapter.

[17] The conversion of floor area designed for nonresidential use to a residential use and vice versa in any commercial, village center, overlay, or residential district.

[18] Any development or redevelopment resulting in site grading exceeding the maximum slope requirements in § 120-178.

(b) Minor site plan review shall be required for the following:

[1] All junkyards or salvage yards, recycling centers and waste stations.

[2] Prior to demolition, any site preparation, development or redevelopment where demolition is proposed in the C-1, C-2, and Village Center Districts.

[3] Conversion to or from any of the following vehicle-related uses or the development or redevelopment of any sites devoted to such uses, including:

[a] Vehicle service stations, vehicle repair, vehicle sales/rental.

[b] Vehicle storage, wrecking, towing.

[c] Car washes.

[d] Drive-through facilities and uses.

[e] Truck Centers.

(c) Major site plan review required. Major site plan review will be required for any site plan meeting one or more of the thresholds of minor site plan review and one of the following:

[1] All Type I actions as identified in § 48-4 of the City Code, excluding applications requiring certificates of appropriateness.

[2] Applications in the CCD that include major deviations* from the design criteria.

[3] All development concept plan approvals or amendments for planned development districts.

[4] Construction of any principal building in the C-1, C-2, H-V or PMV Districts that does not meet City-wide design standards set forth in this chapter.

[5] A redevelopment plan contingent upon the demolition of a designated building of historic value, excluding applications requiring certificates of appropriateness.

[6] Sign proposals for designated buildings of historic value in the CCD with minor deviations of the design criteria relating to number, type and size.

* Refer to the pertinent Design Checklist at the end of this Chapter for list of major deviations

36) Clarify the provisions which allow work in a Preservation District without a Certificate of Appropriateness:

§120-194A(5)(a) and (e)

(a) ~~In-kind replacement.~~ Replacement of historic features precisely in kind, using like material in the same configuration, size, and degree of detail.

(e) ~~The removal of diseased trees, even if on a landmark property, as certified by the City Forester.~~ The removal of dead or diseased trees, as certified by a licensed arborist in writing to the Director of Planning and Zoning.

37) In advance of the overall modification of the nonconforming use procedures later this year, amend the prohibited variance provisions relating to the amount of floor area necessary to apply for a variance to reestablish an abandoned use.

§120-195B(5)(c)

(c) Permit conversion of a single-family residential structure to any nonresidential uses or increase the number of residential units in the R-1 District, except that a variance may be approved to permit the reestablishment of a prior legally established nonconforming use in a residential structure ~~containing more than 2,000 square feet of habitable floor area~~ which has been abandoned as a result of vacancy or discontinuance;

38) Amend the definitions of community centers and ancillary parking garages and add a definition of the word adjacent as it pertains to zoning regulation:

§120-208

ADJACENT - Having a common boundary or edge; abutting; touching.

~~ANCILLARY GARAGE OR PARKING LOT~~ ANCILLARY - A garage or parking lot which is ancillary to a principal use not situated on the same parcel as such garage or lot, which is not operated as a separate commercial enterprise available to the public at large.

~~COMMUNITY CENTER - PRIVATE~~ - A building or structure and related facilities operated by a community-based group, governmental agency or organization on a nonprofit basis, the primary function of which is the provision of personal and other services to individuals, families and groups. Services may include information, socializing, recreation, education, culture and counseling but shall exclude the provision of sleeping quarters, except for one caretaker dwelling unit to be used for security and maintenance purposes. A "Private community center" does not include centers for the distribution of food, clothing or household goods, health care facilities, job training centers and sheltered workshops.

~~COMMUNITY CENTER, PUBLIC — A building or structure and related facilities operated by a governmental agency, the primary function of which is available to the public for civic, cultural, educational, philanthropic, recreational or social purposes.~~

- 39) Extend the expiration period for all special zoning approvals from 6 months to one year.

§120-191A(5)

- (5) Limitations on administrative adjustments. An administrative adjustment shall become null and void unless a certificate of zoning compliance and/or building permit is obtained and work is commenced within ~~six months~~ one year from the date of approval.

§120-191D(8)

- (8) Limitations on site plan approvals. A site plan approval shall become null and void ~~six months~~ one year after the date on which it was issued unless a building permit is obtained and maintained.

§120-192B(7)

- (7) Limitations on special permits. A special permit shall become null and void ~~six months~~ one year after the date on which it was issued unless a building permit is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the special permit, the Commission may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors. A special permit shall be deemed to authorize only the particular use or its operation for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.

§120-194A(9)

- (9) Limitation on certificates of appropriateness. A certificate of appropriateness shall become null and void ~~six months~~ one year after the date on which it was issued unless a building permit or certificate of zoning compliance is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the certificate of ap-

propriateness, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors.

§120-195B(9)

- (9) Limitations on variances. A variance shall become null and void ~~six months~~ one year after the date on which it was issued, unless a building permit or certificate of occupancy is obtained and maintained. Where a violation of this chapter has been cited against the property which is the subject of the variance, the Board may establish a shorter time limitation based on the nature and severity of the violation, taking into consideration the practical ability of the applicant to correct the violations in light of weather conditions, construction issues or other relevant factors.

- 40) To establish a new fee of \$100 for extensions of special approvals for over one year and delete obsolete fees previously charged in the former Science Park MIPD.

§120-206.1

~~Hazardous materials audit~~

~~M IPD No. 2 — \$120~~

~~Hazardous materials evaluation~~

~~M IPD No. 2 — Actual cost~~

~~Special approval extensions~~

~~\$100/year (in cases of one or more approvals associated with a specific project, a single extension fee shall include all related approvals)~~

- 41) Amend the authority of the Director of Zoning to extend the expiration date of a special approval.

§120-182E(2)(i)

- (i) Extensions of time. The Director of Planning and Zoning may, upon written request by an applicant or a permittee prior to the expiration date of the approval, for good cause shown and without notice of hearing, extend the original time limit imposed on an applicant or permittee by this chapter or, unless a resolution shall expressly provide otherwise, by any resolution of any body acting pursuant to this chapter, for a period not to exceed the length of the original period. For any additional time limit extensions, The Director of Planning and Zoning shall notify the appropriate approval body that shall make a recommendation for or against the extension. A

nonrefundable fee, as may be established from time to time by the City Council to defray administrative costs, shall accompany each request.

42) Continuing violations

§ 120-206. Continuing violations.

Pursuant to the procedures in Chapter 52, the following shall apply:

A. Whenever a ticket or summons of such violation of this chapter has been served, each day the offender continues such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

~~B. Additional tickets will not be issued if:~~

~~(1) The violation is actively being cured pursuant to a written plan, including a clear time frame and deadline, accepted by the Director of Planning and Zoning. Failure to actively cure the violation as specified in the plan shall reactivate the enforcement process at the point where discontinued; or~~

~~(2) A complete application has been submitted to the applicable board or commission to bring the violation into conformance until after the board or commission renders a decision~~

Section 2. This ordinance shall take effect on ~~September 1, 2010~~ October 12, 2010.

Strikeout material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-324

Re: Landlord Tenant and Tenant Education Services

Transmitted herewith for your approval is legislation related to funding and implementation of Landlord Tenant and Tenant Education services. This legislation will:

1. Amend the 2009-10 Consolidated Community Development Plan by transferring \$25,000 from the Housing Development Fund to the Rental Market Fund of the Community Development Block Grant.
2. Establish \$170,000 as maximum compensation for an agreement with Legal Aid Society

of Rochester, NY, Inc. for Landlord Tenant Services, and appropriate funds as follows to finance the agreement:

<u>Source</u>	<u>Amount</u>
2009-10 Rental Market Fund	\$ 25,000
Landlord Tenant Services allocation, 2010-11 Rental Market Fund	140,000
Tenant Education allocation, 2010-11 Rental Market Fund	<u>5,000</u>
Total	\$170,000

3. Establish \$23,688 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc. for Tenant Education Services, and appropriate that amount from the Tenant Education allocation, Rental Market Fund of the 2010-11 CDBG.

These activities encourage landlords to successfully maintain rental housing and support tenants in reestablishing or attaining more stable housing. Legal Aid Society will provide educational programs in property management and best business practices, and individual counseling for landlords; and legal representation to prevent or delay evictions, and landlord/tenant mediation for low and moderate-income tenants.

The Housing Council will provide workshops for tenants referred by the Monroe County Department of Human Services and by Neighborhood Service Centers. Tenant rights and responsibilities, and skills for finding and retaining more stable housing are the focus of the workshops. Program descriptions are attached.

The Rental Housing Fund supports the City Housing Policy objective to support efforts to strengthen the rental market.

A public hearing to amend the 2009-10 Consolidated Community Development Plan is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-324
(Int. No. 368)

Amending The 2009-10 Community Development Plan And Approving Rental Market Fund Programs

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

Section 1. The Council hereby approves an amendment to the 2009-10 Community Development Plan whereby within the Improving the Housing Stock and General Property Conditions allocation, the sum of \$25,000 shall be transferred from the Housing Development Fund to the Rental Market Fund to fund the Landlord Tenant Services Account.

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for Rental Market Fund Programs:

Legal Aid Society of Rochester, NY, Inc.	\$170,000
The Housing Council in the Monroe County Area, Inc.	23,688

Section 3. The Programs in Section 2 shall obligate the City to pay an amount not to exceed \$193,688, and of said amount, or so much thereof as may be necessary, \$140,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Landlord Tenant Services Account) of the 2010-11 Community Development Block Grant, \$28,688 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Rental Market allocation (Tenant Education Account) of the 2010-11 Community Development Block Grant and \$25,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development 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.

By Councilmember Miller
September 21, 2010

To the Council:

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

Int. No. 369 - Amending The 2010-11 Budget For The Riverside Cemetery Veteran's Section

Int. No. 370 - Establishing Maximum Compensation For A Professional Services Agreement For The Chestnut Street Firehouse

Int. No. 371 - Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$527,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Phase I Repairs To The Chestnut Street Firehouse In The City

Int. No. 372 - Authorizing An Agreement For The Reconstruction Of The South Avenue Community Center

Int. No. 373 - Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$640,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Rehabilitation Of The South Avenue Community Center In The City

Int. No. 374 - Authorizing Participation In The Preventive Maintenance At 3 Locations Transportation Improvement Project And Appropriating Funds

Int. No. 375 - Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$3,000,000 Bonds Of Said City To Finance The Cost Of The Reconstruction Of Various Water Mains Related To The Water Main Extension And Improvements Program In The City

Int. No. 376 - Authorizing An Agreement For Funding For The Highland Reservoir Liner Improvement Project And Appropriating Funds And Authorizing An Agreement For Funding For Durand Eastman Beach Water Quality Improvement Project

Int. No. 377 - Appropriating Funds And Amending Ordinances For The Ridgeway Avenue Transportation Improvement Project And Amending Ordinance No. 2010-21, As Amended

Int. No. 378 - Establishing Maximum Compensation For A Professional Services Agreement For The Erie Harbor Enhancement Project And Appropriating Funds

Int. No. 379 - Bond Ordinance Of The City of Rochester, New York Authorizing The Issuance Of \$500,000 Bonds Of Said City To Finance The Cost Of Designing And Constructing The Erie Harbor Enhancement Project In The City

Int. No. 380 - Establishing Maximum Compensation For A Professional Services Agreement For The Port Of Rochester Marina Project

Int. No. 381 - Establishing Maximum Compensation For A Professional Services Agreement For The Lyell-Lake-State Brownfield Opportunity Area Nomination Study And Appropriating Funds

Int. No. 382 - Authorizing An Application And Agreement For Funding For The Rochester Intermodal Transportation Center

Int. No. 388 - Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Implementing Repairs To City Hall

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. Nos. 369 through 373)
Elaine M. Spaul
JOBS, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-325
Re: Budget Amendment - Restoration
Of Veteran's Section at Riverside
Cemetery

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$60,000 from the Job Development Fund to the Department of Environmental Services to fund restoration of the veteran's section at Riverside Cemetery using PRIME program participants.

The Job Development Fund was established to provide resources for new approaches to job opportunities for City residents.

These funds will be used to restore the veteran's section at Riverside Cemetery by raising the headstones, landscaping, and correcting effects of soil erosion. It is anticipated that eight PRIME participants will be engaged in the project.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-325
(Int. No. 369)

Amending The 2010-11 Budget For The Riverside Cemetery Veteran's Section

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

Section 1. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$60,000, which amount is hereby appropriated from the Job Development Fund to fund the restoration of the Veteran's Section at the Riverside Cemetery.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-326 and
Ordinance No. 2010-327
Re: Agreement - IBC Engineering, PC,
Chestnut Firehouse Plumbing Repairs

Transmitted herewith for your approval is legislation establishing \$105,000 as maximum compensation for an agreement with IBC Engineering, PC (Rochester 14623) for engineering design services, and authorizing the issuance of bonds totaling \$527,000 and the appropriation of the proceeds thereof to finance the design and construction of the project.

Chestnut Firehouse was constructed in 1936 and is an historic building. Engine 17 shares quarters with Rescue 11 and HazMat 1 and 2. The Fire

Department's Supply Depot and the Protectives are also located in the building, which is just over 30,000 square feet. The plumbing system is original to the building, and accommodates each of these operations with no existing sub-metering or segregation. The plumbing systems are well past their useful life; there are active leaks, several fixtures are no longer functioning, and repair parts are not available due to age. Upgrades are necessary to incorporate safety measures, current codes and standards and to reduce water consumption.

Due to budgetary constraints and the need for operational continuity, the project will be segmented into three phases:

- Phase I Engine 17 and Rescue 11/Hazardous Materials (design and construction); Protectives and Supply Depot (design)
- Phase II Protectives and Supply Depot (construction)
- Phase III Interior renovations and energy upgrades (design and construction)

The estimated cost for plumbing replacement and upgrades for all phases is \$1,757,000. The consultant is to provide full engineering services during Phase I (Engine 17/Rescue 11), which includes design of all three operational units of the Chestnut Street Firehouse, construction administration and commissioning services. The project shall be administered by the Department of Environmental Services, Bureau of Architecture and Engineering.

Qualifications were solicited from nine firms and were posted to the City's website. Five firms responded: LaBella Associates PC, Passero Associates, Stantec Consulting Services Inc., T.Y. Lin International, and IBC Engineering. Based on their qualifications, experience in completing similar projects, and reasonableness of its proposed fee, IBC was selected.

Design will begin in fall 2010; it is anticipated that construction will begin in fall 2011 with completion in spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-326
(Int. No. 370)

Establishing Maximum Compensation For A Professional Services Agreement For The Chestnut Street Firehouse

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

Section 1. The sum of \$105,000, 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, PC for engineering design services for

the Chestnut Street Firehouse Plumbing Repairs 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 a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-327
(Int. No. 371)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$527,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Phase I Repairs To The Chestnut Street Firehouse 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 additional cost of planning and implementing Phase I repairs to the plumbing systems of the Chestnut Street Firehouse at 185 North Chestnut Street, including but not limited to the design and construction of repairs to the plumbing systems for the Engine 17 and Rescue 11 and HazMat 1&2 quarters and the design of repairs to the plumbing systems for the Supply Depot and the Protectives quarters, 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 expected to be \$527,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$527,000 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 \$527,000 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 \$527,000. 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-328 and
Ordinance No. 2010-329

Re: Agreement - Rochester City School
District, South Avenue Community
Center

Transmitted herewith for your approval is legislation establishing \$640,000 as maximum compensation for an agreement with the Rochester City School District for construction services at the South Avenue Community Center located at 999 South Avenue, and authorizing the issuance of bonds totaling \$640,000 and the appropriation of the proceeds thereof to finance the design and construction of the project.

The City has participated in the City School District's cycle of renovations and upgrades on shared campus school and recreation facilities since 2005. The District incorporates design and construction of City recreation center repairs and upgrades as part of its State Education Department capital facilities program. Recreation centers included in the District renovation cycle are Adams Street (Nathaniel Rochester Community School #3), Clinton-Baden (Dr. Martin Luther King School #9), Flint Street (Dr. Charles Lunsford School #19) and South Avenue (James PB Duffy School #12). Funding for the South Avenue Community Center was identified in the 2009-10 and 2010-11 Capital Improvement Program.

Ordinance No. 2005-268 authorized an agreement with the City School District for joint use and maintenance of the Adams Street, Flint Street and South Avenue Community Centers through August 2011.

The District will undertake comprehensive rehabilitation of the facility including improvements to the exterior façade and site, interior upgrades, lighting upgrades, upgrade of the HVAC system, and replacement of play apparatus. The project is expected to begin in spring 2011 and will be completed by September 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-328
(Int. No. 372)

Authorizing An Agreement For The Reconstruction Of The South Avenue 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 for the reconstruction of the South Avenue Community Center.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$640,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

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. 2010-329
(Int. No. 373)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$640,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Rehabilitation Of The South Avenue Community Center 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 design and construction of the rehabilitation of the South Avenue Community Center at 999 South Avenue in the City, including but not limited to rehabilitation of the facility, improvements to the exterior and the site and play apparatus, interior upgrades, lighting and HVAC system improvements (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$640,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$640,000 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 \$640,000 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 \$640,000. 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. 2010-330
Re: New York State Department of
Transportation Preventive
Maintenance, 2011 Asphalt Milling
And Resurfacing

Transmitted herewith for your approval is legislation related to the New York State Department of Transportation (NYSDOT) Preventive Maintenance Transportation Improvement Project that will support parts of the 2011 Asphalt Milling and Resurfacing Program. This legislation will:

1. Authorize City participation in the project, committing \$74,490 in City funds (2010-11 Budget of the Department of Environmental Services) for project design costs;
2. Authorize an agreement with New York State Department of Transportation (NYSDOT) for participation in the "Preventive Maintenance at 3 Locations" project; and
3. Appropriate \$59,591 in Federal Highway Administration funds to cover City design costs.

This project includes three locations: Otis Street (Mt. Read Blvd. to Sherman Street), University Avenue (North Street to East Main Street), and South Avenue (Griffith Street to Woodbury Blvd). It is a Federal Aid project that is administered by the City under agreement with the NYSDOT.

Project design services will be performed by the Department of Environmental Services, Bureau of Architecture and Engineering, financed through the 2010-11 Operating Budget. Federal Aid will reimburse the City for 80% of eligible design costs; local funds will support the balance.

Street improvements will include milling and resurfacing of the pavement; spot curb replacements; installation or upgrade of sidewalk curb ramps; adjustment and repair of manholes, receiving basins, and water valve castings; and replacement of traffic markings. These improvements will enhance the surface drainage and riding quality of the roadway, improve handicap accessibility, and expand the useful life of the pavement structure.

Design of the project will be completed in winter 2011. Construction is expected to begin in late spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-118

Ordinance No. 2010-330
(Int. No. 374)

Authorizing Participation In The Preventive Maintenance At 3 Locations Transportation Improvement Project And Appropriating Funds

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

Section 1. The Council hereby approves participation by the City as a part of the 2011 Asphalt Milling and Resurfacing Program in the Preventive Maintenance at 3 Locations Transportation Improvement Project: Otis Street (Mt. Read Boulevard to Sherman Street), University Avenue (North Street to East Main Street) and South Avenue (Griffith Street to Woodbury Boulevard).

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. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Department of Transportation providing for City responsibility for the maintenance and repair of the streets.

Section 3. The agreements shall obligate the City to pay an estimated amount not to exceed \$74,490 for design of the Project, and said amount, or so much thereof as may be necessary from City funds, shall be funded from the 2010-11 Budget of the Department of Environmental Services.

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

Section 5. The sum of \$59,591 is hereby appropriated from funds to be received from the Federal Highway Administration to pay for City design services for the Preventive Maintenance at 3 Locations Transportation Improvement Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-331
Re: 2011 Water Main Extensions and Improvements

Transmitted herewith for your approval is legisla-

tion authorizing the issuance of bonds totaling \$3,000,000 and appropriating the proceeds thereof for the Water Main Extensions and Improvements Program.

The Water Main Extensions and Improvements Program provides for the scheduled replacement of deteriorated and inadequate water mains. There are approximately 600 miles of pipe within the City's distribution system; approximately 385 miles of this pipe is over 75 years of age, the expected useful life of water mains. Program funds were identified in the 2008-09, 2009-10 and 2010-11 Capital Improvement Plans.

The program budget of \$2,400,000 will fund water main improvements on the following streets: Harbor View Terrace (Lake Avenue - Afton Street); Bennington Drive (Dewey Avenue - City line); Ramona Park (Ramona Street - loop road); Leopard Street (Truesdale Street - Ramona Street); Fox Street (LaGrange Avenue - Ramona Street); Clay Avenue (Dewey Avenue - Lake Avenue) and Jay Street (Mt. Read Blvd. - RR east of Louise Street). Approximately 10,300 feet of new domestic water main will be installed under this program, which is intended to eliminate future water main breaks, improve water quality and increase water flow for regular consumption and fire protection.

Council authorized a debt issuance of \$729,000 to finance a water main replacement project at Stone Street in March 2010 (Ordinance No. 2010-89). Due to extensive utility conflicts experienced on the Stone Street Water Main Replacement project, the City has incurred additional costs beyond the amount originally authorized by Council. An additional \$600,000 is needed to fund the remaining work on the Stone Street project; this balance will come from the proposed bond issuance.

The water main improvements on Stone Street are scheduled to be completed by November 2010. The identified 2011 program is scheduled to begin in late fall 2010, with completion by fall 2011. Project inspection will be provided by Water Bureau personnel.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-331
(Int. No. 375)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$3,000,000 Bonds Of Said City To Finance The Cost Of The Reconstruction Of Various Water Mains Related To The 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 additional cost of reconstruction of certain water mains along Stone

Street from East Broad Street to East Main Street related to the 2010 Water Main Extension and Improvements Program and the cost of reconstruction of certain water mains related to the 2011 Water Main Extension and Improvements Program, including but not limited to water mains along Harbor View Terrace (Lake Avenue - Afton Street); Bennington Drive (Dewey Avenue - City line); Ramona Park (Ramona Street - loop road); Leopard Street (Truesdale Street - Ramona Street); Fox Street (LaGrange Avenue - Ramona Street); Clay Avenue (Dewey Avenue - Lake Avenue) and Jay Street (Mt. Read Blvd. - RR east of Louise Street) 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 \$3,729,000. The plan of financing includes the issuance of \$3,000,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$729,000 bonds appropriated in Ordinance No. 2010-89, 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 \$3,000,000 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 \$3,000,000. 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. 2010-332
Re: Agreements - US EPA Highland
Reservoir Liner Project and Durand
Eastman Beach Water Quality
Improvement Project

Transmitted herewith for your approval is legislation authorizing agreements with the US Environmental Protection Agency (EPA) for the receipt of two grants from the 2010 Special Appropriations

Act Program (Congressional Earmarks); and appropriating the award of \$728,000 of one of the grants for construction purposes.

The first grant in the amount of \$582,000 was appropriated in March 2010 (Ordinance No. 2010-80), and will provide funding for the Highland Reservoir Liner Project. This amount will reimburse the City for a portion of construction expenses related to the installation of the waterproof liner to provide a barrier between the treated water in the reservoir and the earthen bowl. The project will be completed in sufficient time for the City to complete all reporting requirements and submit all vouchers for reimbursement by funding agreement deadlines of December 31, 2010.

The second grant in the amount of \$728,000 supports the Durand Eastman Beach Water Quality Improvement Project, and will reimburse the City for a portion of the cost of construction of a storm-water filter system at the Sherry Swamp Outfall to Lake Ontario. This project will reduce bacterial contamination from the stream outlet to the public bathing beach. The project is scheduled for construction by the 2011 swimming season.

These grants were secured through the sponsorship of Congresswoman Louise Slaughter.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-332
(Int. No. 376)

Authorizing An Agreement For Funding For The Highland Reservoir Liner Improvement Project And Appropriating Funds And Authorizing An Agreement For Funding For Durand Eastman Beach Water Quality Improvement Project

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

Section 1. The sum of \$728,000 is hereby appropriated from anticipated reimbursements from the United States Environmental Protection Agency to fund the Durand Eastman Beach Water Quality Improvement Project.

Section 2. The Mayor is hereby authorized to enter into agreements with the United States Environmental Protection Agency for funding for the Highland Reservoir Liner Improvement Project and the Durand Eastman Beach Water Quality Improvement 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-333
Re: Ridgeway Avenue Improvement
Project (Ramona Street - Minder Street)

Transmitted herewith for your approval is legislation appropriating \$234,880 in Federal Aid and \$135,500 in State Aid for the Ridgeway Avenue Improvement Project, and amending Ordinance Nos. 2008-179, 2008-360, and 2010-17 to revise sources of funding for agreements.

This Federal Aid project is administered by the City through the New York State Department of Transportation. The design agreement and appropriations from the Federal Highway Administration were authorized in May 2008 (Ordinance No. 2008-179), providing up to 80% of the eligible design project costs with Stantec Consulting Services. In October 2008 and January 2010, City Council authorized additional federal appropriations and a design agreement with CSX Transportation and Rochester Southern Railroad, respectively (Ordinance Nos. 2008-360 and 2010-017).

The New York State Department of Transportation has recently made available additional State and Federal Aid programmed in State and Federal regional transportation plans to finance project design, administration, right-of-way, and incidental costs. The Federal aid continues to finance 80% of eligible project costs and the newly available State aid will finance 15% of eligible project costs.

With the new availability of State Aid, Cash Capital funding for the Stantec, CSX, and Rochester and Southern agreements may be revised, as follows:

<u>Agreement</u>	<u>Federal Aid</u>		<u>State Aid</u>	<u>Total</u>
	<u>Cash Capital</u>	<u>Prior Local</u>	<u>New Local</u>	
Stantec		\$624,000	\$117,000	
2007-08	\$125,000	\$31,250	\$780,000	
2006-07		31,000	7,750	
CSX		20,000	3,750	
2007-08	5,000	1,250	25,000	
R&S		20,000	3,750	
2008-09	5,000	1,250	25,000	

Design of the project is currently underway; State and Federal aid for construction will become available in Federal Fiscal Year 2012. Construction is expected to begin in spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-333
(Int. No. 377, As Amended)

Appropriating Funds And Amending Ordinances For The Ridgeway Avenue Transporta-

tion Improvement Project And Amending Ordinance No. 2010-21

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

Section 1. The sum of \$234,880 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Ridgeway Avenue Transportation Improvement Project.

Section 2. The sum of \$135,500 is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation to fund the Ridgeway Avenue Transportation Improvement Project.

Section 3. Ordinance No. 2008-179, authorizing participation in the Ridgeway Avenue Transportation Improvement Project, is hereby amended by amending the funding in Section 3 thereof for the agreement with Stantec Consulting Services, Inc. to read in its entirety as follows:

Of said amount, \$31,250 shall be funded from the 2007-08 Cash Capital allocation, \$7,750 shall be funded from the 2006-07 Cash Capital allocation (Water Fund), \$117,000 shall be funded from an appropriation of anticipated reimbursements from the New York State Department of Transportation and \$624,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration.

Section 4. Ordinance No. 2008-360, authorizing an agreement with CSX Transportation, Inc. for the Ridgeway Avenue Transportation Improvement Project, is hereby amended by amending Section 2 thereof to read in its entirety as follows:

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$25,000, and of said amount, or so much thereof as may be necessary, \$20,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$3,750 shall be funded from an appropriation of anticipated reimbursements from the New York State Department of Transportation and \$1,250 shall be funded from the 2007-08 Cash Capital allocation.

Section 5. Ordinance No. 2010-17, authorizing an agreement with Rochester & Southern Railroad, Inc. for the Ridgeway Avenue Transportation Improvement Project, is hereby amended by amending Section 2 thereof to read in its entirety as follows:

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$25,000, and of said amount, or so much thereof as may be necessary, \$20,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration, \$3,750 shall be funded from an appropriation of anticipated reimbursements from the New York State Department of Transportation and \$1,250 shall be funded from the 2008-09 Cash Capital allocation.

Section 6. Ordinance No. 2010-21, relating to the acquisition of easements for the University Avenue Improvement and ArtWalk2 Enhancement Projects, is hereby amended by reducing the maximum amount of the acquisitions in Section 3 from \$160,850 to \$155,750, and by amending Sections 1 and 2 thereof to read in their entirety as follows:

Section 1. The Council hereby approves the acquisition of fifty-year long-term easements over the following parcels for public sidewalk purposes and for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u> <u>Address</u>	<u>S.F.</u>	<u>Appraised Value</u>
<u>University of Rochester</u> <u>500 University Avenue</u> <u>106.83-1-46.3</u>	<u>3,101</u>	<u>\$155,750</u>
<u>University of Rochester</u> <u>500 University Avenue</u> <u>106.83-1-46.3</u>	<u>16,362</u>	
<u>University of Rochester</u> <u>500 University Avenue</u> <u>106.83-1-46.3</u>	<u>22,586</u>	

Section 2. The Council hereby further accepts the donation of temporary easements over the following parcels for construction purposes as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u> <u>Address</u>	<u>S.F.</u>
<u>University of Rochester</u> <u>500 University Avenue</u> <u>106.83-1-46.3</u>	<u>4,642</u>
<u>University of Rochester</u> <u>500 University Avenue</u> <u>106.83-1-46.3</u>	<u>4,973</u>
<u>University of Rochester</u> <u>500 University Avenue</u> <u>106.83-1-46.3</u>	<u>4,820</u>
<u>Gary I. & Marcia Stern LP</u> <u>274-302 North Goodman</u> <u>106.84-1-10</u>	<u>338</u>

Section 7. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-334 and
Ordinance No. 2010-335
Re: Agreement - Bayer Associates,
Erie Harbor Enhancement Project

Transmitted herewith for your approval is legisla-

tion related to the Erie Harbor Enhancement Project. This legislation will:

1. Appropriate \$400,000 in anticipated reimbursements from the New York State Environmental Protection Fund, Local Waterfront Revitalization Program, to partially finance the cost of the project;
2. Establish \$110,000 as maximum compensation for an agreement with Bayer Associates, Honeoye Falls, NY, for professional design services for the Erie Harbor Enhancement Project. The cost of the agreement will be funded from 2007-08 Cash Capital (\$60,000) and the LWRP reimbursements (\$50,000); and
3. Authorize the issuance of \$500,000 in bonds and the appropriation of the proceeds therein to partially fund the project.

The project includes design and construction of enhanced public pedestrian access to the waterfront; streetscape improvements along the west side of Mount Hope Avenue; commissioning of public art; and design of future improvements to Genesee Gateway Park, a twelve-acre site extending from the Ford Street Bridge to 151 Mount Hope Avenue. The enhancements are intended to improve public access, sightlines, recreational value and scenic quality of the area, as well as to bolster the area's waterfront identity.

The total cost of the project, \$960,000 will be funded from the LWRP grant (\$400,000), the 2007-08 Cash Capital (\$60,000) allocation of the Department of Neighborhood and Business Development, and \$500,000 in bonds appropriated herein.

The consultant is to provide design services through construction, for the first phase of improvements; preliminary design for future implementation of public park improvements; and assistance with the administration of a public art competition.

Proposals were solicited from five firms. The request for proposal was also posted to the City's website. Five firms responded; Barton & Loguidice, P.C., Bayer Associates, EDR, McCord Landscape Architecture, and Stantec. Based on their qualifications, experience in completing similar projects, and ability to meet the project schedule, Bayer Associates was selected.

Design will begin in October 2010; it is anticipated that construction will begin in spring 2011 to coordinate with adjacent private housing development.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-334
(Int. No. 378)

Establishing Maximum Compensation For A Professional Services Agreement For The Erie

Harbor Enhancement Project And Appropriating Funds

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 Bayer Associates for landscape architectural design services for the Erie Harbor Enhancement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$60,000 shall be funded from the 2007-08 Cash Capital allocation and \$50,000 shall be funded from a bond ordinance adopted for this Project.

Section 2. The sum of \$400,000 is hereby appropriated from New York State Local Waterfront Revitalization Grant Funds to fund the Erie Harbor Enhancement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-335
(Int. No. 379)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$500,000 Bonds Of Said City To Finance The Cost Of Designing And Constructing The Erie Harbor Enhancement 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 the "City"), is hereby authorized to finance the cost of landscape architectural design and construction of the Erie Harbor Enhancement Project, which consists of the construction of enhanced public pedestrian access to the Genesee River, streetscape improvements along the west side of Mt. Hope Avenue, public art, and design of future improvements to Genesee Gateway Part from the Ford Street Bridge to 151 Mt. Hope Avenue, within the City. The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$960,000. The plan of financing includes the issuance of \$500,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$400,000 appropriated from New York State Local Waterfront Revitalization Grant Funds and \$60,000 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 \$500,000 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 \$500,000. 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 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-336
Re: Agreement - Architectura, P.C.,
Facilities Relocation at Port of
Rochester

Transmitted herewith for your approval is legislation establishing \$28,500 as maximum compensation for an agreement with Architectura, P.C., Rochester, for architectural design services, to evaluate the relocation of two facilities as part of the Port of Rochester Public Marina and Mixed Use Redevelopment Project. The agreement will be funded from 2007-08 (\$26,000) and 2008-09 (\$2,500) Cash Capital.

The City plans to relocate the Monroe County Ontario Labor Center, currently located at the corner of Lake Avenue and Portside Drive. The Center serves as the County's Parks maintenance facility. Also, the Charlotte Community Youth Athletic Association (CYAA) currently has a storage shed on one of the ball fields; they have secured a \$100,000 grant to build a new facility to include a concession stand, which could possibly be combined with the County Center.

Architectura was previously retained under a term services agreement in spring 2009 to investigate the feasibility of constructing these new facilities and the possibility of combining them. It was determined that a combined facility was feasible and a proposed location was identified that met the requirements of the County and the CYAA. Architectura completed design services, from programming and site evaluation through preparation of schematic design options, and assisted with a public presentation of those options in April 2010 for a total cost of \$31,550.

It was determined as a result of the public review process that additional investigation and design services are needed. The new agreement will allow Architectura to evaluate two additional locations based on County and CYAA programming requirements, with additional consideration given to concerns expressed by the neighborhood and residents. Architectura is recommended for these additional design services given its previous work and experience on the project.

The additional design services will begin in fall 2010 with completion in spring 2011; recommendation of final locations for the facilities is anticipated by summer 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-336
(Int. No. 380)

Establishing Maximum Compensation For A Professional Services Agreement For The Port Of Rochester Marina Project

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 a professional services agreement between the City and Architectura, P.C. for architectural design services for the relocation of facilities as a part of the Port of Rochester Marina 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 2007-08 (\$26,000) and 2008-09 (\$2,500) Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-337
Re: Agreement - Bergmann Associates,
Brownfield Opportunity Area
Nomination Study

Transmitted herewith for your approval is legislation establishing \$215,600 as maximum compensation for an agreement with Bergmann Associates, Rochester, to complete a BOA Nomination Study, and appropriating \$214,509 from anticipated grant reimbursements from the New York State Department of State (NYS DOS) Brownfield Opportunity Area grant.

The cost of the agreement will be financed from \$191,900 in anticipated BOA grant reimbursements and \$23,700 in 2009-10 Cash Capital. The balance of the grant amount, \$22,609, will be used to reimburse the City for staff and supply costs required to

conduct the study.

The NYSDOS BOA program provides funding to assist municipalities and community-based organizations with the costs of inventorying brownfields, preparing area-wide planning approaches to brownfield redevelopment, and investigating key brownfield sites. BOA grants provide funding for up to 90% of eligible project costs.

Bergmann will provide an area-wide planning study relating to approximately 394 acres of land located in the City's Lyell Avenue, Lake Avenue, and State Street (LYLAKS) Corridor Brownfield Opportunity Area (BOA). The Study will include a review of existing land use planning studies and efforts, the identification of viable brownfield cleanup and redevelopment strategies within the BOA, and the development of a proposed land use plan. The LYLAKS BOA was selected because of its prominent concentration of abandoned commercial and industrial brownfield properties. If the LYLAKS BOA Nomination Study is approved by the NYSDOS, a formal Brownfield Opportunity Area will be established. New York State is required to give preferences to established BOAs when making future project funding decisions. In addition, higher brownfield cleanup and redevelopment income tax credit rates are available to those that complete projects within BOAs. The City will also be eligible to apply for NYSDOS BOA site investigation grant funding, available once the BOA Nomination Study is complete.

Bergmann Associates was retained in 2006 (Ordinance No. 2006-159) to conduct a BOA pre-nomination study, which was successfully completed in October 2008 and accepted by the NYSDOS. The City was awarded the additional \$214,509 in NYSDOS BOA Nomination Phase grant funding in the spring 2010.

The agreement will have an initial term of three years with provisions for an additional one year extension if the project duration and scope require additional services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-119

Ordinance No. 2010-337
(Int. No. 381)

Establishing Maximum Compensation For A Professional Services Agreement For The Lyell-Lake-State Brownfield Opportunity Area Nomination Study And Appropriating Funds

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

Section 1. The sum of \$215,600, 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 Bergmann Associates for the Lyell-Lake-State Brownfield

Opportunity Area Nomination Study for a term of three years, with an option for an additional year. Of said amount, \$191,900 shall be funded from the appropriation made in Section 2 and \$23,700 shall be funded from the 2009-10 Cash Capital allocation.

Section 2. The sum of \$214,509 is hereby appropriated from New York State Department of State Brownfield Opportunity Area Grant Funds to fund the Lyell-Lake-State Brownfield Opportunity Area Nomination Study and to reimburse the City for staff and supply costs.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-338
Re: U.S. Department of Transportation -
TIGER II Grant Application

Transmitted herewith for your approval is legislation authorizing an application to the U.S. Department of Transportation for a Transportation Investment Generating Economic Recovery (TIGER) II Planning Grant totaling \$2,459,450, and authorizing Federal and State agreements as required if the grant is awarded. The application amount includes the required minimum local 20% share amount of \$491,889. The grant would be used to partially finance the cost of planning and design services for the Rochester Intermodal Transportation Center.

The TIGER II Planning Grants are part of the \$600 million TIGER II National Infrastructure Investments competitive grant program for surface transportation projects sponsored by the U.S. Departments of Transportation and Housing and Urban Development. In order to emphasize the interconnectivity of transportation, housing, and land use decision-making, these grants are being administered jointly with HUD Community Challenge Planning Grants.

The City's application incorporates planning, engineering, and design activities related to the development of a new intermodal transportation center in downtown Rochester, and to complete a coordinated land use strategy for the station. The station will be designed to accommodate several modes of transportation including passenger rail, local and intercity buses, taxis, bicycles, pedestrians, and private automobiles.

Development of the project and the application is being coordinated by an intergovernmental team of representatives from the offices of Congresswoman Louise Slaughter and Assemblyman David Gantt, the City Department of Environmental Services, the New York State Department of Transportation, Amtrak, NY Trailways, CSX, RGRTA, and the Genesee Transportation Council.

Estimated planning and design costs for the project total \$4,000,000. The amount not covered by the amount requested in the grant application, \$1,540,550, was secured through the efforts of Congresswoman Louise Slaughter; appropriation of these funds will be submitted as part of a future Council legislative request. The City match (\$491,889) will be requested in the 2011-12 Capital Improvement Program.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-120

Ordinance No. 2010-338
(Int. No. 382)

**Authorizing An Application And Agreement
For Funding For The Rochester Intermodal
Transportation Center**

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 United States Department of Transportation and enter into such agreements as may be necessary for the receipt of a Transportation Investment Generating Economic Recovery (TIGER) II Planning Grant for the Rochester Intermodal Transportation Center.

Section 2. The application and 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. 2010-339
Re: City Hall HVAC Project, Phase II

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$150,000 and the appropriation of the proceeds thereof to finance the second phase of HVAC equipment replacement at City Hall.

City Hall currently has two chillers that produce cold water for both the A and B building cooling systems. The secondary chiller is an eighty-ton unit installed in 1976 and is past its useful life. The current building load is 120 ton and this chiller is not large enough to supply full air cooling needs when the primary chiller is down for maintenance, repair or is not functioning. The secondary chiller is also used during the winter and provides chilled water to sixteen air handler units in the building.

This project is a continuation of a HVAC project completed in 2008. Design for replacement of the building's heat pump loop piping system and sec-

ondary chiller was completed by LaBella Associates in 2007 (Ordinance No. 2007-191). During design of the project, it was determined that funding was insufficient to complete both the piping and the secondary chiller replacements. Subsequent funding for the chiller was included in the 2009-10 Capital Improvement Plan.

Bids for construction were received on August 31, 2010. The apparent low bid of \$112,198 was submitted by Monroe Piping and Sheet Metal, LLC which is 34% less than the engineer's estimate. An additional \$37,802 will be allocated for project contingencies.

Construction is scheduled to begin in fall 2010 and be completed by spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-339
(Int. No. 388)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Additional 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 additional 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 \$900,000. The plan of financing includes the issuance of \$150,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$750,000 bonds previously appropriated in Ordinance No. 2007-102, 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 \$150,000 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 \$150,000. 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.

By Councilmember Haag
September 21, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 383 - Authorizing Agreement For Youth Services Programs

Int. No. 384 - Authorizing An Amendatory Agreement For ATM Machines At The Public Market

Int. No. 385 - Authorizing Applications And Agreements For Funding For Rochester Police Department Initiatives And Amending The 2010-11 Budget

Int. No. 389 - Establishing Maximum Compensation For A Professional Services Agreement For Legal Services

Int. No. 338 - Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Int. No. 354 - Establishing Maximum Compensation For A Professional Services Agreement For Fire Department Studies

The following entitled legislation is being held in Committee:

Int. No. 386 - Authorizing Agreements For The Hillside Work Scholarship Connection Program

Respectfully submitted,
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-340
Re: Agreements and Appropriations - Youth Services Projects

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with two organizations for Youth Services projects as follows:

<u>Organization Program</u>	<u>Amount</u>
Boys & Girls Club of Rochester STAR Program	\$10,000
The Center for Teen Empowerment SW Youth Organizing Project	\$30,000

The Boys & Girls Club STAR Program will be funded from the General Community Needs allocation of the 2010-11 Community Development Block Grant. The cost of the Center for Teen Empowerment agreement will be funded from the General Community Needs allocation of the 2006-07 Community Development Block Grant.

The STAR Program will provide young women in grades 9 - 12 with mentoring, employment and self-development workshops, tutoring, and community service projects. This will be its fifth and final year of funding.

The Center for Teen Empowerment will hire 12 youth from the southwest area of the city to implement the Southwest Rochester Youth Organizing Project to implement 10 youth initiatives/events for youth to improve the community in the southwest area of the city. As per the Human Services funding guidelines approved by City Council in 1988, this project is considered a project with matching funds and eligible for up to five years of funding.

Project descriptions and budgets are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-121

Ordinance No. 2010-340
(Int. No. 383)

Authorizing Agreements For Youth 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>
Boys & Girls Club of Rochester, Inc. The STAR Program	\$10,000
The Center for Teen Empowerment SW Youth Organizing Project	30,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed

\$40,000, and of said amount, or so much thereof as may be necessary, \$30,000 is hereby appropriated from the General Community Needs allocation of the 2006-07 Community Development Program and \$10,000 is hereby appropriated from the Responding to General Community Needs Objective, STAR allocation of the 2010-11 Community Development Block Grant.

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. 2010-341
Re: Agreement - ATM System LLC,
Public Market

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with ATM System LLC, Rochester 14626, to provide additional services related to maintaining the ATM machines at the Rochester Public Market. The original agreement executed in January 2010 established a term of one year. This amendment will add the option to extend for four additional one-year terms. There are no funds required for this agreement.

ATM System LLC has installed and maintained the ATM machines since 2003; as of May 2010, the City is reimbursed \$1.00 per transaction; the previous rate was 50¢. Also, a second terminal was installed recently. Revenue received recently is as follows:

May 2008 - April 2009	\$2,364
May 2009 - April 2010	\$2,894
May 2010 - August 2010	\$4,864

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-341
(Int. No. 384)

Authorizing An Amendatory Agreement For ATM Machines At The Public Market

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 ATM System LLC for the maintenance of ATM machines at the Rochester Public Market. The amendatory agreement shall allow for an option to extend the term for four additional one-year terms through 2015. The amendatory agreement shall obligate ATM System LLC to pay to the City of Rochester the sum of \$1 per transaction.

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. 2010-342
Re: Agreement - New York State Division
Of Criminal Justice Services, Warrant
And Anti-Violence Initiatives

Transmitted herewith for your approval is legislation authorizing agreements with the New York State Division of Criminal Justice Services (DCJS) for the application for, and receipt and use of, funding for initiatives targeting violent crime; and amending the 2010-11 Budget of the Police Department by \$65,000 to reflect the funds.

Felony Warrant Initiative, \$15,000

DCJS will provide funding of up to \$30,000 to local law enforcement agencies participating in the Felony Warrant Initiative. It is anticipated that Rochester's share will be approximately \$15,000. Funds will be used to conduct joint warrant details with the RPD, the Monroe County Sheriff's Office, and the Office of Probation and Community Corrections, to apprehend fugitives under existing warrants. Any State and Federal agencies participating will be responsible for covering their own costs. A spending plan will be submitted to DCJS by September 3, 2010. The term of the award is from August 1, 2010 through October 31, 2010. This is the second round of funding for the Warrant Initiative this year.

Intensive Enforcement Details, \$50,000

An award of \$50,000 is provided for intensive enforcement details, such as directed saturation patrols, over the next sixty-day period. This project is supported with federal fiscal year 2009 Byrne Justice Assistance Grant (JAG) funding which was appropriated in the State Budget. The plan for these funds will be submitted to DCJS by September 10, 2010. The term of the JAG funding is July 1, 2010 through June 30, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-342
(Int. No.385)

Authorizing Applications And Agreements For Funding For Rochester Police Department Initiatives And Amending The 2010-11 Budget

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

Section 1. The Mayor is hereby authorized to submit applications and enter into agreements with the New York State Division of Criminal Justice Services for the receipt of funding for the Felony Warrant and Anti-Violence Initiatives.

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

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$65,000, which amount is hereby appropriated from funds to be received through the grant agreements authorized herein to fund the Felony Warrant and Anti-Violence Initiatives.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-343
Re: Agreement - Legal Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Goldberg Segalla, LLP, Rochester, for legal services related to labor negotiations. The cost of the agreement will be funded from a year-end encumbrance to the 2009-10 Budget of the Police Department.

Negotiations with the Rochester Police Locust Club did not result in a successor agreement being reached. Therefore, the parties are proceeding with the interest arbitration process. Goldberg Segalla, LLP will assist with the preparation for the mandatory binding interest arbitration proceedings, and with other labor-related matters.

Goldberg Segalla, LLP is recommended since a partner of the firm worked on the most recent arbitration process with the Locust Club in his capacity as an employee of a different legal firm. This partner has represented private and public sector clients in administrative and legal proceedings, including labor arbitrations, agency hearings and state and federal court litigation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-343
(Int. No. 389)

Establishing Maximum Compensation For A Professional Services Agreement For Legal 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 compensation to be paid for a professional services agreement between the City and Goldberg Segalla, LLP for legal services related to police labor negotiations. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 338 was introduced August 17, 2010 and appears in its original form with its transmittal letter on page 328 of the current Council Proceedings.

Ordinance No. 2010-344
(Int. No. 338)

Amending The 2010-11 Budget By Appropriating Forfeiture Funds For The Rochester Police Department

Passed unanimously.

Introductory No. 354 was introduced August 17, 2010 and appears in its original form with its transmittal letter on page 328 of the current Council Proceedings.

Ordinance No. 2010-345
(Int. No. 354)

Establishing Maximum Compensation For A Professional Services Agreement For Fire Department Studies

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 386
Re: Hillside Work-Scholarship Connection

Transmitted herewith for your approval is legislation relating to the Hillside Work-Scholarship Connection program for city students. This legislation will:

1. Authorize an agreement with the Rochester City School District for the receipt of \$600,000 to support the Hillside Work Scholarship Connection program. These funds were anticipated and included in the 2010-11 Budget of the Department of Recreation and Youth Services.
2. Establish \$1,000,000 as maximum compensation for an agreement with the Hillside Work Scholarship Connection to support the participation of city students in the program. This agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

The Hillside Work Scholarship Connection program, established in 1987, helps at-risk urban students stay in school and achieve academic success. The program's mission is to increase the graduation rates of Rochester City School District students by providing long-term advocacy, academic resources, life skills development, and job training. On average, 80% of Hillside Work Scholarship Connection students graduate from high school, twice the rate of their peers, and 80% of these graduates attend college.

The Hillside Work Scholarship Connection program will provide services to a total of 313 city students, the majority of whom were in the program last year, and who will continue to receive services. New students will be recruited from the 8th and 9th grades. This agreement reflects the City's ongoing participation with the School District in the program.

The most recent agreement for these services was approved by Council in December 2009.

A project description is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 386

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 reimbursement in the amount of \$600,000 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 said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 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.

Held in Committee.

The meeting was adjourned at 8:19 p.m.

DANIEL B. KARIN
City Clerk

* * * * *

SPECIAL MEETING
SEPTEMBER 30, 2010
10:00 A.M.

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 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

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-346
Re: Midtown Revitalization Project:
Sale of Land to 80 South Clinton LLC

Transmitted herewith for your approval is legislation authorizing the sale of a portion of 80 South Clinton Avenue to 80 South Clinton LLC (members: Robert C. Morgan and David Christa).

This City-owned parcel includes the Midtown Tower and part of the former Midtown Plaza. Two portions of this parcel (Lots 4 and 3 on the attached subdivision plan that are approximately 0.741 and 0.923 acres, respectively) will be sold for \$1 each to 80 South Clinton LLC (the "Developer"). City Council and the Rochester Urban Renewal Agency approved the subject parcels as disposition properties in the Urban Renewal Plan amended on November 9, 2009.

The redevelopment of the Tower and adjacent area includes 176 residential apartments, 24 luxury condominiums and approximately 94,000 square feet of office, retail and restaurant space. The tenants and owners of the project would occupy 436 parking spaces on Level C of the Midtown Parking Garage. The cost of the project is approximately \$70,000,000.

The developer is seeking assistance through the HUD Section 220 Mortgage Insurance Program to fund approximately \$37 million of the project. On October 1, 2010 new, more restrictive guidelines for the Section 220 program will become effective and will significantly impact the feasibility of the proposed project. The developer has submitted a pre-application under the current FHA 220 guidelines in order to meet this deadline; however, they must demonstrate City-approved site control in

order to be considered under the current guidelines. The proposed legislation would also formalize the selection of the Morgan/Christa team as the developer for the project.

Approval of the sale will contingent upon: 1) approval of the Project funding, including City Cash Capital funding for the residential apartment portion of the project in the amount of \$1,500,000; 2) approval of terms and conditions of the agreement relating to the 436 parking spaces allocated in the Midtown Parking Garage; and 3) compliance with Urban Renewal procedures.

Funding for the proposed apartments, office, retail, and restaurants in Midtown Tower is as follows (the cost of the condominiums is an additional \$12,000,000 and will be privately financed):

<u>Sources of Funds</u>	
FHA: Section 220 Loan	\$37,468,400
New Markets Tax Credits	12,618,691
ESDC Grant	1,200,000
City of Rochester	1,500,000
Equity	<u>5,700,000</u>
Total	\$58,487,093

<u>Uses of Funds</u>	
Acquisition	\$ 2
Construction	40,277,671
Professional Services	1,225,024
Finance Costs	2,221,191
Carrying Costs	1,795,361
Project Contingency	4,866,328
Fees/Permits	732,000
Development Fees	2,400,000
Reserves	1,995,023
Working Capital	749,368
Builder's Profit	<u>2,225,125</u>
Total	\$58,487,093

The asbestos abatement and interior demolition of the Tower is virtually complete. The City is proposing the sale of the existing structural steel and concrete floor decking of the Tower and a portion of the adjacent former Plaza upon which the Developer will undertake the redevelopment program. Construction is anticipated to start in the summer of 2011 and be complete by the winter of 2012.

City Council previously endorsed a Blueprint Program funding application by 80 South Clinton LLC to the Empire State Development Corporation (ESDC) through Resolution No. 2010-5 on January 19, 2010. Though the application was not approved by the ESDC, the latter had approved an earlier Blueprint Program funding application in the amount of \$1.2M.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-346
(Int. No. 390)

Authorizing The Sale Of Portions Of The Midtown Plaza Parcels

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

Section 1. The Council hereby approves the sale of portions of SBL #121.240-001-024.001, constituting Lots 4 and 3 of the subdivision plan for the Midtown Plaza parcels that comprise approximately 0.741 and 0.923 acres, respectively, to 80 South Clinton LLC for the sum of \$1.00 each, for the redevelopment of the Midtown Tower and adjacent area. This sale shall be contingent upon funding being available in accordance with the proposed funding plan for the Project, approval of an agreement relating to parking at the Midtown Parking Garage, and compliance with urban renewal requirements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 4:30 P.M.

DANIEL B. KARIN
City Clerk

REGULAR MEETING
OCTOBER 19, 2010

Present - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8

Absent - Councilmember Conklin - 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:
 - Environmental Services
 - *Donald P. Root
 - Neighborhood and Business Development
 - Arthur Ientilucci
 - Public Integrity Office
 - *Daniel J. Markese
 - Fire Department
 - *Paul B. Tiffany
 - Police Department
 - *Michael H. Clark, Jr.
 - *Daniel J. Holmsten
- *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Haag

RESOLVED, that the minutes of the Regular Meeting of September 21, 2010 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 4027-10
 - Quarterly Reports 4028-10
 - Professional Services Agreements
 - Delinquent Receivables

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 The Lease By The Rochester Urban Renewal Agency To SMG Of A Portion Of 200 Exchange Boulevard Int. No. 394 No speakers.

Authorizing An Agreement For The Lease Of Municipal Lot #10 Int. No. 395 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Dodridge Street North Of Leroy Street Int. No. 412 No. speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
October 19, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 391 - Establishing Maximum Compensation For An Agreement For The 2011 Rochester Flower City Challenge

Int. No. 392 - Establishing Maximum Compensation For An Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 393 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer Training

Int. No. 396 - Authorizing A Lease Agreement For The Lease Of Municipal Lot #18 And Repealing Ordinance No. 2007-334

Int. No. 419 - Authorizing An Agreement With The County Of Monroe With Respect To The Crime Lab

Int. No. 423 - Resolution Approving Retirement Reporting For Councilmember Miller

The Finance Committee recommends for consideration the following entitled legislation:

Int. No. 394 - Approving The Lease By The Rochester Urban Renewal Agency To SMG Of A Portion Of 200 Exchange Boulevard

Int. No. 395 - Authorizing An Agreement For The Lease Of Municipal Lot #10

Respectfully submitted,
Jacklyn Ortiz
Loretta C. Scott
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-347
Re: Agreement - YellowJacket Racing, LLC,
Rochester Flower City Challenge

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with YellowJacket Racing, LLC (David Boutillier and Ellen Brenner, Principals), Rochester, for production of a half marathon running event and other sports events. The cost of this agreement will be financed from the 2010-11 Budget of the Bureau of Communications.

YellowJacket Racing is aiming to establish the Rochester Flower City Challenge as the signature Rochester racing event of the spring season, with the goal of achieving national status for the Rochester Flower City Half Marathon.

Events will be held on Saturday and Sunday, April 30 and May 1, 2011, and include the Rochester River Challenge Paddle Triathlon/Duathlon, the Rochester Flower City Half Marathon, and a family 5K run.

The Duathlon is a 5K run, followed by a 20 mile bicycle race, and finishing with a second 5K run. The Paddle Triathlon is a 5K run, followed by a 20 mile bicycle race, and a canoe/kayak segment. These two events will be based at the Genesee Waterways Center in Genesee Valley Park and will use area waterways, river walks, and roads in the area. The spring 2010 event had 339 participants, which exceeded the first year estimate by 50% and nearly met the 3rd year estimate. For 2011, 400 participants are anticipated. As many as 2500 spectators are anticipated.

The Half Marathon will be based at the Blue Cross Arena with the course showcasing the city's historic neighborhoods, river and canal systems. The spring 2010 event had 1200 participants which exceeded initial estimates by 140%. Given the 2010 participation numbers, the 2011 event is expected to draw 1800 participants. This is the only running event in the area to be held in the spring and will be marketed regionally to draw entrants from a 300-mile radius area. The 5K

event was estimated at 200 for the first year and had 550, nearly triple the estimate. For 2011, it is estimated that 800 will be participating.

YellowJacket Racing will provide free training workshops and programs along the course. They will also be hosting a contest and donating monies back to the "most enthusiastic" neighborhood associations along the course. The event will include free stage performances and is free to spectators. The total event budget is estimated at \$85,000-\$100,000; City funds will be used to defray costs of Rochester Police Department services and Department of Environmental Services equipment rental.

YellowJacket Racing, an event management company, produces 30 of their own events in and around Rochester and provides timing and finish line services to more than 70 events throughout Rochester and New York State.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-123

Ordinance No. 2010-347
(Int. No. 391)

Establishing Maximum Compensation For An Agreement For The 2011 Rochester Flower City Challenge

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 agreement between the City and YellowJacket Racing, LLC for the 2011 Rochester Flower City Challenge. Said amount shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-348
Re: Agreement - RPO, Music Performances

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with the Rochester Philharmonic Orchestra, for music performances. The cost of the agreement will be funded from the 2010-11 Budget of the Bureau of Communications.

The RPO will provide two full orchestra concerts which will be similar to those provided annually since 1987 under comparable agreements. The first concert, The Veterans Day RPO Pops Spectacular, will take place on November 10 at Kodak

Hall at the Eastman Theatre. 1,000 free tickets will be made available to veterans and the remaining 1300 tickets will be available at the low cost of \$5 per ticket to the general public. Ticket revenue will be used to defray production costs of the theatre. The free July 4 Celebration will feature the RPO on Main Street, similar to the last two years.

This agreement is funded at \$8,000 less than 2009-10 due to overall budget reductions, necessitating the elimination of the six neighborhood ensemble concerts that have traditionally been part of this agreement. Private funding is being pursued for restoration of the ensemble concerts.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-348
(Int. No. 392)

Establishing Maximum Compensation For An 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 \$60,000, 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 Philharmonic Orchestra for two full orchestra concerts. Said amount shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-349
Re: Amendatory Agreement, New Horizons
Computer Training Center, Advance
Computer Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with New Horizons Computer Learning Center of Syracuse and Rochester to provide computer training to City staff. The original agreement, executed in January 2010, established \$10,000 as maximum compensation. This amendment will extend the term for one year and increase compensation by \$20,000 for a total of \$30,000. The additional cost will be funded from the 2010-11 Undistributed allocation.

The original contract provided for training of staff in the Office of Management and Budget. The additional funding will provide training for staff in the Department of Environmental Services and others as needed.

New Horizons will provide:

- Computer classes dedicated to City employees on-site and/or at the New Horizons facility
- Access for City employees to New Horizons' open enrollment courses at their facility

This additional funding will allow training for approximately 200 staff. Each class offered is seven hours. While the entire New Horizons catalog of courses will be available, the greatest need has been identified as training in Excel and Pivot Tables.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-124

Ordinance No. 2010-349
(Int. No. 393)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Computer Training

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 New Horizons Computer Learning Center for computer training services for City employees. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-350
Re: Lease of Parking Lot #18

Transmitted herewith for your approval is legislation authorizing a lease agreement with Farash Corporation for Municipal Lot #18 located at 61 North Chestnut Street, and rescinding Ordinance 2007-334 which authorized lease terms and conditions but never resulted in a revised lease agreement.

Lot #18 is bounded by East Main and Stillson Streets. The small triangular parcel provides parking for approximately 26 vehicles for tenants of the old First Federal Building located at 316-350 East Main Street. That property is owned by Chestnut Square LLC c/o Farash Corporation and has residential and commercial tenants. Farash Corporation has been leasing the parking lot under terms of a 1995 agreement for \$600 per month.

A new appraisal was prepared by Midland Ap-

praisal Associates Inc. in December 2009 which indicated a rental value of \$1,500 per month for the parking lot. The new lease with Farash Corporation will have a term of five years.

The lot will be used only for parking of vehicles owned by tenants of the building at 316-350 East Main Street. The tenant will be responsible for periodic maintenance of the pavement, restriping, and replacement of plantings around the perimeter of the lot as needed. Periodic inspections of the lot will be conducted by City parking staff.

The lease may be transferred to a new owner of 316-350 East Main Street if approved by the City. The City may terminate the lease with sixty days notice.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-125

Ordinance No. 2010-350
(Int. No. 396)

Authorizing A Lease Agreement For The Lease Of Municipal Lot #18 And Repealing Ordinance No. 2007-334

WHEREAS, the City of Rochester has received a proposal from the Farash Corporation for the continued lease of Municipal Lot #18; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, 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.

NOW, THEREFORE, 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 for the continued lease of Municipal Lot #18 at 61 North Chestnut Street for parking for the tenants of 316-350 East Main Street, for a term of five 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 maintenance and improvements, utility costs, pure waters capital charges, water consumption charges and the cost of insurance and performance bonds. If the City terminates the lease before the expiration of its term, the City shall be obligated to reimburse the lessee for any remaining unamortized principal costs of capital improvements specifically approved by the City. The lease may be assumed by a new owner of the building at 316-350 East Main Street upon approval of the City.

Section 2. The lease agreement shall obligate

the lessee to pay to the City the sum of \$18,000 annually in rent, payable in equal monthly amounts of \$1,500.

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

Section 4. Ordinance No. 2007-334, relating to the lease of Municipal Lot #18, is hereby repealed.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-351
Re: Inter-Municipal Agreement - Monroe County, Use of the Monroe County Crime Lab

Transmitted herewith for your approval is legislation authorizing the continuation of an inter-municipal agreement with the County of Monroe for the provision of comprehensive forensic laboratory services by the Monroe County Public Safety Laboratory for the sum of \$1.00 annually, in addition to a one-time contribution of \$1,000,000 towards the construction of the new Regional Crime Laboratory at the corner of South Plymouth Avenue and West Broad Street. This agreement shall extend for five years commencing January 1, 2009, with the option to renew for an additional five years upon mutual consent. The construction funding shall come from the 2008-09 Cash Capital allocation and the annual funding from the 2009-10 and future Police Department Budgets, contingent upon approval of future budgets.

Monroe County has most recently provided these services to the City for a term from January 1, 2004 through December 31, 2008 pursuant to an agreement authorized in Ordinance No. 2004-384. The services include forensic testing in the areas of biology, controlled substances, firearms, and trace analysis, in addition to all required record keeping, chain of custody, and photographic documentation, and professional courtroom testimony as needed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-351
(Int. No. 419)

Authorizing An Agreement With The County Of Monroe With Respect To The Crime Lab

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 County of Monroe for the continued provision by the County of com-

prehensive forensic laboratory services for the City at the Monroe County Public Safety Laboratory. The agreement shall extend for a term of five years, commencing on January 1, 2009, with an option to renew for an additional five years upon mutual consent.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,000,000 towards the construction of the Monroe County Public Safety Laboratory, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 Cash Capital allocation. The agreement shall obligate the City of Rochester to pay \$1 annually for the services of the Monroe County Public Safety Laboratory, and said amounts shall be funded from the annual budgets of the Rochester Police Department.

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. 2010-25
Re: City Council Standard Work Day and Reporting Resolution

In the July 2010 Regular Meeting of the City Council, passed was the approval of legislation that standardized the City Council workday in accordance with the New York State Comptroller's Regulation 315.4 in the following ways:

1. City Council members enrolled in the New York State Retirement System will be required to keep a 90 day consecutive log of their daily activities and time spent on City Council business; and
2. This Resolution will set the standard City Council workday for full pension credit at 6 hours per day or a thirty hour work week; and
3. All logs will be kept on file with the City Clerk in accordance with Regulation 315.4.
4. Going forward new members that are elected to the City Council will be required to keep a 90 day log within the first 120 days of taking office.

This specific piece of legislation is being submitted for a current Councilmember that is now joining the New York State Retirement System. It should be noted that the 90 day log was kept, submitted and is now on file with the Clerk's Office.

Respectfully submitted,
Carolee A. Conklin
Councilmember-at-Large

Chair, Finance Committee

Resolution No. 2010-25
(Int. No. 423)

Resolution Approving Retirement Reporting For Councilmember Miller

WHEREAS, members of the City Council who are enrolled in the New York State and Local Retirement System have maintained logs of work-related activities pursuant to 2 NYCRR 315.4 and have established the standard work day and number of days to be reported to the Retirement System for each member based on the submitted logs; and

WHEREAS, Councilmember Dana K. Miller has become a member of the New York State and Local Retirement System and his hours also need to be reported in accordance with the established standard.

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

Section 1. The Council has established a six hour standard work day and a thirty hour standard work week (the equivalent of five standard work days) for members of the City Council.

Section 2. The Council hereby certifies that it has received logs of work-related activities pursuant to 2 NYCRR 315.4 from Councilmember Dana K. Miller that form the basis for the number of days to be reported.

Section 3. Based on the logs, the monthly reporting for retirement purposes for Councilmember Dana K. Miller shall be the total number of work days occurring each month based on the member working the equivalent of full five day standard work weeks throughout the month.

Section 4. The current term of office of Councilmember Dana K. Miller began on January 1, 2010 and expires on December 31, 2013.

Section 5. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-352 and
Ordinance No. 2010-353
Re: Lease Agreement - Parking Lot #10

Transmitted herewith for your approval is legislation authorizing the renewal of a lease agreement with SMG for the continued operation of a City-owned parking lot, known as Lot #10, located along Court and Exchange Streets. It includes street addresses of 25 Court Street and 132, 156, 168, 170, 180, and 182 Exchange Street. It also includes a portion of 200 Exchange Boulevard, which is owned by the Rochester Urban Renewal

Agency. A separate Rochester Urban Renewal Agency item for this lease is being submitted as a companion item. A map showing all parcels is attached.

Lot #10 provides approximately 380 parking spaces, and is used by patrons of the Blue Cross Arena, the Hall of Justice, the Public Safety Building, and nearby businesses. The lot is also used for tractor trailer parking for shows at the Blue Cross Arena, and by the City for special events.

The current lease with SMG, operator of the Blue Cross Arena, expired on April 15, 2010. The lot has been operated on a month-to-month basis since that time. The new lease with SMG, adjusted to be co-terminus with the agreement for operation of the Arena, will run through July 31, 2013 and will include an option for a five-year renewal.

The lease amount, 90% of net revenue after allowable expenses, including the annual \$25,000 management fee, and debt service, remains the same as in the current agreement.

SMG will be responsible for all operating and maintenance costs related to the lot and will make necessary improvements approved by the City. The City may terminate the agreement with ninety days notice, and may request use of the lot at no cost for City purposes. In the event of early termination of the lease, the City will reimburse SMG for the unamortized cost of any City-approved capital improvements. The City Parking Director will approve parking rates proposed by the operator. The City will reserve the right to install revenue control equipment on the lot after consultation with the operator.

The lease will continue to provide access to the Genesee Riverfront Trail and to the Rochester Gas and Electric facility adjacent to the lot along the Genesee River.

A public hearing is required for this legislation.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-126

Ordinance No. 2010-352
(Int. No. 394)

Approving The Lease By The Rochester Urban Renewal Agency To SMG Of A Portion Of 200 Exchange Boulevard

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has agreed to lease a portion of 200 Exchange Boulevard in the Third Ward Urban Renewal District in conjunction with the City to SMG (hereinafter called "Lessee"), for parking for a term through July 31, 2013, with one five-year option for renewal; and

WHEREAS, this parcel is a portion of a larger parking lot, Municipal Lot #10, that has previously

been overseen, maintained and improved by or on behalf of the City and leased for parking in conjunction with the operation and use of the City's Blue Cross Arena at the War Memorial; and

WHEREAS, the Agency agrees that as a result of the City's oversight, maintenance and improvement of the Agency portion and of the entire lot, that the City can continue to lease the entire lot and establish and retain all of the rent; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on October 19, 2010 to consider the proposed lease of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Lessee in accordance with its rules, criteria and procedures for the selection and designation of a Lessee as a qualified and eligible sponsor;
2. That the use of said parcel by the Lessee and the terms of the lease for said parcel are satisfactory;
3. That lease of said parcel by negotiation is the appropriate method of making the parcel available;
4. That the Lessee possesses the qualifications and financial resources necessary to lease the parcel in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Lessee's Statement for Public Disclosure is satisfactory;
5. That the proposed arrangement with the City is a satisfactory plan for use of the parcel in accordance with the Urban Renewal Plan;
6. That the proposed lease complies with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law; and
7. That the lease of said parcel is satisfactory.

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

Section 1. The Council approves the designation of the Lessee by the Agency as a qualified and eligible sponsor to lease the parcel.

Section 2. The Council hereby approves the method and lease of said parcel by the Agency and through the City to said Lessee.

Section 3. The Council hereby authorizes the lease of said parcel by the Agency for the proposed rent in accordance with the provisions of Title I of the Housing Act of 1949, as amended, and Articles 15 and 15A of the General Municipal Law.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-353
(Int. No. 395)

Authorizing An Agreement For The Lease Of Municipal Lot #10

WHEREAS, the City has received a proposal from SMG for the lease of Municipal Lot #10 along Court and Exchange Streets in conjunction with the operation of the Blue Cross Arena at the War Memorial; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the Council finds that the term of the proposed lease is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the lease; and

WHEREAS, the Council affirmatively finds that the proposed lease is in the public interest, as the public benefit to be derived from the lease is the provision of necessary parking for the Blue Cross Arena at the War Memorial and for other area uses.

NOW, THEREFORE, 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 SMG for the lease of Municipal Lot #10 for its continued operation as a parking lot. The agreement may extend through July 31, 2013, with one five-year option for renewal. SMG shall be responsible for all operating and maintenance costs relating to the lot and shall make necessary improvements to the lot as approved by the City. In the event of early termination of the lease, the City shall reimburse SMG for the unamortized costs of City approved capital improvements. The lease shall continue to provide access to the Genesee Riverfront Trail and to the Rochester Gas and Electric facility along the Genesee River. SMG shall pay 90% of the net revenue of the lot to the City in annual rent, after deducting operating expenses and debt service relating to the lot and an annual management fee of \$25,000. The City may request the use of the parking spaces for City uses, including for employee parking and special events, at no cost. The City may terminate the agreement upon ninety days' written notice. The Parking Director shall approve parking rates for the lot and the City shall reserve the right to install revenue control equipment on the lot after consultation with the lessee.

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.

By Councilmember Conklin
October 19, 2010

Ordinance No. 2010-354
Re: Sale of Real Estate

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 397 - Authorizing The Sale Of Real Estate

Int. No. 398 - Accepting Donation Of Real Estate And Authorizing A License Agreement

Int. No. 399 - Resolution Approving Appointment To The Zoning Board Of Appeals

Int. No. 400 - Appropriating Funds For The Open Door Mission Awning Improvements

Int. No. 401 - Establishing Maximum Compensation For A Professional Services Agreement For A Concessions System

Int. No. 402 - Establishing Maximum Compensation For A Professional Services Agreement For Training

Int. No. 403 - Authorizing An Agreement For The Focused Investment Strategy Vacant Lot Fencing And Greening Program

Int. No. 404 - Authorizing Agreements For A Pedestrian Wayfinding Plan And Amending The 2010-11 Budget

Int. No. 405 - Authorizing Agreements For The Frederick Douglass Apartments Project And Repealing Ordinance No. 2008-134

Int. No. 406 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Frederick Douglass Apartments Project And Repealing Ordinance No. 2008-135

Int. No. 407 - Resolution Of Support And Concurrence With The Monroe County Empire Zone (Formerly Economic Development Zone) Regionally Significant Project Application

Int. No. 408 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$865,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement And Demolition Of 1170 Genesee Street In The City

Respectfully submitted,
Carla M. Palumbo
Dana K. Miller
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

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 Bureau of Inspection and Compliance Services 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, a one-family structure, will be sold to Rochester Housing Development Fund Corporation (RHDFC) for rehabilitation; it will then be sold to an owner-occupant, first-time buyer.

The last two properties are buildable vacant lots being sold at appraised value to their respective adjoining owners. Both owners plan to combine the parcel they are purchasing with their currently owned properties.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,884.

All City taxes and other charges, except water charges, against properties being sold by the City will be cancelled 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. AJ-127

Ordinance No. 2010-354
(Int. No. 397)

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 negotiated sale of the following parcel of improved property:

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u>	<u>Use</u> <u>Purchaser</u>	<u>Price</u>
46 Grover Street 120.48-1-72	40x126	1 Family Rochester Housing Development Fund Corporation*	\$7,000

* Corporation Officers: Kevin Recchia, Chairman; Bret Garwood, Vice Chairman; Alma Balanon-Rosen, Secretary/Treasurer; Jean Lowe, President

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

<u>Address</u> <u>S.B.L.#</u>	<u>Lot</u> <u>Size</u> <u>Purchaser</u>	<u>Sq. Ft.</u>	<u>Price</u>
285 Grand Avenue 107.61-2-32	50x140 R. McLean	6,969	\$475
36 Michigan Street 105.41-3-28	40x110 WSC Properties, Inc.**	4,400	\$425

** Board of Directors: Willis Curtis, Jr., President; Sandra Curtis, Vice President

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.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-355
Re: Real Estate Donation and License Agreement 2299 East Main Street and 98 Mayfield Street

Transmitted herewith for your approval is legislation accepting the donation of title to the property at 2299 East Main Street from the owner, JPMorgan Chase Bank, N.A., for municipal purposes, and authorizing a license agreement with the North Winton Village Association Ltd. for use and maintenance of the parcel.

The property consists of an irregularly shaped vacant parcel with an area of .63 acres. The site is encumbered by a sewer easement which limits development potential. Historical records indicate that the land has never been developed with building improvements.

The North Winton Village Association Ltd., a registered nonprofit organization, currently has a seasonal garden permit for use of the adjoining City-owned vacant land to the south of the donation parcel, at 98 Mayfield Street. This legislation will authorize a license agreement covering both parcels for a 15-year term, with a 10-year renewal option, to allow the licensee to utilize the properties for landscaped open space and community outdoor use. Because the license term exceeds 10 years, the provisions of Section 21-23 of the Municipal Code are being followed. At the end of 10 years, the North Winton Village Association will be required to provide documentation demonstrating that they are willing and financially able to continue their maintenance responsibilities. Council authorization will be required to authorize extension of the agreement at the end of 15 years.

The improvements to be installed on the premises by the licensee will consist of a pedestrian walkway, landscaping, benches, signage, lighting and an arbor. The improvements shall represent the compensation to the City for the license agreement.

The North Winton Village Association will be responsible for all maintenance, including grass areas, landscaping, and maintenance of any improvements which it installs.

Upon acquisition by the City, any unpaid balance for the 2010-11 City taxes (currently estimated at \$134) is to be canceled. Any taxes or charges levied after the date of closing shall also be canceled. The property is to be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-128

Ordinance No. 2010-355
(Int. No. 398)

Accepting Donation Of Real Estate And Authorizing A License Agreement

WHEREAS, the City has received a proposal from the North Winton Village Association for the maintenance and use of 2299 East Main Street and the adjacent City parcel at 98 Mayfield Street for landscaped open space and community outdoor use; and

WHEREAS, consistent with Section 21-23 of the Municipal Code, the Council will follow additional procedures due to the length of the proposed license; and

WHEREAS, the Council finds that the term of the proposed license is reasonable and necessary in light of its intended purpose and the public will benefit throughout the term of the license; and

WHEREAS, the Council affirmatively finds that pending a determination of the long-term use of the properties the proposed license is in the public interest, as the public benefit to be derived from the license is the provision of landscaped open space and a community outdoor use area in the North Winton Neighborhood. No appraisal of the properties is being required as the properties will be open and available to the general public and are not restricted to use by the licensee.

NOW, THEREFORE, 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 2299 East Main Street, SBL # 107.820-1-43, for municipal purposes, from the current owner, JPMorgan Chase Bank, N.A.

Section 2. Unpaid City taxes for the 2010-11

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. The Council hereby further approves a license agreement with the North Winton Village Association for the maintenance and use of 2299 East Main Street and the adjacent City parcel at 98 Mayfield Street for landscaped open space and community outdoor use for a period of fifteen years, conditioned upon the licensee submitting a letter after ten years that it is willing and financially able to continue its maintenance responsibilities. The license may contain a ten-year renewal option, to be exercised with approval of City Council. The license 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. 2010-26
Re: Appointment - Zoning Board of Appeals

Transmitted herewith for your approval is legislation confirming the appointment of David Chappius, 41 Pembroke Street, Rochester, NY, 14620, to the Zoning Board of Appeals. Mr. Chappius is the former chair of Sector 6 and is currently the President of the Swillburg Neighborhood Association.

Mr. Chappius will fill the vacancy created by the resignation of Joe Hanna. Mr. Chappius' term will expire October 31, 2012.

A resume for Mr. Chappius is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-26
(Int. No. 399)

Resolution Approving Appointment To The Zoning Board Of Appeals

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

Section 1. The Council hereby approves the appointment of David Chappius, 41 Pembroke Street, to the Zoning Board of Appeals for a term which shall expire on October 31, 2012. Mr. Chappius shall replace Joseph Hanna, whose term has expired.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-356
Re: CDBG Appropriation - Open Door Mission,
Awning Replacement

Transmitted herewith for your approval is legislation appropriating \$5,000 from the Improving the Housing Stock and General Property Conditions Objective - Neighborhood Improvement allocation of the 2005-06 Community Development Block Grant to be used to replace the awning at the Open Door Mission at 226-234 West Main Street.

The Open Door Mission has been working with a team that includes both the City of Rochester and County of Monroe on long-term strategic planning to better address the needs of the chronically homeless. In addition, Open Door has approved operating and capital improvements to its primary location on Main Street.

As part of the capital improvements, the City funds will be used to replace the deteriorated awning. Additional improvements, funded from other sources, include installation of new security cameras, and repair of the air conditioning system.

Planned improvements in operations include opening earlier (1:00 p.m. instead of 4:00 p.m.), and providing additional services such as health screenings, job referrals, reviews by the Department of Human Services, and counseling.

These improvements will increase service to the homeless and also enhance and compliment other projects in the Cascade District of the Center City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-356
(Int. No. 400)

Appropriating Funds For The Open Door Mission Awning Improvements

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

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$5,000, or so much thereof as may be necessary, to fund the Open Door Mission awning improvements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-357
Re: Agreement - Micros Systems, Inc.,
Concessions Management System at
The Blue Cross Arena at the War Memorial

Transmitted herewith for your approval is legislation establishing \$199,125 as maximum compensation for an agreement with Micros Systems, Inc., Rochester, to install a turn-key concessions point-of-sale and inventory control management system at the Blue Cross Arena at the War Memorial. This project is included in the 2010-11 Capital Improvement Program. The cost of this agreement will be funded from the 2010-11 (\$180,000) and the 2008-09 (\$19,125) Cash Capital allocations.

The system is a comprehensive hardware/software solution that will allow credit/debit cards for point-of-sale purchases, thereby increasing food and beverage sales, and providing more efficiencies in the inventory control management process.

Comprehensive project costs are estimated at \$214,125, which represent the cumulative costs of the proposed agreement (\$199,125) and the required network structured cabling to support the system's connectivity (\$19,707). Cabling work will be provided by Rel Comm, a City-approved term contractor.

A Request for Proposals was posted on August 13, 2010 on the City of Rochester's website. Proposals were received from two Rochester-based firms, Xenios/2TouchPOS and Micros Systems, Inc.

Proposals were reviewed by a committee of staff from Neighborhood and Business Development and SMG (Blue Cross Arena operator). Review was based on company's background, financial statements, business references, product assessment demonstrations, cost analysis, and the proposed system features and benefits. It was determined that Micros Systems, Inc. offered the best overall value and solution to satisfy both the project and the City's/SMG requirements.

It is anticipated that gross food and beverage sales revenues will increase approximately 15%. This would result in approximately \$284,637 in the first year following the system's installation, providing approximately \$34,068 as the City share, and a six-year payback of \$214,904.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-357
(Int. No. 401)

Establishing Maximum Compensation For A Professional Services Agreement For A Concessions System

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

Section 1. The sum of \$199,125, 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 Micros Systems, Inc. for a turn-key Concessions Point-of-Sale and Inventory Control Management System at the Blue Cross Arena at the War Memorial. Of said amount, \$180,000 shall be funded from the 2010-11 Cash Capital allocation and \$19,125 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-358
Re: Agreement - BOCES 2, Team Building

Transmitted herewith for your approval is legislation establishing \$8,000 as maximum compensation for an agreement with BOCES 2, Buffalo Road, Rochester, to provide team building activities in the Department of Neighborhood and Business Development. The cost of the agreement will be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development.

BOCES will provide a variety of exercises, simulations, and workshop retreats to support development of team-building skills for NBD staff. The objective of these activities is to ensure positive communication, leadership skills, and the ability to work closely together as a team for problem solving. Topics for retreats will include leadership, communications and listening skills, empowerment and delegating, conflict resolution, and problem solving.

It is anticipated that a total of 94 employees will participate in a total of sixty hours of instruction.

Council authorization is required since there is an existing contract with BOCES 2 for commercial driver's license training in the amount of \$16,000.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-358
(Int. No. 402)

Establishing Maximum Compensation For A Professional Services Agreement For Training

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

Section 1. The sum of \$8,000, 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 Board of Cooperative Educational Services (BOCES) #2 to provide Team Building Development & Training for the Neighborhood and Business Develop-

ment Department. Said amount shall be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-359
Re: Agreement - Museum of Kids Art,
Beechwood FIS Vacant Lot
Improvement Project

Transmitted herewith for your approval is legislation establishing \$31,500 as maximum compensation for an agreement with the Museum of Kids Art (MoKA; Michelle Cardulla, Executive Director) as part of the Beechwood Focused Investment Strategy Program. The cost of this agreement will be financed from the appropriation authorized in Ordinance No. 2009-275.

MoKA, a local nonprofit agency, will construct a community garden on two City-owned vacant lots located at 45-63 Webster Avenue. The site borders the 2002 Home Expo program where eight new homes were constructed. The garden will add significant curb-side appeal to this currently vacant and neglected space. Trees, shrubs and gravel walkways will be installed and preparations will be made to allow for a statue to be erected on the site in 2011. Local labor will be employed to install the materials.

MoKA will be responsible for all maintenance of the garden and will partner with North East Area Development (NEAD) to assist with the management of the project. NEAD will be responsible for ordering the materials, directing the workers, and providing administrative support to MoKA. The project is expected to begin in October and be completed by July 2011.

Project Budget

Design Fee	\$ 4,200
Materials:	
Soil	1,350
Shrubs	1,800
Ornamental trees	3,000
Gravel	500
Perennials	800
Mulch	935
Labor	9,875
Insurance	1,200
Training	2,500
Equipment/consumables (gas t-shirts, tools and trash bags)	2,840
Administrative fee (NEAD)	<u>2,500</u>
Total	\$31,500

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-359
(Int. No. 403)

Authorizing An Agreement For The Focused Investment Strategy Vacant Lot Fencing And Greening 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 Museum of Kids Art for services for the Focused Investment Strategy Vacant Lot Fencing and Greening Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$31,500, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Ordinance No. 2009-275.

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. 2010-360
Re: Agreement - Bergmann Associates,
Center City Circulation and Pedestrian
Wayfinding Study

Transmitted herewith for your approval is legislation related to the preparation of a Center City Tourist/Visitor Circulation and Pedestrian Wayfinding Plan. This legislation will:

1. Establish \$60,000 as maximum compensation for an agreement with Bergmann Associates for the preparation of a Center City Tourist/Visitor Circulation and Pedestrian Wayfinding Plan;
2. Authorize receipt and use of a \$60,000 grant from the Genesee Transportation Council for consultant services; and
3. Amend the 2010-11 Budget of the Department of Neighborhood and Business Development to reflect the grant and fund the agreement.

The purpose of this study is to improve the tourist/visitor experience and the overall pedestrian circulation and wayfinding system into, through, and within Rochester's Center City. The study will produce a conceptual plan to connect, enhance and coordinate the city's Heritage Trail, Genesee River Trail, Center City parks, hotels, attractions, entertainment venues and historic resources, the Center City vehicular signage system, parking facilities, RTS bus stops and other bicycle/pedestrian amenities in order to create a safe,

seamless and integrated pedestrian circulation experience.

The study area includes the Center City district of the City of Rochester, generally defined as the area within and immediately surrounding the Inner Loop Expressway including the High Falls District. The completion of a Center City wayfinding plan is one of 89 recommendations contained in the Center City Master Plan which was adopted by Rochester City Council in 2003.

A request for proposals was posted on the Websites of the City, the American Planning Association, and the New York State Contract Reporter. Proposals were received from thirteen firms. A team consisting of City staff and representatives from Monroe County, the Rochester Downtown Development Corporation, and the Genesee Transportation Council reviewed the proposals. Based on consultant qualifications, prior experience, knowledge of the City, and overall approach to the project, the consultant team of Bergmann Associates (with Cloud/Gehshan Associates as sub-consultant) was selected.

Bergmann Associates will work with a steering committee of City staff, agencies, property owners, and downtown stakeholders to complete the study. It is anticipated that the study will be completed by the end of June, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-129

Ordinance No. 2010-360
(Int. No. 404)

Authorizing Agreements For A Pedestrian Wayfinding Plan And Amending The 2010-11 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 Genesee Transportation Council for funding for a Center City Tourist/Visitor Circulation and Pedestrian Wayfinding Plan.

Section 2. 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 Bergmann Associates to prepare a Center City Tourist/Visitor Circulation and Pedestrian Wayfinding Plan. Said amount shall be funded from the 2010-11 Budget of the Department of Neighborhood and Business Development.

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

Section 4. Ordinance No. 2010-188, the 2010-

11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Neighborhood and Business Development by the sum of \$60,000, which amount is hereby appropriated from funds to be received from the Genesee Transportation Council through the agreement authorized in Section 1.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-361 and
Ordinance No. 2010-362

Re: Frederick Douglass Apartments, 2010-11
Consolidated Community Development
Plans - Housing Development Fund

Transmitted herewith for your approval is legislation related to a redevelopment project, Frederick Douglass Apartments, to be undertaken by Edgemere Development, Incorporated. Specifically, this legislation will:

1. Authorize an agreement with F. Douglass, LLC, a subsidiary of Edgemere Development, Inc. for the consolidation of two existing loans to an amount of \$707,000, for a 30-year term, at the applicable Federal rate, with 1% interest-only payments to the City for a term of 30 years;
2. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan;
3. Authorize a property tax exemption and payment-in-lieu-of-tax (PILOT) agreement with the F. Douglass Housing Development Fund Corporation equal to 10% of shelter rents minus utilities;
4. Appropriate \$202.14 in HOME funds from the 1999-00 Housing Development Fund of the 1999-00 Community Development Plan, \$2,834 in HOME funds from the 2003-04 Housing Development Fund of the 2003-04 Community Development Plan, \$46,963.86 in HOME funds from the 2004-05 Housing Development Fund of the 2004-05 Community Development Plan, and \$760,000 in HOME funds from the 2010-11 HOME Program, Rental Housing Fund of the 2010-11 Community Development Plan;
5. Authorize two loan agreements with F. Douglass, LLC, a subsidiary of Edgemere Development, Inc. for financing for the Project:
 - a. \$560,000 to be secured by a subordinate mortgage and note with 3% interest-only payments to the City for a term of 24 months during construction followed by

1% interest-only payments to the City for a term of 30 years, with principal payable at the end of the term.

- b. \$250,000 to be secured by a subordinate mortgage and note with 1% interest-only payments to the City for a term of 30 years, with principal payable at the end of the term.

- 6. Rescind Ordinance No. 2008-134 and Ordinance No. 2008-135.

The Frederick Douglass Apartments project was awarded \$3.1 million by the New York State Division of Housing and Community Renewal (DHCR) to support the rehabilitation of several dilapidated buildings located at 442-466 West Main Street. The buildings are currently owned by West Main St. Partners, L.P. and will be sold to Edgemere Development, Inc. for development. A total of 28 affordable rental units will be rehabilitated and six commercial spaces will be made available on the first floors. Edgemere Development, Inc. will be the primary developer with the Rochester Housing Authority and Home Leasing acting as partners. The total development cost will be \$6.8 million.

The project sources and uses are as follows:

Project Sources And Uses

Uses

Development cost	\$6,022,420
Construction contingency	408,000
Development fee	300,000
Working capital	56,600
Debt service fee	20,000
Operating reserve	<u>71,520</u>
Total project cost	\$6,878,540

Sources - Construction

Greater Rochester Housing Partnership	\$4,112,652
City seller loan	707,000
Rochester Housing Authority 1	300,000
Rochester Housing Authority 2	300,000
City construction loan	560,000
L.P. Equity	748,888
Deferred development fee	<u>150,000</u>
Total construction sources	\$6,878,540

Sources - Permanent

Housing Trust Fund Corporation	\$3,163,764
Urban Initiatives	100,000
Rochester Housing Authority 1	300,000
Rochester Housing Authority 2	300,000
City of Rochester (restructured)	707,000
Federal Home Loan Bank	560,000
City of Rochester (HOME)	250,000
Limited Partner capital	1,481,696
Deferred development fee	<u>16,080</u>
Total permanent sources	\$6,878,540

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-130

Ordinance No. 2010-361
(Int. No. 405)

Authorizing Agreements For The Frederick Douglass Apartments Project And Repealing Ordinance No. 2008-134

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 F. Douglass, LLC for the Frederick Douglass Apartments Project, 442-466 West Main Street, SBL #120.36-2-11, 12, 13, 14, 15 & 16, which shall allow for the reduction, assumption and consolidation of the two existing loans for said parcels at an amount of \$707,000, to reflect current values and to allow F. Douglass, LLC to obtain State funding for improvements to the Project. The agreement shall be for a term of 30 years 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.

Section 2. The Mayor is hereby further authorized to enter into a loan agreement with F. Douglass, LLC for the Frederick Douglass Apartments Project, 442-466 West Main Street, SBL #120.36-2-11, 12, 13, 14, 15 & 16, in an amount not to exceed \$560,000. The loan shall be secured by a subordinate mortgage and note with 3% interest-only payments to the City for a term of 24 months during construction, followed by 1% interest-only payments to the City for a term of 30 years. Payment of the principal shall be deferred until the end of the term.

Section 3. The Mayor is hereby further authorized to enter into a loan agreement with F. Douglass, LLC for the Frederick Douglass Apartments Project, 442-466 West Main Street, SBL #120.36-2-11, 12, 13, 14, 15 & 16, in an amount not to exceed \$250,000. The loan shall be secured by a subordinate mortgage and note with 1% interest-only payments to the City for a term of 30 years. Payment of the principal shall be deferred until the end of the term.

Section 4. The agreements shall obligate the City to pay an amount not to exceed \$810,000, and of said amount, or so much thereof as may be necessary, \$202.14 is hereby appropriated from 1999-2000 HOME Program Funds, \$2,834 is hereby appropriated from 2003-04 HOME Program Funds, \$46,963.86 is hereby appropriated from 2004-05 HOME Program Funds and \$760,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation, of the 2010-11 HOME Program.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. Ordinance No. 2008-134, relating to a loan agreement for the Frederick Douglass Apartments Project, is hereby repealed.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-362
(Int. No. 406)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Frederick Douglass Apartments Project And Repealing Ordinance No. 2008-135

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 Frederick Douglass Apartments Project at 442-466 West Main Street, SBL #120.36-2-11, 12, 13, 14, 15 & 16, upon ownership by the F. Douglass Housing Development Fund Corporation.

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 the F. Douglass 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. Ordinance No. 2008-135, relating to a property tax exemption for the Frederick Douglass Apartments Project, is hereby repealed.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-27
Re: Concurring Resolution: Cody Gate, Empire Zone Designation, Regionally Significant Project

Transmitted herewith for your approval is legislation to support and concur with the Monroe County Empire Zone Designation of 1100 Ridgeway Avenue, former Kodak Building 320, as a Regionally Significant Project (RSP) to accommodate the Cody Gate Project. The project encompasses a total of 17.46 acres, with 8.19 acres within the City of Rochester limits, and 9.27 acres within the Town of Greece.

The Cody Gate Project consists of three companies that are relocating, and expanding, from outside New York State to Eastman Business Park, bringing a total of 183 new jobs and investing a total of \$23.9 million over the next three years. The jobs will consist of 123 in manufacturing and engineering, 54 in technical and support and six senior management positions.

Since the property is included in two municipal jurisdictions, it was mutually agreed that Monroe County and the Monroe County Empire Zone, Inc. would act as the applicant municipality. A concurring resolution by any municipalities in which the project will reside is required by New York State. Approval from Empire State Development (ESD) of the initial application for this RSP, is based on consideration of the three companies as one project, since they share common ownership by Cody Gate Ventures of the United Kingdom with offices in Menlo Park, California. Additionally, ESD has indicated the local law and concurring resolutions will be valid even though approved after June 30, 2010, the expiration of the Empire Zone legislation.

A summary of the businesses is as follows:

- Intrinsic Materials, Inc. is a designer and manufacturer of nanomaterials for health and wellness industries with patented advanced material platforms. The company will create 103 jobs in three years and make an investment of \$11,752,000;
- Omni ID USA, Inc. is a manufacturer of high performance radio frequency identification equipment and will create 21 jobs in three years and make an investment of \$2,456,000;
- Quintel USA, Inc. is a manufacturer of next generation antenna systems for mobile networks holding over 140 patents. The company will create 59 jobs in three years and make an investment of \$9,734,000.

Attached is the legal description of the project area to be included within the city of Rochester.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-131

Resolution No. 2010-27
(Int. No. 407)

Resolution Of Support And Concurrence With The Monroe County Empire Zone (Formerly Economic Development Zone) Regionally Significant Project Application

WHEREAS, New York State has created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in selected municipalities across the State; and

WHEREAS, the City of Rochester, as an eligible municipality in conjunction with the County of Monroe, received designation of an Economic Development Zone made up of sub-zones including portions of the Town of Gates, Greece, Irondequoit and Henrietta and the Village of Brockport, New York; and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects; and

WHEREAS, the County of Monroe and the City of Rochester intend to amend the County of Monroe Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone in the City of Rochester for a Regionally Significant Project; and

WHEREAS, Intrinsic Materials, Inc., Omni ID USA, Inc. & Quintel USA, Inc. all to be located at 1100 Ridgeway Avenue (Kodak Park Building 320), in the Town of Greece and City of Rochester, New York meets the criteria of 957 (d) of the General Municipal Law as a regionally significant project by creating 183 new jobs at the project location for inclusion within the County of Monroe Empire Zone in an area outside the separate and distinct contiguous areas; and

WHEREAS, the City of Rochester wishes to support and concur with the Empire Zone designation of part of SBL # 090.38-1-1, which is in the City, as a Regionally Significant Project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council, in its capacity as governing body of the City of Rochester, does hereby support and concur with the County of Monroe Empire Zone to include the property more particularly described below and fully supports and concurs in the submission of a regionally significant project application by the Empire Zone of Monroe County:

Beginning at the northwest corner of the zone at the coordinates, 43° 11' 46.62" N, 77° 39' 44.85" W, running thence:

- 1) S 0° 37' 45" E, 457.26 feet to a point,
- 2) N 90° 0' 0" W, 692.34 feet to a point,
- 3) S 0° 42' 0" E, 303.92 feet to a point,
- 4) S 23° 34' 9" E, 99.26 feet to a point,
- 5) N 89° 48' 20" E, 1221.24 feet to a point,
- 6) N 0° 32' 42" W, 430.56 feet to a point,
- 7) N 4° 4' 17" E, 418.48 feet to a point,
- 8) N 90° 0' 0" W, 602.94 feet to a point and place of beginning comprising an area of 17.46 acres as shown on the map prepared by Monroe County Planning and Development.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 408
Re: Redevelopment of 1170 Genesee Street

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$865,000 and the appropriation of proceeds thereof to finance costs related to the redevelopment of Valley Court at 1170 Genesee Street. These funds will be used for asbestos abatement, deconstruction, and demolition of three City-owned apartment buildings and other site-work improvements in preparation for the redevelopment of the parcel by a private developer. Funding for this project was planned for in the 2005-06 Capital Improvement Program.

Valley Court is a 4.5 acre development site in the city's southwest quadrant. The Department of Neighborhood and Business Development, through a request for proposals, offered this parcel for the development of owner-occupied, market-rate housing. Included in the proposal was the option to renovate any existing buildings. Based on the developers' submissions, renovating those existing buildings was not an economically viable option. Therefore, to prepare the site for development, the City will abate the asbestos, deconstruct, and demolish the remaining three buildings and perform various other necessary site improvements.

The asbestos abatement, deconstruction, and demolition will be publically bid as separate contracts. As part of the demolition process, the City has included clauses in the contract specifications requesting that bidders address the salvage of select building materials prior to razing the building. The goal to include deconstruction with demolition is both environmentally and economically responsible. Salvaging building components promotes recycling and reduces the cost of trucking and disposal of those materials to a landfill. It is anticipated that the site will be cleared of remaining buildings by the Spring of 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 408

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$865,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement And Demolition Of 1170 Genesee Street 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 asbestos

abatement, deconstruction and demolition of the City-owned structures at 1170 Genesee 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 \$865,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$865,000 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 \$865,000 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 \$865,000. 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(b) 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.

Failed by the following vote:

Ayes - Councilmembers McFadden, Miller, Ortiz, Palumbo, Scott - 5.

Nays - President Warren, Councilmembers Haag, Spaul - 3.

By Councilmember Miller
October 19, 2010

To the Council:

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

Int. No. 409 - Authorizing The Sale Of A Hemlock Parcel

Int. No. 410 - Authorizing An Agreement For Funding For Sebastian Park And Amending Ordinance No. 2010-334, As Amended

Int. No. 411 - Authorizing An Agreement For The Energy Efficiency And Conservation Block

Grant Program

Attachment No. AJ-132

Int. No. 420 - Amending Ordinances Relating To Street Improvements

Ordinance No. 2010-363 (Int. No. 409)

Int. No. 421 - Authorizing Agreements For Soccer Stadium Improvements

Authorizing The Sale Of A Hemlock Parcel

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

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

Int. No. 412 - Amending The Official Map By Abandonment Of A Portion Of Dodridge Street North Of Leroy Street

Section 1. The Council hereby approves the sale of a vacant City-owned parcel of approximately 20.34 acres located off Fair Street in the Town of Hemlock to the Hemlock Lake Union Agricultural Society for the sum of \$31,000. The City shall retain a permanent easement over said parcel for the City water conduit.

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Section 2. This ordinance shall take effect immediately.

Received, filed and published.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-363
Re: Sale of Real Estate, Hemlock Lake Parcel

Ordinance No. 2010-364
Re: Agreement - Dormitory Authority of The State of New York, 2010 Community Capital Assistance Program

Transmitted herewith for your approval is legislation authorizing the sale of a vacant 20.34 acre parcel, located off Fair Street in the hamlet of Hemlock, north of Hemlock Lake, to the Hemlock Lake Union Agricultural Society for \$31,000.

Transmitted herewith for your approval is legislation authorizing an agreement with Dormitory Authority of the State of New York (DASNY) for the receipt and use of a \$300,000 2010 Community Capital Assistance Program (CCAP) grant. These funds will be used to reimburse the City for construction of improvements to Sebastian Park.

The Hemlock Lake Union Agricultural Society is an organization that maintains Livingston County historical artifacts and operates the Hemlock Fair. The sale price was determined through an appraisal provided by Bruckner, Tillett, Rossi, Cahill & Associates on December 3, 2008.

Sebastian Park is a 5.6 acre neighborhood park in Rochester's Northwest quadrant. Improvements will include a new basketball court with fencing, walking trails, a pre-teen and tot playground, new asphalt paving at the pavilion, and the demolition of the existing basketball and tennis courts. The site is adjacent to both a multi-family and single-family residential area. DASNY will provide funding to assist the City with construction. Design of the improvements will be provided by the Department of Environmental Services, Bureau of Architecture and Engineering. The project cost estimate is \$450,000, inclusive of construction, resident project representative (RPR) services and contingencies. The project will be funded by the CCAP grant funds (\$300,000) and 2006-07 and 2009-10 Cash Capital.

This property in Livingston County, adjacent to the Hemlock Fairgrounds, has been leased by the City to the Agricultural Society for over thirty years at \$1 per year. The parcel is used for parking during their annual "Hemlock Little World's Fair" in July. The Fair has operated since 1857, and the Hemlock Fairgrounds are listed on the State and National Registers of Historic Places. Purchase of the parcel will enable continued operation of the Fair.

The CCAP funds will reimburse the City for a portion of park improvement construction, including selective demolition, replacement of playground equipment, a basketball court, walkways and plantings. These funds were secured with the sponsorship of Assemblywoman Susan John.

The New York State Department of Environmental Conservation, recent purchaser of 6,884 acres of City watershed property, opted not to buy this parcel. It is not contiguous to other City property. Sale to the Hemlock Lake Union Agricultural Society will generate revenue from the sale, reduce PILOT payments made by the City, and will eliminate maintenance and liability for a parcel not used by the City. Lastly, it enables the Water Bureau to focus on its core mission of water supply.

Construction on this project is expected to begin in spring 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-364
(Int. No. 410, As Amended)

Authorizing An Agreement For Funding For Sebastian Park And Amending Ordinance No. 2010-334

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 Dormitory Authority of the State of New York for funding for improvements to Sebastian Park.

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

Section 3. The sum of \$300,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Dormitory Authority of the State of New York to fund improvements to Sebastian Park.

Section 4. Ordinance No. 2010-334, relating to the Erie Harbor Enhancement Project, is hereby amended by changing the source for \$50,000 of the funding for the agreement with Bayer Associates in Section 1 from Bond Ordinance No. 2010-335 to the appropriation of New York State Local Waterfront Revitalization Grant Funds made in Section 2 of Ordinance No. 2010-334.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-365
Re: Agreement - O'Brien & Gere Engineers, Inc., City Facility Energy Audit Program

Transmitted herewith for your approval is legislation establishing \$90,000 as maximum compensation for an agreement with O'Brien & Gere Engineers, Inc. for evaluation and engineering design services for energy audits at various City facilities. The cost of the agreement will be funded from the Energy Efficiency and Conservation Block Grant (EECBG) appropriated in March 2010 (Ordinance No. 2010-84).

The consultant will evaluate City-owned facilities, determine which facilities shall best incorporate the goals of the EECBG program, City criteria and facility need, and develop prioritized recommendations. These prioritized recommendations will include an analysis of current energy use within selected facilities, an analysis of potential energy conservation measures (ECMs), and an assessment

of the technical and cost-saving potential of recommended ECMs.

Proposals were solicited from six local firms pre-approved as New York State Energy Research and Development Authority (NYSERDA) Flex-Tech Program consultants. O'Brien and Gere and La-Bella Associates were the two responding firms. The proposals were reviewed by department staff, and O'Brien & Gere was selected based on their qualifications, assigned personnel, and demonstrated facility energy audit experience.

The NYSERDA Flex-Tech consultant program provides a 1:1 match toward the cost of eligible energy audit expenses. Participation in the program requires coordination with NYSERDA; the consultant invoices each separately, and each oversees the consultant's progress and provides a technical review of the audit reports.

Under the City's EECBG program strategy, approximately \$800,000 has been appropriated for energy efficiency upgrades at City-owned facilities. The energy audits at City facilities will assist in identifying the best uses of these energy efficiency upgrade funds. ECMs identified in the audits are intended to reduce the City's total energy use, to reduce fossil fuel emissions in a manner that is environmentally sustainable, to maximize benefits for facility users, and to improve operational efficiency.

Staff within the Department of Environmental Services, Bureau of Architecture and Engineering, will oversee implementation of ECMs at its facilities. Recommended ECMs not selected for EECBG funding will be incorporated in future Capital Improvement Program planning.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-365
(Int. No. 411)

Authorizing An Agreement For The Energy Efficiency And Conservation Block 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 O'Brien & Gere Engineers, Inc. for evaluation and energy design services for energy audits at City facilities as part of the Energy Efficiency and Conservation Block Grant Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$90,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Ordinance No. 2010-84.

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. 2010-366
Re: Amendments - New York State Department
Of Transportation Multi-Modal Program

Transmitted herewith for your approval is legisla-
tion to revise the source of funding for the follow-
ing agreements:

1. Amending Ordinance No. 2009-15 to change the funding source for the amendatory agreement for preliminary engineering design of the public marina improvements at the Port of Rochester and to clarify the scope of services. The funding for the Edgewater Group (formerly Abonmarche) agreement as set forth in Section 1 will be amended to replace the \$303,088 from the 2008-09 Cash Capital allocation with grant funding provided by the New York State Multi-Modal Program appropriated in Ordinance No. 98-379 for the design of street improvements in the marina area. The amendment also clarifies that the scope of services includes preliminary engineering design and environmental permitting services as set forth in the original transmittal.
2. Amending Ordinance No. 2007-389 to change the funding source for the design of the S. Clinton Ave Street Improvements. The funding for the T.Y.-Lin International (formerly FRA Engineering, P.C.) agreement as set forth in Section 1 will be amended to replace the \$82,000 in New York State Multi-Modal Program funding with funding from the 2008-09 Cash Capital allocation as added in Ordinance 2009-268.

In January 2009, Council authorized an amendatory agreement with The Edgewater Group to provide preliminary engineering and design for the Port of Rochester Marina Project. The City, upon reviewing the scope of work and grant guidelines, has determined that the New York State Multi-Modal Grant appropriated in October 1998 is an eligible funding source for the design of the street improvements required for the project. The grant was originally planned to fund construction costs, but the acquisition of the U.S Coast Guard property has delayed the construction, and could jeopardize utilizing these funds for that purpose.

New York State Multi-Modal funding was appropriated by Council in October 2007 for the South Clinton Avenue Enhancement Project. The ordinance included authorization to fund \$82,000 of the design services agreement with FRA Engineering (now T.Y.-Lin International) for the South Clinton Ave portion of the design. These funds

were rescinded by New York State in the spring of 2009 after Federal American Recovery and Reinvestment (ARRA) funding was allocated for the project's construction. However, ARRA funding does not provide for design costs and so the 2008-09 year end budget amendment (Ordinance No. 2009-268) identified \$82,000 in 2008-09 Cash Capital funds for this purpose. This legislation will enable the design agreement to be funded with 2008-09 Cash Capital funds rather than the New York State Multi-Modal funds that are no longer available.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-366
(Int. No. 420)

Amending Ordinances Relating To Street Improvements

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

Section 1. Ordinance No. 2009-15, relating to the Marina Market and Feasibility Study, is hereby amended by changing the source of funding for \$303,088 in Section 1 from the 2008-09 Cash Capital allocation to New York State Multi-Modal Transportation Program Funds appropriated in Section 3 of Ordinance No. 98-379, and by including within the scope of services preliminary engineering design and environmental permitting services required to construct the public marina at the Port of Rochester.

Section 2. Ordinance No. 2007-389, relating to the South Clinton Avenue and Mt. Hope Enhancement Projects, is hereby amended by changing the source of funding for \$82,000 in Section 1 from New York State Department of Transportation Capital Project Multi-Modal Program Funds to the 2008-09 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-367
Re: Soccer Stadium Agreements

Transmitted herewith for your approval is legisla-
tion relating to the completion of major improve-
ments to the soccer stadium. The legislation will:

1. Authorize an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of funding for stadium improvements.
2. Authorize an agreement with LeChase Construction for construction of the improvements.

- 3. Appropriate \$798,491 from the DASNY funds to pay for the construction of the improvements.

The prior owner of the Rochester Rhinos Soccer Team, Rochester Rhinos Stadium, LLC ("RRS"), obtained a \$4,000,000 Grant from the Senate for Phase 2A construction at the Rochester Rhino Soccer Stadium. LeChase Construction ("LeChase") was hired by RRS to complete Phase 2A. The City was not involved.

As portions of Phase 2A were completed, RRS was paid from the Senate grant. Phase 2A was completed, but before the final disbursement was made, RRS experienced financial problems. Eventually, RRS defaulted under the terms of its financing with its lender. The lender took control of most of RRS' assets and RRS lost control of the Rhinos and the Stadium.

The City took control of the Stadium. In order to eliminate any issues with the conduct of the prior owners and finish the construction of the stadium, the City has assumed responsibility for administering the remaining grants and construction. The uncompleted New York State Assembly grant for Phase 2B at the Stadium was transferred to the City. The City has completed the build-out of the suites and pressbox area with the \$4M Phase 2B grant. Remaining funds of \$200K will be used to build locker facilities within the former McGuire building prior to next season and eliminate the need for leased trailers on the site.

The City discovered that certain work was completed by LeChase as part of the Phase 2A Senate Grant, but had never been paid for because RRS had not requested funding. The items were installation of the sound system and graphics package and construction work on the Broad Street parking lot. These items, along with the management fee retention escrow, should have been paid from the remaining funds in the Senate grant. There are funds to make those payments remaining in the Phase 2A Senate grant, and DASNY has now agreed to make those payments to LeChase through the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-367
(Int. No. 421)

Authorizing Agreements For Soccer Stadium Improvements

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 Dormitory Authority of the State of New York (DASNY) for the receipt and use of funding for soccer stadium improvements.

Section 2. The Mayor is hereby further authorized to enter into an agreement to reimburse LeChase Construction for the construction of improvements to the soccer stadium.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$798,491, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from DASNY under the agreement authorized in Section 1.

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. 2010-368
Re: Official Map Amendment - Abandonment
Of Dodridge Street

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of the dead end of Dodridge Street north of Leroy Street. The abandonment of this 20' x 39' parcel is a request from the owner of an adjacent apartment complex at 3779-3781 Lake Avenue, who will maintain the area for snow storage.

The City Planning Commission, in its August 16, 2010 meeting, recommended approval of this renaming by a vote of 6-0. Minutes of that meeting 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. AJ-133

Ordinance No. 2010-368
(Int. No. 412)

Amending The Official Map By Abandonment Of A Portion Of Dodridge Street North Of Leroy 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 changing and deleting therefrom the following described property, heretofore dedi-

cated to street purposes and constituting a dead end portion of Dodridge Street north of Leroy 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 23, Township 2, Short Range and being more particularly bounded and described as follows: Beginning at a point on the easterly ROW line of Dodridge Street (40' ROW), at a point 139.0 feet north of the northerly ROW line of Leroy Street (50' ROW), said point being the southwest corner of Lot R-A of Municipal Resubdivision No. 84-09, as filed in the Monroe County Clerk's Office in Liber 231 of Maps, Page 33 and being the Point or Place of Beginning; thence

- 1) Westerly, parallel with said Leroy Street, a distance of 20.0 feet to the centerline of said Dodridge Street; thence
- 2) Northerly, along said centerline, a distance of 39.0 feet to the northerly terminus of said Dodridge Street; thence
- 3) Easterly, along said northerly terminus of Dodridge Street, a distance of 20.0 feet to the northeast corner thereof; thence
- 4) Southerly, along said easterly ROW line of Dodridge Street, a distance of 39.0 feet to the Point or Place of Beginning.

Being a parcel of land containing 780.0 square feet, more or less.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
October 19, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 413 - Authorizing An Agreement For Energy Conservation Training

Int. No. 414 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 415 - Amending The 2010-11 Budget by Appropriating Forfeiture Funds For Drug And Violence Prevention Programs

Int. No. 416 - Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2010-11 Budget

Int. No. 417 - Establishing Maximum Compensation For A Professional Services Agreement For Medical Director Services

Int. No. 418 - Authorizing An Agreement For A Metropolitan Medical Response System Program Grant

Int. No. 422 - Authorizing Agreements For The Teenage Pregnancy Prevention Program And Amending The 2010-11 Budget

Int. No. 424 - Authorizing An Agreement For The PRIME II Program And Amending The 2010-11 Budget

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-369
Re: Agreement - Monroe Community College,
PRIME Energy Conservation Training

Transmitted herewith for your approval is legislation establishing \$18,600 as maximum compensation for an agreement with Monroe Community College (MCC) to provide training in energy conservation to six PRIME (Providing Real Incentives to Maintain Employment) participants. The cost of this agreement will be funded from the 2006-07 Job Creation/Youth Development/General Community Needs allocations of the Community Development Block Grant.

The Energy Conservation Internship Program offered by MCC provides instruction in the theory of building science fundamentals as well as hands-on applications within the weatherization field. The eleven-week program provides intensive classroom presentation reinforced with focused hands-on training. Upon completion of the program, participants will be able to demonstrate the relevant energy conservation and weatherization skills required to obtain gainful employment within the energy conservation, construction, and related fields.

A project information sheet is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-134

Ordinance No. 2010-369
(Int. No. 413)

Authorizing An Agreement For Energy Conservation Training

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 Community College to provide Energy Conservation Training for the PRIME Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$18,600, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs 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. 2010-370
Re: Agreement - Rochester Ice Hockey Officials,
Adult Hockey Leagues

Transmitted herewith for your approval is legislation establishing \$15,000 as maximum compensation for an agreement with Rochester Ice Hockey Officials, Inc. (RIHO) (Nick Tochelli, President), Pittsford, NY, to provide referees for adult men's and women's hockey leagues at Genesee Valley Park Sports Arena from October 2010 to May 2011. The cost of the agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services. The leagues are fee based and revenue covers all associated costs.

RIHO 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

Ordinance No. 2010-370
(Int. No. 414)

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 \$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 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 2010-11 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. 2010-371
Re: Appropriation of Forfeiture Funds for
Drug and Violence Prevention Activities

Transmitted herewith for your approval is legislation appropriating \$8,000 in funds realized by forfeiture of property used for illegal purposes and amending the 2010-11 Police Department Budget by the inclusion of this appropriation.

These funds will be used to support the operating costs of the Holiday Step Jam for Drug and Violence Prevention for \$5,000 and the Rochester Youth Got Talent Drug and Violence Prevention Program for \$3,000. It is anticipated that both events will take place in City-owned facilities. The Police Department will work with the sponsors to establish Programs that conform to the Attorney General's Guidelines for Seized and Forfeited Property.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-371
(Int. No. 415)

Amending The 2010-11 Budget By Appropriating Forfeiture Funds For Drug And Violence Prevention Programs

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$8,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the Holiday Step Jam for Drug and Violence Prevention (\$5,000) and the Rochester Youth Got Talent Drug and Violence Prevention Program (\$3,000).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-372
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 \$36,000 for compliance checks under

the Tobacco Sales Enforcement Program, and amending the 2010-11 Budget of the Police Department by \$18,000 reflecting use of a portion of the funds. The remainder will be included in the subsequent fiscal year.

The Monroe County Department of Health will reimburse costs, not to exceed \$36,000, for compliance checks during the period October 1, 2010 through September 30, 2011. No matching funds are required. This agreement will continue the enforcement program begun in April 1998, under which the Police Department will conduct inspections of licensed tobacco outlets 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 products. 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 December 2009 under Ordinance No. 2009-438. During the 2009-10 grant cycle, over 400 compliance checks were carried out.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-372
(Int. No. 416)

Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2010-11 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 for funding for 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. Ordinance No. 2010-188, the 2010-11 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 \$18,000, 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. 2010-373
Re: Agreement - University of Rochester,
Medical Director Consultation Services

Transmitted herewith for your approval is legislation establishing \$54,320 as maximum compensation for an agreement with the University of Rochester Medical Center for emergency medical consultation services. The cost of the agreement will be funded from the 2010-11 Budget of the Fire Department.

The Rochester Fire Department is the primary local first responder EMS agency, and is required by New York State to provide medical consultation services for the enhancement and maintenance of integrated, systematic preparedness for pre-hospital emergency medical care and in support of the Metropolitan Medical Response System (MMRS) program. As such, the City must have an Agency Medical Director that is a physician with knowledge and experience in the delivery of emergency medical care.

The Medical Director will provide the following services:

- Direction and guidance of pre-hospital emergency medical provision and documentation procedures. The Medical Director will report to the Fire Chief, or designee, and provide consultation services to the Emergency Medical Services (EMS) Office staff.
- Provide technical expertise for the Metropolitan Medical Response System (MMRS) grant program, administered by the RFD, as it relates to emergency preparedness goals and objectives as prescribed by the federal government.
- Review EMS Patient Care Reports and other documentation necessary to monitor quality of care.
- Participate in the Rochester Fire Department Quality Improvement/Quality Assurance Program (QA Program).
- Provide technical expertise on the design and structure of emergency medical procedures in the status of a pilot research project.
- Participate in the EMS certification training for Rochester Fire Department (RFD) personnel.
- Represent the interests of the RFD in the medical community.

A Request for Proposals was issued in July 2010, posted on the City website, and sent directly to hospital Emergency Department Chairs at Rochester General Hospital, University of Rochester Medical Center, Highland Hospital, Lakeside Hospital and FF Thomson Hospital. An inter-departmental review committee selected University of Rochester Medical Center based on qualifications, experience, availability, approach to medi-

cal protocols, quality assurance and reporting, and cost.

This agreement will include two one-year renewals with an annual 5% increase in maximum compensation. Funding for renewals is contingent upon approval of future Budgets.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-373
(Int. No. 417)

Establishing Maximum Compensation For A Professional Services Agreement For Medical Director Services

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

Section 1. The sum of \$54,320, 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 the University of Rochester Medical Center to provide emergency medical consultation services. The agreement may contain two one-year renewal options at amounts not to exceed an annual 5% increase in cost. Said amounts shall be funded from the 2010-11 and subsequent Budgets of the Rochester Fire Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-374
Re: Metropolitan Medical Response System Program

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 a \$321,221 Metropolitan Response System Program (MMRS) grant. Receipt of this grant was anticipated and funds were included in the 2010-11 Budget of the Fire Department.

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/or distribution network;
- Ensuring the ability to track and monitor threats from chemical or biological agents;

- Increasing interoperable communications during an emergency event;
- Maintain the Community Emergency Response Team (CERT) program to train civilians on emergency preparedness for response to all hazards events.

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.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-374
(Int. No. 418)

Authorizing An Agreement For A Metropolitan Medical Response System Program Grant

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 funding for the Rochester Fire Department under the Metropolitan Medical Response System 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. 2010-375
Re: Agreements - Federal Teenage Pregnancy Prevention (TPP) Grant

Transmitted herewith for your approval is legislation related to a new program to address teen pregnancy, the Teenage Pregnancy Prevention, Replication of Evidence-Based Programs. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services, Office of Adolescent Health for the receipt and use of a \$1,499,705 grant for the Program;
2. Establish maximum compensation, to be funded from the grant, for agreements with the following firms to provide related services:

Charles Settlement House	\$158,092
Baden Street Settlement/Metro Council for Youth Potential	\$215,963

The Community Place of Rochester Threshold Center for Alternative Youth Services	\$79,827
YWCA of Rochester and Monroe County	\$112,695
University of Rochester Medical Center (evaluation Partner)	\$346,690
Teaching and Training by Design (work readiness consultant)	\$73,800

The Community Place of Rochester Threshold Center for Alternative Youth Services	79,827
YWCA of Rochester and Monroe County	112,695
University of Rochester Medical Center (evaluation Partner)	346,690
Teaching and Training by Design (work readiness consultant)	73,800

3. Amend the 2010-11 Budget of the Department of Recreation and Youth Services to reflect the balance of the grant, \$432,811. These funds will cover administrative costs associated with the City's role as lead agency, including the hiring of a full-time Project Director, Project Assistant, Recreation Center Liaison and a part-time Clerk III.

The approval of the program by the U.S. Department of Health and Human Services is for a five year term, September 1, 2010-August 31, 2015.

The goal of this new program is to significantly reduce the rate of pregnancy among teenagers in targeted areas. The primary goals of the program are to: (1) successfully plan, develop, and implement Teen Outreach Program (TOP) curriculum with fidelity; (2) reduce adolescent pregnancy rates in the City of Rochester; and (3) improve high school graduation rates in the City of Rochester. The program will serve a total of 2400 youth over five years in areas of the city with the highest teen birth rates (ZIP codes 14605, 14608, 14611, 14613 and 14621).

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-135

Ordinance No. 2010-375
(Int. No. 422)

Authorizing Agreements For The Teenage Pregnancy Prevention Program And Amending The 2010-11 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 Health and Human Services, Office of Adolescent Health, for the receipt and use of funding for the operation of the Federal Teenage Pregnancy Prevention Program.

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 Federal Teenage Pregnancy Prevention Program:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House	\$158,092
Baden Street Settlement/Metro Council for Youth Potential	215,963

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$1,066,894, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the United States Department of Health and Human Services under the agreement authorized in Section 1.

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

Section 5. Ordinance No. 2010-188, the 2010-11 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 \$432,800, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-376
Re: PRIME II Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the United States Department of Justice, Office of Justice Programs (OJP) for the receipt and use of a \$199,888 grant, and amending the 2010-11 Budget of the Department of Recreation and Youth Services to reflect the grant. The OJP award is a member item from Rep. Louise Slaughter.

These funds will be used for the Rochester After-School Jobs Program or PRIME II. PRIME II is an extension of the PRIME (Providing Real Incentives to Maintain Employment) initiative. PRIME II will focus on the job development and school participation of high school students. PRIME II will work with local human service programs and agencies to identify 16-17 year old students who are at risk of dropping out of school and/or at risk of participating in criminal behavior after-school.

We anticipate that further Council action will be necessary in the near future to approve an agreement for payroll administration services for the Program.

Respectfully submitted,



City of Rochester

FAX (585) 428-6347
TDD/Voice (585) 232-3260

City Clerk's Office

City Hall Room 300-A
30 Church Street
Rochester, New York 14614-1285
(585) 428-7421

July 27, 2012

To the Recipients of the Annual City Council Proceedings:

Please attach this errata page to the 2010 version of the document. Thank you in advance for your cooperation.

Sincerely,


Daniel Karim
City Clerk

2010 Proceedings of the Rochester, NY City Council Errata & Addendum

Errata & Addendum that follow are the changes and corrections that are to be made to the 2010 Proceedings of the Council.

PAGE TO BE CORRECTED	ORDINANCE NUMBER	LEGISLATION TITLE	CORRECTION
Page 392	Ordinance Number 2010-375 (Int. No. 422)	Authorizing Agreements For the Teenage Pregnancy Prevention Program and Amending The 201-11 Budget.	Passed by the following vote: Ayes: President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo and Spaul Councilmember Scott abstained because of an affiliation with Baden Street Settlement.



Robert J. Duffy
Mayor

Ordinance No. 2010-376
(Int. No. 424)

Authorizing An Agreement For The PRIME II Program And Amending The 2010-11 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 funding for the Rochester After-School Jobs Program, or PRIME II.

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

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$199,900, which amount is hereby appropriated from funds to be received through the agreement authorized in Section 1 to fund the PRIME II Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 386 from Committee.

The motion was seconded by Councilmember Haag.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 8.

Nays - None - 0.

Councilmember McFadden moved to amend Int. No. 386.

The motion was seconded by Councilmember Scott.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 8.

Nays - None - 0.

Introductory No. 386 was introduced September 21, 2010 and appears in its original form with its transmittal letter on page 365 of the current Council Proceedings.

Attachment No. AJ-136

Ordinance No. 2010-377
(Int. No. 386, As Amended)

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 reimbursement in the amount of \$600,000 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] 250,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

President Warren moved to reconsider Int. No. 408.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following votes:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Palumbo, Ortiz, Scott, Spaul - 8.

Nays - None - 0.

Introductory No. 408 was introduced October 19, 2010 and appears in its original form with its transmittal letter on page 382 of the current Council Proceedings.

Ordinance No. 2010-378
(Int. No. 408)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$865,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement And Demolition Of 1170 Genesee Street In The City

Passed by the following vote:

Ayes - President Warren, Councilmembers McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 7.

Nay - Councilmember Haag - 1.

The meeting was adjourned at 8:35 pm

DANIEL B. KARIN
City Clerk

* * * * *

REGULAR MEETING
NOVEMBER 16, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 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
 - *Ahmad Fazily
 - Eddie Fuller
- Fire Department
 - *Frank Barbato
 - *Robert J. DeCook
 - Michael M. Pellittiere II
- Police Department
 - *Richard K. Gallipeau
 - *Carol R. McDermott
 - *Eden Torres
- Library
 - *Jacqueline E. Katz

**Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of October 19, 2010 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 4029-10

PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented

PUBLIC HEARINGS.

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

Local Improvement Ordinance - Street Lighting Enhancements As A Part Of The East Main Street Improvement Project (Hall Street To Jersey Street) Int. No. 446 Two speakers: Marilyn Schutte, Mary Coffey.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-28
Re: Moratorium of Points System - One-Month Extension

Transmitted herewith for your approval is legislation which will extend the initial six-month moratorium of the points system by an additional month.

Council has worked with the Administration along with the public and has held numerous meetings on this topic to gather the necessary information. Since doing so, work has begun in order to develop legislation that will reflect the best interest of the community as a whole.

This is an important topic and I respectfully request this one-month extension in order to prepare legislation that will truly benefit the community as a whole.

Respectfully submitted,
Adam C. McFadden
South District Councilmember
Chair, Public Safety, Youth & Recreation Committee

Resolution No. 2010-28
(Int. No. 462)

Resolution Continuing The Moratorium On Point System Enforcement At Bars/Nightclubs

WHEREAS, by Resolution No. 2010-17 the City Council enacted a moratorium for a period of six months on the assignment of nuisance points pursuant to Section 3-15 of the City Charter for premises constituting bars/nightclubs. During this period of time, a non-partisan committee has been studying the administration of the nuisance point system; and

WHEREAS, legislation is still being developed to enact the recommendations of the Committee and an additional month is requested to complete this task.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby continues for an additional period of one month the moratorium on the assignment of nuisance points pursuant to Section 3-15 of the City Charter for premises constituting bars/nightclubs which was enacted pursuant to Resolution No. 2010-17.

This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
November 16, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 425 - Cancellation Of Taxes And Charges

Int. No. 426 - Resolution Establishing The Schedule For The Regular Council Meetings During 2011

Int. No. 427 - Amending The Municipal Code With Respect To Dogs

Int. No. 428 - Resolution Approving An Appointment To The Rochester Public Library Board Of Trustees

Int. No. 429 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Actuary Services

Int. No. 430 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Employee Assistance Program

Int. No. 431 - Establishing Maximum Compensation For A Professional Services Agreement For Project Implementation Assurance Services

Int. No. 432 - Establishing Maximum Compensation For An Agreement For The 2011 Rochester MusicFest

Int. No. 433 - Establishing Maximum Compensation For An Agreement For The 2011 Xerox Rochester International Jazz Festival

Int. No. 434 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 452 - Establishing Maximum Compensation For A Professional Services Agreement For Studies Of The Rochester Fire And Police Departments

Int. No. 458 - Establishing Maximum Compensation For An Agreement For The Consolidation Of Printers

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-379
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 \$3,640.89.

The Federal government took ownership of the property located at 4 Straub Street by forfeiture on March 23, 2010. The property was taxable on the 2010 assessment role and the tax bill was produced based on ownership as of February 1, 2010. The transfer to the United States of America makes the tax void.

If these cancellations are approved, total cancellations thus far for the 2010-11 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	5	\$20,806.39
Administrative	<u>38</u>	<u>11,217.35</u>
Total	43	\$32,023.74

These cancellations represent .014% of the taxes receivable as of July 1, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-136

Ordinance No. 2010-379
(Int. No. 425)

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 United States of America took ownership of the property located at 4 Straub Street by forfeiture on 3/23/2010. The property was taxable on the 2010 assessment roll and the tax bill was produced based on ownership as of 2/1/2010. The transfer to the United States of America makes the tax void.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
090.82-2-21 4 Straub Street	N/H	2010	<u>\$3,640.89</u>
Grand Total			\$3,640.89

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. 2010-29
Re: Resolution Establishing The Schedule
For The Regular Council Meetings
During 2011

Transmitted herewith for your approval is a resolution that establishes the 2011 City Council meeting schedule.

The proposed schedule has been reviewed by Council staff and the Mayor's office in order to eliminate any potential conflicts with either civic or religious holidays. The number of scheduled regular meetings is the same as the current year. There is one variance from the normal Tuesday Council meeting day: the September meeting will be held on Wednesday, September 14th to avoid a conflict with the 2011 Primary Election.

In addition, although it is not formally part of this legislation, it should be noted that there is one variance from the normal Thursday Committee Meeting day: the November Committee Meeting will be held on Monday, November 14th to avoid scheduling conflicts with the Council Members as the NLC conference is scheduled for the Thursday prior.

Respectfully submitted,
Lovely A. Warren
President

Resolution No. 2010-29
(Int. No. 426)

Resolution Establishing The Schedule For The Regular Council Meetings During 2011

WHEREAS, City Council adopted the current Rules of Council on January 4, 2010, by Resolution No. 2010-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2010 and indicated that the schedule for 2011 would be established in a Resolution adopted dur-

ing 2010.

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

Section 1. The following shall be the schedule of regular meetings of the Council for 2011 to be held in the Council Chambers, City Hall, at 8:00 P.M.

- January 25
- February 22
- March 22
- April 26
- May 24
- June 21
- July 19
- August 16
- September 14 (Wednesday)
- October 11
- November 15
- December 13

and also at such other times as the Council may by adjournment to a day certain appoint. When the date for the regular meeting falls on a legal holiday, the meeting shall be held on the following day.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-380
Re: Local Issuance of Dog Licenses

As you are aware, New York State will transfer responsibilities for dog licensing to the municipalities, and require town and city clerks to develop and maintain a licensing system by the end of this year. An interdepartmental team of City staff has been preparing for this transition since word about this shift was first received earlier this year.

The intent is to create a local dog licensing system that will provide for the public safety, increase the number of licensed dogs, and create as smooth a transition for City dog owners as possible. In order to help accomplish the latter, it is recommended that several current practices be continued where feasible.

In compliance with State law, the new City-issued tags will include the municipality's name and a phone number to assist in the retrieval of lost licensed dogs. The attached legislation proposes to raise the licensing fee from \$7.50 to \$8.50 for neutered or spayed dogs, and from \$17.50 to \$20.50 for un-neutered or un-spayed dogs. A portion of the additional revenue will be remitted to the State-mandated Animal Population Control Fund, a source of funding designed to encourage responsible dog ownership. Licensing fees were last increased in 2006.

Respectfully submitted,
Lovely A. Warren Carolee A. Conklin
President Chair, Finance Committee

Ordinance No. 2010-380
(Int. No. 427)

Amending The Municipal Code With Respect To Dogs

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

Section 1. Section 31-3 of the Municipal Code, Purpose and intent, is hereby amended by adding to the end thereof the following new sentence:

This Chapter provides for the licensing and identification of dogs, the control and protection of the dog population and the protection of persons, property and other animals from dog attacks and damage.

Section 2. Section 31-10 of the Municipal Code, Unlicensed or untagged dogs, as amended, is hereby further amended to read in its entirety as follows:

§ 31-10 Unlicensed or untagged dogs.

- A. No person shall own, harbor or keep a dog unless the dog is licensed and wearing an identification tag issued in accordance with this Chapter.
- B. All dogs within the City of Rochester four (4) months of age or older, unless otherwise exempted, shall be licensed and shall wear an identification tag. The owner of each dog required to be licensed shall complete and submit to the City Clerk a dog license application together with the license application fee, any applicable license surcharges and such additional fees as may be established by the City. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life, in which case vaccination shall not be required. Proof that a dog is spayed or neutered shall also be provided, when applicable. Each license issued shall be valid for a period of one year and shall not be transferable. The City Clerk shall issue an identification tag for each dog that has been licensed, and may issue special identification tags for purebred dogs and for guide, service, hearing and detection dogs. The City Clerk may also indicate on the paper license and in City records when a dog has been adjudicated a dangerous dog pursuant to Section 31-7.
- C. Any police officer or a Dog Control Officer of the City shall seize any dog found at large not wearing the identification tag required by this Chapter.

D. A dog while participating in a dog show shall be exempt from wearing an identification tag.

E. Any dog harbored within the City which is owned by a resident of another jurisdiction and licensed by that jurisdiction, shall for a period of thirty (30) days be exempt from the licensing and identification provisions of this Chapter.

Section 3. Section 31-13 of the Municipal Code, Duty of Dog Control Officers, as amended, is hereby further amended by amending the final sentence thereof to read in its entirety as follows:

In the case of a dog being redeemed or a dog being adopted from the Animal Services Center, Dog Control Officers and staff of the Animal Services Center are authorized to accept applications for dog licenses and to issue licenses and identification tags in accordance with this Chapter.

Section 4. Section 31-17 of the Municipal Code, Penalties for offenses, as amended, is hereby further amended by amending subsection B thereof to read in its entirety as follows:

B. Payment of the penalties established herein shall not satisfy the obligation of the owner to purchase a license in accordance with this Chapter.

Section 5. Section 31-20 of the Municipal Code, Fees for dog licenses and dog control activities, as amended, is hereby further amended by amending subsections A and C thereof to read in their entirety as follows, and by adding thereto the following new subsections E and F:

- A. The fees for procuring a dog license in the City, which shall include the State surcharges, shall be as follows:
 - (1) Spayed female dogs and neutered male dogs: \$8.50.
 - (2) Unaltered dogs: \$20.50
 - (3) Purebred dogs: \$23.50.
- C. The fees for adopting a dog from the Animal Services Center shall include fees approved by the Chief of Police or set forth herein for the following: adoption, rabies vaccination, sterilization and dog license.
- E. No fees shall be required for the licensing of guide, service, hearing, war, working search, detection, police and therapy dogs.
- F. The fee to replace a lost identification tag shall be \$3.

Section 6. This ordinance shall take effect on January 1, 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-30
Re: Appointment - Rochester Public Library
Board of Trustees

Transmitted herewith for your approval is legislation confirming the appointment of Hans DeBruyn, 33 Alexis Street, Rochester, 14609, to the Rochester Public Library Board of Trustees.

Mr. DeBruyn will fill the position previously held by Randall Peacock, who has moved out of the city. His term will extend to December 31, 2014.

Mr. DeBruyn's resume is on file in the City Clerk's office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-30
(Int. No. 428)

Resolution Approving An 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 Hans DeBruyn, 33 Alexis Street, to the Rochester Public Library Board of Trustees for a term which shall expire on December 31, 2014. Mr. DeBruyn shall replace Randall Peacock.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-381
Re: Amendatory Agreement - Mercer, Inc.,
Actuary Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Mercer, Inc., Pittsford, NY, to provide additional actuarial services. The original agreement, authorized in March 2006, was amended in March 2006 and January of 2010 to incorporate additional City requirements. This amendment will increase compensation by \$6,000 for a maximum of \$74,000; the additional cost will be funded from the 2010-11 Budget of the Finance Department.

The purpose of these actuarial services is to comply with Generally Accepted Accounting Principles (GAAP) which requires the City's annual financial statements report the accrued liabilities for other post employment benefits (OPEB). The actuarial valuation is an estimate of the accumulated benefit expense to be paid in future years for current and

future retirees. This liability is primarily composed of future health insurance premium costs, but also includes supplement payments to disabled firefighters.

The six-year agreement with Mercer has provided the biennial actuarial valuations necessary for compliance with GAAP. The previous amendments incorporated an expanded scope of services, mainly due to the shift from community rated to experience rated health insurance coverage. The most recent biennial actuarial valuation prepared by Mercer estimates the accrued OPEB liability as \$599.8 million. This reflects a reduction of \$44.9 million over previous estimates, largely due to the assumption that the health insurance provisions of the current union agreements will continue.

These additional services will assist in future budget planning and labor negotiations.

Respectfully submitted
Robert J. Duffy
Mayor

Ordinance No. 2010-381
(Int. No. 429)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Actuary Services

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

Section 1. The sum of \$6,000, 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 Mercer, Inc. for the provision of actuary services to comply with financial reporting requirements. Said amount shall be funded from the 2010-11 Budget of the Department of Finance.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-382
Re: Amendatory Agreement - EAP of
Rochester, Employee Safety Programs

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with EAP of Rochester for additional services related to employee safety programs. The original agreement, authorized by Ordinance No. 2008-397 established annual compensation of \$30,600. This amendment will increase compensation for the current year by \$18,000 for a total of \$48,600. The additional cost will be funded from the 2010-11 Undistributed Budget.

Article 27-b of the Labor Law requires public employers to perform a workplace evaluation or

risk assessment at each worksite and to develop and implement programs to prevent and minimize workplace violence. The City has completed 162 site evaluations, identifying both risks and methods of control.

EAP will provide assistance in employee training in the following areas: state law, City policy, incident reporting, violence awareness, employee obligations, minimizing risk factors, and crisis counseling. An initial training must be provided to all City employees during the current fiscal year. Annual refresher training will be conducted by City staff.

The existing contract allows for thirty hours of training with additional training to be charged at a rate of \$120 per hour. A total of 75 two-hour sessions will be required to present training to all full- and part-time employees.

EAP is uniquely qualified to provide this service based on its knowledge of City organization. The existing contract allows additional training at a cost efficiency unavailable through other agencies.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-382
(Int. No. 430)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Employee Assistance Program

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

Section 1. The sum of \$18,000, 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 EAP of Rochester for the Employee Assistance Program in order to provide training to prevent workplace violence. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-383
Re: Agreement - RSM McGladrey, Inc.,
Assurance Services for the PSI Project

Transmitted herewith for your approval is legislation establishing \$122,500 as maximum compensation for a three-year agreement with RSM McGladrey, Inc., Rochester 14618, to provide project implementation assurance services for the core financial applications that are part of the Process and Systems Integration (PSI) Project. The cost of

this agreement will be funded from 2010-11 Undistributed Expenses.

PSI is the multiyear program to upgrade the City's computer systems and reorganize business processes for greater efficiency. It includes the replacement of the City's computer systems related to core financial processes and significant changes in the way work is performed. The shift from paper to electronic processes means a fundamental change in the review and approval of financial transactions. An external review of the new business processes will provide assurance to the Council, the public, and our auditors that the integrity of key financial controls will be maintained.

RSM McGladrey, an affiliate of Freed Maxick & Battaglia CPAs, the City's external auditors, has expertise in auditing information technology. The scope of their service will include the monitoring and review of the project to implement critical financial applications, including: general ledger, budget control, purchasing, accounts payable, accounts receivable systems, payroll, and capital budgeting.

Critical areas of review will include data conversion, system testing, system security, as well as the overall integrity of processes. The firm will work in conjunction with the City's internal audit staff.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-383
(Int. No. 431)

Establishing Maximum Compensation For A Professional Services Agreement For Project Implementation Assurance Services

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

Section 1. The sum of \$122,500, 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 RSM McGladrey, Inc. for project implementation assurance services for the core financial applications that are part of the Process and Systems Integration (PSI) Program, for a term of three years. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-384
Re: Agreement - NSUC Entertainment, LLC,
Rochester MusicFest

Transmitted herewith for your approval is legisla-

tion establishing \$175,000 as maximum compensation for an agreement with NSUC Entertainment, LLC (principal: Edward Strickland), 497 Chili Avenue, Rochester, NY, for booking national and regional artists and production for the 2011 Rochester MusicFest. The cost of this agreement will be financed from the 2010-11 (\$150,000) and 2011-12 (\$25,000) Budgets of the Bureau of Communications, contingent upon approval of said budget.

The 2011 MusicFest will be a two-day event with *Night of Rhapsody* as the Friday night theme, and *Legends of Old School* as the Saturday night theme. Each night is expected to draw 5,000 attendees. The dates for MusicFest will be determined based on availability of Blue Cross Arena for Friday night and the Brown Square Park for Saturday.

Ticket prices for the Friday event will be set in the affordable \$30 to \$50 range and the all-day Saturday event will be \$10. Again this year, the City will make an investment in the Rochester MusicFest, similar to the investment the City has made in the Xerox Rochester International Jazz Festival. It is anticipated that this investment in a business venture will create a sustainable, profitable economic development driver in downtown Rochester over a three- to five-year period.

NSUC Entertainment, LLC will provide talent booking, site selection and management, logistical management, marketing, sponsorship solicitation, ticket sales, vendor management and administration. The City will provide some in-kind services such as fencing and police services as needed.

The 2010 Rochester MusicFest was funded at \$225,000 over five days with total attendance estimated at 9,000. Inclement weather for two evenings required venue changes which affected attendance on those evenings. The expansion to five days was ambitious, and scaling back to a two-day event is planned for 2011. There is no revenue component to the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-137

Ordinance No. 2010-384
(Int. No. 432)

Establishing Maximum Compensation For An Agreement For The 2011 Rochester MusicFest

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

Section 1. The sum of \$175,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and NSUC Entertainment, LLC for talent booking, site selection and management, logistical management, marketing, sponsorship solicitation, ticket sales, vendor management and administration for the 2011 Rochester MusicFest.

Of said amount, \$150,000 shall be funded from the 2010-11 Budget of the Bureau of Communications, and \$25,000 shall be funded from the 2011-12 Budget of the Bureau of Communications, contingent upon adoption of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-385
Re: Agreement - Rochester International Jazz Festival, LLC, Xerox Rochester International Jazz Festival

Transmitted herewith for your approval is legislation establishing \$200,000 as maximum compensation for an agreement with Rochester International Jazz Festival, LLC (RIJF) to designate the City of Rochester as the lead government sponsor of the 2011 Xerox Rochester International Jazz Festival (XRIJF). The cost of this agreement will be funded from the 2010-11 Budget of the Bureau of Communications.

The 2011 festival will be held June 10-18 and will include over 225 shows at eighteen venues. The City's contribution to the festival will underwrite a minimum of 25 free events, in and near the East End Cultural District. Tens of thousands enjoy these free events throughout the nine days.

This year's investment in the festival will be \$25,000 less than in 2010 due to budget constraints. To accommodate this reduction, the festival footprint on Jazz Street (Gibbs Street) will be reconfigured to maximize the synergy of activities.

XRIJF has quickly become one of the nation's most popular and most respected music festivals. Founded in 2002 with attendance of 15,000, it attracts music lovers from around the U.S. and the world. Attendance in 2010 was more than 162,000, a 22% increase over 2009. The festival's growing recognition throughout the world further enhances Rochester's reputation as a major music destination. According to the Greater Rochester Visitor Association, economic impact exceeds \$12 million.

RIJF consistently delivers a multi-dimensional festival with something for everyone. From legendary performers and familiar favorites to rising stars and new discoveries, the festival navigates all genres of creative improvised music from all corners of the world.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-385
(Int. No. 433)

Establishing Maximum Compensation For

An Agreement For The 2011 Xerox Rochester International Jazz Festival

Ordinance No. 2010-386
(Int. No. 434)

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 an agreement between the City and the Rochester International Jazz Festival, LLC (RIJF) for the 2011 Xerox Rochester International Jazz Festival. Said amount shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-386
Re: Agreement - The Springut Group, Party
In the Park Concert Series

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with The Springut Group (principal: Jeffrey Springut) for booking national and regional artists for the 2011 "Party in the Park" concert series. The cost of this agreement will be financed from the Rochester Events Network trust fund (\$76,000) and the 2011-12 Budget of the Department of Communications (\$24,000), pending approval of that budget.

The ten concerts will be held on consecutive Thursdays from June through mid-August 2011 at the Riverside Festival Site (corner of Exchange Boulevard and Court Street). For each concert, The Springut Group will provide artists for all opening and headline acts. It will also provide a production manager and hospitality for the artists, internal event security, Rochester Fire Department services, and vendors. As in 2009 and 2010, this agreement will contain a revenue sharing component, providing The Springut Group exclusive rights to food and beverage vending in exchange for set rates of food and beverage volume sold.

Estimated 2010 attendance was 55,850, a 16% increase over 2009. Revenue to the Rochester Events Network Trust Fund was \$62,276 a 20% increase over 2009.

In 2009, the Springut Group was selected through a request for proposals process. The 2011 concert series will be the third year with the Springut Group. It is anticipated that a request for proposals will again be issued for these services in October 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

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 The Springut Group for talent booking services for the 2011 "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 2011-12 Budget of the Bureau of Communications, contingent upon approval of said budget. The agreement shall also provide The Springut Group exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in exchange for the sharing of certain revenue from the food and beverage sales with the City.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-387
Re: Agreement - Paul Bringewatt, Efficiency
And Effectiveness Studies

Transmitted herewith for your approval is legislation establishing \$17,000 as maximum compensation for an agreement with Paul Bringewatt, Canandaigua, NY, to provide analyses of the Rochester Fire Department and Police Department operations. Mr. Bringewatt's hourly fee is \$80. The cost of this agreement will be funded from the 2010-11 Undistributed Budget.

The national recession is negatively impacting revenues and increasing pension costs for New York State and the City of Rochester. The looming pension crisis necessitates that the City re-evaluate its existing service delivery models. This proposal reflects a continuation of that effort.

Mr. Bringewatt will work with the Fire and Police Departments, and the Office of Management and Budget to review opportunities to improve efficiency and effectiveness. Interdepartmental teams will be formed to facilitate the studies.

Mr. Bringewatt was selected based on his unique employment and local consulting experience. He has previously served as City Manager for the City of Canandaigua, Assistant City Manager for the City of Rochester, and Commissioner of Public Safety for the City of Rochester. He has held various other senior level management positions and has worked as a consultant locally for several

years. He is currently under a separate contract with the City to assist in negotiating the agreement with the Monroe County Water Authority.

The term of this agreement will extend to May 31, 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-387
(Int. No. 452)

Establishing Maximum Compensation For A Professional Services Agreement For Studies Of The Rochester Fire And Police Departments

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 a professional services agreement between the City and Paul Bringewatt for analyses of the Rochester Fire Department and Police Department operations. Said amount shall be funded from the 2010-11 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-388
Re: Agreement - Xerox Corporation, Printer Consolidation Initiative

Transmitted herewith for your approval is legislation establishing \$2,050,000 as maximum compensation for a five-year agreement with Xerox Corporation for hardware and services related to the consolidation of printers in City facilities. The cost of this agreement in the first year will be funded from the 2010-11 Undistributed Budget (\$250,000) and 2006-07 Cash Capital allocation (\$250,000). Funding for future years will be financed from subsequent annual operating and capital budgets, contingent upon approval of those budgets.

The printer consolidation project will incorporate the following City facilities: City Hall; the Public Safety Building; Mt. Read Buildings 100, 200, and 300; 210 Colfax Street; the Water Bureau; and 414 Andrews Street. Most significantly, the City Hall print shop equipment, which is nearing the end of its useful life, will be replaced. Replacing this equipment now provides significant savings over the cost of an emergency replacement.

Xerox will supply and install all equipment and provide related training, supplies, and maintenance.

This consolidation and networking of printers is projected to save the City approximately \$260,000

annually for the costs of consumables (i.e. ink, toner, and maintenance) alone, which is a total savings of \$1.3 million over the five-year term of the agreement.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-388
(Int. No. 458)

Establishing Maximum Compensation For An Agreement For The Consolidation Of Printers

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

Section 1. The sum of \$500,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of an agreement between the City and the Xerox Corporation for hardware and services related to the consolidation of printers at City facilities. Of said amount, \$250,000 shall be funded from the 2010-11 Budget for Undistributed Expense and \$250,000 shall be funded from the 2006-07 Cash Capital allocation. The agreement may extend for five years with a total amount not to exceed \$2,050,000, which further amounts shall be funded from subsequent annual operating and capital budgets of the City, contingent upon adoption of said budgets for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Palumbo
November 16, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 435 - Authorizing The Sale Of Real Estate

Int. No. 436 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Neighborhood Of The Arts Special Needs Apartments Project

Int. No. 437 - Authorizing An Agreement For Economic Development Support Services

Int. No. 455 - Approving A Loan Agreement For The Voters Block Community Project

Int. No. 456 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Voters Block Community Project

Int. No. 457 - Authorizing The Sale Of Real

Estate For The Voters Block Community Project

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-389
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of six 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 Bureau of Inspection and Compliance Services 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 buildable vacant lot being sold to the adjoining owners who will combine the parcel with their adjoining property.

The remaining five properties are unbuildable vacant lots that are being sold to each of their adjoining owners for \$1.00 each. The purchasers will combine the parcels with their adjoining properties.

The first year projected tax revenue for these six properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$2,721.

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. AJ-138

Ordinance No. 2010-389
(Int. No. 435)

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 negotiated sale of the following parcel of buildable vacant land:

<u>Address</u>	<u>Lot Size</u>	<u>Price</u>
<u>S.B.L.#</u>	<u>Purchaser</u>	
484-490 Hudson Ave	57x119	\$475
106.41-4-1.1	James & Yvette Brown	

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>
<u>S.B.L.#</u>	<u>Purchaser</u>	
36 Bock St	40x87	3,520
107.46-1-54	Richard Washington	
1021-1023 Joseph Ave	32x105	3,360
091.71-2-40	Anthony Nelson	
39 Lill St	38x86	3,268
106.30-4-10	Emma Mouzon	
22 Oakman St	35x150	5,285
106.46-1-11	Todd Van Beurden	
78 Rauber St	35x124	3,375
106.39-2-52	Christine Singleton	

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.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-390
Re: PILOT Agreement - DePaul Properties,
NOTA Special Needs Apartments Project

Transmitted herewith for your approval is legislation authorizing a property tax exemption and payment in-lieu-of tax (PILOT) agreement with a housing development fund corporation to be formed by DePaul Properties for a redevelopment project known as Neighborhood of the Arts (NOTA) Special Needs Apartments. The PILOT will be equal to 10% of shelter rents minus utilities for the following properties: 810, 816, and 822-832 University Avenue; and 19 Elton Street.

NOTA Special Needs Apartments is a proposed supportive living project to be undertaken by DePaul Properties. The project will consist of the rehabilitation of five existing buildings, the construction of a new 2-story building, and renovations to two existing 3-family houses facing University Avenue.

The majority of project residents will receive support from the New York State Office of Mental Health through intensive case management services provided on-site by DePaul Community Services staff. The completed project will offer a total of 46

rental units. Resident income is not to exceed 60% of the area median income.

The apartments will average 900 sq. ft. and will include: a sprinkler system; renovated interior kitchens and baths; new paint and floor finishes; and new window replacements. Aesthetic exterior renovations and repairs will be completed as needed and will be sensitive to preserving the historic character of the surrounding properties.

The total cost of the project is \$10 million. DePaul is requesting a PILOT to offset operating costs needed to maintain rents affordable to the target population. The estimate for the first year PILOT payment is \$20,436.

A project description and budget are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-139

Ordinance No. 2010-390
(Int. No. 436)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of-Tax Agreement For The Neighborhood Of The Arts 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 properties at 810 University Avenue, SBL No. 121.28-2-42; 816 University Avenue, SBL No. 121.28-2-41; 822-832 University Avenue, SBL No. 121.28-2-40.4; and 19 Elton Street, SBL No. 121.28-2-40.5; to be owned by the housing fund development company formed by DePaul Properties, Incorporated for the purpose of developing the Project, and to be used for housing as a part of the Neighborhood of the Arts Special Needs Apartments Project.

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 fund development company formed by DePaul Properties, Incorporated for the purpose of developing the 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". "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 by the following vote:

Ayes - President Warren, Councilmembers Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Conklin - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-391
Re: Agreement - Greater Rochester Enterprise,
Economic Development Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with Greater Rochester Enterprise (GRE) to provide services related to attracting businesses to the City of Rochester. The agreement will be financed from the Funds for the City's Future, and will have a term of one year, expiring on June 30, 2011.

This past year, GRE has assisted in bringing several out-of-state leads to the City of Rochester for development. They also support entrepreneurship and innovation within our community. Most recently, GRE teamed with the City of Rochester and Monroe County in bringing Cody Gate Ventures to expand three of its companies in Rochester within the Eastman Business Park. This development is anticipated to bring over 180 jobs to our community.

GRE collaborates with government leaders, businesses, universities, and not-for-profit organizations to help ensure a united approach to economic development within the city and the Greater Rochester/Finger Lakes region. GRE acts as an ambassador to promote the City, to connect businesses to City resources, and to lead initiatives, as appropriate, to increase resources for new business establishments.

Terms of the agreement will include the following expectations, among others:

- Work with the Rochester region's economic development partners to attract businesses located outside the region to the city of Rochester.
- Deliver at least fifteen out-of-region business attraction opportunities that can include sites located within the City of Rochester.
- Include and reference the City of Rochester prominently in all marketing content it develops to promote the Greater Rochester Finger Lakes region, including but not limited to www.RochesterBiz.com, quarterly newsletters, presentations delivered to local business groups, and capstone presentations delivered to out-of-region companies.

The most recent annual agreement was authorized by City Council in July 2009.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-391
(Int. No. 437)

**Authorizing An Agreement For Economic
Development Support 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
Enterprise for support of the City's economic de-
velopment efforts.

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 im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-392,
Ordinance No.2010-393 and
Ordinance No. 2010-394

Re: Voters Block Community Project

Transmitted herewith for your approval is legisla-
tion relating to the Voters Block Community, a
mixed use and affordable housing project being
undertaken by Voters Block Associates, LLC,
which is a partnership of Rochester Housing
Authority (RHA), Home Leasing, LLC, Spiritus
Christi Church and Edgemere Development, Inc.
This legislation will:

1. Authorize the sale of 55 City-owned vacant
lots and the vacant building at 556-560 W.
Main Street, to Voters Block Associates,
LLC, or an affiliated partnership or housing
fund development corporation to be formed
by Voters Block Associates, LLC, for the
project;
2. Authorize property tax exemptions and pay-
ment-in-lieu-of-taxes agreements for the pro-
ject;
3. Appropriate \$800,000 from the Housing
Development Fund of the 2010-11 HOME
Program;
4. Authorize loan agreements not to exceed
\$1,300,000 with Voters Block Associates,
LLC, or an affiliated partnership or housing
fund development corporation to be formed

by Voters Block Associates, LLC, which will
be partially funded from the HOME appro-
priation requested herein. The balance of the
loan, \$500,000 will be financed from the fol-
lowing Cash Capital sources:

<u>Fiscal Year</u>	<u>Amount</u>
2006-07	\$52,687
2007-08	\$47,313
2010-11	\$400,000

5. Authorize the Mayor to adjust the interest
rate and other terms and conditions of the
loan in order to conform to legal require-
ments for tax credits and for the project.

The Voters Block Community project includes
redevelopment of the vacant City-owned structure
at 556-560 West Main, and new construction on
the vacant lots, some of which will be combined,
to provide 92 units of affordable housing. Designed
to integrate with and support previous City invest-
ments in southwest Rochester, this project includes
sites in the Changing of the Scenes, Susan B. An-
thony, and Brown Street neighborhoods. Several
sites are located in the Jefferson Avenue Focused
Investment Strategy area. This in-fill housing will
be designed to integrate well into the existing mix
of residential structures to enhance neighborhood
streetscapes.

The Voters Block Community units will be afford-
able to families with incomes up to 90% and higher
of area median income, although the majority of
units will be designated for households with in-
come less than 50% of area median income. Four-
teen units will be set aside for persons with special
needs. A list of the properties to be sold and sale
prices is attached.

The building at 556-560 West Main Street will
include a visitor's center, part of which will serve
the Susan B. Anthony House. A three-story
mixed-use building will be constructed at 431 West
Main Street to include a café, 39 residential units,
on-site tenant support service facilities, and a
community room available for use by neighbor-
hood residents. Fourteen of the residential units
will be market rate with no income restrictions.

Voters Block, LLC, has received both Low Income
Housing Tax Credit (LIHTC) and New York State
Housing Trust Fund funding for the construction of
this project. Eight units of project-based Section 8
assistance have been awarded by the Rochester
Housing Authority.

The budget for the project is as follows:

<u>Costs:</u>	
Acquisition	\$ 321,150
Construction	13,993,880
Professional services	643,499
Carrying and finance	1,128,700
Construction contingency	998,634
Development fee	2,502,931
Working capital	110,000
Operation reserves	<u>327,536</u>
Total	\$20,026,330

<u>Sources:</u>	
NYS DHCR	\$ 1,800,000
City of Rochester	1,300,000
RHA	5,738,461
FHLB	772,200
Equity	<u>10,415,669</u>
Total	\$20,026,330

During construction, the City loan will be provided as construction financing at a 0% interest rate. When the loan is converted to permanent financing, the loan will extend for a term of 30 years at 1% interest. Annual interest payments of 1% will begin in the sixth year of the term based on cash flow. The proposed in-lieu-of tax agreement would provide a 30 year exemption in consideration for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents less utility costs). The estimated PILOT payment for the first year is \$53,784.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-140

Ordinance No. 2010-392
(Int. No. 455)

Approving A Loan Agreement For The Voters Block Community 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 the Voters Block Associates, LLC, or an affiliated partnership or housing fund development company formed for the purpose of developing the Project, whereby the City shall provide a loan to partially finance the costs of the construction and reconstruction of housing units as a part of the Voters Block Community 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 rate of 1%, payable annually beginning in the sixth year, subject to the availability of cash flow. Payment of the principal and unpaid interest, if any, 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 or for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,300,000, and of said amount, or so much thereof as may be necessary, \$800,000 is hereby appropriated from Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation of the 2010-11 HOME Program, \$52,687 shall be funded from the 2006-07 Cash Capital allocation, \$47,313 shall be funded from the 2007-08 Cash Capital allocation and \$400,000 shall be funded from the 2010-11 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. 2010-393
(Int. No. 456)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Voters Block Community 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 Voters Block Associates, LLC or an affiliated partnership or housing fund development company formed for the purpose of developing the Project, and to be used for housing as a part of the Voters Block Community Project:

<u>Address</u>	<u>SBL #</u>	<u>Dimensions</u>
193 Adams Street		25' x 136'
	121.45-1-18	
195 Adams Street		25' x 136'
	121.45-1-19	
197-197.5 Adams Street		25' x 136'
	121.45-1-20	
149 Atkinson Street		30' x 140'
	121.37-1-16	
150 Atkinson Street		40' x 81'
	121.37-1-39	
151 Atkinson Street		30' x 140'
	121.37-1-17	
66 Cady Street		38' x 117'
	120.60-1-34	
59 Dr. Samuel McCree		60' x 117'
	121.53-1-12.1	
72-72.5 Dr. Samuel McCree		44' x 150'
	121.45-1-59	
73 Dr. Samuel McCree		41' x 117'
	121.53-1-6	
153 Dr. Samuel McCree		40' x 117'
	120.60-1-6	
213 Dr. Samuel McCree		50' x 113'
	120.59-1-11.1	
223 Dr. Samuel McCree		71' x 113'
	120.59-1-6.1	
225 Dr. Samuel McCree		40' x 113'
	120.59-1-5	
229 Dr. Samuel McCree		39' x 113'
	120.59-1-4	
23 Eddy Street		66' x 102'
	120.43-1-3.1	
28 Eddy Street		91' x 33'
	120.35-2-59.1	
31 Eddy Street		33' x 102'
	120.43-1-1	

11 Gladstone Street 120.51-3-7.1	76' x 100'
17 Henion Street 120.51-1-29	40' x 100'
29 Henion Street 120.51-1-32.1	50' x 100'
60 Jefferson Avenue 120.36-1-79	40' x 122'
61-65 Jefferson Avenue 120.35-3-24.2	104' x 85'
72 Jefferson Avenue 120.36-1-77	40' x 123'
133 Jefferson Avenue 120.35-4-11.1	70' x 147'
78-80 Jefferson Terrace 120.52-3-62	50' x 48'
7-7.5 King Street 120.36-1-22	42' x 109'
8 New York Street 120.35-4-16.2	147' x 111'
40 Prospect Street 120.44-2-48	82' x 50'
42-46 Prospect Street 120.44-2-47	40' x 65'
48-50 Prospect Street 120.44-2-46	50' x 68'
121-123 Reynolds Street 120.52-3-18.1	86' x 121'
125 Reynolds Street 120.52-3-19	50' x 121'
6 St. Clair Street 120.51-2-36	40' x 100'
8 St. Clair Street 120.51-2-35	40' x 100'
65 Taylor Street 120.34-2-71	35' x 151'
69 Taylor Street 120.34-2-70	35' x 151'
6 Terry Street 120.35-3-16.2	66' x 32'
19 Tilden Street 120.44-2-29	43' x 100'
353 Tremont Street 120.52-2-64	50' x 136'
479 Tremont Street 120.52-3-4	34' x 88'
481 Tremont Street 120.52-3-3	25' x 136'
482-484 Tremont Street 120.52-1-46	50' x 136'
247 Troup Street 120.44-2-28	66' x 105'
253 Troup Street 120.44-2-27	34' x 105'
320 Troup Street 120.44-1-15	50' x 150'
325 Troup Street 120.44-1-21	40' x 140'
20 Victoria Street 120.35-2-58	33' x 91'
5 Vinewood Place 120.52-2-84	32' x 99'
6 Vinewood Place 120.52-2-89	49' x 103'
9 Vinewood Place 120.52-2-86.1	63' x 99'
11 Vinewood Place 120.52-2-87	31' x 99'

431 W. Main Street 120.36-2-10	197' x 343'
556-560 W. Main Street 120.36-1-28.1	46' x 113'
1 Willowbank Place 120.43-2-29	40' x 110'
1.5 Willowbank Place 120.43-2-30	38' x 30'

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 Voters Block Associates, LLC or an affiliated partnership or housing fund development company formed for the purpose of developing the 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". "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.

Ordinance No. 2010-394
(Int. No. 457)

Authorizing The Sale Of Real Estate For The Voters Block Community 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 Voters Block Associates, LLC or an affiliated partnership or housing fund development company formed for the purpose of developing the Project, to be used for housing as a part of the Voters Block Community Project:

<u>Address</u>	<u>Dimensions</u>	<u>SBL #</u>	<u>Price</u>
193 Adams Street	25' x 136'	121.45-1-18	\$400
195 Adams Street	25' x 136'	121.45-1-19	\$400
197-197.5 Adams Street	25' x 136'	121.45-1-20	\$400
149 Atkinson Street	30' x 140'	121.37-1-16	\$425
150 Atkinson Street	40' x 81'	121.37-1-39	\$400
151 Atkinson Street	30' x 140'	121.37-1-17	\$425
66 Cady Street	38' x 117'	120.60-1-34	\$425
59 Dr. Samuel McCree	60' x 117'	121.53-1-12.1	\$500
72-72.5 Dr. Samuel McCree	44' x 150'	121.45-1-59	\$475
73 Dr. Samuel McCree	41' x 117'	121.53-1-6	\$425

153 Dr. Samuel McCree 40' x 117'	120.60-1-6	\$425
213 Dr. Samuel McCree 50' x 113'	120.59-1-11.1	\$450
223 Dr. Samuel McCree 71' x 113'	120.59-1-6.1	\$500
225 Dr. Samuel McCree 40' x 113'	120.59-1-5	\$450
229 Dr. Samuel McCree 39' x 113'	120.59-1-4	\$425
23 Eddy Street 66' x 102'	120.43-1-3.1	\$475
28 Eddy Street 91' x 33'	120.35-2-59.1	\$475
31 Eddy Street 33' x 102'	120.43-1-1	\$400
11 Gladstone Street 76' x 100'	120.51-3-7.1	\$450
17 Henion Street 40' x 100'	120.51-1-29	\$400
29 Henion Street 50' x 100'	120.51-1-32.1	\$425
60 Jefferson Avenue 40' x 122'	120.36-1-79	\$425
61-65 Jefferson Avenue 104' x 85'	120.35-3-24.2	\$600
72 Jefferson Avenue 40' x 123'	120.36-1-77	\$425
133 Jefferson Avenue 70' x 147'	120.35-4-11.1	\$600
78-80 Jefferson Terrace 50' x 48'	120.52-3-62	\$400
7-7.5 King Street 42' x 109'	120.36-1-22	\$1,000
8 New York Street 147' x 111'	120.35-4-16.2	\$2,500
40 Prospect Street 82' x 50'	120.44-2-48	\$400
42-46 Prospect Street 40' x 65'	120.44-2-47	\$400
48-50 Prospect Street 50' x 68'	120.44-2-46	\$400
121-123 Reynolds Street 86' x 121'	120.52-3-18.1	\$525
125 Reynolds Street 50' x 121'	120.52-3-19	\$475
6 St. Clair Street 40' x 100'	120.51-2-36	\$400
8 St. Clair Street 40' x 100'	120.51-2-35	\$400
65 Taylor Street 35' x 151'	120.34-2-71	\$450
69 Taylor Street 35' x 151'	120.34-2-70	\$450
6 Terry Street 66' x 32'	120.35-3-16.2	\$400
19 Tilden Street 43' x 100'	120.44-2-29	\$425
353 Tremont Street 50' x 136'	120.52-2-64	\$475
479 Tremont Street 34' x 88'	120.52-3-4	\$400
481 Tremont Street 25' x 136'	120.52-3-3	\$400
482-484 Tremont Street 50' x 136'	120.52-1-46	\$475
247 Troup Street 66' x 105'	120.44-2-28	\$475

253 Troup Street 34' x 105'	120.44-2-27	\$400
320 Troup Street 50' x 150'	120.44-1-15	\$500
325 Troup Street 40' x 140'	120.44-1-21	\$450
20 Victoria Street 33' x 91'	120.35-2-58	\$400
5 Vinewood Place 32' x 99'	120.52-2-84	\$400
6 Vinewood Place 49' x 103'	120.52-2-89	\$450
9 Vinewood Place 63' x 99'	120.52-2-86.1	\$475
11 Vinewood Place 31' x 99'	120.52-2-87	\$400
556-560 W. Main Street 46' x 113'	120.36-1-28.1	\$4,000
1 Willowbank Place 40' x 110'	120.43-2-29	\$425
1.5 Willowbank Place 38' x 30'	120.43-2-30	\$400

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. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
November 16, 2010

To the Council:

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

Int. No. 438 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Manhattan Square Park Improvements Project

Int. No. 439 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The East Broad Street/Chestnut Street/Court Street Improvement Project

Int. No. 440 - Establishing Maximum Compensation For A Professional Services Agreement For Brownfield Site Services

Int. No. 441 - Authorizing An Agreement For Energy Efficient Lighting Installations

Int. No. 442 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Water Agreement Services

Int. No. 443 - Amending Bond Ordinances No. 2010-331 And 2009-201 Of The City Of Rochester, New York, Authorizing The Issuance Of Bonds Of Said City To Finance The Cost Of The Reconstruction Of Various Water Mains Related To The

2009 And 2011 Water Main Extension And Improvements Programs In The City

Int. No. 444 - Authorizing An Agreement With The New York State Department Of Transportation For Snow Removal

Int. No. 445 - Authorizing An Agreement For Street Lighting Enhancements As A Part Of The East Main Street Improvement Project

Int. No. 453 - Establishing Maximum Compensation For A Professional Services Agreement For The Central Vehicle Maintenance Facility

Int. No. 459 - Approving Lead Agency For The Sale Of The City Sewer Systems, As Amended

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

Int. No. 446 - Local Improvement Ordinance - Street Lighting Enhancements As A Part Of The East Main Street Improvement Project (Hall Street To Jersey Street)

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-395
Re: Amendatory Agreement - Stantec Consulting Services, Inc., Manhattan Square Park Improvements

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services, Inc., Rochester, for additional engineering design services for the Manhattan Square Park Improvements Project. This amendment will increase maximum compensation for design services by \$88,000 to a total of \$838,000. The cost of the agreement will be financed from the 2008-09 Cash Capital allocation of the Department of Environmental Services.

The revitalization of Manhattan Square Park is being guided by a concept plan developed in 2002. Phase I Improvements, including the renovation of the children's play area, safety improvements to the electrical system and space frame lighting are complete. Phase II improvements, including the reconstruction of the ice rink/reflecting pool, renovation and expansion of the pavilion, are complete.

Phase III improvements include the rehabilitation of the restaurant building as a park lodge and reactivation of the waterfall fountain. The Phase III remediation, selective demolition and interior

leak repairs are complete. The replacement of doors and windows, ADA restroom improvements and mechanical and electrical improvements are scheduled for construction in early 2011.

The amendatory agreement includes the design of a full kitchen with associated mechanical and electrical systems in the former restaurant building, and underground utility and waterproofing work to be coordinated with the construction of the East Broad/Chestnut/Court Streets Improvement Project. The underground utility work includes the relocation of an underground gas service to meet code requirements, replacement of a portion of underground sanitary sewer service and enlargement of a storm sewer lateral.

A summary of previous legislative actions for design services for this project is attached.

Construction is scheduled to begin in spring 2011, in coordination with the East Broad/Chestnut/Court Streets Project, with substantial completion by spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-141

Ordinance No. 2010-395
(Int. No. 438)

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 \$88,000, 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 services for the Manhattan Square Park 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 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-396
Re: Agreement Amendment - East Broad Street/Chestnut Street/Court Street Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with

Clark Patterson Lee, 205 St. Paul Street, Suite 500, Rochester, for additional engineering planning and design services. This amended agreement will increase the maximum compensation by \$20,000 to a total of \$495,000. The cost of the agreement will be financed from the 2005-06 (\$3,000) and 2007-08 (\$17,000) Cash Capital allocations of the Department of Environmental Services.

The project includes 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.

The original agreement with Dewberry-Goodkind was authorized in October 2007 for \$400,000 (Ord. No. 2007-387), with an amendatory agreement authorized in August 2010 (Ord. No. 2010-304), increasing compensation to \$475,000. Dewberry-Goodkind recently closed their local office; Clark Patterson Lee acquired Dewberry-Goodkind personnel and project work. The design agreement for this project has been transferred from Dewberry-Goodkind to Clark Patterson Lee. This third amendatory agreement shall provide additional design services necessary to include the inclusion of shared use lanes within the project.

Construction is scheduled to begin in spring 2011, with substantial completion by spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-142

Ordinance No. 2010-396
(Int. No. 439)

Establishing Maximum Compensation For An Amendatory 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 \$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 Clark Patterson Lee 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, \$3,000 shall be funded from the 2005-06 Cash Capital allocation and \$17,000 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. 2010-397
Re: Agreement - Hemisphere Development LLC, Brownfield Redevelopment Site Advisor Services

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for a two year agreement with Hemisphere Development LLC, Cleveland, OH, to provide brownfield redevelopment site advisor (BRSA) services in relation to the Vacuum Oil-South Genesee River Corridor Brownfield Opportunity Area (VOSGRC BOA). The cost of the agreement will be funded from the 2008-09 Cash Capital allocation of the Department of Environmental Services.

The VOSGRC BOA, a 58 acre site centered on the location of a former Standard Oil Company of New York Refinery facility, is located on the west side of the Genesee River just south of downtown Rochester. The area poses complex cleanup and redevelopment challenges, including: multiple owners, none of which are related to Standard Oil; environmental investigations have been initiated on portions of the site, but many areas remain under-characterized; since its decommissioning as a refinery in the 1930s, subsequent uses, including an auto junkyard, complicate the interpretation of environmental data and cleanup liability.

The BRSA will assist the City to identify options, strategies and recommendations for future land assembly, ownership and control; overall project phasing; and environmental risk and liability management. The consultant will assist with developing options and recommendations for a deal structure (roles and responsibilities); financing and insurance options, including the potential for private equity investment; and cleanup and redevelopment financial incentives. The BRSA will produce a summary report addressing the areas discussed above, which will become part of the BOA Nomination Study.

In June 2010, qualifications from six brownfield redevelopment specialty firms were solicited; four responded: S & W Redevelopment (Syracuse), Hemisphere Development LLC, P & L Investments LLC (Washington, DC), and Terra Vita Development (Des Plaines, Illinois). A team of City staff reviewed the qualifications and interviewed all four firms. Hemisphere Development LLC is recommended given their significant experience in complex brownfield redevelopment as a consultant, investor, and developer; their leadership role on similar projects; and their understanding of the challenges and opportunities associated with the VOSGRC BOA.

The agreement will provide the option for two one-year extensions, if the project duration and scope require additional services.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-143

Ordinance No. 2010-397
(Int. No. 440)

Establishing Maximum Compensation For A Professional Services Agreement For Brownfield Site Services

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 Hemisphere Development LLC for Brownfield site advisory services for the Vacuum Oil-South Genesee River Corridor Brownfield Opportunity Area for a term of two years, with two additional one-year options. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-398
Re: Agreement - EnerPath, Energy Efficient Lighting Services

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with EnerPath to implement the Small Business Energy Efficiency Program administered by NYSEG and RG&E. EnerPath is based in Redlands, CA, with local offices at Linden Oaks Drive, Rochester 14625. The cost of the agreement will be funded from 2010-11 Undistributed (Effectiveness and Efficiency).

The Small Business Energy Efficiency Program, available statewide, is funded by the System Benefits Charge on electricity customers' bills and provides 70% of the cost of the lighting upgrade services. Any non-residential property, including municipalities, with an electricity demand of less than 100kW is eligible. EnerPath is the sole provider for implementation of the Small Business Energy Efficiency Program.

EnerPath will assess the existing lighting and energy use of qualified City facilities, evaluate the potential for replacement of existing lighting with energy efficient lighting, provide estimates of total cost, energy savings, annual cost savings, and payback timeline, and manage the installation of the new lighting. EnerPath will also verify that all lighting is installed and operating to optimize energy efficiency.

It is anticipated that the City's cost (30%) will not exceed \$50,000. Local subcontractors managed by EnerPath will install the new lighting.

As set forth in Council's Resolution in Support of Environment and Climate Protection Actions, participation in this program will assist the City in decreasing energy use and reducing greenhouse gas emissions from City operations and practices.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-398
(Int. No. 441)

Authorizing An Agreement For Energy Efficient Lighting Installations

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 EnerPath to implement the Small Business Energy Efficiency Program administered by NYSEG and RG&E.

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, shall be funded from the 2010-11 Budget for Undistributed Expense.

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. 2010-399 and
Ordinance No. 2010-400
Re: Amendatory Agreement - Paul Bringewatt, MCWA Negotiations, and Technical Amendment to Ordinance No. 2010-331

Transmitted herewith for your approval is legislation related to the Monroe County Water Authority and to the 2011 Water Main Extensions and Improvements Program (Ordinance No. 2010-331).

MCWA Negotiations. This legislation will authorize an amendatory agreement with Paul Bringewatt, Canandaigua, for additional services related to the negotiation of the water sharing agreement between the City of Rochester and the Monroe County Water Authority (MCWA). This amendment will increase maximum compensation by \$10,000 to a total of \$50,000, and extend the term to September 30, 2011. The additional cost will be funded from the 2010-11 Budget of the Department of Environmental Services.

Mr. Bringewatt, a member of the team reviewing water exchange alternatives, is an active participant in the negotiations, and offers expert advice to the City regarding the negotiations between the City

and MCWA.

Ordinance No. 2010-400
(Int. No. 443)

A history of related legislative actions is summarized below:

Negotiation Services - Paul Bringewatt

<u>Date</u>	<u>Ordinance</u>	<u>Amount</u>	<u>Expiration</u>
Original Oct. 2006	None	\$9,900	Oct. 11, 2007
Amend 1 Mar. 2007	2007-75	\$10,100	June 1, 2008
Amend 2 Sept. 2007	2007-351	\$10,000	no change
Amend 3 Sept. 2008	2008-333	\$10,000	Mar. 31, 2009

Monroe County Water Authority Water Sharing Agreement

<u>Date</u>	<u>Ordinance</u>	<u>Expiration</u>
Original Apr. 1978	78-208	Apr. 27, 2008
Amend 1 Apr. 2008	2008-55 & 2008-148 (modified reimb.)	Dec. 31, 2008
Amend 2 Jan. 2009	2008-418	Dec. 31, 2009
Amend 3 Jan. 2010	2009-381	Dec. 31, 2010

Water Main Extensions and Improvements Program. This legislation will amend Bond Ordinance 2010-331 to replace the funding of \$209,200 in Section 1 with funds appropriated in Bond Ordinance No. 2009-201 for the same purpose.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-144

Ordinance No. 2010-399
(Int. No. 442)

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 \$10,000, 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 through September 30, 2011. Said amount shall be funded from the 2010-11 Budget of the Department of Environmental Services (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Amending Bond Ordinances No. 2010-331 And 2009-201 Of The City Of Rochester, New York, Authorizing The Issuance Of Bonds Of Said City To Finance The Cost Of The Reconstruction Of Various Water Mains Related To The 2009 And 2011 Water Main Extension And Improvements Programs In The City

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

Section 1. Ordinance No. 2010-331, authorizing the issuance of \$3,000,000 bonds to finance the cost of the reconstruction of various water mains related to the 2011 Water Main Extension and Improvements Program, is hereby amended by reducing the authorized amount of said bond issuance from \$3,000,000 to \$2,790,800. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,729,000. The plan of financing includes the issuance of \$2,790,800 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$729,000 bonds appropriated in Ordinance No. 2010-89 and \$209,200 bonds appropriated in Ordinance No. 2009-201.

Section 2. Ordinance No. 2009-201, authorizing the issuance of \$1,970,000 bonds to finance the cost of the reconstruction of various water mains related to the 2009 Water Main Extension and Improvements Program, is hereby amended by adding Stone Street from East Broad Street to East Main Street to the list of eligible streets under the Program, and by increasing the estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, from \$1,970,000 to \$3,060,800. The plan of financing includes the application of \$1,970,000 bonds appropriated in Ordinance No. 2009-201, together with the application of \$729,000 bonds appropriated in Ordinance No. 2010-89 and \$361,800 bonds appropriated in Ordinance No. 2010-331.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-401
Re: Agreement - New York State Snow and Ice Removal Services

Transmitted herewith for your approval is legislation authorizing a one-year extension of an existing agreement with the New York State Department of Transportation (NYSDOT) for the provision by the City of snow and ice removal services on the following State highways:

1. Lake Avenue, from Lyell Avenue to West

Ridge Road; and

- 2. Plymouth Avenue, from Commercial Street to Troup Street.

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 October 2009 (Ordinance No. 2009-346). This legislation will extend the agreement to June 30, 2013, as required by the NYSDOT.

The requirement for an agreement for snow removal services on Plymouth Avenue will be eliminated in the future, when jurisdiction of the street is formally transferred from the State to the City.

The State will reimburse the City \$55,559 for snow and ice removal performed during the 2010-11 winter season, which is \$1,488 more than the prior year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-401
(Int. No. 444)

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 Department 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, 2013. 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. 2010-402 and
Local Improvement Ordinance No. 1627
Re: Establishing a Special Assessment
District - North Winton Village
Association

Transmitted herewith for your approval is legislation authorizing an agreement with the North Winton Village Association, Ltd for the receipt and use of \$25,000 in anticipated reimbursements for

enhanced street lighting, and establishing a special assessment district to finance the annual incremental costs associated with maintenance and operation of the enhancements.

The North Winton Village Association received a \$200,000 New York Main Street Unified Funding grant to create, preserve, or assist residential and commercial units on East Main Street, from Hall Street to Jersey Street. The grant includes \$25,000 in street lighting upgrades and streetscape improvements that will be administered by the City. The cost of the street lights and installation will be reimbursed by the North Winton Village Association as part of the grant activities.

Through a special assessment district, the annual incremental costs associated with the maintenance and operation of five specialty street lights will be apportioned among the 53 properties located in the district. The apportionment will be based upon the front footage of the properties. A petition in support of the district was signed by 68% of owners of subject properties.

The total incremental cost is approximately \$478; a total affected 2,562 frontage feet results in an assessment of \$.23 per front foot.

A public hearing on the special assessment district is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-402
(Int. No. 445)

Authorizing An Agreement For Street Lighting Enhancements As A Part Of The East Main Street Improvement 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 North Winton Village Association, Ltd. for funding under a Main Street Unified Funding Grant for the installation of street lighting enhancements along East Main Street between Hall Street and Jersey Street.

Section 2. The agreement shall obligate the North Winton Village Association, Ltd. to pay the City the sum of \$25,000 for the street lighting enhancements, and said amount is hereby appropriated therefor.

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.

Local Improvement Ordinance No. 1627
(Int. No. 446)

Local Improvement Ordinance - Street Lighting Enhancements As A Part Of The East Main Street Improvement Project (Hall Street To Jersey Street)

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

Section 1. The Council hereby authorizes the installation of pedestrian level street lighting enhancements along East Main Street between Hall Street and Jersey Street. The Council further authorizes the operation and maintenance of such lighting enhancements for a period of ten years.

Section 2. The Council finds that the installation, operation and maintenance of the lighting enhancements will benefit the parcels of property fronting on East Main Street between Hall Street and Jersey Street, as follows:

<u>Address</u>	<u>Front Footage</u>
<u>SBL No.</u>	
148 Wisconsin St	
26140010780000030010000000	40
1824-1826 E Main St	
26140010772000020840000000	57.34
1830-1834 E Main St	
26140010772000020830000000	57.34
1844 E Main St	
26140010772000020820000000	55.03
1847 E Main St	
26140010780000010030000000	37.00
1850 E Main St	
26140010772000020810000000	49.71
1851 E Main St	
26140010780000010040000000	37.00
1857 E Main St	
26140010780000010050000000	42.00
1858 E Main St	
26140010772000020800000000	49.71
1863 E Main St	
26140010780000010060000000	42.00
1866-1870 E Main St	
26140010772000020550000000	43.22
1867-1869 E Main St	
26140010780000010070000000	42.00
1873-1875 E Main St	
26140010780000010080000000	42.00
1874-1876 E Main St	
26140010772000020540000000	43.22
1882-1884 E Main St	
26140010772000020530000000	49.71
1883 E Main St	
26140010780000010090000000	74.25
1889-1893 E Main St	
26140010780000010460000000	32.00
1899-1903 E Main St	
26140010780000010470000000	42.00
1900 E Main St	
26140010772000020520000000	98.06
1902-1904 E Main St	
26140010772000020510000000	40.40

1908 E Main St	
26140010772000020500000000	40.00
1909 E Main St	
26140010780000010480000000	84.00
1912-1914 E Main St	
26140010772000020490000000	40.00
1919 E Main St	
26140010780000010490000000	42.00
1923 E Main St	
26140010780000010500000000	42.00
1929-1935 E Main St	
26140010780000010510000000	74.25
1930 E Main St	
26140010772000020310000000	40.00
1934 E Main St	
26140010772000020300000000	40.00
1940 E Main St	
26140010772000020290000000	40.00
1942-1944 E Main St	
26140010772000020280000000	38.50
1943-1947 E Main St	
26140010780000020010000000	32.00
1946 E Main St	
26140010772000020270000000	41.50
1955-1957 E Main St	
26140010780000020020000000	84.00
1960 E Main St	
26140010772000030440000000	35.00
1961 E Main St	
26140010780000020030000000	42.00
1962 E Main St	
26140010772000030430000000	29.71
1963-1967 E Main St	
26140010780000020040000000	42.00
1966 E Main St	
26140010772000030420000000	47.00
1972 E Main St	
26140010772000030410000000	47.00
1978-1982 E Main St	
2614001077200003040000000	47.00
1979-1985 E Main St	
26140010780000020060010000	104.25
1984-1988 E Main St	
26140010772000030390000000	39.00
1996 E Main St	
26140010772000030380000000	40.00
2001 E Main St	
26140010780000030460000000	40.00
2002 E Main St	
26140010772000030370000000	40.00
2005 E Main St	
26140010780000030470000000	40.00
2008 E Main St	
26140010772000030360000000	40.00
2011 E Main St	
26140010780000030480000000	40.00
2012/2012R E Main St	
2614001077200003035000HOME/	
2614001077200003035000NHOM	40.00
2017 E Main St	
26140010780000030490000000	115.59
2020 E Main St	
26140010772000030340000000	44.12
2032 E Main St	
2614001077200003033000NHOM	77.00

Section 3. Such parcels are hereby defined to be the Special Assessment District for the capital costs and incremental operating costs of the East Main

Street pedestrian level street lighting enhancements. The annual incremental operating and maintenance costs shall be assessed annually for ten years, against the parcels in the district.

Section 4. The Council finds that the operation and maintenance of the lighting enhancements will benefit the parcels within the district in proportion to their front footage along East Main Street, and the costs shall be allocated among the parcels on that basis.

Section 5. The incremental operating and maintenance costs are estimated to be \$467.71 for the first year, and said amount is authorized as the first-year operating assessment. Said amount shall be charged as described hereinabove 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 6. The special assessments shall be first billed on the annual tax bill issued after completion of the installation work and payments shall be due in one installment.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-403
Re: Agreement - Erdman Anthony Associates, Inc., Central Vehicle Maintenance Facility (Mt. Read Complex) Buildings 100 and 300 Generator

Transmitted herewith for your approval is legislation establishing \$40,000 as maximum compensation for an agreement with Erdman Anthony Associates, Inc., Rochester 14623, for engineering design services for the installation of a generator to service Buildings 100 and 300 at the Central Vehicle Maintenance Facility (CVMF). The cost of the agreement will be funded from the 2010-11 Cash Capital allocation of the Department of Environmental Services.

CVMF Buildings 100 and 300 were built in 1982; Building 100 is approximately 96,000 square feet and houses the vehicle repair garage, parts storage, and employee and administration spaces. Building 300 (29,600 square feet) houses the street maintenance garage, administrative offices and the City's snow emergency command center.

The generator currently in Building 100 is old, undersized, and increasingly difficult to locate parts for repair. The size is not adequate to provide back up to priority operations in the facility. Building 300 currently has no emergency power source; primary power to Building 300 is fed underground from the main distribution panel in Building 100. The consultant shall design a fully redundant generator system for Buildings 100 and 300; replacement of Building 100's main distribu-

tion panel (MDP) shall be assessed for cost and need of replacement. Subsequent design and construction administration services shall be rendered if the project budget can incorporate MDP replacement.

The project shall be administered by the Department of Environmental Services, Bureau of Architecture and Engineering.

Qualifications were solicited from seven firms and the request for qualifications was posted on the City's website. Five firms responded: Erdman Anthony Associates, Inc., IBC Engineering, P.C., LaBella Associates, P.C., Pathfinder Engineers LLP, and Stantec Consulting Services, Inc. Based on their qualifications, experience in completing similar projects, and reasonableness of its proposed fee, Erdman Anthony was selected.

Design will begin in winter 2010; it is anticipated that construction will begin in fall 2011 with completion in spring 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-403
(Int. No. 453)

Establishing Maximum Compensation For A Professional Services Agreement For The Central Vehicle Maintenance Facility

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 Erdman Anthony Associates, Inc. for engineering design services for the installation of a generator to service Buildings 100 and 300 at the Central Vehicle Maintenance Facility. 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 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-404
Re: Rochester Pure Waters District - Environmental Review, Lead Agency

Transmitted herewith for your approval is legislation authorizing designation of lead agency to the Rochester Pure Waters District (RPWD) for environmental review pursuant to New York State Environmental Quality Review Act.

The City and RPWD entered into an agreement in July 1971 by which the RPWD operates and maintains portions of City-owned sanitary, storm and combined sewer system assets within the district, including a portion of the VanLare Wastewater Treatment Plant. This agreement expires on June 30, 2011. The City and RPWD are jointly evaluating options for a transfer of ownership and full maintenance of the City-owned portion of the district that shall mutually benefit both parties.

A full ownership transfer would require conveyance of land and associated equipment or property; as part of this evaluation, environmental review of certain actions are required by the New York State Environmental Quality Review Act and Chapter 48 of the City Code. The regulations stipulate that when more than one governmental body is involved in one of these actions, a lead review agency must be designated.

Such designation is merely procedural and does not reflect final recommendations by the administration for the asset transfer or agreement renewal. The findings of the lead agency will be presented with any future, proposed legislation resulting from said findings.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-404
(Int. No. 459, As Amended)

Approving Lead Agency For The Sale Of The City Sewer Systems

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

Section 1. The Council hereby designates [the] Monroe County [Pure Waters District] as the Lead Agency for environmental review of the proposed sale of the City sanitary/sewer systems pursuant to the State Environmental Quality Review Act and Chapter 48 of the Municipal Code.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

By Councilmember McFadden
November 16, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 447 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,532,000 Bonds Of Said City To Finance The Costs Of Acquisition Of New Fire Fighting Apparatus For The City

Int. No. 448 - Authorizing An Agreement For An Assistance To Firefighters Grant

Int. No. 449 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Youth Training Services

Int. No. 450 - Authorizing Agreements And Amending The 2010-11 Budget For A Substance Abuse Prevention Program

Int. No. 451 - Authorizing An Agreement For Concessions At The Genesee Valley Park Sports Complex

Int. No. 454 - Authorizing An Agreement And Amending The 2010-11 Budget For Recreation On The Move

Int. No. 461 - Resolution Approving An Appointment To The Board Of Directors Of Action For A Better Community, Inc.

Respectfully submitted,
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

Councilmember McFadden moved to amend Int. No. 447.

The motion was seconded by Councilmember Palumbo.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-405
Re: Issuance of Bonds - Financing Purchase
Of Fire Apparatus

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,532,000 and the appropriation of proceeds thereof to finance the purchase of firefighting apparatus. The funding was originally intended to use Cash Capital as included in the 2010-11 Capital Improvement Program (CIP). However, in order to provide more flexible funding for the Midtown Rising Project, the fire equipment will be purchased with the bonds authorized herein. This swap of funding sources is achieved within the total debt limit authorized by City Council.

The Fire Department will use the funds to replace fire trucks that are currently 15 to 20 years old.

The new engines will support the operational shift from the Quint/Midi operating model to an Engine/Truck operating model.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-405
(Int. No. 447, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,532,000 Bonds Of Said City To Finance The Additional Costs Of Acquisition Of New Fire Fighting Apparatus For 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 additional costs of acquisition of new fire fighting apparatus for 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 \$[1,532,000] 5,890,000 [, and said amount is hereby appropriated therefor]. The plan of financing includes the issuance of \$1,532,000 bonds of the City, and said amount is hereby appropriated therefor [to finance said appropriation], together with the application of \$3,993,000 bonds previously appropriated in Bond Ordinance No. 2008-122 and \$365,000 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 \$1,532,000 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 \$1,532,000. 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.27 of the 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-406
Re: FEMA 2009 Assistance to Firefighter Grant

Transmitted herewith for your approval is legislation authorizing an agreement with the Federal Emergency Management Agency (FEMA) for the receipt and use of a \$520,000 grant under the Department of Homeland Security Emergency Preparedness Response Assistance to Firefighters Grant (AFG) Program.

AFG provides funding to support firefighters by increasing the effectiveness of operations, new apparatus, health and safety programs, emergency medical service programs, and fire prevention and safety programs. The funds of this grant are from the 2009 federal allocation and will support the purchase of a heavy rescue/hazmat vehicle with features that provide increased Special Operations capabilities.

The vehicle will be designed for technical rescue situations such as vehicle extrications, confined space rescues, rope rescues, swift-water rescues, or building collapses, as well as chemical, biological, radiological, nuclear, and explosives incident management. Specifications for the vehicle will be submitted early in 2011, with delivery anticipated in August 2011.

The required 20% match of \$130,000 will be financed from 2004-05 Cash Capital.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-406
(Int. No. 448)

Authorizing An Agreement For An Assistance To Firefighters Grant

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 Federal Emergency Management Agency for funding under the Assistance to Firefighters Grant Program for a heavy rescue/hazmat vehicle for the Rochester Fire Department.

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

Section 3. The sum of \$520,000 to be obtained through the grant agreement authorized herein is hereby appropriated to fund a heavy rescue/hazmat

vehicle for the Rochester Fire Department.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-407
Re: Agreement - Teaching & Training By Design, LLC, Youth Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Teaching & Training by Design, LLC, Rochester (Arthur Brown, President), to extend the term to June 30, 2011 and increase maximum compensation by \$7,500, for a total of \$17,500. The original agreement for \$10,000 was executed in September 2010 and expires on December 31, 2010. The additional cost will be financed from the 2010-11 Budget of the Department of Recreation and Youth Services.

Teaching & Training By Design, LLC, will provide training using curricula previously developed by the firm for use with the City's Youth Training Academy Program (YTA).

The consultant will provide two 20-hour courses in business/office skills, customer services, and computer skills training, to prepare students for targeted internships as part of the YTA program. Each course will enroll 20 youth (40 total), ages 16-18.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-145

Ordinance No. 2010-407
(Int. No. 449)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Youth Training 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 an amendatory professional services agreement between the City and Teaching & Training by Design, LLC for youth training services. Said amount shall be funded from the 2010-11 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. 2010-408
Re: Agreements - HEART Coalition

Transmitted herewith for your approval is legislation related to a US Department of Health and Human Services Substance Abuse and Mental Health Services Administration grant project, the HEART Coalition for A Drug-Free Rochester. This legislation will:

1. Authorize an agreement with the US Department of Health and Human Services Administration for the receipt and use of a \$125,000 grant for implementation of services provided by the HEART Coalition for a Drug-Free Rochester.
2. Amend the 2010-11 Budget of the Department of Recreation and Youth Services by \$18,000, to reflect an unanticipated increase in the City's award. The originally anticipated amount of \$107,000 was included in the budget.
3. Establish \$47,035 as maximum compensation for an agreement with Baden Street Settlement of Rochester, Inc., to act as fiduciary for Metro Council for Teen Potential (MCTP) to direct the project, coordinate the coalition of agencies involved with the program, and oversee needs assessment, analysis and social marketing from November 22, 2010 to September 30, 2011.
4. Authorize additional agreements as needed for implementation of the program. It is currently anticipated that the following agencies will be involved:

RCTV, Channel 15	
\$3,000	Media production services
Rochester General Hospital	
\$7,600	Healthy lifestyles peer education
RIT Criminal Justice Center	
\$5,000	Program evaluation services

The remaining \$62,365 of the grant will be used to fund personnel, supplies, and travel costs related to grant projects.

The HEART Coalition was originally funded by a five-year grant from the US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration for approximately \$100,000 annually from September 30, 2005 until September 29, 2010. Due to the success of the HEART Coalition and its partners, the City of Rochester was awarded a second, five-year cycle of funding for approximately \$125,000 annually from September 30, 2010 until September 29, 2015. 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.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AJ-146

Ordinance No. 2010-408
(Int. No. 450)

Authorizing Agreements And Amending The 2010-11 Budget 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 United States Substance Abuse and Mental Services Administration for funding for a substance abuse prevention program for youth.

Section 2. The Mayor is hereby further authorized to enter into agreements with the Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential in an amount not to exceed \$47,035 for project direction and coordination services, Rochester Community Television in an amount not to exceed \$3,000 for media production services, the Rochester General Hospital Department of Pediatrics Northeast Rochester Youth and Family Wellness Project in an amount not to exceed \$7,600 for a healthy lifestyles peer education program, and the Rochester Institute of Technology Department of Criminal Justice Center for Public Safety Initiatives in an amount not to exceed \$5,000 for evaluation services, relating to the substance abuse prevention program for youth.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$62,635, and said amount, or so much thereof as may be necessary, shall be funded from the 2010-11 Budget of the Department of Parks, Recreation and Youth Services.

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

Section 5. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$18,000, which amount is hereby appropriated from funds to be received from the grant agreement authorized in Section 1 for a substance abuse prevention program for youth.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Spaul - 8.

Nays - None - 0.

Councilmember Scott abstained because she is affiliated with one of the agencies receiving funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-409
Re: Lease Agreement - Dangles, LLC,
Genesee Valley Park Sports Complex
Concession Stand

Transmitted herewith for your approval is legislation authorizing an agreement with Dangles, LLC, Rochester 14611, for concession rights at the Genesee Valley Park Sports Complex. This agreement will be for a term of one year with the option for four one-year renewals. In the first year, Dangles, LLC will pay a fee to the City of \$400 per month.

A request for proposals was sent directly to local caterers, posted on the City Website, advertised in City Newspaper, and was posted at the concession area. Four proposals were received: Pasta Villa (principal, Randy Rechici), George Habeed, Empire Bingo (principal, Jodie Farrell) and Dangles LLC (principal, Dan Drabin). A review by City staff resulted in the selection of Dangles based on availability, experience and menu offerings.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-409
(Int. No. 451)

Authorizing An Agreement For Concessions At The Genesee Valley Park Sports Complex

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 Dangles, LLC for the operation of concessions at the Genesee Valley Park Sports Complex for a term of one year, with four additional one-year renewal options.

Section 2. The agreement shall obligate Dangles, LLC to pay the City \$400 per month for the concession rights.

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. 2010-410
Re: Agreement - Greater Rochester Health Foundation, Recreation on the Move

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Health Foundation for the receipt and use of a \$62,000 grant to support Recreation on the Move, and amending the 2010-11 Budget to reflect the grant as follows:

1. \$11,000 will be included in the Department of Recreation and Youth Services to support staffing of a new Recreation on the Move vehicle for the 2011 calendar year; and
2. \$35,000 will be included in Cash Capital for the purchase of the vehicle and installation of logos on the vehicle.

The remaining \$16,000 will be included in the 2011-12 Budget.

The *Recreation on the Move* program kicked off in September 2010, bringing recreation activities and health and wellness opportunities to city neighborhoods. Mobile recreation creates positive experiences for city residents who have not traditionally used, or who do not have access to, recreation facilities. It also allows City staff to connect with communities that are negatively impacted by disengaged youth and families. At this time, the Department of Recreation and Youth Services has one staffed vehicle serving the entire city. Expanding this program will assist with providing the frequency and accessibility needed in targeted neighborhoods throughout the city.

The Greater Rochester Health Foundation (GRHF) "views the recently launched recreation initiative, *Recreation on the Move*, as an impactful way to increase physical activity and positive play experiences for children and youth in Rochester."

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-410
(Int. No. 454)

Authorizing An Agreement And Amending The 2010-11 Budget For Recreation On The Move

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 Health Foundation for funding for Recreation on the Move.

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

Section 3. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Parks, Recreation and Human Services by the sum of \$11,000, and to the Cash Capital allocation by

the sum of \$35,000, which amounts are hereby appropriated from funds to be received from the grant agreement authorized in Section 1 for Recreation on the Move.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-31
Re: Appointment - ABC Board

Transmitted herewith for your approval is legislation making the following appointment to the Action for a Better Community, Inc. Board of Directors:

Charles A. Benincasa
91 Newcastle Road
Rochester, NY 14610

Mr. Benincasa will serve a three-year term of office, through November 2013.

The City and Monroe County are each authorized to appoint representatives to the Board of Directors of Action for a Better Community, Inc. Of the City's representatives, three are appointed by City Council, and one is appointed by the Mayor, subject to confirmation by the City Council.

A copy of Mr. Benincasa's resume is on file in the office of the City Clerk.

Respectfully submitted,
Lovely A. Warren
President

Resolution No. 2010-31
(Int. No. 461)

Resolution Approving An Appointment To The Board Of Directors Of Action For A Better Community, Inc.

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

Section 1. The Council hereby approves the appointment of City Treasurer Charles Benincasa to the Board of Directors of Action for a Better Community, Inc. for a term which shall expire on November 30, 2013. Mr. Benincasa shall replace Brian Roulin.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

By President Warren
November 16, 2010

To the Council:

The Committee Of The Whole is holding the following entitled legislation in Committee:

Int. No. 460 - Resolution Confirming The Appointment Of The Chief Of Police

Respectfully submitted,
Lovely A. Warren
Elaine M. Spaul
Carolee A. Conklin
Matt Haag
Dana K. Miller
Jacklyn Ortiz
Carla M. Palumbo
Loretta C. Scott
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-32
Re: Confirming the Appointment of the Chief of Police

Transmitted herewith for your approval is legislation confirming, as required by the City Charter, the appointment of James Sheppard as the Chief of Police.

Mr. Sheppard's resume is available in the City Clerk's office for your review.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-32
(Int. No. 460)

Resolution Confirming The Appointment Of The Chief Of Police

WHEREAS, the Mayor has appointed James Sheppard to the position of Chief of Police, 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 James Sheppard as Chief of Police.

This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:31 pm

DANIEL B. KARIN
City Clerk

REGULAR MEETING
DECEMBER 14, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 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 M. Garrett

Law Department

*Joanne Manske

Police Department

*Shawn F. Brosnan

*James F. DiMarsico

*Stephen C. Edgett

**Did not attend meeting.*

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Regular Meeting of November 16, 2010 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 4030-10

Public Disclosure-CDBG Participation 4031-10

Quarterly Reports 4032-10

Liability Claims

Workers Compensation Claims

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 Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For CityGate As Planned Development District No. 11 Int. No. 482 No speakers.

Changing The Zoning Classification Of City-Gate Parcels At 350, 422, 444 And 450 East Henrietta Road And 401 And 445 Westfall Road From IPD#12-Iola To PD #11-CityGate Int. No. 483 No speakers.

Approving Changes In The Pavement Width Of Westfall Road And East Henrietta Road As A Part Of The Westfall Road Improvements Project Int. No. 492 No speakers.

Approving A Decrease In The Pavement Width Of Schauman Place Int. No. 493 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2010-33
Re: Establishing a Nuisance Points Advisory Board

Transmitted herewith for your approval is legislation establishing a Nuisance Points Advisory Board as a demonstration project to review the issuance of nuisance points to bars and restaurants under Section 3-15, Abatement of Nuisances, of the City Charter. As you will recall, in May of this year, City Council enacted Resolution No. 2010-17 creating a six-month moratorium on assigning nuisance points to bars and nightclubs in an effort to investigate ongoing community concerns that Section 3-15 is unevenly enforced, and disproportionately impacts establishments frequented by low-income, youthful, and/or minority people. The moratorium was extended by one month under Resolution No. 2010-28, allowing for the development of the Nuisance Points Advisory Board by the non-partisan commission tasked with investigating enforcement of the point system.

The Southwest Quadrant is the geographic site for the demonstration project, which is intended to provide a real-time evaluation of whether or not nuisance points are assigned equitably across neighborhoods. The Nuisance Points Advisory Board will review nuisance points cases in the selected area upon the request of the violating bar or restaurant owner, and will forward its recommendations to the Southwest Neighborhood Service Center. The Nuisance Points Advisory Board will be comprised of four residents who have been active in the neighborhoods included in the Southwest Quadrant and three representatives of bars or restaurants also located in the Southwest Quadrant. The seven members shall be appointed by the Mayor with approval by City Council.

This demonstration project will last for one year, during which the Nuisance Points Advisory Board will provide a six-month and a year-end report to the Mayor and City Council, detailing its activities and its recommendations for the future of nuisance abatement.

Respectfully submitted,

Adam C. McFadden
Chair, Public Safety & Youth Services Committee

Resolution No. 2010-33
(Int. No. 503)

Resolution Establishing A Nuisance Points Advisory Board

WHEREAS, by Resolution No. 2010-17 the City Council enacted a moratorium for a period of six months on the assignment of nuisance points pursuant to Section 3-15 of the City Charter for premises constituting bars/nightclubs, and said moratorium was extended for an additional month pursuant to Resolution No. 2010-28. During this period of time, a non-partisan committee studied the administration of the nuisance point system; and

WHEREAS, as a result of this study, a demonstration Nuisance Points Advisory Board is proposed to review points to be assessed against bars and restaurants in the Southwest and Downtown areas of the City for the purpose of determining if the nuisance points system is effective and advising the Mayor and City Council on changes that may improve the nuisance points system.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby establishes a demonstration Nuisance Points Advisory Board as follows:

1. Nuisance Points Advisory Board. A demonstration Nuisance Points Advisory Board is hereby established to be comprised of seven members: four community residents active in neighborhoods in the demonstration area, and three representatives of bars or restaurants located within the demonstration area. Elected officials and City employees shall not be eligible for membership. Members shall be appointed by the Mayor, subject to confirmation by City Council. The Board shall elect a Chair from among its members. Members shall serve without compensation.
2. Demonstration Area. The Demonstration Area shall be the Southwest Neighborhood Service Center Area Quadrant, including:
 - a. any area south of the I-490 Expressway and Brown Street to the Inner Loop, and west of the River; and
 - b. all of the Center City within the Inner Loop.
3. Premises Covered. The demonstration project shall apply to any bar or restaurant as defined by §90-32 of the Municipal Code of the City of Rochester within the demonstration area:

BAR - A premises where alcoholic beverages are sold for consumption on the premises; or a premises operated for profit or pecuniary gain or as a place of assembly where alcoholic beverages are pro-

vided by the operator of the premises, his or her agents, servants or employees, or are brought onto said premises by persons assembling there. This definition shall exclude businesses that hold a current sexually oriented business license.

RESTAURANT - A premises where food and/or beverages are sold to be consumed on the premises. This definition shall not include a premises where a nonalcoholic beverage or snack is available but is incidental to the conduct of the business at the premises. This definition shall exclude businesses that hold a current sexually oriented business license.

4. Responsibility of Board. When the Neighborhood Service Center has made a preliminary decision to issue nuisance points to a bar or restaurant in the Demonstration Area, it shall so notify the property owner and the owner and operator of the premises (hereinafter collectively referred to as "owner") by first class mail. The owner shall have 10 days from the date of the notice to seek a review of the points by the Nuisance Points Advisory Board. If a review is requested, the Neighborhood Service Center shall submit a package containing all relevant reports to the Board. The Board shall review the package and any written submissions by the owner, and may allow the owner, but no witnesses, to offer a brief explanation within a time limit to be set by the Board, which time shall not exceed 30 minutes, as to why the points should not be assessed. The Board shall review all submissions and explanations and submit a written recommendation to the Neighborhood Service Center concerning issuance of the nuisance points. Board Members who reside within a radius of 500 feet from the bar or restaurant against which points are proposed to be assessed, and any Board Member with an interest in the bar or restaurant or its property, shall not sit on a case involving the bar or restaurant. Notwithstanding any other requirements of law, the preliminary decision to issue nuisance points, when sent to the owner, shall constitute the required initial notice of the nuisance points. The owner shall also be notified of the results of the review process. The Board may also make recommendations to the Mayor and City Council regarding the operation of bars and restaurants so as not to be a source of disruption in the community.
5. Meetings. The Board shall meet at least once a month as long as matters are pending. Meetings shall be open to the public. A majority of the full Board shall constitute a quorum and shall be necessary to make a recommendation on proposed nuisance points. The Board shall maintain an orderly set of records, including minutes of its meetings. The Commissioner of Neighborhood and Business Development shall provide staff support to the Board, and members of the Po-

lice Department and Law Department shall also advise the Board and attend Board meetings.

6. Reports. After six months, and at the end of the Demonstration Period, the Board shall submit to the Mayor and City Council a report of its activities and recommendations for the future. The Report shall contain information on the nuisance points referred to the Board, the recommendations of the Board on those points, the decision of the Neighborhood Service Center on those points, and any Board recommendations on the effectiveness of the nuisance points system and on changes that may improve the nuisance points system.

This resolution shall take effect immediately and shall remain in effect through December 31, 2011.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Conklin
December 14, 2010

To the Council:

The Finance Committee recommends for adoption the following entitled legislation:

Int. No. 463 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 464 - Cancellation Of Taxes And Charges

Int. No. 465 - Authorizing The Bulk Sale Of Delinquent Tax Liens

Int. No. 466 - Resolution Establishing The Maximum Number Of Commissioners Of Deeds

Int. No. 467 - Amending The Municipal Code With Respect To Towing

Int. No. 468 - Authorizing A Lease Agreement For A Library Café

Int. No. 469 - Establishing Maximum Compensation For Professional Services Agreements For Legal Services And Amending The 2010-11 Budget

Int. No. 470 - Establishing Maximum Compensation For A Professional Services Agreement For Debt Accounting Software

Int. No. 471 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

Int. No. 472 - Establishing Maximum Compensation For Professional Services Agreements For The PSI Server

Int. No. 473 - Establishing Maximum Compensation For A Professional Services Agreement For Data Protection Services

Int. No. 475 - Establishing Maximum Compensation For A Professional Services Agreement For The Laser Show Decommission And Amending The 2010-11 Budget

The following entitled legislation is being held in Committee:

Int. No. 474 - Establishing Maximum Compensation For A Professional Services Agreement For Telephone Notification System Services

Int. No. 476 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz (Did not vote on Int. Nos. 463 through 473)
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-411
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 2011.

Each year, approximately 63,000 tax bills are issued by the City. In 2009-10, the most recently completed fiscal year, these bills contained City and School taxes, charges, and fees totaling \$197,218,650.13.

Of this amount, taxes and charges totaling \$1,048,804.01, or .053%, of the total levy, were subsequently determined to be erroneous and were canceled. These cancellations involved 276 accounts or 0.43% 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. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions.

Such delegation was initially approved by the Council on March 24, 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 December 15, 2009. To date, for calendar year 2010, the Director of Finance has authorized cancellations totaling \$18,935.92 for 77 accounts.

Authorization of this delegation of authority is requested for 2011. 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 15th 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. 2010-411
(Int. No. 463)

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 2011.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-412
Re: Cancellation of Water Charges for Properties Eligible for the Bulk Lien Sale

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$59,753.41.

As a result of a recent review and policy change relative to water billings on vacant parcels, the City has determined that it would no longer bill for estimated water usage after water service has been shut off. The cancellations requested herein comprise affected accounts of properties that are eligible for the upcoming bulk lien sale. A list of those twelve properties is attached. A future Council authorization will be submitted for properties with similar water charges that are not included in the lien sale.

Also, a total of \$38,045.03 in water billings will be canceled administratively for the attached list of 61 properties having liens eligible for sale.

Other outstanding taxes and charges exist on these properties that have not been paid.

This group of accounts represents properties eligible for inclusion in the City's upcoming bulk lien sale.

If these cancellations are approved, total cancellations thus far for 2010-11 will be as follows:

	<u>Accounts</u>	<u>Amounts</u>
City Council	17	\$ 80,560.31
Administrative	<u>104</u>	<u>50,355.09</u>
Total	121	\$130,915.40

These cancellations represent 0.04% of the taxes receivable as of July 1, 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-147

Ordinance No. 2010-412
(Int. No. 464)

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 following represent water charges accumulated after the time that water was shut off to the vacant properties.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Amount</u>
			<u>Canceled</u>
			<u>Year</u>
106.38-2-50	H	18 Siebert Pl	
		2009-10	\$ 1,504.64
		2010-11	2,020.90
105.74-3-60	NH	270 Whitney St	
		2009-10	1,425.17
		2010-11	1,757.80

120.36-1-80.1	H	54 Jefferson Av	
		2009-10	3,397.91
		2010-11	4,774.56
106.34-1-75	H	952 North St	
		2009-10	1,551.26
		2010-11	2,720.00
091.70-3-48	NH	1282 N Clinton Av	
		2009-10	2,731.12
		2010-11	3,545.04
106.44-4-33	H	32 Crombie St	
		2009-10	1,026.29
		2010-11	1,016.30
105.27-2-46	H	140 Glenwood Av	
		2009-10	1,705.28
		2010-11	2,161.79
106.24-2-44	H	68 Friederich Pk	
		2009-10	1,224.13
		2010-11	1,439.25
090.82-2-29	H	17 Straub St	
		2009-10	420.91
		2010-11	1,857.47
091.73-1-78.1	H	75 Pulaski St	
		2009-10	1,676.34
		2010-11	2,893.01
106.51-1-51	NH	61 Niagara St	
		2009-10	6,308.32
		2010-11	10,575.58
120.67-2-13	H	428 Frost Av	
		2009-10	636.85
		2010-11	<u>1,383.49</u>
Grand Total			\$59,753.41

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. 2010-413
Re: Bulk Sale of Delinquent Tax Liens

Transmitted herewith for your approval is legislation authorizing an agreement with American Tax Funding Servicing, LLC (ATFS) for the sale, in bulk, of delinquent tax liens from tax year 2009-10 and previous years.

Local Law No. 8 of 2008 amended the City Charter to allow the City to conduct bulk sales of delinquent tax liens. Council Ordinance No. 2008-379, authorized the City to enter into a three-year agreement with two one-year renewal options with ATFS for the annual bulk sale of delinquent tax liens.

On February 27, 2008, the City closed its first bulk lien tax with ATFS. The City received \$6,036,828.85 for the sale of 5,675 liens (3,327 parcels) having an original value of \$13,976,777.42 (principal and interest). This represented 43.19% of the original lien value.

On September 30, 2009, the City closed its second bulk lien sale with ATFS and received \$4,981,986.72 for the sale of 5,444 liens (4,864 parcels) having an original value of \$11,443,795.03 (principal and interest), or 43.53% of the original lien value.

For this year, based on an initial list transmitted to ATFS having an aggregate lien amount of \$13,562,101.79, it is estimated that the City will receive \$7,054,793.73, or 52.02% of the original lien amount as of October 2010. The final sale dollar amount and percentage will reflect changes to the delinquent tax liens which are finally sold.

As required by Ordinance No. 2008-379, the Administration will file a list of the properties to be sold to ATFS, and the properties removed from the sale, and a map showing both categories.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-148

Ordinance No. 2010-413
(Int. No. 465)

Authorizing The Bulk Sale Of Delinquent Tax Liens

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

Section 1. Pursuant to the agreement between the City and American Tax Funding Servicing, LLC (ATFS) for the bulk sale of delinquent tax liens, the Council hereby approves the bulk sale of this year's tax liens.

Section 2. The agreement shall obligate ATFS to pay to the City an amount based upon the ATFS offer of 52.02% of the initial October 2010 delinquent tax lien list, as adjusted to reflect changes to the delinquent tax liens which are finally sold.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-34
Re: Commissioner of Deeds

Transmitted herewith for your approval is legislation related to the issuance of Commissioner of Deeds. The proposed legislation establishes the number of Commissioners of Deeds at no more than 250 per year during calendar years 2011 and 2012. Since Fiscal Year 2004-05, not more than 175 have been issued per year, so the 250 annual maximum is expected to be sufficient to meet demand.

Respectfully submitted,

Lovely A. Warren
Council President

Resolution No. 2010-34
(Int. No. 466)

Resolution Establishing The Maximum Number Of Commissioners Of Deeds

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

Section 1. During calendar years 2011 and 2012, there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect on January 1, 2011.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-414
Re: Amending The Municipal Code With Respect To Towing

During the recent past, several offices in the City of Rochester, including the Mayor’s Office, the Council/Clerk’s Office, and the Rochester Police Department, have received numerous complaints about aggressive vehicle towing practices from private parking lots. Although some of these complainants recognized that they had ignored parking lot signage, the number and intensity of the complaints warranted our attention.

As you will recall, Ord. 2010-196, adopted at the June 15, 2010 Council Meeting, incorporated several changes to our towing licensing process to address concerns expressed by residents; this ordinance included a requirement that towers accept major bank credit or debit cards as payment, in addition to cash. Ord. 2010-196 also requested that a towing work group, composed of representatives from the Law Department, the Police Department, and the City Clerk’s Office (with input from property owners and City-licensed towers), review the severed portions of the originally introduced Int. 202 - Amending the Municipal Code With Respect To Towing, and report back to the Council with recommendations. The work group extensively reviewed the severed items, and this legislation incorporates those efforts.

The most difficult matter, and the most common source of complaints by residents, related to the fees towers can charge vehicle owners, often approximately \$185 (including a \$99 base fee plus add-ons). Complaints received by the Rochester Police Department’s License Investigation Unit often cannot determine if in fact these fees were appropriate. It is recommended that a fixed tow fee of \$120 per tow (plus tax) be established as a reasonable rate in Rochester. It is also proposed that parking lot signage be improved to ensure that vehicle owners are adequately aware of “no parking” areas, expand towing lot retrieval hours, and

require that towers operate a 24/7 car retrieval telephone message system.

In addition to this proposed legislation, enhanced internal communication to assist vehicle retrieval, and increased penalties for violations of the Code are being pursued. The latter will be presented to Council and City Court.

It is worth noting that the City Code can be used as an effective tool to enhance the safety of persons retrieving towed vehicles. This goal will, in part, be achieved by the attached proposed legislation, as well as by the Zoning Code amendments adopted by City Council on September 21, 2010. Combined, these amendments will help create a reasonable business environment for towing operators, accessible parking spaces to serve the needs of private establishments, and a safer, more explainable system for towed vehicle owners.

Respectfully submitted,
Robert J. Duffy Lovely A. Warren
Mayor Council President

Ordinance No. 2010-414
(Int. No. 467)

Amending The Municipal Code With Respect To Towing

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

Section 1. Section 108A-7 of the Municipal Code, Towing from private property without the vehicle owner’s permission, as amended, is hereby further amended by amending subsections A and B to read in their entirety as follows:

- A. No person shall tow, remove, impound or otherwise disturb any motor vehicle other than an abandoned vehicle as defined in § 1224 of the Vehicle and Traffic Law, without permission of the vehicle owner, from privately owned property in the City of Rochester, other than property which is solely residential and contains fewer than five residential units, unless there is posted on the property a sign at each entrance to the parking area, positioned so that the information on the sign is clearly and conspicuously visible to a driver as he or she drives into such parking area, and there is posted a sign in a conspicuous location along the perimeter of the parking area, positioned so that the information on the sign is clearly and conspicuously visible to a person viewing it from the parking area. At least one additional sign shall be conspicuously posted along the perimeter of the parking area, positioned so that the information on the sign is clearly and conspicuously visible to a person viewing it from the parking area, for each 50 parking spaces over 50 parking spaces contained on the property. The signs shall state that unauthorized vehicles will be towed at the vehicle owner’s expense, and shall contain the towing com-

pany's name, the telephone number to call to retrieve towed vehicles, and the street address where towed vehicles may be retrieved. The signs shall be conspicuous both day and night and of a size at least 12 inches by 24 inches, but not to exceed 24 inches by 36 inches, with lettering at least 2½ inches high and in a color contrasting to that of the background. The towing company shall be responsible for assuring that signs meeting the requirements of this section are posted and maintained.

- B. In no event shall a towing company charge a fee in excess of \$120 for towing, without permission of the vehicle owner, of passenger vehicles, including cars, pickup trucks and passenger vans, or motorcycles or minibikes, from privately owned property in the City. Storage fees for such towed vehicles shall not exceed the storage fees charged at the City Auto Pound pursuant to § 111-72G of the Municipal Code, and no storage fees shall be charged for the first 24 hours after the vehicle is delivered to the storage lot. No mileage fees or fees for an additional person or additional fees of any type shall be charged for such tows. A towing company must be open to allow for the retrieval of such towed vehicles between 9:00 a.m. and 6:00 p.m. daily, and if the towing company performs towing services after 5:00 p.m., until at least one hour after the latest time such company provides towing services. The towing company's telephone number to call to retrieve towed vehicles shall contain a message stating the hours during which a vehicle may be retrieved, the lot location, the fees, and that payment may be made by cash or by any major credit card or debit card. The telephone number shall also contain a system that allows callers to leave a message when their call is not answered.

Section 2. Section 108A-7 of the Municipal Code is hereby further amended by adding thereto the following new subsection:

- I. (1) No towing company, officer, employee, subcontractor or agent, or immediate family member thereof, shall directly or indirectly give anything of value, other than a sign or notice required to be posted under this Section, to a private property owner in connection with the removal of a vehicle from the private property.
- (2) No property owner shall accept anything of value, other than a sign or notice required to be posted under this Section, from a towing company in connection with the removal of a vehicle from the private property.

Section 3. Section 111-72 of the Municipal Code, Illegal parking and towing of vehicles, as amended, is hereby further amended by amending

subsection G thereof by deleting the charge for storage of vehicles in vehicle pounds of "\$20" and by inserting in its place the charge of "\$25".

Section 4. This ordinance shall take effect on January 1, 2011, except that the signage requirements contained in Section 108A-7A herein shall take effect on April 1, 2011 and until that time towing companies will be deemed to be in compliance with signage requirements if they are in compliance with the requirements in Section 108A-7A as enacted herein or as in effect at the time of adoption of this ordinance.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-415
Re: Lease Agreement - Tim Hortons USA,
Central Library Café

Transmitted herewith for your approval is legislation authorizing a five-year lease agreement with Tim Hortons USA, Dublin, Ohio, to operate a café within the Bausch and Lomb Public Library Building. The café will occupy approximately 1,600 square feet in the area formerly occupied by Simply Crepes. The Library will be responsible for utilities and common area maintenance costs. Tim Hortons will be responsible for all build-out costs. Storage space of approximately 120 square feet will also be provided.

The Rochester Public Library is a chartered institution governed by the Board of Trustees, which authorized entering into an agreement with Tim Hortons at their November 17, 2010 meeting. However, since the City owns the Central Library buildings, City Council approval is also required.

Under the agreement, Tim Hortons will pay the Library a base rent of \$16,000 per year for sales under \$400,000. In addition, for annual sales over \$400,000, Tim Hortons will pay 4% up to a maximum annual rent of \$32,000. The lease will be for one five-year term with the option to renew for two additional five-year terms, with rental rate determined at the time of renewal.

Since 1997, the Library has had a series of café operators, initially in a space located on the river-side of the Rundel Memorial Building, and, since 2005, in the Bausch and Lomb Public Library Building.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-415
(Int. No. 468)

Authorizing A Lease Agreement For A Library Café

WHEREAS, the Rochester Public Library has received a proposal for the lease of space in the

Bausch & Lomb Public Library Building; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, the terms of the lease are reasonable and necessary in light of their intended purpose and the public will benefit throughout the term of the lease.

NOW, THEREFORE, 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 Tim Hortons USA for the operation of a café in the Bausch & Lomb Public Library Building for five years, with options to renew for two additional five-year terms. The Library shall provide utilities and common area maintenance costs, while Tim Hortons shall be responsible for build-out costs.

Section 2. The lease agreement shall obligate Tim Hortons USA to pay the Library base rent of \$16,000 per year for sales under \$400,000, and 4% up to a maximum annual rent of \$32,000 for sales over \$400,000. Rent for any renewal term shall be determined at the time of renewal, with Council approval.

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. 2010-416
Re: Agreements - Legal Services

Transmitted herewith for your approval is legislation authorizing amendatory agreements with two firms for additional services related to ongoing proceedings, and amending the 2010-11 Budget by transferring \$25,000 from Contingency to the Law Department.

Woods Oviatt Gilman LLP The original agreement with this firm was for \$10,000 to represent the City in administrative and judicial proceedings arising out of incidents that occurred on South Goodman Street on June 1, 2007. Amendments were authorized by Ordinance No. 2008-252 for an additional \$40,000, and Ordinance No. 2010-7 for an additional \$30,000. The current amendment will increase compensation by another \$25,000 to be funded from the 2010-11 Budget of the Law Department.

The agreement provides for representation by William Bauer at an hourly rate of \$275. Outside counsel is required because of a conflict. The Law

Department is already defending the City in lawsuits commenced as a result of these incidents. The disciplinary hearings have concluded after five days of testimony, and the parties are preparing final written arguments for the hearing officer. The Federal lawsuit brought by several officers against the City was recently dismissed by Judge David Larimer, but an appeal has been filed with the Second Circuit Court of Appeals. The amount requested will cover all expenses through the conclusion of the disciplinary proceedings and the appeal of the Federal lawsuit.

Arrow Appraisal Services, Inc. (Buffalo, NY) The original agreement with this firm, for \$10,000, provided for appraisal services related to a tax assessment challenge involving the Crossroads Building at 2 State Street. This amendment will increase maximum compensation by \$12,000 to be funded from the 2010-11 Budget of the Law Department.

The agreement provides for John Zukowski, the President of Arrow and President of the Western New York/Ontario International Chapter of the Appraisal Institute, to prepare a trial-ready appraisal on the Crossroads Building. The building owner, Abba, L.P., is seeking a reduction from \$4.9 million to \$1.5 million in the assessment for tax years 2008-2009 and 2009-2010. It is necessary to go outside Rochester to find an appraiser on this case due to conflicts with the local appraisers that appraise these types of properties. Mr. Zukowski, MAI, was identified through the Appraisal Institute and was recommended by City Assessment staff.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-416
(Int. No. 469)

Establishing Maximum Compensation For Professional Services Agreements For Legal Services And Amending The 2010-11 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 an amendatory professional services agreement between the City and Woods Oviatt Gilman LLP for legal representation of the City. The agreement may extend for the duration of the legal proceedings. Said amount shall be funded from the 2010-11 Budget of the Law Department.

Section 2. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency Account to the Law Department to fund the legal services.

Section 3. The sum of \$12,000, 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 Arrow Appraisal Services, Inc. for appraisal services related to a tax assessment challenge involving the Crossroads Building at 2 State Street. The agreement may extend for the duration of the legal proceedings. Said amount shall be funded from the 2010-11 Budget of the Law Department.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-417
Re: Agreement - Prescient Software,
Municipal Debt Accounting
Software

Transmitted herewith for your approval is legislation authorizing \$31,800 as maximum compensation for a three-year agreement with Prescient Software, Laguna Niguel, CA, for a license, installation labor, and support for a municipal debt accounting software known as Mun-Ease. An initial payment of \$28,000 to purchase the equipment and labor will be funded from 2007-08 Cash Capital; the remaining amount of \$3,800 will fund technical support and will be paid in two annual payments of \$1,900 to be funded from future operating budgets of the Information Technology Department.

The Mun-Ease software will replace the multiple spreadsheets currently used to track the City of Rochester's \$394 million in outstanding debt and will increase the standardization, efficiency, and reliability of debt tracking processes. This software also meets New York State debt management requirements as outlined in the Process and System Integration (PSI) project plan.

A request for proposals was posted on the City web site, and proposals were solicited directly from Prescient Software and SymPro Software, Inc. Both firms responded; Prescient was chosen based on its product's ability to comply with federal, state, and local debt reporting requirements.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-417
(Int. No. 470)

Establishing Maximum Compensation For A Professional Services Agreement For Debt Accounting Software

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

Section 1. The sum of \$31,800, 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 Prescient Software for municipal debt accounting software and support services for a term of three years. Of said amount, \$28,000 shall be funded from the 2007-08 Cash Capital allocation and \$1,900 each shall be funded from the 2011-12 and 2012-13 Budgets of the Information Technology Department, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-418
Re: Agreement - The Ferguson Group,
Federal Lobbying Services

Transmitted herewith for your approval is legislation establishing \$64,000 as maximum compensation for an agreement with The Ferguson Group of Washington, D.C. for federal lobbying services. The term of this agreement will be for six months: January 1-June 30, 2011. The cost of this agreement will be funded from the 2010-11 Budget of the Office of the Mayor.

The Ferguson Group (TFG) has provided federal government relations services for the City since December 2006. Highlights of their work with the City over the past year include:

- Helped the City obtain funding for the following projects, which are currently pending in the House and Senate versions of the FY 2011 appropriations bills:
 - \$2 million in the Senate version of the Transportation, HUD Appropriations bill for transportation infrastructure improvements associated with the Midtown revitalization project;
 - \$2.5 million in the House version of the Transportation, HUD appropriations bill to construct an upgraded multi-modal rail-bus station in downtown Rochester; and
 - \$1 million in the Senate version of the Commerce, Justice, Science appropriations bill to launch an after-school jobs demonstration program for Rochester's at-risk youth.
- Helped to prepare, submit, and advocate for the inclusion of the City's priority projects in the Transportation Reauthorization bill and the Water Resources Development Act, which are currently pending in the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee;
- Continued to facilitate communications with senior Economic Development Administration officials regarding Rochester's funding

application, which was submitted in April 2010.

- Continues to facilitate communications with HUD officials in Washington, DC regarding the City's funding application submitted in October 2010.

Over the coming six months, TFG will continue to work with the City on the following activities:

- Advocate for inclusion of the City's priority projects in the final versions of the FY 2011 appropriations bills;
- Assist the City in preparing, submitting, and advocating for the City's FY 2012 appropriations requests;
- Assist the City in developing and implementing a strategy to obtain increased federal grants, given that Congress may eliminate appropriations for local projects in the coming year;
- Advocate for the City's priority projects to be included in legislation to reauthorize the nation's surface transportation law; and
- Advocate for the City's projects to be included in the next version of the Water Resources Development Act.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-418
(Int. No. 471)

Establishing Maximum Compensation For A 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 \$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 The Ferguson Group LLC for the provision of Federal lobbying services. Said amount, shall be funded from the 2010-11 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.2010-419
Re: Agreements - IBM Corporation and Sirius Computer Solutions, Inc., PSI Server Purchase and Implementation

Transmitted herewith for your approval is legislation establishing \$500,000 as maximum compensation for an agreement with IBM Corporation, Albany, NY, for the purchase of server and storage hardware, software, and licenses necessary for implementing Phase I of the Process and System Integration (PSI) project, and establishing \$200,000 as maximum compensation for an agreement with Sirius Computer Solutions, Inc., Fairport, NY, for network and installation services. The cost of these agreements will be funded from 2010-11 Cash Capital allocation of the Information Technology Department.

This hardware purchase will provide the foundation of the PSI server and storage infrastructure and has been designed to be consistent with and complementary to existing City server and storage environments.

A request for proposals containing both hardware and service requirements was posted on the City web site and 13 vendors were invited directly to participate in a half-day informational conference on June 25, 2010 to address questions. Over 15 vendors attended and seven submitted proposals: Advance 2000, Amdex, AdvizeX Technologies, First Consulting, IPLogic, Inc., Sirius Computer Solutions, Inc., and Systems Management Planning (SMP). Sirius Computer Solutions, Inc. was selected by a formal evaluation process based upon their capabilities, price, local presence, and ability to meet the stated technical requirements.

Sirius Computer Solutions is serving as the agent for IBM and is managing the overall implementation project for the City.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-419
(Int. No. 472)

Establishing Maximum Compensation For Professional Services Agreements For The PSI Server

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

Section 1. The sum of \$500,000, 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 IBM Corporation for server and storage hardware, software and licenses for the implementation of Phase I of the Process and System Integration (PSI) Project. Said amount shall be funded from the 2010-11 Cash Capital allocation.

Section 2. 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 Sirius Computer Solutions, Inc. for network and installation services for the implementation of Phase I of the Process and System Integration (PSI) Project.

Said amount shall be funded from the 2010-11 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-420
Re: Agreement - Advistor, Inc., Data Protection Software, PSI

Transmitted herewith for your approval is legislation establishing \$175,000 as maximum compensation for an agreement with Advistor, Inc., Pittsford, NY, for the purchase, implementation, and technical support of data protection software. The cost of this agreement will be funded from 2010-11 Cash Capital, using funds allocated for the Process and Systems Integration (PSI) project.

Currently, data stored on City servers are backed up to magnetic tape each night for disaster recovery purposes, using Syncsort software supplied by Advistor, Inc. The consultant will provide a software upgrade called Syncsort BEX, which will enable the storage of real-time snapshots of the backup data on a hard drive and create a record of changes. This will facilitate a quicker and more comprehensive recovery of any information lost or modified. The record of changes will continue to be backed up to magnetic tape for archival purposes.

This infrastructure enhancement, specifically, the ability to recover quickly from hardware failure, is a key component of the PSI initiative; however, the scope of the implementation includes the ability to back up all data stored on City servers.

A request for proposals was posted on the City's web site and 13 vendors were invited directly to participate in a half-day informational conference on June 25, 2010 to address questions. More than 15 vendors attended the conference; seven submitted proposals: Advance 2000, Amdex, AdvizeX Technologies, First Consulting, IPLogic, Inc., Sirius Computer Solutions, and Systems Management Planning (SMP). None were able to match pricing provided by Advistor, the current vendor.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-420
(Int. No. 473)

Establishing Maximum Compensation For A Professional Services Agreement For Data Protection Services

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

Section 1. The sum of \$175,000, or so much

thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Advistor, Inc. for data protection software and support services. Said amount shall be funded from the 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-421
Re: Agreement - WINTEK, Laser Show Decommission

Transmitted herewith for your approval is legislation establishing \$25,000 as maximum compensation for an agreement with Greg J. Winter, d/b/a WINTEK, Rochester, NY, to decommission and sell the laser show equipment; and amending the 2010-11 Budget by transferring \$25,000 from Contingency to the Bureau of Communications to fund this agreement.

WINTEK will provide the following services:

- Inventory and photograph all City-owned equipment in all three associated buildings
- Appraise equipment based on current market sales
- Obtain original equipment manuals
- Contact industry professionals and publications
- Act as agent for the City of Rochester with potential buyers
- Arrange preview, inspection, and demonstration of operation
- Provide post-sale dismantling, electrical disconnection, and removal of items
- Use City-approved online auctions to assist with the sale
- Auction any remaining equipment
- Ensure that the City receives 100% of proceeds of items sold
- Provide full maintenance of the laser systems until sold, or until April 30, 2011

Ordinance No. 2010-181 authorized agreements with WINTEK (\$26,400) and Young Explosives (\$4,950) to provide 11 laser shows on Saturdays through the summer, and maintenance of the laser equipment through December 31, 2010.

In an effort to secure private funding for the laser shows, more than 40 businesses have been solic-

ited. These fundraising efforts have not resulted in any private sector funds to underwrite the costs to continue the laser shows, equipment maintenance, or the lighting of the Falls beyond December 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-421
(Int. No. 475)

Establishing Maximum Compensation For A Professional Services Agreement For The Laser Show Decommission And Amending The 2010-11 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 between the City and Greg J. Winter, d/b/a WINTEK, for the decommissioning and sale of the laser show equipment at High Falls. Said amount shall be funded from the 2010-11 Budget of the Bureau of Communications.

Section 2. Ordinance No. 2010-188, the 2010-11 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency Account to the Bureau of Communications to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Ortiz, Palumbo, Scott, Spaul - 8.

Nays - Councilmember Miller - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 474
Re: Agreement - Sam Asher Computing Services, Hyper-Reach Notification System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Sam Asher Computing Services, Inc., to provide continued access to the Hyper-Reach notification system. This amendment will increase maximum compensation by \$7,000 and extend the term of the agreement by one year to November 2011. The additional cost will be funded from the 2010-11 Budget of the Police Department.

The original agreement was approved in 2005, and has been amended annually, most recently by Ordinance No. 2009-398.

The Hyper-Reach system enables the user to instantly send pre-recorded voice messages to a predetermined list of clients. The message can be modified and efficiently delivered to a large number of recipients in a short time span. The Police Department uses the system primarily to maintain contact with potential Police Officer recruits at various stages of the application and approval process.

The consultant also provides services to the Emergency Communications Department, in the amount of \$50,000, authorized via Council Ord. No. 2007-473.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 474

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR TELEPHONE NOTIFICATION SYSTEM SERVICES

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

Section 1. The sum of \$7,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for the extension of a professional services agreement between the City and Sam Asher Computing Services, Inc. for telephone notification system services for the Rochester Police Department. Said amount shall be funded from the 2010-11 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 476
Re: Rochester Housing Authority - Wage and Salary Increase

Transmitted herewith for your approval is legislation authorizing wage increases for the non-bargaining employees of the Rochester Housing Authority. The salary range adjustment will be 2.4% (cost of living increase) for one year only, effective October 1, 2010. Negotiations for bargaining employees, and for subsequent years for both groups, are ongoing.

These wage and salary increases were approved by the RHA's Board of commissioners at their November 19, 2010 meeting.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 476

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 2.40% for non-bargaining unit employees of the Rochester Housing Authority, for one year effective on October 1, 2010 as approved by the Board of Commissioners of the Rochester Housing Authority on November 19, 2010.

Section 2. This ordinance shall take effect immediately.

Held in Committee.

By Councilmember Palumbo
December 14, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for adoption the following entitled legislation:

Int. No. 477 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2010-149 and 2010-389, As Amended

Int. No. 479 - Approving A Loan Agreement For The Academy Building Project

Int. No. 480 - Authorizing An Amendatory Lease Agreement For Space In The Port Terminal Building

Int. No. 481 - Authorizing An Agreement For REDCO Services

Int. No. 484 - Adopting The Environmental Findings For The CityGate Project

Int. No. 497 - Authorizing The Acquisition Of The Monroe County Boat Launch

Int. No. 498 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City To Finance The Cost Of Acquisition Of The Monroe County Boat Launch In The City

The Neighborhood & Business Development Committee recommends for consideration the following entitled legislation:

Int. No. 482 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For CityGate As Planned Development District No. 11

Int. No. 483 - Changing The Zoning Classification Of CityGate Parcels At 350, 422, 444 And 450

East Henrietta Road And 401 And 445 Westfall Road From IPD#12-Iola To PD #11-CityGate

The following entitled legislation is being held in Committee:

Int. No. 478 - Authorizing The Acquisition Of Parcels For Parking For The Public Market

Respectfully submitted,
Carla M. Palumbo
Carolee A. Conklin
Dana K. Miller
Lovely A. Warren
Elaine M. Spaul
NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

Received, filed and published.

Councilmember Palumbo moved to amend Int. No. 477.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-422
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of 24 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 Bureau of Inspection and Compliance Services 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 21 properties were sold at the October 26, 2010 public auction. The purchasers will be required to complete the rehabilitation of the structures within nine months of conditional closing. Prior to bidding, all potential investors were pre-qualified and each investor was screened to ensure that they had no existing code violations, delinquent taxes owed to the City, or housing or property code violations, and that they were not the former owner of any property the City had foreclosed on.

The next property is a buildable vacant lot that is being sold at appraised value to the adjoining owners, to be combined with their adjoining property.

The remaining two properties are vacant lots that

were sold by a Sealed Bid Auction, subject to proposal. The purchasers plan to combine the parcels they are purchasing with their adjoining properties.

The first year projected tax revenue for these 24 properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$16,726.

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. AJ-149

Ordinance No. 2010-422
(Int. No. 477, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinances No. 2010-149 And 2010-389 And 2010-392

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	Legal Use	Price	Purchaser
140 Ackerman St	107.45-1-64	40 x 100	2 Family	\$ 1,400	Flawless Properties*
19 Austin St	105.65-1-34	40 x 120	1 Family	\$ 2,700	Travaris Meeks
101-107 Avenue A	106.21-1-24.1	70 x 85	2 Family	\$ 700	Daniel Rasario
250 Champlain St	120.60-2-78.1	66 x 148	1 Family	\$ 800	George Similien
103 Dengler St	120.35-2-86	37 x 117	1 Family	\$ 5,200	Travaris Meeks
84 Durnan St	091.73-3-58	35 x 80	1 Family	\$ 2,200	Anthony A. Wright
36 Fairbanks St	091.72-3-77	35 x 73	1 Family	\$12,000	Patrick Thomas
47 Felix St	105.50-2-39	33 x 116	1 Family	\$ 3,500	Paula Edwards
4 Fenwick St	121.69-4-33	43 x 80	2 Family	\$ 700	Mollye Huddleston

58 Hazelwood Ter	107.53-2-27	80 x 110	1 Family	\$ 2,700	Barnum Breck, LLC**
17 Herald St	106.25-2-5	40 x 83	1 Family	\$ 700	Nicole M. Rawls
96 Jefferson Av	120.36-1-72	40 x 124	2 Family	\$ 2,400	Mollye Huddleston
2 Kenmore St	120.67-3-27	34 x 79	1 Family	\$ 1,600	David Mankowski
26 Mark St	106.41-2-9	38 x 128	1 Family	\$ 400	Patrick Thomas
381 Parsells Av	107.62-1-27	29 x 158	2 Family	\$ 3,500	Mollye Huddleston
31 Peck St	106.68-1-30	40 x 125	1 Family	\$ 2,500	Anthony A. Wright
407 Ravine Av	105.33-2-37	80 x 120	2 Family	\$14,600	Flawless Properties*
59 Ries St	105.82-3-5	35 x 81	1 Family	\$ 6,000	Travaris Meeks
129 Sixth St	106.52-1-20	40 x 120	2 Family	\$ 400	Nicole M. Rawls
22 Superior Ter	120.58-3-18	30 x 71	1 Family	\$ 4,700	Jerome Tamburrino
28 Wooden St	120.51-4-80.1	64 x 80	1 Family	\$ 700	David Mankowski

* Principal: Lavar McKnight, Owner/CEO
** Principals: Yefim Basovsky, President; Galina Basovsky, Member

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

Address	S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
127 Berlin St	106.24-1-28.1	60 x 107	6,420	\$475	Ramiro & Isabel Santiago

Section 3. The Council hereby approves the sale of the following parcels of vacant land by sealed bid auction:

Address	S.B.L.#	Lot Size	Sq. Ft.	Price	Purchaser
716 Jefferson Av	120.76-1-57	36 x 96	3,456	\$50	Joseph Armstrong
21 Merrimac St	106.40-4-41.1	85 x 108	7,840	\$50	James Peterson, Sr.

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.

Section 5. Ordinance No. 2010-149, relating to the Emergency Assistance Repair Program, is hereby amended by authorizing the funds allocated in Section 1 to the City of Rochester to be used for warranty repairs as well as water/sewer repairs.

Section 6. Ordinance No. 2010-389, relating to the sale of real estate, is hereby amended by amending the sales of 39 Lill Street and 22 Oakman Street as vacant unbuildable land for the sum of \$1.00, as approved in Section 2, to read in their entirety as follows:

<u>Address</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>
<u>S.B.L.#</u>	<u>Purchaser</u>	
39 Lill St NH	19x86	1,634
Part of 106.30-4-10	Emma Mouzon	
39 Lill St SH	19x86	1,634
Part of 106.30-4-10	Perpetua Louis	
22 Oakman St EH	17.5x150	2,625
Part of 106.46-1-11	Burnice Green	
22 Oakman St WH	17.5x150	2,625
Part of 106.46-1-11	Todd Van Beurden	

Section 7. Ordinance No. 2010-392, relating to a loan agreement for the Voters Block Community Project, is hereby amended by amending Section 2 thereof to read in its entirety as follows:

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,300,000, and of said amount, or so much thereof as may be necessary, \$635,480 is hereby appropriated from Improving the Housing Stock and General Property Conditions Objective, Housing Development allocation of the 2010-11 HOME Program, \$64,721 is hereby appropriated from 2004-05 HOME Program Funds, \$38,585 is hereby appropriated from 2005-06 HOME Program Funds, \$59,469 is hereby appropriated from 2006-07 HOME Program Funds, \$1,745 is hereby appropriated from 2007-08 HOME Program Funds, \$52,687 shall be funded from the 2006-07 Cash Capital allocation, \$47,313 shall be funded from the 2007-08 Cash Capital allocation and \$400,000 shall be funded from the 2010-11 Cash Capital allocation.

Section 8. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-423
Re: Loan Agreement - Fitzhugh Associates LLC, 13 South Fitzhugh Street

Transmitted herewith for your approval is legislation authorizing a \$700,000 loan agreement with Fitzhugh Associates LLC (Principals: George and Katia Traikos), or a subsidiary to be formed by Fitzhugh Associates LLC, for the adaptive re-use

of the building at 13 S. Fitzhugh Street, and appropriating funds from the following Cash Capital fund balances to finance the loan: 2003-04, \$30,500; 2006-07, \$15,500; and 2009-10, \$654,000.

The Cash Capital fund balances are a result of the recent repayment to the City of the \$800,000 Cash Capital loan for the Mills at High Falls Phase II Rental Development, and it is necessary to re-appropriate these funds for the current purpose. The remaining \$100,000 will be re-appropriated at a future date.

The rehabilitation of the historic building, formerly known as the Free Academy Building and used as office and restaurant space, will involve the creation of 21 residential units and approximately 6,050 square feet of commercial space. Renovation is anticipated to start in early 2011.

The City loan will be used as construction financing and, if needed, converted to permanent financing in the event that New York State and federal historic rehabilitation tax credits are not available for the project. During construction, the loan will have a 24-month term with an interest rate of 1% if the loan is secured with a letter of credit, or 3% if it is secured through a lien on assets.

The loan requires that three of the residential units be affordable for rent to households earning no more than 120% of the area median income (AMI) for a term of five years. If the loan is converted to permanent financing, it will have a ten-year term with the same interest rate options as the construction loan and will require that an additional five units be affordable to households under 120% AMI.

The sources and uses of permanent financing for the Academy Building are summarized below:

<u>Source</u>	
Permanent mortgage	\$3,250,000
Restore NY Grant	800,000
Historic Rehab Tax Credits	1,033,100
Equity	<u>749,231</u>
Total	\$5,832,331
<u>Use</u>	
Property acquisition	\$296,000
Soft costs - construction	925,365
Hard costs - construction	<u>4,610,966</u>
Total	\$5,832,331

SEQR review has been completed. This is a Type I action; lead agency was coordinated with all involved agencies and a Negative Declaration was issued on August 15, 2008.

The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan as needed.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-423
(Int. No. 479)

Approving A Loan Agreement For The Academy Building 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 Fitzhugh Associates, LLC or a subsidiary to be formed by Fitzhugh Associates, LLC, whereby the City shall provide a loan to partially finance the costs of the construction and reconstruction of housing units as a part of the Academy Building Project at 13 South Fitzhugh Street. The funding shall initially be provided as a twenty-four month construction loan with interest of 1% if secured by a letter of credit or 3% if secured by a lien on assets. Upon completion of construction, the loan may be converted to a 10 year loan with interest of 1% if secured by a letter of credit or 3% if secured by a lien on assets. 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 2. The agreement shall obligate the City to pay an amount not to exceed \$700,000, and of said amount, or so much thereof as may be necessary, \$30,500 is hereby appropriated from the fund balance for the 2003-04 Cash Capital Fund, \$15,500 is hereby appropriated from the fund balance for the 2006-07 Cash Capital Fund and \$654,000 is hereby appropriated from the fund balance for the 2009-10 Cash Capital 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. 2010-424
Re: Amendatory Lease Agreement - California Rollin' II, Port Terminal Building

Transmitted herewith for your approval is legislation amending the lease agreement authorized in July 2009 (Ordinance No. 2009-230) with California Rollin' II for space at the Port Terminal Building in order to provide a reduced rental rate for off-season months.

The existing lease agreement allows the tenant to temporarily close for up to five consecutive months with no rent obligation to the City during the time the business is closed. This amendatory agreement will establish an off-season (November 1 - March 31) rental rate of 50% of the seasonal rate. The rent reduction will be retroactive for the months of November and December 2010, and

shall apply to the balance of the lease term.

In previous years, the tenant has not exercised the option to close seasonally. However, the current economic conditions, coupled with the normal seasonal fluctuations, have slowed activity at the Port of Rochester considerably. The tenant desires to remain open with the adjusted rent versus a temporary shutdown. The requested rent reduction provides a viable alternative for California Rollin' II to maintain operations during the off-season time period to allow for continued growth and solvency.

The original lease agreement was previously amended in April 2010 (Ordinance No. 2010-107) increasing the size of the leased space to 1,818 square feet, and establishing a rental rate of \$2,275.50 per month, through December 31, 2014.

The current amendment will reduce rent to \$1,137.75 per month for a 5-month period each year, totaling 17 months over the remainder of the lease term, creating a total reduction in rent over the course of the lease of \$19,341.75, thereby avoiding the possibility of collecting no rent if the tenant closed for the season.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-424
(Int. No. 480)

Authorizing An Amendatory Lease Agreement For Space In The Port Terminal Building

WHEREAS, the City of Rochester has received a proposal from California Rollin II for the reduction of rent during the winter season for the lease of space in the Port Terminal Building pursuant to Ordinances No. 2009-230 and 2010-107; and

WHEREAS, pursuant to Section 21-23 of the Municipal Code, the Council is required to follow additional procedures due to the length of the proposed lease; and

WHEREAS, 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.

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

Section 1. The Council hereby approves an amendatory lease agreement with California Rollin' II whereby the rent for the period from November 1 through March 31 for the rest of the lease period through December 31, 2014, retroactive to November 1, 2010, shall be reduced to 50% of the regular rent.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 481 was voted on at the end of the meeting.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-425 and
Ordinance No. 2010-426
Re: Acquisition - Monroe County Boat Launch

Transmitted herewith for your approval is legislation authorizing an agreement with the County of Monroe for the acquisition of the Monroe County Boat Launch at 4630 Lake Avenue, authorizing the issuance of bonds totaling \$205,000, and appropriating the proceeds to finance the cost of the acquisition.

The property consists of a 3.65 acre parcel of land with 177 feet of water frontage along the west bank of the Genesee River. The site is improved with a paved parking lot and a four-lane public boat launch.

The parcel is designated as parkland, and is being transferred between local government bodies for the purpose of continuing the current use as a boat launch. The acquisition is classified as a Type II action; no further SEQR review is required.

This acquisition will consolidate City ownership of the parcels that comprise the Port of Rochester, and will facilitate the construction of the planned public marina entrance. It is consistent with the City's plans for redevelopment of the port, and will better position the City for future relocation of public facilities if there is a need to do so in order to accommodate redevelopment.

The Department of Environmental Services (DES) analyzed revenue and operating expense information provided by Monroe County for the boat launch, and has determined that it is feasible for the City to assume responsibility for operation of the facility. DES anticipates assuming the operational responsibilities in 2011 and will maintain the level of service provided by the County. Seasonal workers will staff the launch and collect launch fees. Routine maintenance and mowing will be performed by DES crews already providing such services for the Port Terminal Building and grounds.

The purchase price of \$195,000 was established through an independent appraisal prepared by Robert G. Pogel, SRPA. The total cost of the acquisition is \$ 205,000, which includes the purchase price and closing costs.

The Mayor is authorized to amend the terms and conditions of the purchase offer as he deems appropriate.

Respectfully submitted,

Robert J. Duffy
Mayor

Attachment No. AJ-150

Ordinance No. 2010-425
(Int. No. 497)

Authorizing The Acquisition Of The Monroe County Boat Launch

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

Section 1. The Council hereby approves the acquisition of the Monroe County Boat Launch at 4360 Lake Avenue in order to continue its current use for park purposes.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$195,000, and said amount, and necessary closing costs estimated not to exceed \$10,000, shall be funded from a bond ordinance adopted for this purpose.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-426
(Int. No. 498)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City To Finance The Cost Of Acquisition Of The Monroe County Boat Launch 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 the acquisition of the Monroe County Boat Launch at 4360 Lake Avenue in the City for its continued use for park purposes. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$205,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$205,000 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 \$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 Section 11.00 a.21(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 the 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. 2010-427.
Ordinance No. 2010-428 and
Ordinance No. 2010-429

Re: Planned Development District #11-CityGate

Transmitted herewith for your approval is legislation rezoning a portion of Institutional Planned Development District (IPD) #12 to Planned Development District #11 to support the redevelopment of 44 acres of land at the southeast corner of E. Henrietta Road and Westfall Road, for a mixed-use development to be known as CityGate. Specifically, this legislation will:

1. Amend the Zoning Text by adding the PD#11-Citygate Planned Development District regulations to Chapter 120, the Zoning Code, and approving the Development Concept Plan;
2. Amend the Zoning Map by rezoning 6 properties at 350, 422, 444, and 450 E. Henrietta Road and 401 and 445 Westfall Road from Institutional Planned Development District-Iola (IPD#12), to Planned Development District #11-Citygate (PD#11); and
3. Adopt the related SEQR Findings; a copy is on file with the City Clerk.

The entire Citygate site is approximately 63 acres, bounded by Westfall Road to the north, Brighton Meadows Office Park to the east, the Erie Canal to the south, and E. Henrietta Road to the west; approximately 44 acres are located within the City, which is the former Iola Medical Campus; the remaining 19 acres are located in the Town of Brighton. The City portion is currently zoned as IPD #12, which also includes the Monroe County Hospital and County offices, both of which will remain as IPD #12.

The applicant intends to request that the Brighton portion be rezoned in compliance with the proposed Citygate Development Concept Plan, which will facilitate the overall integration of the project

and provide for uniform regulations and design across municipal boundaries.

Citygate owner, Anthony J. Costello and Son Development, LLC, proposes a mixed-use development, with multi-family housing options, retail, office, hotels, and recreational opportunities. PD#11 will be divided into four sub-areas: 1. Commercial District, 2. Canal Front Mixed-Use, 3. Residential, and 4. Neighborhood Mixed-Use.

The Planning Commission held an informational meeting on September 20, 2010. There were four speakers in support and none in opposition to the proposal. By a vote of 6-0-0, the Commission recommends approval. The minutes of that meeting are attached.

This development proposal was the subject of an Environmental Impact Statement in accordance with State Environmental Quality Review (SEQR). To conclude SEQR, the Findings Statement must be adopted by all Involved Agencies.

A public hearing on the zoning amendments is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-151

Ordinance No. 2010-427
(Int. No. 482)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Adding The Development Concept Plan For CityGate As Planned Development District No. 11

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 Planned Development District No. 11-CityGate and approving the Development Concept Plan for CityGate, constituting the parcels at 350, 422, 444 and 450 East Henrietta Road and 401 and 445 Westfall Road, to read in its entirety as follows:

Planned Development District No. 11
CityGate

A. Purpose.

- (1) The purpose and intent of Planned Development District No. 11 (PD No. 11), to be known as CityGate, is to provide a range of diverse and complementary mix of residential, non-residential and recreational uses on 44 acres on the southeast quadrant of East Henrietta Road and Westfall Road, on the northern edge of the Erie Canal in accordance with the CityGate Development Concept Map incorporated herein.

- (2) The range of land uses is supported by the project site's strategic location and proximity to a number of large community service uses, including Monroe Community Hospital, Monroe Community College, and the University of Rochester. Employees, students, and visitors to these institutions, as well as existing residents in the City and future residents within CityGate will benefit from the types of services to be provided by this development; places to live, places for lodging, places to eat, places to buy groceries, and places to shop for a wide range of everyday and specialty goods.
- (3) The PD No.11 regulations will ensure a high-quality mixed-use style development that promotes pedestrian access and connectivity, multi-modal transportation opportunities, creates dedicated open space areas for residents and visitors, and enhances access to the Erie Canal and waterfront.



DISTRICTS	
1	COMMERCIAL DISTRICT
2	CANAL FRONT MIXED-USE DISTRICT
3	RESIDENTIAL DISTRICT
4	NEIGHBORHOOD MIXED-USE DISTRICT

PD NO. 11 - CITYGATE

B. Principles and objectives.

- (1) The design goals for CityGate are outlined in detail in the *CityGate Design Guidelines*. The objectives of the district are:
 - (a) To be a high-quality mixed-use style development that promotes pedestrian access and connectivity, a complementary architectural vocabulary, multi-modal transportation opportunities, the integration of open space and public gathering areas, and enhanced access to the Erie Canal and waterfront opportunities.
 - (b) To offer a diverse but complementary mix of residential and non-residential opportunities, including a variety of single and multi-family housing options, retail, office, hotels, recreation and open space opportunities.
 - (c) To be a unique and compelling individual community within the larger communities of Rochester and Brighton where residents and visitors will truly have the opportunity to live, work, and play. CityGate will be a development that understands and incorporates sustainable land use initiatives and encourages pedestrian activity and interactions. CityGate will foster human interactions and create a better built environment not only for those who live there, but for those who visit.

C. Sub-Area descriptions.

- (1) PD No. 11 provides a range of uses and is intended to create flexible development opportunities. PD No. 11 is divided into four design districts:
 - (a) Commercial District. This sub-area is approximately 5.2 acres and promotes hotel, commercial and office space development.
 - (b) Canal Front Mixed-Use District. This sub-area is approximately 3.3 acres and promotes development of recreational, residential and commercial uses, in addition to a waterfront hotel.
 - (c) Residential District. This sub-area is approximately 19 acres and promotes development of single family, low- and mid-rise apartments and townhomes.
 - (d) Neighborhood Mixed-Use District. This sub-area is approximately 27.3 acres and is located on the northwest corner of the site. The district will promote a mix of first floor retail and restaurant uses supported by upper story office and residential uses. It will also include a public plaza, Main Street area, commercial, multi-family residential, retail, restaurants, office space, and parking, as well as open space dedicated for public and recrea-

tional use.

D. Site and street design standards.

- (1) CityGate will be a development of high-quality buildings organized by a logical, coherent network of primary corridors, secondary streets, perimeter streets, and open space.
- (2) Primary corridors ("A" streets) will be the principal, organizing transportation routes. A person entering the site will be able to easily navigate the network of streets from any perimeter location to the bank of the canal and canal trail. Primary corridors may be publicly owned or privately owned, but shall function as, and be virtually indistinguishable from publicly owned streets.
 - (a) Primary corridors will emphasize pedestrian amenities including:
 - [1] Sidewalk widths corresponding to expected pedestrian traffic, so that streets that are corridors through the site and/or feature ground level retail will have wider sidewalks than less travelled residential streets.
 - [2] Sidewalk paving material (exposed aggregate, colored concrete, bricks, concrete unit pavers). Stamped concrete or stamped asphalt will be avoided due to concerns over the longevity of a high quality finish.
 - [3] Granite curbing.
 - [4] Trees.
 - [5] Street furniture.
 - [6] Pedestrian scale lighting.
 - (b) Primary corridors shall include on-street parking and have vehicular travel lanes no wider than 11 feet. The streets will have a cross-sectional height to width ratio of no greater than 1:3 and no less than 1:0.6 (i.e. 1:1 and 1:2 are good, 1:4 and greater is not permitted) to allow for at least 80% of the linear frontage of each block allocated for buildings. The height to width ratio of the street shall be measured from building front to building front.
 - (c) Primary corridors shall be lined with, and framed by, buildings that present an active façade that engage pedestrians.
 - (d) Vehicular entrances, drive-through stacking lanes, garage doors, loading

docks or doors, service entrances, dumpster enclosures, or overhead utilities shall not be located along an "A" street. "A" streets can be pedestrian only, although pedestrian-only zones shall be limited in order to maximize traffic flow.

- (3) Secondary streets ("B" streets) will be public or private vehicular ways, driveways, alleyways, and streets, other than "A" streets. "B" streets shall be no wider than 24 feet unless on-street parking is provided. "B" streets will be the location of vehicular entrances, drive-through stacking lanes, garage doors, loading docks or doors, service entrances, dumpster enclosures, and any overhead utilities.
- (4) The perimeter streets, East Henrietta Road and Westfall Road, shall be redeveloped to present an attractive and welcoming image of the new development to the adjacent public rights-of-way and surrounding neighborhood. The perimeter streets shall be treated in the following ways:
 - (a) Retain or add formal landscaping, such as an allée of trees and/or hedges. Informal massed plantings and/or berms shall not be permitted.
 - (b) Perimeter streets shall be lined with buildings to present a front façade to the perimeter streets. The first floor level of these buildings shall be 3 to 5 feet above grade to provide some amount of vertical separation from adjacent pedestrian and vehicular traffic.
 - (c) In no case shall parking, garage doors, loading docks or doors, service entrances, drive through stacking lanes, or dumpster enclosures face perimeter streets without screening. Overhead utilities along perimeter streets shall be placed underground in conjunction with this project's development.
 - (d) Street lighting shall be at a pedestrian scale, or include pedestrian scale lighting, and be matched on the north and west sides of the perimeter streets.
- (5) Green space shall be integrated into the site and properly maintained. A Green Space Management Plan is subject to minor site plan review and approval by the Director of Planning Zoning in accordance with Section 120-191 of the Zoning Code.
- (6) The canal shall be treated as an "edge" more similar to "A" streets and perimeter streets than "B" streets. Parking, garage doors, loading docks or doors, service entrances, drive through stacking lanes, or dumpster enclosures shall not face the canal.

- (7) Walkways shall be a minimum of five (5) feet wide.

E. Permitted uses.

- (1) All uses are permitted in fully enclosed buildings in PD No. 11 unless specifically listed as prohibited or special permit uses.
- (2) Drive-throughs, subject to the additional requirements for specified uses in §120-136.
- (3) Festivals, events and activities, including those associated with open spaces, are permitted in PD No. 11.

F. Prohibited uses.

- (1) The following uses are prohibited in the Residential District:
 - (a) Retail sales and service.
 - (b) Theaters.
 - (c) Motels and hotels.
 - (d) Bars, cocktail lounges and taverns.
 - (e) Restaurants and banquet facilities.
 - (f) Drive-through facilities.
 - (g) Homeless shelters.
 - (h) Rooming Houses/Single-room Occupancy facilities.
 - (i) Sexually oriented businesses.
 - (j) Vehicle service, sales and storage.
- (2) The following uses are prohibited in the Neighborhood Mixed-Use District, Commercial District and Canal Front Mixed-Use District:
 - (a) Single family detached structures.
 - (b) Sexually-oriented businesses.
 - (c) Waste Centers.
 - (d) Junkyards.
 - (e) Homeless Shelters.
 - (f) Residential Care Facilities.
 - (g) Rooming Houses/Single-room Occupancy facilities.

G. Special permit uses.

- (1) Residential District:
 - (a) Any permitted or specially permitted uses open to the public or requiring

loading/unloading between the hours of 12:00 AM and 6:00 AM.

- (b) Private clubs.
- (c) Outdoor markets.
- (d) Offices.

(2) Neighborhood Mixed-Use District:

- (a) Any permitted or specially permitted uses open to the public or requiring loading/unloading between the hours of 2:00 AM and 6:00 AM.
- (b) Private clubs.
- (c) Outdoor entertainment and entertainment, not including sexually-oriented uses, subject to the Additional Requirements for Specified Uses in §120-137.
- (d) Outdoor markets.
- (e) Vehicle service stations within a completely enclosed building.
- (f) Public utilities, subject to the Additional Requirements for Specified Uses in §120-135.

(3) Commercial District:

- (a) Any permitted or specially permitted uses open to the public or requiring loading/unloading between the hours of 2:00 AM and 6:00 AM.
- (b) Outdoor entertainment and entertainment, not including sexually oriented uses, subject to the Additional Requirements for Specified Uses in §120-137.
- (c) Public utilities, subject to the Additional Requirements for Specified Uses in §120-135.

(4) Canal Mixed-Use District:

- (a) Any permitted or specially permitted uses open to the public or requiring loading/unloading between the hours of 2:00 AM and 6:00 AM.
- (b) Private clubs.
- (c) Outdoor entertainment and entertainment, not including sexually oriented uses, subject to the Additional Requirements for Specified Uses in §120-137.
- (d) Public utilities, subject to the Additional Requirements for Specified Uses in §120-135.

(e) Pump station for boats and watercraft.

(f) Outdoor markets.

H. Lot and coverage requirements.

(1) The maximum lot coverage permitted in PD No. 11, including all building structures, streets, parking areas, sidewalks and improved surfaces is 80%. The minimum open space required including storm retention facilities is 20%.

(2) Yard requirements In the Residential District.

(a) Single-family attached (2 or more units):

[1] Maximum front yard setback: 15 feet, and must align with previously constructed residential structures on the same block.

[2] Maximum side yard setback: 12 feet.

(b) Other Uses:

[1] Maximum front yard setback: 10 feet, except 15 feet where entrances are provided directly into individual residential units and must align with previously constructed structures on the same block.

[2] Minimum side yard setback: Zero feet, unless a vehicular or pedestrian right-of-way is incorporated into the site plan in this case, no larger than 20 feet.

[3] Minimum rear yard setback: 15 feet unless abutting single family attached or detached residential uses, in that case, 20 feet.

(3) Yard requirements in the Neighborhood Mixed-Use District.

(a) Multi-family:

[1] Maximum front yard setback: 10 foot.

[2] Minimum side yard setback: Zero feet, unless a vehicular or pedestrian right-of-way is incorporated into the site plan, in this case, no larger than 20 feet.

[3] Minimum rear yard setback: 15 feet, unless abutting single family attached or detached residential uses, in this case, 20 feet.

(b) All mixed uses or non-residential uses:

[1] Front yard setback: Zero feet.

[2] Minimum side yard setback: Zero feet, unless a vehicular or pedestrian right-of-way is incorporated into the site plan, in this case, no larger than 20 feet.

[3] Minimum rear yard setback: Zero feet, unless abutting purely residential uses, in this case, 20 feet.

(4) Yard requirements in the Commercial District.

(a) All uses:

[1] Maximum front yard setback: 10 feet.

[2] Minimum side yard setback: Zero feet, unless a vehicular or pedestrian walkway is incorporated into the site plan, in this case, no larger than 12 feet.

(5) Yard requirements in the Canal Front Mixed-Use District.

(a) All uses:

[1] Minimum canal side setback: 10 feet.

[2] Minimum side setback: 6 feet with a pedestrian right-of-way incorporated into the site plan. In no case, larger than 10 feet.

[3] Minimum land side setback: 10 feet.

I. Bulk requirements.

(1) Building heights.

(a) Residential District.

[1] Maximum building height, attached, two or more units: 3 stories or 50 feet.

[2] Maximum building height, detached accessory use or structures: 30 feet.

(b) Canal Front Mixed-Use District.

[1] Maximum building height: 2 stories or 30 feet.

(c) All other districts.

[1] No maximum restrictions on building height in any other district.

J. Off-street parking and loading.

(1) Parking.

(a) Requirements.

- [1] Parking requirements for each use shall be determined through the use of a parking demand analysis in accordance with § 120-173B of the Zoning Code.

(b) Location.

- [1] Surface parking shall not be located at the intersection of two primary "A" streets.
- [2] Surface parking shall be located in the rear yard and/or fronting on secondary streets, "B" streets or alleyways, and be hard surfaced and granite or concrete curbed.
- [3] On-street parking is preferred on all streets.
- [4] Parking shall be accessed from secondary streets, "B" streets.
- [5] No more than 10% of canal frontage shall be allocated to surface parking.
- [6] Garages for single-family attached and detached dwelling units shall be allowed to front on "B" streets.

(c) Design and Maintenance.

- [1] Parking shall comply with the parking lot design and maintenance standards set forth in §120-173F, with the exception that parking areas shall be permitted adjacent to residential uses and districts.

(2) Loading and service areas.

(a) Loading.

- [1] Loading shall comply with the requirements set forth in §120-172.

(b) Service areas.

- [1] All exterior service loading, storage, and utility areas shall be located along "B" streets and shall be screened so as not to be visible from any "A" streets on the site or from perimeter streets or adjacent sites.

K. Design regulations.

(1) Architecture.

(a) Residential District.

- [1] Architectural style will be similar in character to create a cohesive built environment that has a definable character and sense of place.
- [2] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [3] At least 50% of the exterior elevation building materials shall be brick, dimensional natural stone, or finished masonry units.
- [4] Buildings with a façade exceeding 75 feet in length shall have repeating wall recessions or projections in order to provide visual articulation.
- [5] The composition of buildings shall present a clearly recognizable base, middle, and top, base and top, or a clearly-defined alternative building composition.
- [6] Any commercial building located within 75 feet of a residential structure shall have architectural elements and/or materials that integrated the characteristics of the residential building façade.
- [7] Parapets or other architectural features shall be used to conceal rooftop mechanical equipment.
- [8] The following architectural elements shall be integrated into the design of buildings:
 - [a] Portico or canopy.
 - [b] Raised corniced parapet over the entrance.
 - [c] Vertical entry feature.
 - [d] Façade articulation with vertical elements.
 - [e] Covered entrance.
 - [f] Façade subdivision into proportional bays.
 - [g] Display windows.

(b) Neighborhood Mixed-Use District.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over

time.

- [2] At least 50% of the exterior elevations building materials shall be brick, dimensional natural stone, or finished masonry units.
- [3] The following architectural elements shall be integrated into the design of buildings:
 - [a] Balconies with decorative railings.
 - [b] Rigid frame or fabric awnings.
 - [c] Colonnades or covered walkways.
 - [d] Covered entrances.
 - [e] Façade articulation with vertical elements.
 - [f] Large glazed façade at main entrance, making it visible from the street or main site access.
 - [g] Articulation of building materials defining base, middle and top or base and top.
 - [h] Façade subdivision into proportional bays.
 - [i] Dormers and bay windows.
 - [j] Variations of roof lines.
 - [k] Decorative parapets and cornices.

(c) Commercial District.

- [1] Architectural style will be similar in character to create a cohesive built environment that has a definable character and sense of place.
- [2] All retail area of buildings shall have arcades or covered walkways at the ground floor level to create cover for pedestrians.
- [3] Façades shall incorporate features that contribute to the creation of a pedestrian-friendly environment.
- [4] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [5] At least 50% of the exterior elevations building materials shall be

brick, dimensional natural stone, or finished masonry units.

- [6] The following architectural elements shall be integrated into the design of buildings:
 - [a] Balconies with decorative railings.
 - [b] Rigid frame or fabric awnings.
 - [c] Entrances that have a definable architectural expression, except when they are retail storefronts under covered walkways.
 - [d] Clearly defined, visible covered entrances which maintain the proportional scale of the building.
 - [e] Façade articulation with vertical elements.
 - [f] Large glazed façade at main entrance, making it visible from the street or main site access.
 - [g] Articulation of building materials defining base, middle and top or base and top.
 - [h] Façade subdivision into proportional bays.
 - [i] Dormers and bay windows.
 - [j] Variations of roof lines.
 - [k] Decorative parapets and cornices.

(d) Canal Front Mixed-Use District.

- [1] All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain its appearance over time.
- [2] Appropriate building materials include brick, natural or synthetic stone, integrally-colored stucco and hardboard siding.
- [3] At least 25% of the exterior elevation building materials shall be textured brick or decorative stone.
- [4] The following architectural elements shall be integrated into the design of buildings:
 - [a] Balconies.

- [b] Covered entrances.
- [c] Clearly defined, visible entrances which maintain the proportional scale of the building.
- [d] Articulation of wall surface materials and colors.
- [e] Large façades divided into modules to create smaller sections.
- [f] Dormers and bay windows.
- [g] Pop-outs and projections.
- [h] Chimneys.
- [i] Window shutters.
- [j] Varying roof heights and wall planes.

(2) Signage.

- (a) All signage within PD No. 11 shall be subject to a Sign Program, subject to minor site plan review and approval by the Director of Planning and Zoning in accordance with Section 120-191 of the Zoning Code.

(3) Screening.

- (a) All mechanical equipment shall be designed to be an integral part of the building or structure. Mechanical equipment, including heating, electrical, and air conditioning, or other, shall not be installed on the roof of any building if the roofline is visible from the ground. Mechanical equipment shall be screened so as to diminish its visibility from ground level.

(4) Modification.

- (a) Modification of the design regulations contained in Section K. and the *CityGate Design Guidelines* is subject to minor site plan review and approval by the Director of Planning and Zoning in accordance with Section 120-191 of the Zoning Code.

L. Personal Wireless Telecommunication Facilities (PWTF). Personal wireless telecommunication facilities in PD No. 11 shall be regulated as outlined in §120-143 of the Zoning Code as follows:

- (1) Antennas on buildings. Antennas are permitted on all buildings which are four stories or greater in height, provided that the antennas and related structures do not extend more than 20 feet above the roofline.

- (2) Antennas on existing towers. Antennas on existing telecommunications towers or other structures are permitted unless otherwise restricted pursuant to the terms of a prior special permit.
- (3) Telecommunications towers. New telecommunications towers shall not be permitted.

M. Additional Requirements.

- (1) Development and redevelopment in PD No. 11 is subject to the City-Wide Design Guidelines and Standards (Article XIX), and is equivalent to the C-1 District, except Section 120-158C(1).
- (2) Development and redevelopment in PD No. 11 is subject to Requirements Applying To All Districts (Article XX).
- (3) This Planned Development District is subject to requirements set forth in Article XVII of the City Zoning Code regarding Planned Development Districts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-428
(Int. No. 483)

Changing The Zoning Classification Of CityGate Parcels At 350, 422, 444 And 450 East Henrietta Road And 401 And 445 Westfall Road From IPD#12-Iola To PD #11-CityGate

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 CityGate parcels, constituting at 350, 422, 444 and 450 East Henrietta Road and 401 and 445 Westfall Road from IPD#12-Iola to PD #11-CityGate:

All that tract or parcel of land being part of Town Lot 63 in Township 13, Range 7, Division 2 of the Phelps and Gorham Purchase, situate in the City of Rochester, County of Monroe, State of New York, and more particularly described as follows; Commencing at a point being the centerline intersection of East Henrietta Road (NYS Route 15A, 66.00 feet wide) and Westfall Road (County Route 239, 49.5 feet wide), said point being the point or place of beginning;

- 1. Thence, running a line along the centerline of Westfall Road having a bearing of N 86° 45' 35" E a distance of 1,357.50 feet to a point;
- 2. Thence, turning and running a line having a bearing of S 12° 17' 19" W a distance of

- 1,121.22 feet to a point;
- 3. Thence, turning and running a line separating the City of Rochester from the Town of Brighton having a bearing of N 86° 45' 35" E a distance of 219.56 to a point;
- 4. Thence, turning and running a line separating the City of Rochester from the Town of Brighton having a bearing of S 20° 51' 23" W a distance of 788.86 feet to a point on the north side of the Erie Canal (The State of New York);
- 5. Thence, turning and running a line along the north side of the Erie Canal (The State of New York) having a bearing of S 88° 28' 10" W a distance of 139.73 feet to a point;
- 6. Thence, turning and running a line along the north side of the Erie Canal (The State of New York) having a bearing of N 67° 55' 50" W a distance of 708.11 feet to a point;
- 7. Thence, deflecting and running a line along the north side of the Erie Canal (The State of New York) having a bearing of N 66° 01' 10" W a distance of 222.06 feet to a point in the centerline of East Henrietta Road;
- 8. Thence, turning and running a line along the centerline of East Henrietta Road having a bearing of N 02° 18' 55" W a distance of 1,392.11 feet to a point being the centerline intersection of East Henrietta Road and Westfall Road, said point being the point or place of beginning.

Intending to describe a parcel of land to be rezoned containing 45.046 acres of land.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-429
(Int. No. 484)

Adopting Environmental Findings For The CityGate Project

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

Section 1. The Council hereby adopts the State Environmental Quality Review Findings Statement for the CityGate Project as approved by the Director of Planning and Zoning as Lead Agency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 478
Re: Acquisition - Hebard/Trinidad Streets

Transmitted herewith for your approval is legislation authorizing the acquisition of seven parcels totaling .80 acres near the Public Market, from Dawn S. Kryk. This acquisition would allow the City to create a City-owned parking lot on Hebard and Trinidad Streets to serve the Public Market. The properties to be acquired are 28, 32, 40, and 44 Hebard Street; and 2, 4, and 6 Trinidad Street.

The purchase price of \$150,000 was negotiated and is supported by an independent appraisal prepared by Kevin L. Bruckner, MAI. A total cost of \$160,000, which includes the purchase price and closing costs, will be funded from the 2008-09 Cash Capital allocation for acquisitions.

The City is currently undertaking environmental testing on the site. Based on the results of the testing, the acquisition amount may be reduced if remediation is required. In any event, the final acquisition amount will not exceed the \$160,000 figure.

The Department of Recreation & Youth Services and the Division of Real Estate worked together to identify these parcels and secure their acquisition for use in conjunction with the Public Market.

The Mayor is authorized to amend the terms and conditions of the purchase offer as he deems appropriate.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 478

AUTHORIZING THE ACQUISITION OF PARCELS FOR PARKING FOR THE PUBLIC MARKET

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 current owner, Dawn S. Kryk, to create parking for the Public Market:

<u>Address</u>	<u>SBL#</u>
28 Hebard Street	106.58-3-41
32 Hebard Street	106.58-3-42
40 Hebard Street	106.58-3-43
44 Hebard Street	106.58-3-44.1
2 Trinidad Street	106.58-3-40
4 Trinidad Street	106.58-3-39
6 Trinidad Street	106.58-3-38

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$150,000, and said amount, and necessary closing costs estimated not to exceed \$10,000, shall be funded from the 2008-09 Cash Capital allocation. The Director of Real Estate may reduce the cost of said acqui-

tions by an amount deemed necessary to provide for environmental remediation of the 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 owners have paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owners 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
December 14, 2010

To the Council:

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

Int. No. 485 - Authorizing The Sale Of The Hemlock Lake Park

Int. No. 486 - Authorizing An Amendatory Agreement With The Monroe County Water Authority

Int. No. 487 - Authorizing Agreements For Hazardous Materials Services

Int. No. 488 - Establishing Maximum Compensation For A Professional Services Agreement For The Public Market Renovation And Expansion Project

Int. No. 489 - Amending Ordinances No. 2010-257 And 258 Relating To The Lake Avenue And Waring Road Improvement Projects

Int. No. 490 - Amending The 2010-11 Budget For Distressed Ash Tree Removal

Int. No. 491 - Establishing Maximum Compensation For A Professional Services Agreement For A Holly Fire Protection System Viability Study

Int. No. 500 - Establishing Maximum Compensation For A Professional Services Agreement For A Brownfield Opportunity Area Nomination Study

Int. No. 501 - Authorizing An Agreement For The Transfer Of Sewer Assets

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

Int. No. 492 - Approving Changes In The Pavement Width Of Westfall Road And East Henrietta Road As A Part Of The Westfall Road Improvements Project

Int. No. 493 - Approving A Decrease In The Pavement Width Of Schauman Place

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
JOBS, PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-430
Re: Sale of Real Estate - Hemlock Lake Park

Transmitted herewith for your approval is legislation authorizing the sale of 20.33 acres of parkland, located at north end of Hemlock Lake in Livingston County, to the Town of Livonia for \$118,000. The sale price was determined through an appraisal provided by Bruckner, Tillett, Rossi, Cahill & Associates in August 2010.

The Town of Livonia will retain the property as parkland open for public recreation. New York State has taken the position that when parkland is transferred from one municipality to another, where the status of the parkland will be maintained, no impermissible alienation occurs.

This property overlooks the northern end of the undeveloped shores of Hemlock Lake. The Park is an important recreational asset to the local community in Livingston County and the broader regional community. The Park has been the site of many weddings, family parties, small picnics, and daily walks. The City has maintained the Park for many decades; this included lawn mowing, pavilion and gazebo maintenance, and daily restroom maintenance on a seasonal basis.

The New York State Department of Environmental Conservation, recent purchaser of 6,884 acres of City watershed property, opted not to buy this parcel. Sale to the Town of Livonia will generate revenue from the sale, reduce PILOT payments made by the City, and eliminate the maintenance expense required to maintain a twenty-acre Park. It will enable the Water Bureau to focus on its core mission of water supply.

The City will retain an easement over the park for access to the all water filtration related facilities.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-152

Ordinance No. 2010-430
(Int. No. 485)

Authorizing The Sale Of The Hemlock Lake Park

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

Section 1. The Council hereby approves the sale of the Hemlock Lake Park, constituting approximately 20.33 acres, to the Town of Livonia for the continued use as parkland, for the sum of \$118,000. The City shall retain a permanent easement over said parcel for access to all City water facilities.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-431
Re: Amendatory Agreement - Monroe County Water Authority

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Monroe County Water Authority (MCWA). The current agreement is due to expire on December 31, 2010. This amendment will extend the term to December 31, 2011.

The original agreement was authorized in April 1978 for a thirty-year term. The City and MCWA have been in discussions about the terms of a new agreement since May 2007. These discussions have been productive and have helped to clarify each party's system and operations. The level of detail and quantity of information has resulted in the necessity of additional time to finalize negotiations. This agreement amendment is mutually beneficial to both the City and MCWA for new agreement preparations.

Additional terms of the agreement remain as amended by Ordinance No. 2008-148. The expiration date of this agreement was last amended by Ordinance No. 2009-381 in November 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-431
(Int. No. 486)

Authorizing An Amendatory Agreement With The Monroe County Water Authority

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 Monroe County Water Authority for the extension of the current agreement, as amended by Ordinance No. 2008-148, through December 31, 2011.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-432
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
- OP-Tech Environmental Services, Inc.
3255 Brighton-Henrietta Town Line Road, Rochester 14623
- Matrix Environmental Technologies, Inc.
620 Park Avenue #167, Rochester 14607
- TREC Environmental, Inc.
1018 Washington Street, Spencerport 14559
- Nothnagle Drilling, Inc.
1821 Scottsville-Mumford Road, Scottsville 14546

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

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

- Testing and characterization of wastes;
- Preparation, transportation and disposal of 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 contaminated sites;
- Emergency cleanup of spills; and
- Asbestos, lead and mold abatement.

Agreements for these services have been used with area environmental contractors since 1992, most recently in January 2007 (Ordinance No. 2007-12).

In July 2010, proposals were solicited from seven local companies known to provide these services. Six firms responded, including the five and National Vacuum Corporation (Rochester 14611). Selection of recommended firms is based on the

variety and availability of services provided, cost for services, qualifications and past experience.

The services will be provided at specific unit prices. The selection of the specific company to provide the services will be based upon the type of services required and the ability of the firm 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. 2010-432
(Int. No. 487)

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:

Company
Address

- NY Environmental Technologies, Inc.
230 McKee Road
- OP-Tech Environmental Services, Inc.
3255 Brighton-Henrietta Town Line Road
- Matrix Environmental Technologies, Inc.
620 Park Avenue #167
- TREC Environmental, Inc.
1018 Washington Street, Spencerport
- Nothnagle Drilling, Inc.
1821 Scottsville-Mumford Road, Scottsville

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. 2010-433
Re: Agreement - T.Y. Lin International, Public Market Renovation and Expansion

Transmitted herewith for your approval is legislation establishing \$300,000 as maximum compensation for an agreement with T.Y. Lin International, Rochester, for architectural design services for the Public Market Renovation and Expansion Project. The cost of the agreement will be funded from the 2010-11 Cash Capital allocation of the Department of Environmental Services (DES).

The Wintershed, a 10,400 square foot facility at the Public Market, was built in 1978 and is in need of comprehensive renovation and expansion. Design will allow for an increase in the number of vendors, improve customer traffic, enable varied storefront capability for indoor/outdoor use as seasons dictate, and incorporate restroom and other mechanical, electrical and plumbing systems as required by code.

The consultant will develop, in concert with a stakeholder committee, a Public Market analysis and a program and vendor strategy plan. Stakeholders will include the Marketview Heights Neighborhood Association, current Market vendors, Friends of the Public Market, the Public Market Business Association, Market customers and users, and City departments of Recreation and Youth Services and Environmental Services. The project will be administered by DES.

The consultant will create schematic design options, including evaluation of permanent infrastructure and/or a building at the temporary vendor staging site. The current construction budget is \$5 million, as identified in the 2011-12 and 2012-13 Capital Improvement Program. Detailed schematic design will be used to inform the project budget and to determine the viability of market expansion and potential revenue for the Wintershed.

A request for qualifications was solicited from seven firms and was posted on the City's website. Six firms responded: Chaintreuil Jensen Stark Architects, LLP, DeWolff Partnership Architects LLP, Simbari Design Architecture PLLC, Smith and Associates Architects PLLC, Stantec Consulting Services, Inc., and T.Y. Lin International. Based on their qualifications, experience in completing similar projects, and reasonableness of its proposed fee, T.Y. Lin was selected.

Design will begin in spring 2011 with completion in fall 2011.

Using the ARRA guideline of \$92,000 as the value of one job created or retained by investment in public works projects, the consultant agreement will result in the equivalent of three jobs; it is estimated that the renovation and expansion work will create/retain 54 jobs.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-433
(Int. No. 488)

Establishing Maximum Compensation For A Professional Services Agreement For The Public Market Renovation And Expansion Project

Ordinance No. 2010-434
(Int. No. 489)

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 established as the compensation to be paid for a professional services agreement between the City and T.Y. Lin International for architectural design services for the Public Market Renovation and Expansion 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 2010-11 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-434
Re: Amendments - Lake Avenue and Waring Road Improvement Projects

Transmitted herewith for your approval is legislation amending Ordinance Nos. 2010-257 and 2010-258 relating to the Lake Avenue (Merrill Street to Burley Avenue) and Waring Road (Culver Road to Norton Street) improvement projects, respectively. The amendments will designate the City's local share commitment for each of the projects. The City share will fund the total initial cost of the design of both of these federal aid street projects.

Total project funding is summarized below. The City will be reimbursed by the State and Federal governments for the Federal Aid-eligible costs. The local share will be funded from Cash Capital allocations of the Department of Environmental Services as follows:

Project	Project Cost		
	Federal	State	Local
Lake Avenue	\$516,000	\$645,000	\$32,250
Waring Road	\$393,000	\$0	\$98,200

The Lake Avenue local share will be funded from 2008-09 Cash Capital (\$30,000) and the 2010-11 Operating Budget of the Department of Environmental Services (\$2,250). The Waring Road local share will be funded from 2009-10 Cash Capital (\$91,700) and the 2010-11 Operating Budget of DES (\$6,500).

Respectfully submitted,
Robert J. Duffy
Mayor

Amending Ordinances No. 2010-257 And 258 Relating To The Lake Avenue And Waring Road Improvement Projects

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

Section 1. Ordinance No. 2010-257, relating to the Lake Avenue Improvement Project, is hereby amended by authorizing the City to fund the local share of the design costs of \$32,250 from the 2008-09 Cash Capital allocation (\$30,000) and the 2010-11 Budget of the Department of Environmental Services (\$2,250).

Section 2. Ordinance No. 2010-258, relating to the Waring Road Improvement Project, is hereby amended by authorizing the City to fund the local share of the design costs of \$98,200 from the 2009-10 Cash Capital allocation (\$91,700) and the 2010-11 Budget of the Department of Environmental Services (\$6,500).

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2010-435
Re: Amending the 2010-11 Budget - Ash Tree Management

Transmitted herewith for your approval is legislation amending the 2010-11 Budget by transferring \$460,500 from the insurance reserve fund to Cash Capital to fund the treatment of up to 4,700 ash trees and the removal of up to 400 trees.

Licensed pesticide applicators in the City's Division of Forestry will treat ash trees with the pesticide Treeage (emanectin benzoate), which has proved effective in protecting ash trees in states that have experienced high emerald ash borer infestations, including Ohio, Michigan, and Wisconsin.

The pesticide, approved for use in New York State, is injected directly into the trunk of the trees and poses virtually no exposure risk to the public. The treatment, at a cost of approximately \$45 per tree, protects ash trees for a period of two years and will allow the City more time to transition its ash population to other species.

An emerald ash borer infestation was detected this past summer in Scottsville. The City allocated \$150,000 for the removal of 300 distressed ash trees in July 2010 (Ordinance No. 2010-256). To date, 125 trees have been removed and 75 trees of other species have been planted to replace them.

Respectfully submitted,

Robert J. Duffy
Mayor

Ordinance No. 2010-435
(Int. No. 490)

Amending The 2010-11 Budget For Distressed Ash Tree Removal

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

Section 1. Ordinance No. 2010-188, the 2010-11 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 \$460,500, which amount is hereby appropriated from the Insurance Reserve Fund to fund the treatment, removal and replacement of distressed ash trees.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-436
Re: Agreement - Bergmann Associates, Holly
Fire Protection System Viability Study

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for a professional services agreement with Bergmann Associates, Rochester, for evaluation of the viability of the Holly fire protection system. The cost of the agreement will be financed from the 2001-02 Cash Capital allocation of the Department of Environment Services (Water Fund).

The City operates and maintains the Holly Fire Protection System within the central business district, one of few remaining high pressure, non-potable fire protection water distribution systems in the nation. The study will assess the condition of the system, define customer and building needs, develop system hydraulic modeling, and provide a comprehensive business analysis that will inform the City's decisions on the future of the system.

A cost/benefit analysis will be conducted defining hydraulic and financial impacts to the City and stakeholders for continuance or decommissioning of the Holly System. Lastly, the consultant will provide an assessment of the rate structure needed over the next thirty years for maintaining the existing system, as well as a cost analysis and schedule for potential decommissioning of the system.

Proposals were solicited from five local firms; three responded: Arcadis of New York, Inc.; Bergman Associates, P.C.; and O'Brien & Gere Engineers, Inc. Bergmann was selected based on the experience of the consultant team, the thorough approach as outlined in their proposal, and excellent references from similar studies. The consultant has assembled a comprehensive team that

includes water system design engineers, fire protection engineers and a financial planning consultant.

The consultant's services will begin in January 2011 with a final report due in summer 2011.

Using the American Reinvestment and Recovery Act guideline of \$92,000 as the value of one job created or retained by investment in public works projects, this project will create the equivalent of .87 of one job.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-436
(Int. No. 491)

Establishing Maximum Compensation For A Professional Services Agreement For A Holly Fire Protection System Viability Study

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 Bergmann Associates for a Holly Fire Protection System Viability Study. Said amount shall be funded from the 2001-02 Cash Capital allocation (Water Fund).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-437
Re: Agreement - Bergmann Associates,
Brownfield Opportunity Area
Nomination Study

Transmitted herewith for your approval is legislation establishing \$213,200 as maximum compensation for an agreement with Bergmann Associates, Rochester, to complete a Brownfield Opportunity Area Nomination Study, and authorizing an agreement with the New York State Department of State (NYSDOS) for the receipt and use of \$215,100 in Brownfield Opportunity Area (BOA) grant funding to finance the agreement and the project. The cost of the agreement will be financed from the BOA grant \$189,200 and 2008-09 Cash Capital (\$24,000). The balance of the grant amount, \$25,900, will reimburse the City for staff and supply costs required to conduct the project.

The BOA program provides up to 90% of eligible costs for inventorying brownfields, completing area-wide planning approaches to brownfields redevelopment, and investigating key brownfield sites. This award will be used for the Vacuum Oil

- South Genesee River Corridor (VOSGRC) site, which was selected based on: its size, its proximity to the University of Rochester and other brownfield projects such as Brooks Landing and Corn Hill Landing, the significant interest of the community in this area of the City, and that it is the location of the former Vacuum Oil Refinery.

Bergmann will conduct an area-wide planning study for the site which is approximately 58 acres along the west bank of the Genesee River and centered on the location of the VOSGRC. Bergmann will prepare the project nomination study which will incorporate community visioning and an in-depth analysis of environmental, economic, and real estate conditions, and existing land use planning studies and efforts.

A Project Advisory Committee of stakeholders will work with the consultant to identify cleanup and redevelopment strategies and the development of a proposed land use plan. Once the nomination study is approved by the State, a formal Brownfield Opportunity Area will be established, giving the area funding preference from New York State, tax credit eligibility for projects, and additional opportunities for City grant funding.

A request for proposals was issued in September 2010; six firms responded: Barton & Loguidice P.C., Bergmann Associates, P.C., Clark Patterson Lee, LaBella Associates, P.C., Passero Associates, and Stantec Consulting Services, Inc. Bergmann is recommended based on the combination of its project approach, its experience and qualifications in other BOA and master planning projects, and the appropriateness of its proposed fee.

The agreement will have an initial term of three years with provision for an additional one year extension, if the project duration and scope require additional services. Using the American Reinvestment and Recovery Act (ARRA) guideline of \$92,000 as the value of one job created or retained by investment in public works projects, this project will result in 2.3 jobs.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-153

Ordinance No. 2010-437
(Int. No. 500)

Establishing Maximum Compensation For A Professional Services Agreement For A Brownfield Opportunity Area Nomination Study

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

Section 1. The sum of \$213,200, 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 Bergmann Associates for a Brownfield Opportunity Area Nomination Study for the Vacuum Oil—

South Genesee River Corridor Brownfield Opportunity Area for a term of three years, with an additional one-year option. Of said amount, \$189,200 shall be funded from the appropriation made in Section 2 and \$24,000 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. The sum of \$215,100 is hereby appropriated from New York State Brownfield Opportunity Area Grant Funds to fund the agreement authorized herein and City costs.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-438
Re: Transfer of Sewer Assets

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Pure Waters District (RPWD) for the transfer, operation and maintenance of City-owned sanitary, storm and combined sewer assets. The legislation also authorizes all necessary access agreements, the conveyance of all necessary easements, including easements identified subsequent to the transfer of the system, and other actions that may be necessary for the transfer, operation and maintenance of the system.

The City owns a majority of the local sewer collection system, as well as a minor portion of the Frank E. VanLare Wastewater Treatment Facility at 1574 Lakeshore Boulevard. The RPWD owns the local Combined Sewer Overflow Abatement Program Tunnel System and a majority of the VanLare Wastewater Treatment Facility. Since July 1971, the RPWD has leased portions of City-owned sanitary, storm and combined sewer system assets within the district, including a portion of the VanLare Wastewater Treatment Facility, providing for operation and maintenance of the system. This agreement expires on June 30, 2011.

The City and RPWD jointly recommend a transfer of ownership and full operation and maintenance of the City-owned portion of the system to the RPWD at no cost. The RPWD will assume ownership of all system assets, bear responsibility for all costs, and shall reimburse the City for associated improvements as part of the City's Street Improvement Program. The majority of the City-owned assets can be transferred to the County immediately. However, the catch basins and manhole covers on some streets are still the subject of outstanding City bonds and their ownership cannot be transferred until the bonds are redeemed.

The asset transfer provides a number of benefits to the City, including the elimination of liability for an aged sewer collection system; streamlining of responsibilities with respect to asset maintenance, capital repairs, regulatory compliance and financial operations; and reductions in City capital and

maintenance costs estimated at \$500,000 each year.

The RPWD has demonstrated decades of excellent service and stewardship of the area’s sewer systems and shall provide continuity of services to ratepayers. The charges collected by RPWD continue to be established by the RPWD and approved by the Monroe County Legislature, which acts as the administrative board for the RPWD since 1988. Rates are regulated by the Office of the New York State Comptroller, and have historically averaged well below other regional municipal sewer service charges.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-438
(Int. No. 501)

Authorizing An Agreement For The Transfer Of Sewer Assets

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 Pure Waters District (RPWD) for the transfer, operation and maintenance of City-owned sanitary, storm and combined sewer assets, including the City interest in the Frank E. VanLare Wastewater Treatment Facility at 1574 Lakeshore Boulevard, at no cost. The RPWD shall assume ownership of all system assets, bear responsibility for all costs, and reimburse the City for associated improvements as part of the City’s Street Improvement Program. The Council further authorizes all necessary access agreements, the conveyance of all necessary easements, including easements identified subsequent to the transfer of the system, and other actions that may be necessary for the transfer, operation and maintenance of the system. The majority of the City-owned assets shall be transferred to the County immediately. However, the catch basins and manhole covers that are still the subject of outstanding City bonds shall be transferred upon the redemption of the bonds.

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. 2010-439
Re: Geometric Changes - Westfall Road
Improvements Project, Phase III

Transmitted herewith for your approval is legislation authorizing changes in pavement width for the

Westfall Road Improvements Project, Phase III. A listing of changes is attached along with a map illustrating the area.

The pavement width changes were requested by the Monroe County Department of Transportation in order to improve highway capacity deficiencies and to reduce congestion. In addition to the pavement width changes, this project includes highway improvements for approximately 1.2 miles of Westfall Road beginning west of East Henrietta Road and ending at Lac-de-Ville Boulevard. The project involves correcting pavement deficiencies, drainage improvements, profile changes, and intersection improvements at East Henrietta Road, Sawgrass Drive, and South Clinton Avenue. The County is administering this project, which is under design by Barton & Loguidice, P.C.

Council authorization for permanent and temporary easements will be required at a later date.

It is anticipated the design will be completed in late fall 2011 and construction will begin in spring 2012, with substantial completion by fall 2012. The project will be funded with Federal, State, and Local funds; no City share is required.

A public hearing on the proposed improvements and right-of-way actions was held on August 23, 2010. Public meetings were held on February 11, 2009, and August 23, 2010; transcripts are on file with the Clerk’s Office. The pavement width changes were presented for endorsement at the July 13, 2010 Traffic Control Board meeting.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-154

Ordinance No. 2010-439
(Int. No. 492)

Approving Changes In The Pavement Width Of Westfall Road And East Henrietta Road As A Part Of The Westfall Road Improvements 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 Westfall Road as a part of the Westfall Road Improvements Project:

- a. A varying increase in pavement width from a point 403 feet west of East Henrietta Road to a point 143 feet west of the same intersection, resulting in varying overall pavement width of 44.0 feet to 66.5 feet.
- b. An increase of 14 feet, from 52.5 feet to 66.5 feet, beginning at a point 143 feet west of East Henrietta Road, to a point 147 feet

east of the same intersection.

- c. A varying increase in pavement width from a point 147 feet east of East Henrietta Road to a point 1362 feet east of the same intersection, resulting in varying overall pavement width of 74.5 feet to 39.0 feet.
- d. An increase of 12 feet, from 27.0 feet to 39.0 feet, beginning at a point 1362 feet east of East Henrietta Road, to the City of Rochester/Town of Brighton municipal boundary at Metropolitan Drive.

Section 2. The Council hereby approves an increase of 8 feet, from 55 feet to 63 feet, in the pavement width of East Henrietta Road, from a point 350 feet south of Westfall Road to Westfall Road as a part of the Westfall Road Improvements Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-440
Re: Geometric Changes - Schauman Place
(School #20)

Transmitted herewith for your approval is legislation authorizing a decrease in pavement width of five feet on Schauman Place, from 18 feet to 13 feet, beginning at a point 120 feet north of Oakman Street northerly for a distance of 20 feet.

The pavement width changes were requested by the City School District to improve safety at School #20. This project also includes curb and sidewalk replacement adjacent to the school on the east side of Schauman Place, and drainage improvements. The project is being designed by Hunt Engineers, Architects and Land Surveyors, P.C. for the District. Design of the project is complete; construction will begin in June 2011 with completion in September 2011.

No additional right-of-way is required to accommodate the changes in pavement width. The pavement width changes were presented for endorsement at the October 19, 2010 Traffic Control Board meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-155

Ordinance No. 2010-440
(Int. No. 493)

Approving A Decrease In The Pavement

Width Of Schauman Place

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

Section 1. The Council hereby approves a decrease of 5 feet, from 18 feet to 13 feet, in the pavement width of Schauman Place, from a point 120 feet north of Oakman Street northerly for a distance of 20 feet, in conjunction with improvements at School #20.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
December 14, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for adoption the following entitled legislation:

Int. No. 494 - Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2010-11 Budget

Int. No. 495 - Establishing Maximum Compensation For A Professional Services Agreement For Payroll Administration Services For PRIME II

Int. No. 499 - Authorizing Agreements For Youth Services Programs And Amending The 2010-11 Budget, As Amended

The following entitled legislation is being held in Committee:

Int. No. 496 - Establishing Maximum Compensation For A Professional Services Agreement For Monitoring Of The Hillside Work Scholarship Connection Program

Int. No. 502 - Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2010-11 Budget

Respectfully submitted,
Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-441
Re: Governor's Traffic Safety Committee,
Selective Traffic Enforcement Program

Transmitted herewith for your approval is legisla-

tion authorizing an agreement with the New York State Governor's Traffic Safety Committee (GTSC) for the receipt and use of a \$35,800 grant under the Selective Traffic Enforcement Program (STEP) Aggressive Driving Program; and amending the 2010-11 Budget of the Police Department to include \$23,600 of the grant. The remainder will be included in the 2011-12 Budget.

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. The funds will be used to reimburse the overtime salaries of sworn officers to conduct special enforcement details, targeting locations with a high incidence of motor vehicle accidents.

This is the ninth year of GTSC funding to the City under this program and covers the period October 1, 2010 through September 30, 2011. A grant for the previous STEP program was approved in January 2010 under Ordinance No. 2010-26.

During the previous funding period, 1,090 total citations were issued to motorists for infractions related to speeding and unsafe or aggressive driving, a 3.6% increase over the previous year. Of these, 87 citations were specifically for aggressive driving, a 248% increase. During this period, fatalities related to unsafe or aggressive driving decreased by 14%.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-441
(Int. No. 494)

Authorizing An Application And Agreement For The Selective Traffic Enforcement Program And Amending The 2010-11 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. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2010-188, the 2010-11 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 \$23,600, 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. 2010-442
Re: Agreement - Employment Store,
PRIME II

Transmitted herewith for your approval is legislation establishing \$174,000 as maximum compensation for an agreement with The Employment Store for payroll administration services for PRIME II from December 15, 2010 through December 14, 2011. This agreement will be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

This amount is a portion of a federal grant made possible through the work of Congresswoman Louise Slaughter which was authorized in October 2010 (Ordinance No. 2010-376). The funds will provide employment for 35-50 youth who are at risk of dropping out of school and/or participating in criminal activity.

Of the \$174,000, \$127,900 will fund student wages and \$46,100 will cover administrative fees, insurance, and related payroll fees.

The Employment Store was selected to provide these services because of its specialized services and history working with youth employment programs. The Employment Store will provide payroll administration services as the employer of record for PRIME II students, and additional employee services such as online training and testing, and educational seminars.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-442
(Int. No. 495)

Establishing Maximum Compensation For A Professional Services Agreement For Payroll Administration Services For PRIME II

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

Section 1. The sum of \$174,000, 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 Employment Store for payroll administration services for PRIME II. Said amount shall be funded from the 2010-11 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. 2010-443
 Re: Agreements and Appropriations -
 Youth Services

Transmitted herewith for your approval is legislation related to Youth Services Projects. This legislation will:

1. Establish maximum compensation for agreements to be funded from the General Community Needs Objective of the 2010-11 Community Development Block Grant allocations as follows:

<u>Organization</u>	<u>Amount</u>
<u>Program</u>	
<u>CDBG Allocation</u>	

ArtPeace, Inc.	
Creative Entrepreneurs	\$31,700
Job Creation/Youth Development	

Borinquen Dance Theater, Inc.	
Dance Program	\$20,000
Job Creation/Youth Development -	\$10,000
Borinquen Dance Program -	\$10,000

Rochester Community TV, Inc.	
Youth News Team	\$11,200
Youth News Team	

2. Amend the 2010-11 operating budget of the Department of Recreation and Youth Services by \$10,000 to be appropriated from the General Community Needs allocation of the 2006-07 Community Development Program to fund the City Recreation Right Move Boxing Program.

The Creative Entrepreneurs Program will actively engage youth in arts, technology, entrepreneurship and in setting up a downtown retail business. A joint effort with the Rochester Downtown Development Corporation, addresses the needs of youth downtown, as they transition home from school. This will be its first year of funding.

The Borinquen Dance Company will provide dance instruction, as well as workshops on work readiness, employment, citizenship and Hispanic culture workshops to participants. The project is being expanded this year to serve additional youth in the Hochstein facility, and is an additional component of the DRYS larger strategy to support youth services downtown. This will be its third year of funding.

The Youth News Team will employ youth in media development to develop public service announcements on youth and family issues. This will be its third and final year of funding.

The Right Move Boxing Program is designed to keep young people off the streets, providing a positive outlet for anger. Youth in the program will practice self discipline, build self esteem and learn to make good judgments, and receive academic tutoring support. This will be its first year of funding.

The Borinquen Dance and Creative Entrepreneurs programs, as per the Youth Services funding guidelines approved by City Council in 1981, are considered projects with matching funds and eligible for up to five years of funding. The others are considered projects without matching funds and eligible for up to three years of funding. Project descriptions and budgets are attached.

Respectfully submitted,
 Robert J. Duffy
 Mayor

Attachment No. AJ-156

Ordinance No. 2010-443
 (Int. No. 499, As Amended)

Authorizing Agreements For Youth Services Programs And Amending The 2010-11 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 the following Youth Services Projects or the following amounts are allocated for Youth Services Projects:

Organization Project	Amount
Borinquen Dance Theater, Inc. Dance Program	\$20,000
Rochester Community TV, Inc. Youth News Team	11,200
ArtPeace, Inc. Creative Entrepreneurs Program	31,700

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$62,900, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Objective, Borinquen Dance Program (\$10,000), Youth News Team (\$11,200) and Job Creation/Youth Development allocations (\$41,700) of the 2010-11 Community Development Block Grant.

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

Section 4. Ordinance No. 2010-188, the 2010-11 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 the General Community Needs allocation of the 2006-07 Community Development Program to fund the Right Move Boxing Program.

Section 5. The sum of \$33,000, 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 Wyman Center for training and additional services for the Teen Outreach Program as a part of the Federal

Teenage Pregnancy Prevention Program. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 6. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 502 from Committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Warren, Councilmembers Conklin, Miller, Ortiz, Palumbo, Scott, Spaul - 7.

Nays - Councilmember McFadden - 1.

Councilmember Haag abstained because he is employed by one of the agencies receiving funding.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-444
Re: Agreements - Comprehensive Adolescent Pregnancy Prevention Grant

Transmitted herewith for your approval is legislation related to the Comprehensive Adolescent Pregnancy Prevention Program (CAPP), a new program to address teen pregnancy. This legislation will:

1. Authorize a five-year agreement with the New York State Department of Health for the receipt of a \$2,730,000 grant to support the program;
2. Appropriate the first year award of \$546,036 to implement the CAPP program;
3. Establish maximum compensation, to be funded from the grant, for agreements with the following agencies to provide related services:

UR Medical Center/Highland Family Planning	\$ 51,552
Baden Street Settlement/Metro Council for Youth Potential	65,917
The Community Place of Rochester	51,345
Puerto Rican Youth Development	43,859
YWCA of Rochester and Monroe County	93,602
Society for the Protection and Care of Children	62,239
Family Resource Center	15,812
Junior Achievement of Rochester	4,039
	\$388,365

4. Amend the 2010-11 Budget of the Department of Recreation and Youth Services by \$157,700 (rounded as per OMB protocol) to reflect the balance of the grant. These funds will cover administrative costs associated with the City's role as lead agency, including the hiring of a full-time Project Coordinator, and a part-time Project Clerk.

The approval of the program by the New York State Department of Health is for a five-year term, January 1, 2011 - December 31, 2015. It is anticipated that awards for future years will be included in the annual budgets of the Department of Recreation and Youth Services. The service provider agreements will each be for one year.

The goal of this new program is to significantly reduce the rate of pregnancy among teenagers in targeted area through the use of an evidenced-based curriculum in Rochester City School District middle and high schools.

The program will serve a total of 670 unduplicated youth and 160 parents each year for five years.

A program description is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-157

Ordinance No.2010-444
(Int. No. 502)

Authorizing Agreements For The Comprehensive Adolescent Pregnancy Prevention Program And Amending The 2010-11 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 Health for the receipt and use of funding for the operation of the Comprehensive Adolescent Pregnancy Prevention Program.

Section 2. 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 services under the Comprehensive Adolescent Pregnancy Prevention Program:

<u>Organization</u>	<u>Amount</u>
U. of R. Medical Center/Highland Family Planning	\$ 51,552
Baden Street Settlement/Metro Council for Youth Potential	65,917
The Community Place of Rochester	51,345
Puerto Rican Youth Development	43,859
YWCA of Rochester and Monroe County	93,602
Society for the Protection and Care of Children	62,239

Family Resource Center	15,812
Junior Achievement of Rochester	<u>4,039</u>
	\$388,365

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.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$388,365, 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 Department of Health.

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

Section 5. Ordinance No. 2010-188, the 2010-11 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 \$157,700, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

Section 6. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmember Conklin, Miller, Ortiz, Palumbo, Scott, Spaul - 7.

Nays - Councilmember McFadden - 1.

Councilmember Haag abstained because he is employed by one of the agencies receiving funding.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 496
Re: Agreement - Hillside Work Scholarship Connection Monitoring

Transmitted herewith for your approval is legislation establishing \$48,750 as maximum compensation for a consultant agreement with Ann Young, Ph.D., 16 Alvin Place, Rochester, NY, 14607, to provide contract monitoring and performance reviews of the Hillside Work Scholarship Connection program. The cost of this agreement will be funded from the 2010-11 operating budget of the Department of Recreation and Youth Services.

The Hillside Work Scholarship Connection program, established in 1987, helps at-risk urban students stay in school and achieve academic success. During the 2010-2011 school year, the program will provide services to a total of 313 City students, the majority of whom were in the program last year, and who will continue to receive services. New students will be recruited from the 8th and 9th grades.

The consultant was selected due to her considerable expertise in the following areas: qualitative and quantitative research, data collection and analysis, descriptive and inferential statistics, program reporting, and grant writing skills.

The consultant services will include, but will not be limited to: background research; analysis of primary and secondary data; meetings with program funders; interviews with program staff and Youth Advocates; conducting youth focus groups; case file reviews and audits of performance objectives; site visits; and program and workshop observations. The consultant will perform these services and additional services as deemed necessary, for no more than 390 hours, at a cost of \$125 an hour.

A final report will be submitted no later than September 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Introductory No. 496

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR MONITORING OF THE HILLSIDE WORK SCHOLARSHIP CONNECTION PROGRAM

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

Section 1. The sum of \$48,750, 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 Ann Young, Ph.D. for monitoring of the Hillside Work Scholarship Connection Program. Said amount shall be funded from the 2010-11 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Held in Committee

Ordinance No. 2010-445 was inadvertently omitted during the regular voting process and was voted on last.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-445
Re: Agreement - REDCO Management Fee

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Economic Development Corporation (REDCO) for the reimbursement of \$75,000; this amount represents the cost of support to REDCO provided by City staff.

City staff provide the following services in support of REDCO activities:

- Marketing of REDCO loans
- Reviewing REDCO loan applications
- Underwriting REDCO loans
- Reviewing requests for funds and processing vouchers
- Preparing the REDCO annual report
- Administration of the Enterprise Community Zone program
- Acting as project manager for Brooks Landing, REDCO revolving loans, SBA 504 loans, SBA 504 loan portfolio administration, SBA reports, and loan collections
- Legal counsel
- Administrative oversight

At their October 2010 meeting, the REDCO Board authorized a payment to the City of \$75,000 as a management fee.

A similar agreement was authorized by Ordinance No. 2009-435 on December 15, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-445
(Int. No. 481)

Authorizing An Agreement For REDCO 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 Economic Development Corporation (REDCO) whereby the City will be compensated for providing services to REDCO.

Section 2. The agreement shall obligate REDCO to pay to the City the sum of \$75,000 for said services.

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.

The meeting was adjourned at 8:35 pm

DANIEL B. KARIN
City Clerk

* * * * *

**ITEMS HELD IN COMMITTEE AS OF
DECEMBER 31, 2010**

Held March 17, 2010

Int. No. 119 - Amending Ordinance No. 2008-134, Relating To The Frederick Douglass Apartments Project Neighborhood & Business Development Committee

Held April 13, 2010

Int. No. 156 - Establishing Maximum Compensation For A Professional Services Agreement For Placement Services Finance Committee

Held June 15, 2010

Int. No. 272 - Local Law Amending The City Charter With Respect To Criminal History Record Checks To Be Conducted In Connection With Employment Finance Committee

Held July 20, 2010

Int. No. 289 - Approving Consolidated Plan Rental Market Fund Programs Neighborhood & Business Development Committee

Int. No. 312 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Police Mobile Data Terminals Public Safety, Youth & Recreation Committee

Held December 14, 2010

Int. No. 474 - Establishing Maximum Compensation For A Professional Services Agreement For Telephone Notification System Services Finance Committee

Int. No. 476 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority Finance Committee

Int. No. 478 - Authorizing The Acquisition Of Parcels For Parking For The Public Market Neighborhood & Business Development Committee

Int. No. 496 - Establishing Maximum Compensation For A Professional Services Agreement For Monitoring Of The Hillside Work Scholarship Connection Program Public Safety, Youth & Recreation Committee

**INDEX 2010
ABBREVIATIONS**

Acq. - Acquire, Acquisition	L.I.O. - Local Improvement Ordinance
Admin. - Administration	L.L. - Local Law
Adpt. - Adopt	Lftd. - Lifted
Agree. - Agreement	Litig. - Litigation
Amend. - Amending, Amendment	Maint. - Maintenance
Appl. - Application	Max. - Maximum
Approp. - Appropriate, Appropriating	Mgr. - Manager
Approv. - Approving	Mun. - Municipal
Appt(s). - Appoint, Appointment(s)	NET - Neighborhood Empowerment Team
Assist. - Assistance	Ofc. - Office
Auth. - Authorize, Authority	Off. - Official
Bldg. - Building	Ord. - Ordinance
Cert. - Certified	Pav. - Pavement
CHDO - Community Housing Development Organization	Pk. - Park
Class. - Classification	Proj. - Project
Comm. - Commission, Committee, Community, Commercial	Pssd. - Passed
Comp. - Compensation	Pub. - Public
Conserv. - Conservation	Purch. - Purchase
Constr. - Construction	R.E. - Real Estate
Ctr. - Center	R.O.W. - Right-of-Way
Dedica. - Dedicate	Rec. - Recreation
Demon. - Demonstration	Rehab. - Rehabilitation
Designa. - Designate	Rej. - Reject
Dev. - Development	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
Hear. - Hearing	Tbld. - Tabled
Incr. - Increase	Tech. - Technology
Indus. - Industrial	Tr. - Transmittal
Int. - Introductory, Introduced	Var. - Various
	Wid. - Width
	Zon. - Zoning

2% RESERVE FUND

Amend. 2009-10 Budget for 2% Reserve Fund, Tr. letter, 42, Pssd., 42

80 SOUTH CLINTON LLC

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Auth. agree. for Proj. SEARCH, Tr. letter, 285, Pssd., 285

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AT&T, INC.

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Auth. agree. for public art for ARTWalk2

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L.I.O. - Establishing 2010 cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment District, Tr. letter, 177, Pub. hear., 163, Pssd., 177

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Bond ord. auth. issuance of \$259,000 bonds to finance cost of repairs to Operations Ctr., Tr. letter, 242, Pssd., 244

Bond ord. auth. issuance of \$600,000 bonds to finance cost of reconstruction of Erie-Lackawanna Rails-to-Trails Pedestrian Bridge, Tr. letter, 244, Pssd., 246

Auth. execution of agree. of cooperation and approv. issuance of bonds for St. John's Health Care Corp. by Village of E. Roch. Housing Authority in order for interest on Series 2010 Bonds to qualify for exemption from federal income taxation, Tr. letter, 269, Pssd., 270

Bond ord. auth. issuance of \$2,150,000 bonds to finance reconstruction of certain streets re-

lated to 2010 Street Improvement Program, Tr. letter, 273, Pssd., 275

Bond ord. auth. issuance of \$155,000 bonds to finance reconstruction of var. water mains related to 2010 Street Improvement Program, Tr. letter, 273, Pssd., 276

Bond ord. auth. issuance of \$837,000 bonds to finance cost of planning for Port Marina and Mixed Use Dev. Proj., Tr. letter, 320, Pssd., 322

Bond ord. auth. issuance of \$527,000 bonds to finance cost of planning and implementing Phase I repairs to Chestnut St. Firehouse, Tr. letter, 350, Pssd., 352

Bond ord. auth. issuance of \$640,000 bonds to finance cost of design and constr. of rehabilitation of South Ave. Comm. Ctr., Tr. letter, 352, Pssd., 353

Bond ord. auth. issuance of \$3,000,000 bonds to finance cost of reconstruction of var. water mains related to Water Main Extension and Improvements Program, Tr. letter, 354, Pssd., 355

Bond ord. auth. issuance of \$500,000 bonds to finance cost of designing and constr. Erie Harbor Enhancement Proj., Tr. letter, 357, Pssd., 358

Bond ord. auth. issuance of \$150,000 bonds to finance add. cost of planning and implementing repairs to City Hall, Tr. letter, 361, Pssd., 363

Bond ord. auth. issuance of \$865,000 bonds to finance cost of asbestos abatement and demolition of 1170 Genesee St., Tr. letter, 382, Failed, 383, Reconsidered, 393, Pssd., 394

Amend. Bond Ord. No. 2010-331 and 2009-201 auth. issuance of bonds to finance cost of reconstruction of var. water mains related to 2009 and 2011 Water Main Extension and Improvements Programs, Tr. letter, 411, Pssd., 412

Bond ord. auth. issuance of \$1,532,000 bonds to finance additional costs of acq. of new fire fighting apparatus, Tr. letter, 416, Pssd., 418

Bond ord. auth. issuance of \$205,000 bonds to finance cost of acq. of Monroe County Boat Launch, Tr. letter, 438, Pssd., 439

BOOTH HAVEN

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

BORINQUEN DANCE THEATER, INC.

Auth. agree. for youth svcs. programs and amend. 2010-11 Budget, Tr. letter, 458, Pssd., 459

BOULEVARD PARKWAY

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BOYS & GIRLS CLUB

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257

Auth. agree. for Youth Svcs. Program, Tr. letter, 363, Pssd., 364

BROAD STREET TUNNEL

Approp. funds for E. Henrietta Rd. Improvement Proj. and amend. Ord. No. 2009-429, relat-

ing to Broad St. Tunnel Proj., Tr. letter, 52, Pssd., 53

BRIDGES

Establishing max. comp. for professional svcs. agree. for Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Proj. and approp. funds, Tr. letter, 244, Pssd., 245

Bond ord. auth. issuance of \$600,000 bonds to finance cost of reconstruction of Erie-Lackawanna Rails-to-Trails Pedestrian Bridge, Tr. letter, 244, Pssd., 246

BRIDGES TO WELLNESS

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

BRIGHTON, TOWN OF

Bond ord. auth. issuance of \$490,000 bonds to finance additional cost of reconstruction of City's S. Clinton Ave. water supply conduit located in Town of Brighton, Tr. letter, 54, Pssd., 56

Auth. amend. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 94, Held, 94, Pssd., 149

BRINGEWATT, PAUL

Establishing max. comp. for professional svcs. agree. for studies of Roch. Fire and Police Depts., Tr. letter, 401, Pssd., 402

Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs., Tr. letter, 411, Pssd., 412

BRITE COMPUTERS

Establishing max. comp. for amend. professional svcs. agree. for Police Mobile Data Terminals, Tr. letter, 291, Held, 291

BROWN, JAMES

Reso. approving appt and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 17, Adpt., 17

BROWNFIELDS

Auth. application and agree. for Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 228, Pssd., 229

Approving business programs, Tr. letter, 232, Pssd., 233

Amend. Consolidated Comm. Dev./2010-11 Annual Action Plan and approp. Section 108 business loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 292, Pub. hear., 292, Pssd., 294

Establishing max. comp. for professional svcs. agree. for Lyell-Lake-State Brownfield Opportunity Area Nomination Study and approp. funds, Tr. letter, 360, Pssd., 361

Establishing max. comp. for professional svcs. agree. for brownfield site svcs., Tr. letter, 410, Pssd., 411

Establishing max. comp. for professional svcs. agree. for Brownfield Opportunity Area Nomination Study, Tr. letter, 453, Pssd., 454

BRUCE E. ROBINSON, INC.

Establishing max. comp. for professional svcs. agree. for forest resource management svcs., Tr. letter, 241, Pssd., 241

BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 47, Pssd., 48; Tr. letter, 203, Pssd., 204

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Amend. 2009-10 Budget, Tr. letter, 9, Pssd., 11

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. and amend. 2009-10 Budget, Tr. letter, 11, Pssd., 12

Auth. agree. for Census 2010 Outreach Program and amend. 2009-10 Budget, Tr. letter, 15, Pssd., 15

Auth. appl. and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2009-10 Budget, Tr. letter, 30, Pssd., 31

Auth. agree. for after-school program grant and amend. 2009-10 Budget, Tr. letter, 33, Pssd., 34

Auth. agree. for grant for Roch. Public Mkt. and amend. 2009-10 Budget, Tr. letter, 34, Pssd., 34

Amend. 2009-10 Budget for purchase of leaf blowers, Tr. letter, 34, Pssd., 35

Auth. agree. for grant for North St. Rec. Ctr. and amend. 2009-10 Budget, Tr. letter, 36, Pssd., 36

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37; Tr. letter, 102, Pssd., 104

Amend. 2009-10 Budget for 2% Reserve Fund, Tr. letter, 42, Pssd., 42

Approp. funds for Quadrant Planning and amend. Ord. No. 2008-294, Tr. letter, 48, Pssd., 49

Establishing max. comp. for professional svcs. agree. for Port of Roch. riverfront improvements and amend. 2009-10 Budget, Tr. letter, 51, Pssd., 52

Auth. agree. for Operation SNUG grant and amend. 2009-10 Budget, Tr. letter, 58, Pssd., 59

Amend. 2009-10 Budget of Fire Dept. for Homeland Security Grant, Tr. letter, 61, Pssd., 61

Auth. sale of Hemlock/Canadice watershed lands and amend. 2009-10 Budget, Tr. letter, 66, Pssd., 68

Auth. grant agree. and amend. 2009-10 Budget for police equip., Tr. letter, 95, Pssd., 96

Amend. 2009-10 Budget for wage and salary increases and Refuse and Water Fund purchases, Tr. letter, 105, Pssd., 107

Establishing max. comp. for professional svcs. agree. for Winchester St. Rehab. Proj. and amend. Ord. No. 2010-19 and 2009-10 Budget, Tr. letter, 143, Pssd., 144

Amend. 2009-10 Budget for Roch. Riverside Convention Ctr. HVAC replacement, Tr. letter, 144, Pssd., 145

Auth. agree. for Assistance to Firefighters

Grant and amend. 2009-10 Budget, Tr. letter, 160, Pssd., 160

Amend. 2009-10 Budget for marketing of Red Light Camera Program, Tr. letter, 161, Pssd., 162

Amend. 2009-10 Budget for trails planning study, Tr. letter, 244, Pssd., 246

Auth. agree. for improvements to Genesee WaterWays Ctr. and amend. 2009-10 Budget, Tr. letter, 253, Pssd., 253

Amend. 2009-10 Budget, Tr. letter, 299, Pssd., 300

BUDGETS, 2010-11

Amend. proposed 2010-11 Budget in regard to Thomas P. Ryan, Jr. Comm. Ctr., Tr. letter, 207, Pssd., 207

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

Adoption of budget estimates for mun. purposes for 2010-11 fiscal year, approp. sums set forth therein and approving commercial refuse fees, Tr. letter, 209, Pub. hear., 191, Pssd., 212

Adoption of budget estimates for school purposes for fiscal year commencing July 1, 2010 and expiring June 30, 2011, and approp. sums set forth therein, Tr. letter, 209, Pub. hear., Pssd., 212

Amend. 2010-11 Budget for distressed ash tree removal, Tr. letter, 271, Pssd., 271; Tr. letter, 452, Pssd., 453

Amend. 2010-11 Budget for drainage repairs at Riverside Cemetery, Tr. letter, 273, Pssd., 273

Amend. 2010-11 Budget and Ord. No. 2010-53 for High Falls District Improvement Proj., Tr. letter, 277, Pssd., 277

Auth. agree. for Summer of Opportunity Program and amend. 2010-11 Budget, Tr. letter, 283, Pssd., 283

Auth. agree. for funding for recreation programs and amend. 2010-11 Budget, Tr. letter, 286, Pssd., 286

Amend. 2010-11 Budget for 2009 Urban Area Security Initiative, Tr. letter, 286, Pssd., 287

Amend. 2009-10 Budget for recreation ctr. book purchases, Tr. letter, 287, Pssd., 287

Auth. agree. with respect to Anti-Violence Targeted Initiative and amend. 2010-11 Budget, Tr. letter, 287, Pssd., 288

Auth. agree. with respect to Proj. IMPACT VII and amend. 2010-11 Budget, Tr. letter, 288, Pssd., 289

Amend. 2010-11 Budget for Pathways to Peace, Tr. letter, 289, Pssd., 290

Establishing max. comp. for professional svcs. agree. for after-school program and amend. 2010-11 Budget, Tr. letter, 298, Pssd., 299

Auth. agree. for Youth Voice, One Vision and amend. 2010-11 Budget, Tr. letter, 326, Pssd., 326

Auth. agree. for Urban Area Security Initiative grants and amend. 2010-11 Budget, Tr. letter, 326, Pssd., 327

Amend. 2010-11 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 328, Held, 328, Pssd., 365

Auth. amend. 2008-09 Comm. Dev. Program Plan and amend. agree. for Homelessness Pre-

vention and Rapid Re-Housing Program and amend. 2010-11 Budget and Ord. No. 2009-280, Tr. letter, 336, Pub. hear., 292, Pssd., 337

Amend. 2010-11 Budget for Riverside Cemetery Veteran's Section, Tr. letter, 350, Pssd., 350

Auth. applications and agree. for funding for Roch. Police Dept. initiatives and amend. 2010-11 Budget, Tr. letter, 364, Pssd., 365

Auth. agree. for Pedestrian Wayfinding Plan and amend. 2010-11 Budget, Tr. letter, 378, Pssd., 379

Amend. 2010-11 Budget by approp. forfeiture funds for drug and violence prevention programs, Tr. letter, 389, Pssd., 389

Auth. agree. for Tobacco Sales Enforcement Program and amend. 2010-11 Budget, Tr. letter, 389, Pssd., 390

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 391, Pssd., 392

Auth. agree. for PRIME II Program and amend. 2010-11 Budget, Tr. letter, 392, Pssd., 393

Auth. agree. and amend. 2010-11 Budget for substance abuse prevention program, Tr. letter, 419, Pssd., 419

Auth. agree. and amend. 2010-11 Budget for Recreation on the Move, Tr. letter, 420, Pssd., 421

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2010-11 Budget, Tr. letter, 429, Pssd., 430

Establishing max. comp. for professional svcs. agree. for laser show decommission and amend. 2010-11 Budget, Tr. letter, 432, Pssd., 433

Auth. appl. and agree. for Selective Traffic Enforcement Program and amend. 2010-11 Budget, Tr. letter, 456, Pssd., 457

Auth. agree. for youth svcs. programs and amend. 2010-11 Budget, Tr. letter, 458, Pssd., 459

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

BUILDING RENOVATION PROJECTS

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25

BUILDING STRONG COMMUNITIES SPORTS CAMP

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

BURKE TERRACE

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BURGOS, LUIS

Reso. confirming appt. of Commissioner of Rec. and Youth Svcs., Tr. letter, 291, Held, 292, Adpt., 329

BUSINESS PROGRAMS

Approving business programs, Tr. letter, 232, Pssd., 233

-C-

CMA ARCHITECTURE, P.C.

Establishing max. comp. for professional svcs. agree. for repairs to Emerson St. and Lake Ave. Firehouses, Tr. letter, 187, Pssd., 188

CSX TRANSPORTATION, INC.

Auth. acq. of land and easement for Roch. Public Mkt., Tr. letter, 334, Pssd., 335

CALE PARKING PAYSTATIONS

Standardization of CALE Parking PayStations, Tr. letter, 297, Pssd., 298

CALIFORNIA ROLLIN II

Auth. amend. lease agree. for space in Port Terminal Bldg., Tr. letter, 111, Pssd., 111; Tr. letter, 437, Pssd., 438

CAMERAS

Amend. 2009-10 Budget for marketing of Red Light Camera Program, Tr. letter, 161, Pssd., 162

Auth. amend. for Red Light Camera Program, Tr. letter, 290, Pssd., 291

CANADICE LAKE

Auth. sale of Hemlock/Canadice watershed lands and amend. 2009-10 Budget, Tr. letter, 66, Pssd., 68

CANAL SOCIETY OF NEW YORK STATE

Establishing max. comp. for professional svcs. agree. for World Canals Conference, Tr. letter, 296, Pssd., 296

CAPRON STREET

Amend. Official Map by abandonment of portion of Capron St. and accepting easement, Tr. letter, 323, Pub. hear., 292, Pssd., 324

CARBON MONOXIDE DETECTORS

Approp. of funds for smoke and carbon monoxide detectors, Tr. letter, 17, Pssd., 17

CAREER DEVELOPMENT SERVICES

Establishing max. comp. for professional svcs. agree. for outplacement svcs., Tr. letter, 42, Pssd., 42

CARTHAGE DRIVE

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

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L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

L.I.O. - Establishing operating and maint. costs of special assessment districts for street-scape enhancements, Tr. letter, 151, Pub. hear., 105, Pssd., 152

CATHERINE MCAULEY HOUSING

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

CATHOLIC CHARITIES COMMUNITY SERVICES

Auth. agree. for Housing Opportunities for Persons With AIDS Program, Tr. letter, 72, Pssd., 73

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

CATHOLIC FAMILY CENTER

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

CEDARWOOD TERRACE

Approving changes to pav. width of Cedarwood Terr., Tr. letter, 250, Pub. hear., 192, Pssd., 250

CEMETERIES

Amend. 2009-10 Budget for purchase of leaf blowers, Tr. letter, 34, Pssd., 35

L.L. amend. City Charter with respect to cemeteries, Tr. letter, 193, Pssd., 194

Amend. Mun. Code with respect to cemeteries, Tr. letter, 193, Pssd., 195

Amend. 2010-11 Budget for drainage repairs at Riverside Cemetery, Tr. letter, 273, Pssd., 273

Auth. applications and agree. for historic preservation grants, Tr. letter, 276, Pssd., 277

Amend. 2010-11 Budget for Riverside Cemetery Veteran's Section, Tr. letter, 350, Pssd., 350

CENSUS

Auth. agree. for Census 2010 Outreach Program and amend. 2009-10 Budget, Tr. letter, 15, Pssd., 15

Establishing max. comp. for amend. professional svcs. agree. for Census 2010 Outreach Program, Tr. letter, 64, Pssd., 64

CENTER CITY MASTER PLAN

Auth. acq. by condemnation of 255-257 E. Main St., Tr. letter, 267, Pub. hear., 257, Pssd., 267

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CENTER FOR CHANGE, INC.

Auth. agree. for Pillars of Hope Program, Tr. letter, 33, Pssd., 33

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37

CENTER FOR DISPUTE SETTLEMENT, INC.

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 283, Pssd., 284

CENTER FOR GOVERNMENTAL RESEARCH

Establishing max. comp. for professional svcs. agree. for Fire Dept. studies, Tr. letter, 328, Held, 329, Pssd., 365

CENTER FOR TEEN EMPOWERMENT

Auth. agree. for Youth Svcs. Program, Tr. letter, 363, Pssd., 364

CENTER FOR YOUTH

Establishing max. comp. for professional svcs. agree. for Roch. Teen Court, Tr. letter, 99, Pssd., 100

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 281, Pssd., 282

CENTRAL PARK

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

CENTRAL VEHICLE MAINTENANCE FACILITY

Bond ord. auth. issuance of \$573,400 bonds to finance cost of improvements to heating, ventilating and air conditioning equipment at City facilities, Tr. letter, 185, Pssd., 186

Reso. auth. exception to City debt limit for improvements to heating, ventilating and air conditioning equipment at City facilities, Tr. letter, 185, Adpt., 186

Establishing max. comp. for professional svcs. agree. for Central Vehicle Maintenance Facility, Tr. letter, 415, Pssd., 415

CHAPPIUS, DAVID

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 376, Adpt., 376

CHARLES NEIGHBORS IN ACTION

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

CHARLES SETTLEMENT HOUSE

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 102, Pssd., 104

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 391, Pssd., 392

CHARLOTTE COMMUNITY ASSOCIATION

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

CHARLOTTE COMMUNITY DEVELOPMENT CORPORATION

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 109, Adpt., 109

CHESTNUT STREET

Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 319, Pssd., 319; Tr. letter, 409, Pssd., 410

CHESTNUT STREET FIREHOUSE

Establishing max. comp. for professionals svcs. agree. for Chestnut St. Firehouse, Tr. letter,

350, Pssd., 351

Bond ord. auth. issuance of \$527,000 bonds to finance cost of planning and implementing Phase I repairs to Chestnut St. Firehouse, Tr. letter, 350, Pssd., 352

CHILDREN'S INSTITUTE

Auth. agree. for Summer of Opportunity Program, Tr. letter, 161, Pssd., 161

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 281, Pssd., 282

Establishing max. comp. for professional svcs. agree. for after-school program and amend. 2010-11 Budget, Tr. letter, 298, Pssd., 299

CHILDREN'S SUCCESS FUND SPECIAL EVENTS, LLC

Establishing max. comp. for professional svcs. agree. for City youth participation in 2010 LPGA Championship events, Tr. letter, 190, Pssd., 190

CITIZEN COMPLAINT SERVICES

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 283, Pssd., 284

CITIZENS BANK

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 258, Pssd., 258

CITY CHARTER

L.L. amend. City Charter with respect to financial disclosure statements, Tr. letter, 40, Pssd., 40

L.L. amend. City Charter with respect to cemeteries, Tr. letter, 193, Pssd., 194

L.L. amend. City Charter with respect to Office of the Mayor, Tr. letter, 193, Pssd., 195

L.L. amend. City Charter with respect to criminal history record checks to be conducted in connection with employment, Tr. letter, 209, Held, 219

CITY DEVELOPMENT FUND

Approp. funds for City Dev. Fund, Tr. letter, 234, Pssd., 236

CITY HALL

Establishing max. comp. for professional svcs. agree. for improvements to City Hall, Tr. letter, 78, Pssd., 78

Bond ord. auth. issuance of \$150,000 bonds to finance add. cost of planning and implementing repairs to City Hall, Tr. letter, 361, Pssd., 363

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CITY SCHOOL DISTRICT

Auth. agree. for City School Facilities Modernization Program, Tr. letter, 12, Pssd., 13

Bond ord. auth. issuance of \$13,110,000 bonds to finance cost of constr. and renovation of var. public school bldgs., Tr. letter, 13, Pssd., 14

Approving 2009-10 debt resolution for City

School District, Tr. letter, 13, Adpt., 14

Adoption of budget estimates for school purposes for fiscal year commencing July 1, 2010 and expiring June 30, 2011, and approp. sums set forth therein, Tr. letter, 209, Pub. hear., 191, Pssd., 212

Levying taxes for school purposes for fiscal year commencing July 1, 2010 and expiring June 30, 2011, Tr. letter, 209, Pssd., 213

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257

Auth. agree. for Proj. SEARCH, Tr. letter, 285, Pssd., 285

Auth. agree. for reimbursement for School Resource Officers, Tr. letter, 289, Pssd., 289

Auth. agree. for reconstruction of South Ave. Comm. Ctr., Tr. letter, 352, Pssd., 352

Auth. agree. for Hillside Work Scholarship Connection Program, Tr. letter, 365, Held, 366, Pssd., 393

CITYGATE

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for CityGate as Planned Dev. District No. 11, Tr. letter, 439, Pub. hear., 422, Pssd., 447

Changing zoning class. of CityGate parcels at 350, 422, 444 and 450 E. Henrietta Rd. and 401 and 445 Westfall Rd. from IPD#12-Iola to PD #11-CityGate, Tr. letter, 439, Pub. hear., 422, Pssd., 448

Adopting environmental findings for CityGate Proj., Tr. letter, 439, Pssd., 448

CIVIL SERVICE

Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 42, Adpt., 43

Reso. approving reappointment to Mun. Civil Service Commission, Tr. letter, 167, Adpt., 168

CLARISSA STREET REUNION

Amend. proposed 2010-11 Budget - \$49,500, Tr. letter, 207, Pssd., 209

CLARK PATTERSON LEE

Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 409, Pssd., 410

CLIFF GARTEN STUDIO

Auth. agree. for public art for ARTWalk2 Enhancement Proj., Tr. letter, 27, Pssd., 29

Establishing max. comp. for amend. agree. for public art for ARTWalk 2 Enhancement Proj., Tr. letter, 146, Pssd., 147

CLINTON PAVILION

Bond ord. auth. issuance of \$235,000 bonds to finance cost of repairs to Clinton Pavilion, Tr. letter, 86, Pssd., 87

COBBS HILL RESERVOIR

Establishing max. comp. for amend. professional svcs. agree. for reservoir improvements, Tr. letter, 319, Pssd., 320

COLLISION REPAIR SERVICES

Auth. professional svcs. agree. for motor vehi-

cle collision repair svcs., Tr. letter, 240, Pssd., 241

COMMERCIAL DRIVER'S LICENSE TRAINING

Establishing max. comp. for professional svcs. agree. for commercial driver's license training, Tr. letter, 239, Pssd., 240

COMMITTEE OF THE WHOLE

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COMMUNITY DEVELOPMENT PROGRAM PLANS

Auth. amend. 1997-98, 1999-2000, 2000-01, 2001-02 and 2005-06 Comm. Dev. Program Plans, amend. ord. and auth. agree. for Urban Agriculture Program, Tr. letter, 19, Pub. hear., 6, Held, 20, Held, 76, Pssd., 140

Auth. amend. Comm. Dev. Program Plans and agree. and amend. ordinances for New Beginnings Building Deconstruction Transitional Job Program, Tr. letter, 56, Pub. hear., 38, Pssd., 58

Approving Consolidated Comm. Dev. Plan/2010-2014 Five Year Strategic Plan and 2010-11 Annual Action Plan, Tr. letter, 234, Pub. hear., 192, Pssd., 236

Auth. submission of Consolidated Comm. Dev. Plan/2010-14 Five Year Strategic Plan and 2010-11 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 234, Pssd., 236

Auth. amend. Comm. Dev. Program Plans and amend. ord., Tr. letter, 234, Pub. hear., 192, Pssd., 238

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 264, Pssd., 264

Approv. Consolidated Plan Homeownership Promotion Fund Programs, Tr. letter, 264, Pssd., 265

Approv. Consolidated Plan Rental Market Fund Programs, Tr. letter, 270, Pssd., 270

Amend. Consolidated Comm. Dev./2010-11 Annual Action Plan and approv. Section 108 business loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 292, Pub. hear., 292, Pssd., 294

Auth. amend. 2008-09 Comm. Dev. Program Plan and amend. agree. for Homelessness Prevention and Rapid Re-Housing Program and amend. 2010-11 Budget and Ord. No. 2009-280, Tr. letter, 336, Pub. hear., 292, Pssd., 337

Amend. 2009-10 Comm. Dev. Plan and approv. Rental Market Fund program, Tr. letter, 348, Pub. hear., 330, Pssd., 349

COMMUNITY PLACE OF GREATER ROCHESTER, INC.

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 281, Pssd., 282

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 391, Pssd., 392

Auth. agree. for Comprehensive Adolescent

Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

COMPREHENSIVE ADOLESCENT PREGNANCY PREVENTION PROGRAM

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

COMPUTERS

Establishing max. comp. for professional svcs. agree. for electronic document management system, Tr. letter, 7, Pssd., 8

Establishing max. comp. for amend. professional svcs. agree. for information technology advisory svcs., Tr. letter, 39, Pssd., 39

Establishing max. comp. for amend. professional svcs. agree. for GIS training, Tr. letter, 50, Pssd., 50

Approp. funds and auth. agree. for Port of Roch. Security/Intelligent Transportation System, Tr. letter, 83, Pssd., 84

Auth. agree. for Assistance to Firefighters Grant and amend. 2009-10 Budget, Tr. letter, 160, Pssd., 160

Establishing max. comp. for professional svcs. agree. for Automated Vehicle Locator System, Tr. letter, 162, Pssd., 162

Establishing max. comp. for amend. professional svcs. agree. for Police Mobile Data Terminals, Tr. letter, 291, Held, 291

Establishing max. comp. for amend. professional svcs. agree. for computer training, Tr. letter, 369, Pssd., 370

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Establishing max. comp. for professional svcs. agree. for data protection svcs., Tr. letter, 432, Pssd., 432

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Auth. amend. HOME Program Plans, amend. ord., and approving amend. loan agree. for F.I.G.H.T. Village Apts. Renovation Proj., Tr. letter, 69, Held, 70; Pssd., 140

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Auth. appl. and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2009-10 Budget, Tr. letter, 30, Pssd., 31

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Auth. agree. for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 24, Pssd., 24

Establishing max. comp. for professional svcs. agree. for Midtown Revitalization Proj., Tr. letter, 25, Pssd., 26

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Auth. agree. and approp. funds for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvement Proj., Tr. letter, 59, Pssd., 59

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Establishing max. comp. for amend. professional svcs. agree. for East End Garage repairs, Tr. letter, 240, Pssd., 240

Establishing max. comp. for professional svcs. agree. for Arnett Branch Library, Tr. letter, 242, Pssd., 242

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Establishing max. comp. for professional svcs. agree. for Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Proj. and approp. funds, Tr. letter, 244, Pssd., 245

Establishing max. comp. for professional svcs. agree. for North St. Comm. Ctr. Renovation Proj., Tr. letter, 246, Pssd., 247

Establishing max. comp. for professional svcs. agree. for garage improvements, Tr. letter, 318, Pssd., 319

Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 319, Pssd., 319; Tr. letter, 409, Pssd., 410

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Establishing max. comp. for professional svcs. agree. for Port Marina and Mixed Use Dev. Proj. and amend. Ord. No. 2005-262, Tr. letter, 320, Pssd., 321

Establishing max. comp. for amend. professional svcs. agree. for University Ave. Improvement and ARTWalk Ext. Enhancement Proj., Tr. letter, 323, Pssd., 323

Establishing max. comp. for professionals svcs. agree. for Chestnut St. Firehouse, Tr. letter, 350, Pssd., 351

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Auth. agree. for Energy Efficiency and Conservation Block Grant Program, Tr. letter, 385, Pssd., 386

Establishing max. comp. for amend. professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 409, Pssd., 409

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Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 319, Pssd., 319

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Auth. participation in Dewey Ave. and Driving Park Ave. Prevention Maint. Proj., Tr. letter, 81, Pssd., 82

Changing zoning class. of Eastman Kodak

Co. parcels from T-P Transitional Parking and M-1 Industrial; and 160 Pullman Ave., 135 W. Ridge Rd., 1720 1764 and 1768-1776 Lake Ave. from T-P Transitional Parking; 246 W. Ridge Rd. from M-1 Industrial and 415-425 W. Ridge Rd. and 1760 Dewey Ave. from C-3 Regional Destination Ctr. to PD #12-Eastman Business Park, Tr. letter, 129, Pub. hear., 104, Held, 136, Pssd., 182

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Establishing max. comp. for professional svcs. agree. for North St. Comm. Ctr. Renovation Proj., Tr. letter, 246, Pssd., 247

DIMITRI HOUSE, INC.

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

DODRIDGE STREET

Amend. Official Map by abandonment of portion of Dodridge St. north of Leroy St., Tr. letter, 387, Pub. hear., 368, Pssd., 388

DOGS

Amend. Mun. Code with respect to dogs, Tr. letter, 396, Pssd., 397

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Auth. agree. for soccer stadium improvements, Tr. letter, 386, Pssd., 387

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Auth. agree. for Frederick Douglass Apts. Proj. and repealing Ord. No. 2008-134, Tr. letter, 379, Pssd., 381

Approv. property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apts. Proj. and repealing Ord. NO. 2008-135, Tr. letter, 379, Pssd., 381

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Auth. agree. for funding for Highland Reservoir Liner Improvement Proj. and approp. funds and auth. agree. for funding for Durand Eastman Beach Water Quality Improvement Proj., Tr. letter, 355, Pssd., 356

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Auth. acq. by negotiation or condemnation of parcels and easements for Mt. Hope Ave. Phases I Improvement Proj., Tr. letter, 92, Pub. hear., 62, Held, 94, Pub. hear., 105, Pssd., 159

Auth. acq. by negotiation or condemnation of *de minimus* permanent easements for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148

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Approv. acceptance and abandonment of easements for public access through Erie Harbor Proj. site, Tr. letter, 304, Pssd., 305

Amend. Official Map by abandonment of portion of Capron St. and accepting easement, Tr. letter, 323, Pub. hear., 292, Pssd., 324

Auth. acq. of land and easement for Roch. Public Mkt., Tr. letter, 334, Pssd., 335

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EAST BROAD STREET

Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 319, Pssd., 319; Tr. letter, 409, Pssd., 410

EAST END GARAGE

Establishing max. comp. for amend. profes-

sional svcs. agree. for East End Garage repairs, Tr. letter, 240, Pssd., 240

EAST HENRIETTA ROAD

Approp. funds for E. Henrietta Rd. Improvement Proj. and amend. Ord. No. 2009-429, relating to Broad St. Tunnel Proj., Tr. letter, 52, Pssd., 53

Amend. Official Map by dedicating parcels to street purposes for E. Henrietta Rd. Improvement Proj., Tr. letter, 277, Pub. hear., 258, Pssd., 280

Changing zoning class. of CityGate parcels at 350, 422, 444 and 450 E. Henrietta Rd. and 401 and 445 Westfall Rd. from IPD#12-Iola to PD #11-CityGate, Tr. letter, 439, Pub. hear., 422, Pssd., 448

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Auth. acq. of parcels to effectuate the Midtown Urban Renewal Plan, Tr. letter, 112, Pssd., 113

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Auth. execution of agree. of cooperation and approv. issuance of bonds for St. John's Health Care Corp. by Village of E. Roch. Housing Authority in order for interest on Series 2010 Bonds to qualify for exemption from federal income taxation, Tr. letter, 269, Pssd., 270

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EASTMAN BUSINESS PARK

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Eastman Business Park as Planned Dev. District #12, Tr. letter, 129, Pub. hear., 104, Held, 134, Pssd., 182

Changing zoning class. of Eastman Kodak Co. parcels from T-P Transitional Parking and M-1 Industrial; and 160 Pullman Ave., 135 W. Ridge Rd., 1720 1764 and 1768-1776 Lake Ave. from T-P Transitional Parking; 246 W. Ridge Rd. from M-1 Industrial and 415-425 W. Ridge Rd. and 1760 Dewey Ave. from C-3 Regional

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Approving loan agree. for Eastman Commons Rental Proj., Tr. letter, 45, Pssd., 46

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EASTMAN KODAK COMPANY

Changing zoning class. of Eastman Kodak Co. parcels from T-P Transitional Parking and M-1 Industrial; and 160 Pullman Ave., 135 W. Ridge Rd., 1720 1764 and 1768-1776 Lake Ave. from T-P Transitional Parking; 246 W. Ridge Rd. and 1760 Dewey Ave. from C-3 Regional Destination Ctr. to PD #12-Eastman Business Park, Tr. letter, 129, Pub. hear., 104, Held, 136, Pssd., 182

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Auth. agree. and approp. funds for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvement Proj., Tr. letter, 59, Pssd., 59

Bond ord. auth. issuance of \$573,400 bonds to finance cost of improvements to heating, ventilating and air conditioning equipment at City facilities, Tr. letter, 185, Pssd., 186

Reso. auth. exception to City debt limit for improvements to heating, ventilating and air conditioning equipment at City facilities, Tr. letter, 185, Adpt., 186

EDGEWATER GROUP

Establishing max. comp. for professional svcs. agree. for Port Marina and Mixed Use Dev. Proj. and amend. Ord. No. 2005-262, Tr. letter, 320, Pssd., 321

ELECTRICAL ENGINEERING SERVICES

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25

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Auth. acq. by negotiation or condemnation of parcels and easements for Mt. Hope Ave. Phases I Improvement Proj., Tr. letter, 92, Pub. hear.,

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Changing zoning class. of IPD #5-University of Roch. and Medical Ctr.; 555 and 665 Joseph C. Wilson Blvd. and 245 Elmwood Ave. from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Dr. from R-1 Low Density Residential, to PD #10-University of Roch. City Campus, Tr. letter, 114, Pub. hear., 104, Pssd., 129

Approving changes in pav. width of Mt. Hope Ave., Crittenden Blvd. and Elmwood Ave. as part of Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pub. hear., 105, Pssd., 154

Determinations and findings relating to acq. of parcels and easements for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pssd., 155

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Approv. property tax exemption and auth. in-lieu-of-tax agree. for Neighborhood of the Arts Special Needs Apt. Proj., Tr. letter, 403, Pssd., 404

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EMERGENCY COMMUNICATIONS CENTER

Establishing max. comp. for professional svcs. agree. for Emergency Comm. Ctr., Tr. letter, 145, Pssd., 145

Bond ord. auth. issuance of \$330,000 bonds to finance cost of replacement of heating and cooling equipment at Emergency Comm. Ctr., Tr. letter, 145, Pssd., 146

Establishing max. comp. for professional svcs. agree. for Emergency Comm. Ctr. security systems, Tr. letter, 160, Pssd., 161

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EMERGENCY SHELTER GRANT PROGRAM

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EMERSON STREET FIREHOUSE

Establishing max. comp. for professional svcs. agree. for repairs to Emerson St. and Lake Ave. Firehouses, Tr. letter, 187, Pssd., 188

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ter, 187, Pssd., 189

EMERSON STREET LANDFILL

Establishing max. comp. for professional svcs. agree. for environmental cleanup of former Emerson St. Landfill, Tr. letter, 21, Pssd., 22

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Establishing max. comp. for amend. professional svcs. agree. for Employee Assist. Program, Tr. letter, 398, Pssd., 399

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Auth. agree. for energy efficient lighting installations, Tr. letter, 411, Pssd., 411

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Establishing max. comp. for amend. professional svcs. agree. for Lawn St. Public Improvement Proj., Tr. letter, 23, Pssd., 23

Auth. agree. for Ridgeway Ave. Transportation Improvement Proj., Tr. letter, 24, Pssd., 24

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25

Establishing max. comp. for professional svcs. agree. for Port of Roch. riverfront improvements and amend. 2009-10 Budget, Tr. letter, 51, Pssd., 52

Establishing max. comp. for professional svcs. agree. for High Falls District Improvement Proj., Tr. letter, 53, Pssd., 54

Establishing max. comp. for professional svcs. agree. for improvements to City Hall, Tr. letter, 78, Pssd., 78

Establishing max. comp. for professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj. and amend. Ord. No. 2009-319, Tr. letter, 78, Pssd., 79

Establishing max. comp. for professional svcs. agree. for Emergency Comm. Ctr., Tr. letter,

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Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148

Establishing max. comp. for professional svcs. agree. for repairs to Emerson St. and Lake Ave. Firehouses, Tr. letter, 187, Pssd., 188

Establishing max. comp. for professional svcs. agree. for Arnett Branch Library, Tr. letter, 242, Pssd., 242

Establishing max. comp. for professional svcs. agree. for firehouse ventilation upgrades, Tr. letter, 244, Pssd., 244

Establishing max. comp. for professional svcs. agree. for Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Proj. and approp. funds, Tr. letter, 244, Pssd., 245

Establishing max. comp. for professional svcs. agree. for North St. Comm. Ctr. Renovation Proj., Tr. letter, 246, Pssd., 247

Establishing max. comp. for professional svcs. agree. for garage improvements, Tr. letter, 318, Pssd., 319

Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 319, Pssd., 319; Tr. letter, 409, Pssd., 410

Establishing max. comp. for professional svcs. agree. for Port Marina and Mixed Use Dev. Proj. and amend. Ord. No. 2005-262, Tr. letter, 320, Pssd., 321

Establishing max. comp. for amend. professional svcs. agree. for University Ave. Improvement and ARTWalk Ext. Enhancement Proj., Tr. letter, 323, Pssd., 323

Establishing max. comp. for professionals svcs. agree. for Chestnut St. Firehouse, Tr. letter, 350, Pssd., 351

Establishing max. comp. for amend. professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 409, Pssd., 409

Establishing max. comp. for professional svcs. agree. for Central Vehicle Maintenance Facility, Tr. letter, 415, Pssd., 415

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Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

ENTERPRISE COMMUNITY PARTNERS

Auth. agree. for grant for North St. Rec. Ctr. and amend. 2009-10 Budget, Tr. letter, 96, Pssd., 96

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Establishing max. comp. for professional svcs. agree. for environmental clean-up of former Emerson St. Landfill, Tr. letter, 21, Pssd., 22

Bond ord. auth. issuance of \$540,000 bonds

to finance cost of environmental clean-up of former Emerson St. Landfill, Tr. letter, 21, Pssd., 23

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Auth. agree. and approp. funds for lead hazard control grant program, Tr. letter, 71, Pssd., 72

Auth. agree. for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 226, Pssd., 226

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Auth. agree. and approp. funds for lead hazard reduction, Tr. letter, 301, Pssd., 301

ENVOY ENVIRONMENTAL CONSULTANTS, INC.

Auth. agree. and approp. funds for lead hazard reduction, Tr. letter, 301, Pssd., 301

ERDMAN ANTHONY & ASSOCIATES

Establishing max. comp. for professional svcs. agree. for Emergency Comm. Ctr., Tr. letter, 145, Pssd., 145

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ERIE CANAL

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ERIE HARBOR PROJECT

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Approv. acceptance and abandonment of easements for public access through Erie Harbor Proj. site, Tr. letter, 304, Pssd., 305

Establishing max. comp. for professional svcs. agree. for Erie Harbor Enhancement Proj. and approp. funds, Tr. letter, 357, Pssd., 358

Bond ord. auth. issuance of \$500,000 bonds to finance cost of designing and constr. Erie Harbor Enhancement Proj., Tr. letter, 357, Pssd., 358

Auth. agree. for funding Sebastian Park and amend. Ord. No. 2010-334, Tr. letter, 384, Pssd., 385

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Establishing max. comp. for professional svcs. agree. for Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Proj. and approp. funds, Tr. letter, 244, Pssd., 245

Bond ord. auth. issuance of \$600,000 bonds to finance cost of reconstruction of Erie-Lackawanna Rails-to-Trails Pedestrian Bridge, Tr. letter, 244, Pssd., 246

ESKAY CONCERTS

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EXCHANGE BOULEVARD

Approv. lease by Roch. Urban Renewal Agency to SMG of portion of 200 Exchange Blvd, Tr. letter, 372, Pub. hear., 368, Pssd., 373

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Establishing max. comp. for professional svcs. agree. for electronic document management system, Tr. letter, 7, Pssd., 8

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F.I.G.H.T. VILLAGE APARTMENTS

Auth. amend. HOME Program Plans, amend. ord., and approving amend. loan agree. for F.I.G.H.T. Village Apts. Renovation Proj., Tr. letter, 69, Held, 70, Pssd., 140

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Approp. funds for E. Henrietta Rd. Improvement Proj. and amend. Ord. No. 2009-429, relating to Broad St. Tunnel Proj., Tr. letter, 52, Pssd., 53

Establishing max. comp. for professional svcs. agree. for Parking Garage Repair and Reconstruction Program, Tr. letter, 141, Pssd., 142

Establishing max. comp. for amend. professional svcs. agree. for Crossroads Garage HVAC System Upgrades Phase II Proj., Tr. letter, 184, Pssd., 187

Establishing max. comp. for amend. professional svcs. agree. for East End Garage repairs, Tr. letter, 240, Pssd., 240

Establishing max. comp. for professional svcs. agree. for Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Proj. and approp. funds, Tr. letter, 244, Pssd., 245

FAIR HOUSING LENDING MONITORING

Auth. agree. for fair housing lending monitoring svcs., Tr. letter, 301, Pssd., 302

FAMILIES FIRST

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

FAMILY RESOURCE CENTER

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

FAMILY TALK PROGRAM

Auth. agree. for Family Talk Program, Tr. letter, 99, Pssd., 99

FAMILY TRAUMA INTERVENTION GROUP

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FARASH CORPORATION

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Auth. agree. for Assistance to Firefighters Grant, Tr. letter, 418, Pssd., 418

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Establishing max. comp. for agree. for Puerto Rican Festival, Tr. letter, 201, Pssd., 202

Establishing max. comp. for agree. for film festival, Tr. letter, 332, Pssd., 332

Establishing max. comp. for agree. for 2011 Roch. MusicFest, Tr. letter, 399, Pssd., 400

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Bond ord. auth. issuance of \$370,000 bonds to finance cost of design and constr. of repairs to Emerson St. and Lake Ave. Firehouses, Tr. letter, 187, Pssd., 189

Auth. inter-municipal agree. for fire communications, Tr. letter, 189, Pssd., 190

Establishing max. comp. for professional svcs. agree. for firehouse ventilation upgrades, Tr. letter, 244, Pssd., 244

Approp. of funds for smoke detectors, Tr. letter, 287, Pssd., 287

Establishing max. comp. for professional svcs. agree. for Fire Dept. studies, Tr. letter, 328, Held, 329, Pssd., 365

Establishing max. comp. for professionals svcs. agree. for Chestnut St. Firehouse, Tr. letter, 350, Pssd., 351

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Establishing max. comp. for professional svcs. agree. for medical dir. svcs., Tr. letter, 390, Pssd., 391

Establishing max. comp. for professional svcs. agree. for studies of Roch. Fire and Police Depts., Tr. letter, 401, Pssd., 402

Bond ord. auth. issuance of \$1,532,000 bonds to finance additional costs of acq. of new fire fighting apparatus, Tr. letter, 416, Pssd., 418

Auth. agree. for Assistance to Firefighters Grant, Tr. letter, 418, Pssd., 418

Establishing max. comp. for professional svcs. agree. for Holly fire protection system viability study, Tr. letter, 453, Pssd., 453

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Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 199, Pssd., 199

FISHER ASSOCIATES

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148

FITZHUGH ASSOCIATES, LLC

Approv. loan agree. for Academy Bldg. Proj., Tr. letter, 436, Pssd., 437

FLOWER CITY HABITAT FOR HUMANITY

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 264, Pssd., 264

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Amend. 2010-11 Budget by approp. forfeiture funds for drug and violence prevention programs, Tr. letter, 389, Pssd., 389

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FRANCIS CENTER

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

FRANK, ADAM, INCORPORATED

Auth. agree. for public art for ARTWalk2 Enhancement Proj., Tr. letter, 27, Pssd., 29

FRANK E. VANLARE WASTEWATER TREATMENT FACILITY

Auth. agree. for transfer of sewer assets, Tr. letter, 454, Pssd., 455

FREDERICK DOUGLASS APARTMENTS

Amend. Ord. No. 2008-134, relating to Frederick Douglass Apts. Proj., Tr. letter, 76, Held, 77

Auth. agree. for Frederick Douglass Apts. Proj. and repealing Ord. No. 2008-134, Tr. letter, 379, Pssd., 381

Approv. property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apts. Proj. and repealing Ord. NO. 2008-135, Tr. letter, 379, Pssd., 381

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Auth. agree. with RGRTA for fueling of vehicles, Tr. letter, 184, Pssd., 185

FULL MOON VISTA PRODUCTIONS, INC.

Establishing max. comp. for agree. for 2010 Tour de New York, Tr. letter, 199, Pssd., 200

-G-**GARTNER, INC.**

Establishing max. comp. for amend. professional svcs. agree. for information technology advisory svcs., Tr. letter, 39, Pssd., 39

GEIGER & ROTHENBERG

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. and amend. 2009-10 Budget, Tr. letter, 11, Pssd., 12

GENESEE CROSSROADS GARAGE

Establishing max. comp. for amend. professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 23, Pssd., 24

Bond ord. auth. issuance of \$573,400 bonds to finance cost of improvements to heating, ventilating and air conditioning equipment at City facilities, Tr. letter, 185, Pssd., 186

Reso. auth. exception to City debt limit for improvements to heating, ventilating and air conditioning equipment at City facilities, Tr. letter, 185, Adpt., 186

Establishing max. comp. for amend. professional svcs. agree. for Crossroads Garage HVAC System Upgrades Phase II Proj., Tr. letter, 184, Pssd., 187

GENESEE STREET

Bond ord. auth. issuance of \$865,000 bonds to finance cost of asbestos abatement and demolition of 1170 Genesee St., Tr. letter, 382, Failed, 383, Reconsidered, 393, Pssd., 394

GENESEE TRANSPORTATION COUNCIL

Auth. agree. for Pedestrian Wayfinding Plan and amend. 2010-11 Budget, Tr. letter, 378, Pssd., 379

GENESEE VALLEY PARK

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 389, Pssd., 389

Auth. agree. for concessions at Genesee Valley Park Sports Complex, Tr. letter, 420, Pssd., 420

GENESEE WATERWAYS CENTER

Auth. agree. for improvements to Genesee WaterWays Ctr. and amend. 2009-10 Budget, Tr. letter, 253, Pssd., 253

GLENDALE PARK

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

GOLDBERG SEGALLA, LLP

Establishing max. comp. for professional svcs. agree. for legal svcs., Tr. letter, 365, Pssd., 365

GOVERNOR'S TRAFFIC SAFETY COMMITTEE

Auth. appl. and agree. for Selective Traffic Enforcement Program and amend. 2009-10 Budget, Tr. letter, 32, Pssd., 32

Auth. appl. and agree. for Selective Traffic Enforcement Program and amend. 2010-11 Budget, Tr. letter, 456, Pssd., 457

GRACE URBAN MINISTRIES

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Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 18, Adpt., 19; Tr. letter, 109, Adpt., 109

Auth. agree. for after-school program grant and amend. 2009-10 Budget, Tr. letter, 33, Pssd., 34

Auth. agree. for grant for Roch. Public Mkt. and amend. 2009-10 Budget, Tr. letter, 34, Pssd., 34

Auth. agree for grant for North St. Rec. Ctr. and amend. 2009-10 Budget, Tr. letter, 36, Pssd., 36; Tr. letter, 96, Pssd., 96

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37

Auth. agree. for Operation SNUG grant and amend. 2009-10 Budget, Tr. letter, 58, Pssd., 59

Amend. 2009-10 Budget of Fire Dept. for Homeland Security Grant, Tr. letter, 61, Pssd., 61

Auth. agree. and approp. funds for lead hazard control grant program, Tr. letter, 71, Pssd., 72

Approp. funds for Energy and Environmental Conservation Block Grant Program, Tr. letter, 82, Pssd., 83

Auth. grant agree. and amend. 2009-10 Budget for police equip., Tr. letter, 95, Pssd., 96

Auth. agree. for Assistance to Firefighters Grant and amend. 2009-10 Budget, Tr. letter, 160, Pssd., 160

Auth. agree. for Bomb Squad Initiative Grant and amend. 2009-10 Budget, Tr. letter, 190, Pssd., 191

Auth. competitive grant applications, Tr. letter, 198, Pssd., 198

Auth. agree. for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 226, Pssd., 226

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Auth. application and agree. for Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 228, Pssd., 229

Auth. submission of Consolidated Comm. Dev. Plan/2010-14 Five Year Strategic Plan and 2010-11 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 234, Pssd., 236

Auth. agree. for 2010 Justice Assistance Grant Program, Tr. letter, 254, Pssd., 255

Auth. applications and agree. for historic

preservation grants, Tr. letter, 276, Pssd., 277

Amend. Consolidated Comm. Dev./2010-11 Annual Action Plan and approv. Section 108 business loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 292, Pub. hear., 292, Pssd., 294

Auth. agree. for Energy Efficiency and Conservation Block Grant Program, Tr. letter, 385, Pssd., 386

Auth. agree. for Assistance to Firefighters Grant, Tr. letter, 418, Pssd., 418

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GREATER ROCHESTER ENTERPRISE

Auth. agree. for economic dev. support svcs., Tr. letter, 404, Pssd., 405

GREATER ROCHESTER HEALTH FOUNDATION

Auth. agree. for funding for recreation programs and amend. 2010-11 Budget, Tr. letter, 286, Pssd., 286

GREATER ROCHESTER HOUSING PARTNERSHIP

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 264, Pssd., 264

GRIPPO, ROBERT SCOTT

Reso. approving appt and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 17, Adpt., 17

GROUP 14621 COMMUNITY ASSOCIATION, INC.

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 18, Adpt., 19

Auth. agree. for Emergency Assistance Repair Program, Tr. letter, 172, Pssd., 173

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HDR, INC.

Establishing max. comp. for professional svcs. agree. for load study for water distribution system, Tr. letter, 184, Pssd., 184

HSBC BANK, USA

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HAMER ENTERPRISES

Auth. agree. for merchant card payment charges, Tr. letter, 66, Pssd., 66

HAZARDOUS MATERIALS SERVICES

Auth. agree. for hazardous materials svcs., Tr. letter, 450, Pssd., 451

HAZELWOOD TERRACE

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

HEALTH

Establishing max. comp. for amend. professional svcs. agree. for fitness and nutrition classes, Tr. letter, 32, Pssd., 33

HEAVY EQUIPMENT TRAINING

Establishing max. comp. for professional svcs. agree. for heavy equip. training, Tr. letter, 241, Pssd., 242

HEBARD STREET

Auth. acq. of parcels for parking for Public Mkt., Tr. letter, 448, Held, 449

HECORP, INC.

Auth. agree. for merchant card payment charges, Tr. letter, 66, Pssd., 66

HEMISPHERE DEVELOPMENT LLC

Establishing max. comp. for professional svcs. agree. for brownfield site svcs., Tr. letter, 410, Pssd., 411

HEMLOCK LAKE

Auth. sale of Hemlock/Canadice watershed lands and amend. 2009-10 Budget, Tr. letter, 66, Pssd., 68

Auth. sale of Hemlock Lake Park, Tr. letter, 449, Pssd., 450

HEMLOCK LAKE UNION AGRICULTURAL SOCIETY

Auth. sale of Hemlock parcel, Tr. letter, 384, Pssd., 384

HERRICK-SAYLOR ENGINEERS, P.C.

Establishing max. comp. for amend. professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 23, Pssd., 24

HIGH FALLS

Approving loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

Establishing max. comp. for professional svcs. agree. for High Falls District Improvement Proj., Tr. letter, 53, Pssd., 54

Establishing max. comp. for amend. professional svcs. agree. for High Falls Centers, Tr. letter, 172, Pssd., 172

L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 176, Pub. hear., 163, Pssd., 176

Auth. agree. for American Recovery and Reinvestment Act projects and amend. 2009-10 Budget, Tr. letter, 183, Pssd., 184

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 202, Pssd., 202

Amend. 2010-11 Budget and Ord. No. 2010-53 for High Falls District Improvement Proj., Tr. letter, 277, Pssd., 277

Auth. amend. agree. for Mills at High Falls Phase II Proj., Tr. letter, 335, Pssd., 335

HIGH FALLS GARAGE

Establishing max. comp. for professional svcs. agree. for garage improvements, Tr. letter, 318, Pssd., 319

HIGHLAND FAMILY PLANNING

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

HIGHLAND PARK

Auth. amend. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 94, Held, 94, Pssd., 149

HIGHLAND PARKWAY

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

Establishing max. comp. for professional svcs. agree. for Highland Parkway Rehab. Proj., Tr. letter, 273, Pssd., 276

HIGHLAND RESERVOIR

Bond ord. auth. issuance of \$3,870,000 bonds to finance Rush Reservoir and Highland Reservoir Improvement Proj., Tr. letter, 78, Pssd., 81

Approp. funds for Highland Reservoir Liner Improvement Proj., Tr. letter, 78, Pssd., 81

Establishing max. comp. for amend. professional svcs. agree. for reservoir improvements, Tr. letter, 319, Pssd., 320

Auth. agree. for funding for Highland Reservoir Liner Improvement Proj. and approp. funds and auth. agree. for funding for Durand Eastman Beach Water Quality Improvement Proj., Tr. letter, 355, Pssd., 356

HILLSIDE AVENUE

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Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Auth. agree. for Hillside Work Scholarship Connection Program, Tr. letter, 365, Held, 366, Pssd., 393

HILLSIDE WORK SCHOLARSHIP CONNECTION PROGRAM

Auth. agree. for Hillside Work Scholarship Connection Program, Tr. letter, 365, Held, 366, Pssd., 393

Establishing max. comp. for professional svcs. agree. for monitoring of Hillside Work Scholarship Connection Program, Tr. letter, 460, Held, 460

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Auth. applications and agree. for historic preservation grants, Tr. letter, 276, Pssd., 277

HOLIDAY STEP JAM FOR DRUG AND VIOLENCE PREVENTION

Amend. 2010-11 Budget by approp. forfeiture funds for drug and violence prevention programs, Tr. letter, 389, Pssd., 389

HOLLY FIRE PROTECTION SYSTEM

Establishing max. comp. for professional svcs. agree. for Holly fire protection system viability study, Tr. letter, 453, Pssd., 453

HOME PROGRAM

Auth. amend. HOME Program Plans and amend. ord., Tr. letter, 234, Pub. hear., 192, Pssd., 253

HOME ROCHESTER PROGRAM

Auth. agree. for Home Roch. Program, Tr. letter, 75, Pssd., 76

Approp. funds and auth. agree. for Home Roch. Program, Tr. letter, 229, Pssd., 229

HOMELESSNESS PREVENTION AND RAPID-REHOUSING PROGRAM

Auth. amend. 2008-09 Comm. Dev. Program Plan and amend. agree. for Homelessness Prevention and Rapid Re-Housing Program and amend. 2010-11 Budget and Ord. No. 2009-280, Tr. letter, 336, Pub. hear., 292, Pssd., 337

HORTICULTURAL SERVICES

Establishing max. comp. for amend. professional svcs. agree. for horticultural svcs., Tr. letter, 96, Pssd., 97

HOUSING

Approving loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

Approving loan agree. for Eastman Commons Rental Proj., Tr. letter, 45, Pssd., 46

Approving property tax exemption and auth. in-lieu-of-tax agree. for Eastman Commons Rental Proj., Tr. letter, 45, Pssd., 47

Auth. amend. HOME Program Plans, amend. ord., and approving amend. loan agree. for F.I.G.H.T. Village Apts. Renovation Proj., Tr. letter, 69, Held, 70, Pssd., 140

Approving property tax exemption and auth. in-lieu-of-tax agree. for Bohrer Place Affordable Housing Proj., Tr. letter, 70, Pssd., 71

Auth. agree. and approp. funds for lead hazard control grant program, Tr. letter, 71, Pssd.,

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Auth. agree. for Housing Opportunities for Persons With AIDS Program, Tr. letter, 72, Pssd., 73

Auth. agree. for Home Roch. Program, Tr. letter, 75, Pssd., 76

Amend. Ord. No. 2008-134, relating to Frederick Douglass Apts. Proj., Tr. letter, 76, Held, 77

Auth. agree. for Emergency Assistance Repair Program, Tr. letter, 172, Pssd., 173

Auth. add. funding for Housing Opportunities for persons with AIDS Program, Tr. letter, 224, Pssd., 225

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Approp. funds and auth. agree. for Home Roch. Program, Tr. letter, 229, Pssd., 229

Auth. agree. for Exterior and Security Rehab. Program, Tr. letter, 230, Pssd., 230

Accepting loan agree. for Asian Court Rental Proj., Tr. letter, 230, Pssd., 231

Auth. amend. HOME Program Plans and amend. ord., Tr. letter, 234, Pub. hear., 192, Pssd., 253

Approv. loan agree. for Windsor Lofts Rental Proj., Tr. letter, 263, Pssd., 263

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 264, Pssd., 264

Approv. Consolidated Plan Homeownership Promotion Fund Programs, Tr. letter, 264, Pssd., 265

Auth. agree. for ext. of loans for HUD Asset Control Area Partnership Program, Tr. letter, 266, Pssd., 267

Approv. Consolidated Plan Rental Market Fund Programs, Tr. letter, 270, Held, 270

Auth. agree. for fair housing lending monitoring svcs., Tr. letter, 301, Pssd., 302

Repealing Ord. No. 2009-103 and auth. agree. for Two-Family Initiative, Tr. letter, 302, Pssd., 303

Auth. sale of real estate for Two-Family Initiative, Tr. letter, 302, Pssd., 303

Auth. amend. 2008-09 Comm. Dev. Program Plan and amend. agree. for Homelessness Prevention and Rapid Re-Housing Program and amend. 2010-11 Budget and Ord. No. 2009-280, Tr. letter, 336, Pub. hear., 292, Pssd., 337

Amend. 2009-10 Comm. Dev. Plan and approp. Rental Market Fund program, Tr. letter, 348, Pub. hear., 330, Pssd., 349

Auth. agree. for Frederick Douglass Apts. Proj. and repealing Ord. No. 2008-134, Tr. letter, 379, Pssd., 381

Approv. property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apts. Proj. and repealing Ord. NO. 2008-135, Tr. letter, 379, Pssd., 381

Approv. property tax exemption and auth. in-lieu-of-tax agree. for Neighborhood of the Arts Special Needs Apt. Proj., Tr. letter, 403, Pssd., 404

Approv. loan agree. for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 406

Approv. property tax exemption and auth. in-lieu-of tax agree. for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 407

Auth. sale of real estate for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 408

Auth. sale of real estate and amend. Ord. No. 2010-149 and 2010-389 and 2010-392, Tr. letter, 434, Pssd., 436

Approv. loan agree. for Academy Bldg. Proj., Tr. letter, 436, Pssd., 437

HOUSING COUNCIL IN THE MONROE COUNTY AREA, INC.

Auth. agree. and approp. funds for lead hazard control grant program, Tr. letter, 71, Pssd., 72

Approv. Consolidated Plan Homeownership Promotion Fund Programs, Tr. letter, 264, Pssd., 265

Approv. Consolidated Plan Rental Market Fund Programs, Tr. letter, 270, Held, 270

Amend. 2009-10 Comm. Dev. Plan and approp. Rental Market Fund program, Tr. letter, 348, Pub. hear., 330, Pssd., 349

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. agree. for Housing Opportunities for Persons With AIDS Program, Tr. letter, 72, Pssd., 73

Auth. add. funding for Housing Opportunities for persons with AIDS Program, Tr. letter, 224, Pssd., 225

HOUSING OPPORTUNITIES HOUSING DEVELOPMENT FUND CORPORATION

Approving property tax exemption and auth. in-lieu-of-tax agree. for Bohrer Place Affordable Housing Proj., Tr. letter, 70, Pssd., 71

HUDSON AVENUE BUSINESS ASSOCIATION

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 18, Adpt., 19

HUNTINGTON PARK

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd., 92

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IBC ENGINEERING, P.C.

Establishing max. comp. for professional svcs. agree. for firehouse ventilation upgrades, Tr. letter, 244, Pssd., 244

Establishing max. comp. for professionals svcs. agree. for Chestnut St. Firehouse, Tr. letter, 350, Pssd., 351

IBI GROUP

Approp. funds and auth. agree. for Port of Roch. Security/Intelligent Transportation System, Tr. letter, 83, Pssd., 84

IBM CORPORATION

Establishing max. comp. for professional svcs. agree. for PSI server, Tr. letter, 431, Pssd., 432

IPT LLC

Auth. agree. for immobilization of motor vehicles, Tr. letter, 168, Pssd., 170

IBERO-AMERICAN ACTION LEAGUE

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 102, Pssd., 104

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 281, Pssd., 282

IBERO AMERICAN DEVELOPMENT CORPORATION

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 18, Adpt., 19

Repealing Ord. No. 2009-103 and auth. agree. for Two-Family Initiative, Tr. letter, 302, Pssd., 303

Auth. sale of real estate for Two-Family Initiative, Tr. letter, 302, Pssd., 303

ICE HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 389, Pssd., 389

IGLESIA EDUCATIONAL CENTERS

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257

IMAGEOUT

Establishing max. comp. for agree. for film festival, Tr. letter, 332, Pssd., 332

IMMOBILIZATION OF MOTOR VEHICLES

Auth. agree. for immobilization of motor vehicles, Tr. letter, 168, Pssd., 170

Amend. Mun. Code with respect to immobilization of motor vehicles, Tr. letter, 168, Pssd., 170

INSPECTION SERVICES

Establishing max. comp. for professional svcs. agree. for Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Proj. and approp. funds, Tr. letter, 244, Pssd., 245

INSURANCE

Auth. appl. and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2009-10 Budget, Tr. letter, 30, Pssd., 31

Establishing max. comp. for professional svcs. agree. for admin. of City's Workers' Comp. Program, Tr. letter, 197, Pssd., 197

Establishing max. comp. for professional svcs. agree. for admin. of unemployment insurance claims, Tr. letter, 197, Pssd., 198

INTERFACE STUDIO LLC

Auth. agree. for grant for North St. Rec. Ctr. and amend. 2009-10 Budget, Tr. letter, 96, Pssd., 96

INTERMUNICIPAL AGREEMENT

Auth. amend. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 94, Held, 94, Pssd., 149

Auth. intermunicipal agree. for criminalistic imaging svcs., Tr. letter, 97, Pssd., 97

Auth. intermunicipal agree. to provide photo

lab svcs., Tr. letter, 159, Pssd., 160
Auth. inter-municipal agree. for fire communications, Tr. letter, 189, Pssd., 190

INTERNATIONAL SISTER CITIES OF ROCHESTER, NY, INC.

Reso. auth. establishment of three-way Sister Cities Relationship with Rehovot, Israel and Albuquerque, New Mexico, Tr. letter, 332, Adpt., 333

INTERNET

Amend. Mun. Code with respect to payments via Internet, Tr. letter, 66, Pssd., 66

INVESTIGATIVE SERVICES

Establishing max. comp. for professional svcs. agree. for investigative svcs., Tr. letter, 196, Pssd., 197

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JP MORGAN CHASE BANK, N.A.

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 258, Pssd., 258
Auth. agree. for ext. of loans for HUD Asset Control Area Partnership Program, Tr. letter, 266, Pssd., 267
Accepting donation of real estate and auth. license agree., Tr. letter, 375, Pssd., 376

JEFFERSON AVENUE

Auth. acq. by negotiation or condemnation of *de minimus* permanent easements for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148
Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148
Approv. decrease in pav. width of Jefferson Ave. at Magnolia St., Tr. letter, 277, Pub. hear., 258, Pssd., 278

JEFFERSON TERRACE

Accepting donation of real estate, Tr. letter, 262, Pssd., 262

JENNIFER HOUSE

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

JOBS, PARKS & PUBLIC WORKS COMMITTEE

Reports of, 20; 50; 77; 140; 182; 239; 270; 316; 349; 383; 408; 449

JOBS TRAINING

Establishing max. comp. for agree. for lot maint. jobs training program, Tr. letter, 82, Pssd., 82
Establishing max. comp. for agree. for transitional jobs training program, Tr. letter, 82, Pssd., 82

JONES, DAISY MARQUIS, FOUNDATION

Auth. agree. for grant for North St. Rec. Ctr. and amend. 2009-10 Budget, Tr. letter, 96, Pssd., 96

JOSANA NEIGHBORHOOD

Approving agree. for JOSANA Neighborhood Master Plan, Tr. letter, 109, Pssd., 110

JOSEPH C. WILSON BOULEVARD

Changing zoning class. of IPD #5-University of Roch. and Medical Ctr.; 555 and 665 Joseph C. Wilson Blvd. and 245 Elmwood Ave. from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Dr. from R-1 Low Density Residential, to PD #10-University of Roch. City Campus, Tr. letter, 114, Pub. hear., 104, Pssd., 129

JUNIOR ACHIEVEMENT

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 102, Pssd., 104
Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

JUSTICE ASSISTANCE GRANT PROGRAM

Auth. agree. for 2010 Justice Assistance Grant Program, Tr. letter, 254, Pssd., 255

JUVENILE ACCOUNTABILITY CONFERCING PROGRAM

Auth. appl. and agree. for Juvenile Accountability Conferencing Program, Tr. letter, 30, Pssd., 31

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KARIN, DANIEL B., CITY CLERK

Reso. for selection and appt. of City Clerk, Adpt., 1

KEY BANK

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 258, Pssd., 258

KING STREET

Amend. Ord. No. 2009-62 relating to sale of real estate, Tr. letter, 260, Pssd., 262

KNICKERBOCKER STREET

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

KURTZ, WILLIAM S.

Reso. approving appt. to Examining Board of Plumbers, Tr. letter, 19, Adpt., 19

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LPGA

Establishing max. comp. for professional svcs. agree. for City youth participation in 2010 LPGA Championship events, Tr. letter, 190, Pssd., 190

LABELLA ASSOCIATES, P.C.

Establishing max. comp. for professional svcs. agree. for environmental cleanup of former Emerson St. Landfill, Tr. letter, 21, Pssd., 22
Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation

proj., Tr. letter, 24, Pssd., 25
 Establishing max. comp. for professional svcs. agree. for Midtown Revitalization Proj., Tr. letter, 25, Pssd., 26
 Establishing max. comp. for professional svcs. agree. for High Falls District Improvement Proj., Tr. letter, 53, Pssd., 54
 Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. Improvements and amend. Ord. No. 2010-58, Tr. letter, 98, Pssd., 99
 Establishing max. comp. for professional svcs. agree. for Lawrence St. Group Rehab. Proj., Tr. letter, 247, Pssd., 248
 Establishing max. comp. for professional svcs. agree. for garage improvements, Tr. letter, 318, Pssd., 319

LAFAYETTE PARK

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

LAGAN TECHNOLOGIES, INC.

Establishing max. comp. for 311 Call Ctr., Tr. letter, 105, Pssd., 105

LAKE AVENUE

Changing zoning class. of Eastman Kodak Co. parcels from T-P Transitional Parking and M-1 Industrial; and 160 Pullman Ave., 135 W. Ridge Rd., 1720 1764 and 1768-1776 Lake Ave. from T-P Transitional Parking; 246 W. Ridge Rd. from M-1 Industrial and 415-425 W. Ridge Rd. and 1760 Dewey Ave. from C-3 Regional Destination Ctr. to PD #12-Eastman Business Park, Tr. letter, 129, Pub. hear., 104, Held, 136, Pssd., 182

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

Auth. participation in Lake Ave. Improvement Proj., Tr. letter, 271, Pssd., 272

Auth. agree. with NYS Det. of Transportation for snow removal, Tr. letter, 412, Pssd., 413

Auth. acq. of Monroe County Boat Launch, Tr. letter, 438, Pssd., 438

Bond ord. auth. issuance of \$205,000 bonds to finance cost of acq. of Monroe County Boat Launch, Tr. letter, 438, Pssd., 439

Amend. Ord. No. 2010-257 and 258 relating to Lake Ave. and Waring Rd. Improvement Projects, Tr. letter, 452, Pssd., 452

LAKE AVENUE FIREHOUSE

Establishing max. comp. for professional svcs. agree. for repairs to Emerson St. and Lake Ave. Firehouses, Tr. letter, 187, Pssd., 188

Bond ord. auth. issuance of \$370,000 bonds to finance cost of design and constr. of repairs to Emerson St. and Lake Ave. Firehouses, Tr. letter, 187, Pssd., 189

LAKESIDE ENGINEERING, P.C.

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25

LAKEVIEW PARK

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

LANCER, MARGARET C.

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 281, Pssd., 282

LANDSCAPE ARCHITECTURAL SERVICES

Auth. agree. and approp. funds for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvement Proj., Tr. letter, 59, Pssd., 59

Establishing max. comp. for professional svcs. agree. for Erie Harbor Enhancement Proj. and approp. funds, Tr. letter, 357, Pssd., 358

LASER SHOWS

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 202, Pssd., 202

Establishing max. comp. for professional svcs. agree. for laser show decommission and amend. 2010-11 Budget, Tr. letter, 432, Pssd., 433

LAVIGNE ALLEY

Amend. Official Map by abandonment of portion of Lavigne Alley north of Montrose St., Tr. letter, 249, Pub. hear., 192, Pssd., 250

LAWN STREET PUBLIC IMPROVEMENT PROJECT

Establishing max. comp. for amend. professional svcs. agree. for Lawn St. Public Improvement Proj., Tr. letter, 23, Pssd., 23

LAWRENCE STREET

Approv. changes in pav. width of Lawrence St. and Anson Place, Tr. letter, 26, Pub. hear., 6, Pssd., 27

Establishing max. comp. for professional svcs. agree. for Lawrence St. Group Rehab. Proj., Tr. letter, 247, Pssd., 248

L.I.O. - Window well abandonments as part of Lawrence St. Group Rehab. Proj., Tr. letter, 247, Pub. hear., 192, Pssd., 248

LEAD AGENCY AGREEMENT

Auth. ext. of lead agency agree. between City Council and Mayor regarding environmental review, Tr. letter, 8, Pssd., 8

Approving lead agency for sale of City sewer systems, Tr. letter, 415, Pssd., 416

LEAD HAZARD

Auth. agree. and approp. funds for lead hazard control grant program, Tr. letter, 71, Pssd., 72

Establishing max. comp. for professional svcs. agree. for load study for water distribution system, Tr. letter, 184, Pssd., 184

Auth. agree. for Lead Hazard Reduction Demonstration Grant Program, Tr. letter, 226, Pssd., 226

Auth. amend. HOME Program Plans and amend. ord., Tr. letter, 234, Pub. hear., 192, Pssd., 253

Auth. agree. and approp. funds for lead hazard reduction, Tr. letter, 301, Pssd., 301

LEADERSHIP ROCHESTER

Amend. proposed 2010-11 Budget - \$49,500.
Tr. letter, 207, Pssd., 209

LEAF BLOWERS

Amend. 2009-10 Budget for purchase of leaf
blowers, Tr. letter, 34, Pssd., 35

LEASE AGREEMENTS

Auth. agree. for lease of commercial space in
Sister Cities Parking Garage, Tr. letter, 62,
Pssd., 63

Auth. amend. lease agree. for space in Port
Terminal Bldg., Tr. letter, 111, Pssd., 111; Tr.
letter, 437, Pssd., 438

Auth. lease and acq. of Mun. Lot #4, Tr.
letter, 173, Pssd., 174

Auth. agree. for lease of Mun. Lot #4, Tr.
letter, 173, Pssd., 174

Auth. lease agree. for conduit space, Tr.
letter, 317, Pssd., 318

Auth. lease agree. for lease of Mun. Lot #18
and repealing Ord. No. 2007-334, Tr. letter, 370,
Pssd., 371

Approv. lease by Roch. Urban Renewal
Agency to SMG of portion of 200 Exchange
Blvd, Tr. letter, 372, Pub. hear., 368, Pssd., 373

Auth. lease agree. for library café, Tr. letter,
428, Pssd., 429

LECHASE CONSTRUCTION SERVICES

Auth. agree. for move management svcs., Tr.
letter, 53, Pssd., 53

Auth. agree. for soccer stadium improve-
ments, Tr. letter, 386, Pssd., 387

LEGAL AID SOCIETY OF ROCHESTER, NY, INC.

Approv. Consolidated Plan Rental Market
Fund Programs, Tr. letter, 270, Held, 270

Amend. 2009-10 Comm. Dev. Plan and app-
rov. Rental Market Fund program, Tr. letter,
348, Pub. hear., 330, Pssd., 349

LEGAL SERVICES

Establishing max. comp. for amend. profes-
sional svcs. agree. for legal svcs. and amend.
2009-10 Budget, Tr. letter, 11, Pssd., 12

Establishing max. comp. for professional svcs.
agree. for legal svcs., Tr. letter, 365, Pssd., 365

Establishing max. comp. for professional svcs.
agree. for legal svcs. and amend. 2010-11
Budget, Tr. letter, 429, Pssd., 430

LEVEL 3 COMMUNICATIONS

Auth. lease agree. for conduit space, Tr.
letter, 317, Pssd., 318

LEW CORPORATION

Auth. agree. and approp. funds for lead haz-
ard reduction, Tr. letter, 301, Pssd., 301

LIBRARY

Bond ord. auth. issuance of \$740,000 bonds
to finance additional cost of planning and im-
plementing repairs to Rundel Memorial Bldg. of
Roch. Public Library, Tr. letter, 84, Pssd., 86

Auth. agree. and approp. of Library funds, Tr.
letter, 84, Pssd., 86

Auth. agree. for improvements to Rundel
Memorial Library Bldg., Tr. letter, 88, Pssd., 89

Bond ord. auth. issuance of \$1,593,000 bonds
to finance cost of replacement of heating and
cooling equip. at Rundel Memorial Bldg. of
Roch. Public Library, Tr. letter, 88, Pssd., 90

Reso. auth. exception to City debt limit for
Rundel Heating and Cooling Proj., Tr. letter, 88,
Adpt., 90

Establishing max. comp. for professional svcs
agree. for Winchester St. Rehab. Proj. and
amend. Ord. No. 2010-19 and 2009-10 Budget,
Tr. letter, 143, Pssd., 144

Auth. agree. for American Recovery and
Reinvestment Act projects and amend. 2009-10
Budget, Tr. letter, 183, Pssd., 184

Establishing max. comp. for professional svcs.
agree. for Arnett Branch Library, Tr. letter, 242,
Pssd., 242

Auth. applications and agree. for historic
preservation grants, Tr. letter, 276, Pssd., 277

Reso. approving appt. to Roch Public Library
Board of Trustees, Tr. letter, 398, Adpt., 398

Auth. lease agree. for library café, Tr. letter,
428, Pssd., 429

LICENSE AGREEMENT

Accepting donation of real estate and auth.
license agree., Tr. letter, 375, Pssd., 376

LICENSES

Amend. Mun. Code with respect to licenses,
Tr. letter, 193, Pssd., 222

Amend. Mun. Code with respect to dogs, Tr.
letter, 396, Pssd., 397

LIGHTING

Establishing max. comp. for amend. profes-
sional svcs. agree. for sound and lighting svcs., Tr.
letter, 168, Pssd., 168

Establishing max. comp. for professional svcs.
agree. for sound and lighting svcs., Tr. letter, 200,
Pssd., 201

Auth. agree. for energy efficient lighting
installations, Tr. letter, 411, Pssd., 411

Auth. agree. for street lighting enhancements
as part of E. Main St. Improvement Proj., Tr.
letter, 413, Pssd., 413

L.I.O. - Street lighting enhancements as part
of E. Main St. Improvement Proj. (Hall St. to
Jersey St.), Tr. letter, 413, Pub. hear., 394, Pssd.,
415

LILL STREET

Auth. sale of real estate and amend. Ord. No.
2010-149 and 2010-389 and 2010-392, Tr. let-
ter, 434, Pssd., 436

LIN, T.Y., INTERNATIONAL

Establishing max. comp. for professional svcs.
agree. for Public Mkt. Renovation and Expan-
sion Proj., Tr. letter, 451, Pssd., 452

LIVING LENSES

Auth. agree. for public art for ARTWalk2
Enhancement Proj., Tr. letter, 27, Pssd., 29

LIVONIA, TOWN OF

Auth. sale of Hemlock Lake Park, Tr. letter,

449, Pssd., 450

LOANS

Approv. loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

Approv. loan agree. for Eastman Commons Rental Proj., Tr. letter, 45, Pssd., 46

Auth. amend. HOME Program Plans, amend. ord., and approving amend. loan agree. for F.I.G.H.T. Village Apts. Renovation Proj., Tr. letter, 69, Held, 70, Pssd., 140

Accepting loan agree. for Asian Court Rental Proj., Tr. letter, 230, Pssd., 231

Approv. loan agree. for Windsor Lofts Rental Proj., Tr. letter, 263, Pssd., 263

Auth. agree. for ext. of loans for HUD Asset Control Area Partnership Program, Tr. letter, 266, Pssd., 267

Amend. Consolidated Comm. Dev./2010-11 Annual Action Plan and approv. Section 108 business loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 292, Pub. hear., 292, Pssd., 294

Amend. Ord. No. 2009-10 relating to loan agree. for Erie Harbor Proj., Tr. letter, 303, Pssd., 305

Approv. loan agree. for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 406

Approv. loan agree. for Academy Bldg. Proj., Tr. letter, 436, Pssd., 437

LOBBYING SERVICES

Establishing max. comp. for professional svcs. agree. for federal lobbying svcs., Tr. letter, 40, Pssd., 41; Tr. letter, 258, Pssd., 259; Tr. letter, 430, Pssd., 431

Establishing max. comp. for amend. professional svcs. agree. for state lobbying svcs., Tr. letter, 331, Pssd., 332

LOCAL IMPROVEMENT ORDINANCES

1611 - L.I.O. - Public art at 657-687 East Ave. as part of ARTWalk2 Enhancement Proj., Tr. letter, 27, Pub. hear., 6, Pssd., 30

1612 - L.I.O. - Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd., 92

1613 - L.I.O. - Snow removal at the Public Mkt., Tr. letter, 100, Pub. hear., 62, Pssd., 101

1614 - L.I.O. - Security at Public Mkt., Tr. letter, 100, Pub. hear., 62, Pssd., 102

1615 - L.I.O. - Establishing cost of special work and svcs. related to Downtown Special Svcs. and auth. agree., Tr. letter, 139, Pub. hear., 104, Pssd., 139

1616 - L.I.O. - Public art at 274-302 N. Goodman St. as part of ARTWalk2 Proj., Tr. letter, 146, Pub. hear., 105, Pssd., 150

1617 - L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

1618 - L.I.O. - Establishing operating and maint. costs of special assessment districts for streetscape enhancements, Tr. letter, 151, Pub. hear., 105, Pssd., 152

1619 - Continuation of L.I.O. No. 1421 relating to Norton St. Urban Renewal District Street-

scape District, Tr. letter, 150, Pub. hear., 105, Pssd., 152

1620 - L.I.O. - Establishing operating and maint. costs of neighborhood commercial or residential parking areas, Tr. letter, 170, Pub. hear., 163, Pssd., 171

1621 - L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 175, Pub. hear., 163, Pssd., 176

1622 - L.I.O. - Establishing cost of assessments related to High Falls Business Improvement District, Tr. letter, 176, Pub. hear., 163, Pssd., 176

1623 - L.I.O. - Establishing cost of special work and svcs. related to South Ave./Alexander St. Open Space District and auth. agree., Tr. letter, 176, Pub. hear., 163, Pssd., 177

1624 - L.I.O. - Establishing 2010 cost of upgrading of street cleaning for East Ave./Alexander St. Entertainment District, Tr. letter, 177, Pub. hear., 163, Pssd., 177

1625 - L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2010 and expiring June 30, 2011, Tr. letter, 209, Pub. hear., 191, Pssd., 214

1626 - L.I.O. - Window well abandonments as part of Lawrence St. Group Rehab. Proj., Tr. letter, 247, Pub. hear., 192, Pssd., 248

1627 - L.I.O. - Street lighting enhancements as part of E. Main St. Improvement Proj. (Hall St. to Jersey St.), Tr. letter, 413, Pub. hear., 394, Pssd., 415

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1 - L.L. amend. City Charter with respect to financial disclosure statements, Tr. letter, 40, Pssd., 40

2 - L.L. auth. water franchise agree. with Eastman Kodak Co., Tr. letter, 129, Pssd., 138

3 - L.L. amend. City Charter with respect to cemeteries, Tr. letter, 193, Pssd., 194

4 - L.L. amend. City Charter with respect to Office of the Mayor, Tr. letter, 193, Pssd., 195

L.L. amend. City Charter with respect to criminal history record checks to be conducted in connection with employment, Tr. letter, 209, Held, 219

LOCAL WATERFRONT REVITALIZATION PROGRAM

Approving final amend. to Local Waterfront Revitalization Program and auth. its transmission to NYS Dept. of State, Tr. letter, 177, Pub. hear., 163, Pssd., 178

LYELL AVENUE

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

LYELL-LAKE-STATE BROWNFIELD OPPORTUNITY AREA NOMINATION STUDY

Establishing max. comp. for professional svcs. agree. for Lyell-Lake-State Brownfield Opportunity Area Nomination Study and approp. funds, Tr. letter, 360, Pssd., 361

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M/E ENGINEERING, P.C.

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25

MOCHA

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

MAIN STREET

L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 175, Pub. hear., 163, Pssd., 176

MALCOLM PIRNIE

Establishing max. comp. for professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj. and amend. Ord. No. 2009-319, Tr. letter, 78, Pssd., 79

Establishing max. comp. for amend. professional svcs. agree. for reservoir improvements, Tr. letter, 319, Pssd., 320

MANHATTAN SQUARE PARK

Establishing max. comp. for amend. professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 409, Pssd., 409

MANN, THOMAS

Reso. approving reappointments to Examining Board of Plumbers, Tr. letter, 49, Adpt., 50

MANUFACTURERS AND TRADERS TRUST COMPANY

Auth. agree. for merchant card payment charges, Tr. letter, 66, Pssd., 66

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 258, Pssd., 258

MAPLEWOOD DRIVE

Changing zoning class. of 480, 500, 540 and 570 Maplewood Dr. from T-P Transitional Parking to O-S Open Space, Tr. letter, 129, Pub. hear., 104, Held, 137, Pssd., 182

MAPLEWOOD NEIGHBORHOOD ASSOCIATION

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

MARINA

Establishing max. comp. for professional svcs. agree. for Port Marina and Mixed Use Dev. Proj. and amend. Ord. No. 2005-262, Tr. letter, 320, Pssd., 321

Bond ord. auth. issuance of \$837,000 bonds to finance cost of planning for Port Marina and Mixed Use Dev. Proj., Tr. letter, 320, Pssd., 322

Establishing max. comp. for professional svcs. agree. for Port of Roch. Marina Proj., Tr. letter, 359, Pssd., 360

MARKETVIEW HEIGHTS

Auth. agree. for Marketview Heights/Public Mkt. Focused Investment Strategy Proj., Tr. letter, 47, Pssd., 47

Amend. proposed 2010-11 Budget - \$49,500.

Tr. letter, 207, Pssd., 209

Repealing Ord. No. 2009-103 and auth. agree. for Two-Family Initiative, Tr. letter, 302, Pssd., 303

Auth. sale of real estate for Two-Family Initiative, Tr. letter, 302, Pssd., 303

MARY'S PLACE

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

MATRIX ENVIRONMENTAL TECHNOLOGIES, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 450, Pssd., 451

MAURO, GARY

Reso. approving reappointments to Examining Board of Plumbers, Tr. letter, 49, Adpt., 50

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L.L. amend. City Charter with respect to Office of the Mayor, Tr. letter, 193, Pssd., 195

MCAULEY, CATHERINE, HOUSING

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

MCFADDEN, ADAM C., COUNCILMEMBER

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Reso. establishing moratorium on point system enforcement at bars/nightclubs, Tr. letter, 165, Adpt., 165

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

Reso. approving standard work day for retirement purposes, Tr. letter, 259, Adpt., 260

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mittee, Adpt., 393
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 Reso. continuing moratorium on point system enforcement at bars/nightclubs, Tr. letter, 394, Adpt., 395
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MCLEAR, BRUCE

2010-19 - Reso. approving appt. to Roch. Preservation Board, Tr. letter, 175, Adpt., 175

MECHANICAL ENGINEERING SERVICES

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25
 Auth. agree. and approp. funds for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvement Proj., Tr. letter, 59, Pssd., 59

MEDICAL SERVICES

Auth. professional svcs. agree. for medical svcs. for civilian employees, Tr. letter, 206, Pssd., 207
 Establishing max. comp. for professional svcs. agree. for medical dir. svcs., Tr. letter, 390, Pssd., 391

MELITA HOUSE

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

MERCER

Establishing max. comp. for amend. professional svcs. agree. for actuary svcs., Tr. letter, 41, Pssd., 42; Tr. letter, 398, Pssd., 398

MERCHANT CARD PAYMENT CHARGES

Auth. agree. for merchant card payment charges, Tr. letter, 66, Pssd., 66

MERCY RESIDENTIAL SERVICES

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

METRO COUNCIL FOR TEEN POTENTIAL

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 102, Pssd., 104
 Auth. agree. for sexual health promotion for young people, Tr. letter, 253, Pssd., 254
 Auth. agree. for Youth Voice, One Vision and amend. 2010-11 Budget, Tr. letter, 326, Pssd., 326
 Auth. agree. and amend. 2010-11 Budget for substance abuse prevention program, Tr. letter, 419, Pssd., 419

METRO COUNCIL FOR YOUTH POTENTIAL

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37
 Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr.

letter, 391, Pssd., 392
 Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

MICROS SYSTEMS, INC.

Establishing max. comp. for professional svcs. agree. for concessions system, Tr. letter, 377, Pssd., 377

MIDDLEBROOK COLLISION

Auth. professional svcs. agree. for motor vehicle collision repair svcs., Tr. letter, 240, Pssd., 241

MIDLAND APPRAISAL ASSOCIATES, INC.

Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 203, Pssd., 204

MIDTOWN REVITALIZATION PROJECT

Establishing max. comp. for professional svcs. agree. for Midtown Revitalization Proj., Tr. letter, 25, Pssd., 26

Establishing max. comp. for professional svcs. agree. for Winchester St. Rehab. Proj. and amend. Ord. No. 2010-19 and 2009-10 Budget, Tr. letter, 143, Pssd., 144

Auth. application and agree. for Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 228, Pssd., 229

Amend. Official Map by abandonment of unnamed alley at Midtown Plaza site behind 249-253 and 255-257 E. Main St., Tr. letter, 248, Pub. hear., 192, Pssd., 249

Amend. Consolidated Comm. Dev./2010-11 Annual Action Plan and approp. Section 108 business loan and Brownfields Economic Dev. Initiative Grant for Midtown Plaza Revitalization Proj., Tr. letter, 292, Pub. hear., 292, Pssd., 294

Auth. sale of portions of Midtown Plaza parcels, Tr. letter, 366, Pssd., 367

MIDTOWN MONORAIL

Approving donation of Midtown Monorail and agree., Tr. letter, 262, Pssd., 263

MIDTOWN URBAN RENEWAL DISTRICT/PLAN

Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 47, Pssd., 48

Auth. acq. of parcels to effectuate the Midtown Urban Renewal Plan, Tr. letter, 112, Pssd., 113

Bond ord. auth. issuance of \$2,260,000 bonds to finance cost of acq. of parcels to effectuate Midtown Urban Renewal Plan, Tr. letter, 112, Pssd., 114

Auth. acq. by condemnation of 255-257 E. Main St., Tr. letter, 267, Pub. hear., 257, Pssd., 267

Determinations and findings relating to acq. of 255-257 E. Main St., Tr. letter, 267, Pssd., 268

MIGHTY LIBERATORS II DRUM CORPS

Amend. proposed 2010-11 Budget - \$49,500.

Tr. letter, 207, Pssd., 209

MILLER, DANA K., COUNCILMEMBER

Reso. adopting Rules of Council, Adpt., 5
 Motion to amend Int. No 93, Adpt., 90
 Negative vote, Ord. No. 2010-123, Pssd., 147; L.I.O. 1616, Pssd., 150; Ord. No. 2010-208, Pssd., 232; Ord. No. 2010-314, Pssd., 328; Ord. No. 2010-421, Pssd., 433
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 Amend. proposed 2010-11 Budget - \$49,500.
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 Reso. approving retirement reporting for Councilmember Miller, Tr. letter, 371, Adpt., 372

MILLS AT HIGH FALLS

Approving loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45
 Approving property tax exemption and auth. in-lieu-of-tax agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45
 Auth. amend. agree. for Mills at High Falls Phase II Proj., Tr. letter, 335, Pssd., 335

MOBILE DATA TERMINALS

See "Computers"

MONORAIL

Approving donation of Midtown Monorail and agree., Tr. letter, 262, Pssd., 263

MONROE AVENUE

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

MONROE COMMUNITY COLLEGE

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257
 Establishing max. comp. for agree. for AmeriCorps Program, Tr. letter, 324, Pssd., 325
 Auth. agree. for energy conservation training, Tr. letter, 388, Pssd., 389

MONROE COUNTY

Auth. agree. for funding for STOP DWI Program, Tr. letter, 100, Pssd., 100
 Auth. intermunicipal agree. to provide photo lab svcs., Tr. letter, 159, Pssd., 160
 Auth. inter-municipal agree. for fire communications, Tr. letter, 189, Pssd., 190
 Auth. agree. for 2010 Justice Assistance Grant Program, Tr. letter, 254, Pssd., 255
 Auth. amend. for Red Light Camera Program, Tr. letter, 290, Pssd., 291
 Auth. agree. with County of Monroe with respect to unarraigned prisoners, Tr. letter, 333, Pssd., 333
 Auth. agree. with County of Monroe with respect to Crime Lab, Tr. letter, 371, Pssd., 371
 Auth. agree. for Tobacco Sales Enforcement Program and amend. 2010-11 Budget, Tr. letter, 389, Pssd., 390
 Approving lead agency for sale of City sewer systems, Tr. letter, 415, Pssd., 416
 Auth. acq. of Monroe County Boat Launch, Tr. letter, 438, Pssd., 438

Bond ord. auth. issuance of \$205,000 bonds to finance cost of acq. of Monroe County Boat Launch, Tr. letter, 438, Pssd., 439

MONROE COUNTY EMPIRE ZONE

Reso. of support and concurrence with Monroe County Empire Zone (formerly Economic Dev. Zone) regionally significant proj. application, Tr. letter, 381, Adpt., 382

MONROE COUNTY WATER AUTHORITY

Auth. amend. agree. with Monroe County Water Authority, Tr. letter, 129, Pssd., 138; Tr. letter, 450, Pssd.,
 Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs., Tr. letter, 411, Pssd., 412

MONROE VILLAGE TASK FORCE

Amend. proposed 2010-11 Budget - \$49,500.
 Tr. letter, 207, Pssd., 209

MORRISON, ROBERT

Reso. approving reappointments to Examining Board of Plumbers, Tr. letter, 49, Adpt., 50

MORTIMER STREET

Amend. Official Map by abandonment of portion of Mortimer St. and auth. its sale for constr. of transit ctr., and changing traffic flow on Mortimer St. from St. Paul St. to N. Clinton Ave. from two-way to one-way eastbound, Tr. letter, 231, Pub. hear., 192, Pssd., 232

MORTIMER STREET PARKING GARAGE

Approving free parking at Mortimer St. Parking Garage, Tr. letter, 65, Pssd., 65

MOTOR VEHICLES

Auth. agree. for immobilization of motor vehicles, Tr. letter, 168, Pssd., 170
 Amend. Mun. Code with respect to immobilization of motor vehicles, Tr. letter, 168, Pssd., 170
 Auth. agree. for American Recovery and Reinvestment Act projects and amend. 2009-10 Budget, Tr. letter, 183, Pssd., 184
 Auth. agree. with RGRTA for fueling of vehicles, Tr. letter, 184, Pssd., 185
 Auth. professional svcs. agree. for motor vehicle collision repair svcs., Tr. letter, 240, Pssd., 241

MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM

Auth. appl. and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2009-10 Budget, Tr. letter, 30, Pssd., 31

MT. HOPE AVENUE

Auth. acq. by negotiation or condemnation of parcels and easements for Mt. Hope Ave. Phases I Improvement Proj., Tr. letter, 92, Pub. hear., 62, Held, 94, Pub. hear., 105, Pssd., 159
 Approving changes in pav. width of Mt. Hope Ave., Crittenden Blvd. and Elmwood Ave. as part of Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pub. hear., 105,

Pssd., 154
 Determinations and findings relating to acq. of parcels and easements for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pssd., 155
 Amend. official map by dedicating parcels to street purposes for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pub. hear., 105, Pssd., 156
 Bond ord. auth. issuance of \$900,000 bonds to finance cost of acq. of parcels for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pssd., 157
 Amend. changes in pav. width of Mt. Hope and S. Clinton Avenues made in Ord. No. 2009-121, Tr. letter, 251, Pub. hear., 192, Pssd., 252
 Amend. ord. relating to street improvements, Tr. letter, 386, Pssd., 386

MT. HOPE CEMETERY

Auth. applications and agree. for historic preservation grants, Tr. letter, 276, Pssd., 277

MOVE MANAGEMENT SERVICES

Auth. agree. for move management svcs., Tr. letter, 53, Pssd., 53

MOYE, FURAHA

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 281, Pssd., 282

MUNICIPAL CIVIL SERVICE COMMISSION

Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 42, Adpt., 43
 Reso. approving reappointment to Mun. Civil Service Commission, Tr. letter, 167, Adpt., 168

MUNICIPAL CODE

Amend. Mun. Code with respect to payments via Internet, Tr. letter, 66, Pssd., 66
 Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for University of Roch. City Campus as Planned Dev. District #10, Tr. letter, 114, Pub. hear., 104, Pssd., 127
 Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Eastman Business Park as Planned Dev. District #12, Tr. letter, 129, Pub. hear., 104, Held, 134, Pssd., 182
 Amend. Mun. Code with respect to immobilization of motor vehicles, Tr. letter, 168, Pssd., 170
 Amend. Mun. Code with respect to cemeteries, Tr. letter, 193, Pssd., 195
 Amend. Mun. Code with respect to water rates, Tr. letter, 193, Pssd., 196
 Amend. Mun. Code with respect to refuse fees, Tr. letter, 209, Pssd., 214
 Amend. Mun. Code with respect to alarm permits, Tr. letter, 209, Pssd., 215
 Amend. Mun. Code with respect to parking, Tr. letter, 209, Pssd., 219
 Amend. Mun. Code with respect to towing, Tr. letter, 193, Pssd., 222; Tr. letter, 427, Pssd., 428
 Amend. Mun. Code with respect to licenses, Tr. letter, 193, Pssd., 222

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 258, Pssd., 258
 Amend. Mun. Code, Zoning Code, Tr. letter, 305, Pub. hear., 292, Held, 316
 Amend. Mun. Code with respect to dogs, Tr. letter, 396, Pssd., 397
 Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for City-Gate as Planned Dev. District No. 11, Tr. letter, 439, Pub. hear., 422, Pssd., 447

MURAL

Establishing max. comp. for agree. for restoration of mural, Tr. letter, 296, Pssd., 297

MUSEUM OF KIDS ART

Auth. agree. for Focused Investment Strategy Vacant Lot Fencing and Greening Program, Tr. letter, 378, Pssd., 378

MUSIC

Establishing max. comp. for professional svcs. agree. for "Bands on the Bricks" concerts, Tr. letter, 202, Pssd., 203
 Establishing max. comp. for agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 369, Pssd., 369
 Establishing max. comp. for agree. for 2011 Roch. MusicFest, Tr. letter, 399, Pssd., 400
 Establishing max. comp. for agree. for 2011 Xerox Roch. International Jazz Festival, Tr. letter, 400, Pssd., 401
 Establishing max. comp. for professional svcs. agree. for "Party In The Park" concerts, Tr. letter, 401, Pssd., 401

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NCS COMMUNITY DEVELOPMENT CORP.

Auth. agree. for Emergency Assistance Repair Program, Tr. letter, 172, Pssd., 173
 Auth. agree. for Exterior and Security Rehab. Program, Tr. letter, 230, Pssd., 230

NSUC ENTERTAINMENT, LLC

Establishing max. comp. for agree. for 2011 Roch. MusicFest, Tr. letter, 399, Pssd., 400

NY ENVIRONMENTAL TECHNOLOGIES, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 450, Pssd., 451

NY TRAILWAYS

Auth. agree. for lease of Mun. Lot #4, Tr. letter, 173, Pssd., 174

NATIONAL DEVELOPMENT COUNCIL

Establishing max. comp. for professional svcs. agree. for assistance with development projects, Tr. letter, 111, Pssd., 112

NAU, LOUIS

Reso. approving appt and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 17, Adpt., 17

NAZARETH COLLEGE

Auth. agree. for Youth Voice, One Vision

and amend. 2010-11 Budget, Tr. letter, 326, Pssd., 326

NEIGHBORHOOD COMMERCIAL ASSISTANCE PROGRAM

Approving business programs, Tr. letter, 232, Pssd., 233

NEIGHBORHOOD & BUSINESS DEVELOPMENT COMMITTEE

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NEIGHBORHOOD LEADERSHIP INSTITUTE

Auth. agree. for Neighborhood Leadership Institute and approp. funds, Tr. letter, 265, Pssd., 266

NEIGHBORHOOD OF THE ARTS

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

Approv. property tax exemption and auth. in-lieu-of-tax agree. for Neighborhood of the Arts Special Needs Apt. Proj., Tr. letter, 403, Pssd., 404

NEIGHBORS BUILDING NEIGHBORHOODS

Amend. ord. relating to approp. of funds for Neighbors Building Neighborhoods Program, Tr. letter, 234, Pssd., 239

NEIGHBORWORKS ROCHESTER

Auth. agree. and approp. funds for lead hazard control grant program, Tr. letter, 71, Pssd., 72

Approv. Consolidated Plan Housing Dev. Fund Programs, Tr. letter, 264, Pssd., 264

Approv. Consolidated Plan Homeownership Promotion Fund Programs, Tr. letter, 264, Pssd., 265

NEILSEN HOUSE

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

NEW BEGINNINGS BUILDING DECONSTRUCTION TRANSITIONAL JOBS PROGRAM

Auth. amend. Comm. Dev. Program Plans and agree. and amend. ordinances for New Beginnings Building Deconstruction Transitional Job Program, Tr. letter, 56, Pub. hear., 38, Pssd., 58

NEW HORIZONS COMPUTER LEARNING CENTER

Establishing max. comp. for amend. professional svcs. agree. for computer training, Tr. letter, 369, Pssd., 370

NEW YORK MAIN STREET PROGRAM

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 18, Adpt., 19; Tr. letter, 109, Adpt., 109

Auth. agree. for Marketview Heights/Public Mkt. Focused Investment Strategy Proj., Tr. letter, 47, Pssd., 47

NEW YORK STATE

Auth. agree. for public art for ARTWalk2 Enhancement Proj., Tr. letter, 27, Pssd., 29

Auth. agree. for Operation SNUG grant and amend. 2009-10 Budget, Tr. letter, 58, Pssd., 59

Auth. applications and agree. for historic preservation grants, Tr. letter, 276, Pssd., 277

NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS

Auth. agree. for grant for Roch. Public Mkt. and amend. 2009-10 Budget, Tr. letter, 34, Pssd., 34

NEW YORK STATE DEPARTMENT OF EDUCATION

Auth. application and agree. for 2010 Summer Food Service Program for Children, Tr. letter, 189, Pssd., 189

Auth. agree. relating to Roch. After School Academy 4 Program, Tr. letter, 281, Pssd., 282

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Auth. sale of Hemlock/Canadice watershed lands and amend. 2009-10 Budget, Tr. letter, 66, Pssd., 68

NEW YORK STATE DEPARTMENT OF HEALTH

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37; Tr. letter, 102, Pssd., 104

Auth. agree. for sexual health promotion for young people, Tr. letter, 253, Pssd., 254

NEW YORK STATE DEPARTMENT OF STATE

Auth. agree. for Census 2010 Outreach Program and amend. 2009-10 Budget, Tr. letter, 15, Pssd., 15

Approving final amend. to Local Waterfront Revitalization Program and auth. its transmission to NYS Dept. of State, Tr. letter, 177, Pub. hear., 163, Pssd., 178

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Auth. participation in Dewey Ave. and Driving Park Ave. Prevention Maint. Proj., Tr. letter, 81, Pssd., 82

Approp. funds and auth. agree. for Port of Roch. Security/Intelligent Transportation System, Tr. letter, 83, Pssd., 84

Auth. lease and acq. of Mun. Lot #4, Tr. letter, 173, Pssd., 174

Auth. agree. and approp. funds for Saratoga Ave. Group Curb Replacement Proj., Tr. letter, 250, Pssd., 251

Auth. participation in Lake Ave. Improvement Proj., Tr. letter, 271, Pssd., 272

Auth. participation in Waring Rd. Improvement Proj., Tr. letter, 272, Pssd., 273

Auth. participation in Preventive Maint. at 3 Locations Transportation Improvement Proj. and approp. funds, Tr. letter, 353, Pssd., 354

Auth. agree. with NYS Det. of Transportation for snow removal, Tr. letter, 412, Pssd., 413

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

Auth. appl. and agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2009-10 Budget, Tr. letter, 30, Pssd., 31

Auth. appl. and agree. for Juvenile Accountability Conferencing Program, Tr. letter, 30, Pssd., 31

Auth. appl. and agree. for STOP Violence Against Women Program, Tr. letter, 30, Pssd., 32

Auth. agree. with respect to Anti-Violence Targeted Initiative and amend. 2010-11 Budget, Tr. letter, 287, Pssd., 288

Auth. agree. with respect to Proj. IMPACT VII and amend. 2010-11 Budget, Tr. letter, 288, Pssd., 289

Auth. agree. with respect to Operation Impact Warrant Initiative and amend. 2010-11 Budget, Tr. letter, 287, Pssd., 289

Auth. applications and agree. for funding for Roch. Police Dept. initiatives and amend. 2010-11 Budget, Tr. letter, 364, Pssd., 365

NEW YORK STATE DIVISION OF LIBRARY DEVELOPMENT

Auth. agree. and approp. of Library funds, Tr. letter, 84, Pssd., 86

NEW YORK STATE DORMITORY AUTHORITY

See "Dormitory Authority of the State of New York"

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

Auth. agree. for American Recovery and Reinvestment Act projects and amend. 2009-10 Budget, Tr. letter, 183, Pssd., 184

NEW YORK STATE OFFICE OF HOMELAND SECURITY

Amend. 2009-10 Budget of Fire Dept. for Homeland Security Grant, Tr. letter, 61, Pssd., 61

Auth. grant agree. and amend. 2009-10 Budget for police equip., Tr. letter, 95, Pssd., 96

Auth. agree. for Bomb Squad Initiative Grant and amend. 2009-10 Budget, Tr. letter, 190, Pssd., 191

Auth. agree. for Urban Area Security Initiative grants and amend. 2010-11 Budget, Tr. letter, 326, Pssd., 327

NEW YORK STATE POWER AUTHORITY

Auth. agree. for improvements to Rundel Memorial Library Bldg., Tr. letter, 88, Pssd., 89

NORTH CLINTON AVENUE BUSINESS ASSOCIATION

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 18, Adpt., 19

NORTH EDGE NEIGHBORHOOD ASSOCIATION

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

NORTH GOODMAN STREET

Auth. acq. of easements for University Ave. Improvement and ARTWalk2 Enhancement Proj., Tr. letter, 27, Pssd., 29

L.I.O. - Public art at 274-302 N. Goodman St. as part of ARTWalk2 Proj., Tr. letter, 146, Pub. hear., 105, Pssd., 150

Approving changes in pav. width of N. Goodman St. and University Ave., Tr. letter, 146, Pub. hear., 105, Pssd., 150

NORTH STREET RECREATION CENTER

Bond ord. auth. issuance of \$150,000 bonds to finance cost of constr. of repairs to North St. Rec. Ctr., Tr. letter, 35, Pssd., 36

Auth. agree. for grant for North St. Rec. Ctr. and amend. 2009-10 Budget, Tr. letter, 36, Pssd., 36; Tr. letter, 96, Pssd., 96

Establishing max. comp. for professional svcs. agree. for North St. Comm. Ctr. Renovation Proj., Tr. letter, 246, Pssd., 247

NORTH WINTON VILLAGE

Reso. endorsing grant appl. for NY Main St. Program, Tr. letter, 109, Adpt., 109

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

Accepting donation of real estate and auth. license agree., Tr. letter, 375, Pssd., 376

Auth. agree. for street lighting enhancements as part of E. Main St. Improvement Proj., Tr. letter, 413, Pssd., 413

NORTHEASTERN PRODUCTION SYSTEMS, INC.

Establishing max. comp. for amend. professional svcs. agree. for sound and lighting svcs., Tr. letter, 168, Pssd., 168

Establishing max. comp. for professional svcs. agree. for sound and lighting svcs., Tr. letter, 200, Pssd., 201

NORTHROP GRUMMAN SYSTEMS CORPORATION, INC.

Establishing max. comp. for professional svcs. agree. for Automated Vehicle Locator System, Tr. letter, 162, Pssd., 162

NORTHWEST APARTMENTS PROJECT

Repealing Ord. No. 2009-103 and auth. agree. for Two-Family Initiative, Tr. letter, 302, Pssd., 303

NORTON STREET URBAN RENEWAL DISTRICT

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

L.I.O. - Establishing operating and maint. costs of special assessment districts for streetscape enhancements, Tr. letter, 151, Pub. hear., 105, Pssd., 152

Continuation of L.I.O. No. 1421 relating to Norton St. Urban Renewal District Streetscape District, Tr. letter, 150, Pub. hear., 105, Pssd., 152

NOTHNAGLE DRILLING, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 450, Pssd., 451

NUISANCE POINTS

Reso. establishing moratorium on point system enforcement at bars/nightclubs, Tr. letter, 165, Adpt., 165

Reso. continuing moratorium on point system enforcement at bars/nightclubs, Tr. letter, 394, Adpt., 395

Reso. establishing nuisance points advisory board, Tr. letter, 422, Adpt., 424

NUNDA BOULEVARD

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

NYE PARK

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

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OAKMAN STREET

Auth. sale of real estate and amend. Ord. No. 2010-149 and 2010-389 and 2010-392, Tr. letter, 434, Pssd., 436

OAKWOOD ROAD

Approving changes in pav. width of Oakwood Rd., Ellington Rd. and Benwell Rd., Tr. letter, 149, Pub. hear., 104, Pssd., 150

O'BRIEN & GERE ENGINEERS, INC.

Auth. agree. for Energy Efficiency and Conservation Block Grant Program, Tr. letter, 385, Pssd., 386

O'DELL, RAYMOND E.

Reso. approving appt. to Board of Stationary Engineers and Refrigeration Operators, Tr. letter, 50, Adpt., 50

OFFICER ASSISTANCE PROGRAM

Establishing max. comp. for professional svcs. agree. for Officer Assistance Program, Tr. letter, 284, Pssd., 284

OFFICIAL MAP

Amend. official map by dedicating parcels to street purposes for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pub. hear., 105, Pssd., 156

Amend. Official Map by abandonment of portion of Mortimer St. and auth. its sale for constr. of transit ctr., and changing traffic flow on Mortimer St. from St. Paul St. to N. Clinton Ave. from two-way to one-way eastbound, Tr. letter, 231, Pub. hear., 192, Pssd., 232

Amend. Official Map by abandonment of unnamed alley at Midtown Plaza site behind 249-253 and 255-257 E. Main St., Tr. letter, 248, Pub. hear., 192, Pssd., 249

Amend. Official Map by abandonment of portion of Lavigne Alley north of Montrose St., Tr. letter, 249, Pub. hear., 192, Pssd., 250

Amend. Official Map by dedicating parcels to street purposes for E. Henrietta Rd. Improvement Proj., Tr. letter, 277, Pub. hear., 258, Pssd., 280

Amend. Official Map by abandonment of portion of Capron St. and accepting easement, Tr. letter, 323, Pub. hear., 292, Pssd., 324

Amend. Official Map by abandonment of portion of Dodridge St. north of Leroy St., Tr. letter, 387, Pub. hear., 368, Pssd., 388

ONONDAGA COUNTY

Auth. intermunicipal agree. for criminalistic imaging svcs., Tr. letter, 97, Pssd., 97

OPEN DOOR MISSION

Approp. funds for Open Door Mission awning improvements, Tr. letter, 376, Pssd., 376

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, 176, Pub. hear., 163, Pssd., 177

OPERATION IMPACT WARRANT INITIATIVE

Auth. agree. with respect to Operation Impact Warrant Initiative and amend. 2010-11 Budget, Tr. letter, 287, Pssd., 289

OPERATION SNUG

Auth. agree. for Operation SNUG grant and amend. 2009-10 Budget, Tr. letter, 58, Pssd., 59

OPERATIONS CENTER

Bond ord. auth. issuance of \$259,000 bonds to finance cost of repairs to Operations Ctr., Tr. letter, 242, Pssd., 244

OP-TECH ENVIRONMENTAL SERVICES, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 450, Pssd., 451

ORANGE STREET

Auth. sale of real estate and amend. ord., Tr. letter, 223, Pssd., 224

ORDINANCES AMENDED

Auth. amend. 1997-98, 1999-2000, 2000-01, 2001-02 and 2005-06 Comm. Dev. Program Plans, amend. ord. and auth. agree. for Urban Agriculture Program, Tr. letter, 19, Pub. hear., 6, Held, 20, Held, 76, Pssd., 140

Approp. funds for Quadrant Planning and amend. Ord. No. 2008-294, Tr. letter, 48, Pssd., 49

Approp. funds for E. Henrietta Rd. Improvement Proj. and amend. Ord. No. 2009-429, relating to Broad St. Tunnel Proj., Tr. letter, 52, Pssd., 53

Auth. amend. Comm. Dev. Program Plans and agree. and amend. ordinances for New Beginnings Building Deconstruction Transitional Job Program, Tr. letter, 56, Pub. hear., 38, Pssd., 58

Amend. Ord. No. 2008-134, relating to Frederick Douglass Apts. Proj., Tr. letter, 76, Held,

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Establishing max. comp. for professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj. and amend. Ord. No. 2009-319, Tr. letter, 78, Pssd., 79

Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. Improvements and amend. Ord. No. 2010-58, Tr. letter, 98, Pssd., 99

Amend. Ord. No. 2009-374, relating to FIS Commercial Business Assistance Program, Tr. letter, 110, Pssd., 111

Amend. Ord. No. 2009-240, relating to agree. for Hazardous Sidewalk Replacement Proj., Tr. letter, 143, Pssd., 143

Establishing max. comp. for professional svcs. agree. for Winchester St. Rehab. Proj. and amend. Ord. No. 2010-19 and 2009-10 Budget, Tr. letter, 143, Pssd., 144

Auth. sale of real estate and amend. ord., Tr. letter, 223, Pssd., 224

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Auth. amend. Comm. Dev. Program Plans and amend. ord., Tr. letter, 234, Pub. hear., 192, Pssd., 238

Auth. amend. HOME Program Plans and amend. ord., Tr. letter, 234, Pub. hear., 192, Pssd., 253

Amend. ord. relating to approp. of funds for Neighbors Building Neighborhoods Program, Tr. letter, 234, Pssd., 239

Amend. Ord. No. 2009-62 relating to sale of real estate, Tr. letter, 260, Pssd., 262

Amend. 2010-11 Budget and Ord. No. 2010-53 for High Falls District Improvement Proj., Tr. letter, 277, Pssd., 277

Amend. Ord. No. 2009-10 relating to loan agree. for Erie Harbor Proj., Tr. letter, 303, Pssd., 305

Auth. amend. 2008-09 Comm. Dev. Program Plan and amend. agree. for Homelessness Prevention and Rapid Re-Housing Program and amend. 2010-11 Budget and Ord. No. 2009-280, Tr. letter, 336, Pub. hear., 292, Pssd., 337

Approp. funds and amend. ord. for Ridgeway Ave. Transportation Improvement Proj. and amend. Ord. No. 2010-21, Tr. letter, 356, Pssd., 357

Auth. agree. for funding Sebastian Park and amend. Ord. No. 2010-334, Tr. letter, 384, Pssd., 385

Amend. ord. relating to street improvements, Tr. letter, 386, Pssd., 386

Amend. Bond Ord. No. 2010-331 and 2009-201 auth. issuance of bonds to finance cost of reconstruction of var. water mains related to 2009 and 2011 Water Main Extension and Improvements Programs, Tr. letter, 411, Pssd., 412

Auth. sale of real estate and amend. Ord. No. 2010-149 and 2010-389 and 2010-392, Tr. letter, 434, Pssd., 436

Amend. Ord. No. 2010-257 and 258 relating to Lake Ave. and Waring Rd. Improvement Projects, Tr. letter, 452, Pssd., 452

ORDINANCES REPEALED

Repealing Ord. No. 2009-103 and auth.

agree. for Two-Family Initiative, Tr. letter, 302, Pssd., 303

Auth. lease agree. for lease of Mun. Lot #18 and repealing Ord. No. 2007-334, Tr. letter, 370, Pssd., 371

Auth. agree. for Frederick Douglass Apts. Proj. and repealing Ord. No. 2008-134, Tr. letter, 379, Pssd., 381

Approv. property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apts. Proj. and repealing Ord. NO. 2008-135, Tr. letter, 379, Pssd., 381

ORTIZ, ELIZABETH

Reso. approving reappointment to Mun. Civil Service Commission, Tr. letter, 167, Adpt., 168

ORTIZ, JACKLYN

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

OTIS STREET

Auth. participation in Preventive Maint. at 3 Locations Transportation Improvement Proj. and approp. funds, Tr. letter, 353, Pssd., 354

OUTPLACEMENT SERVICES

Establishing max. comp. for professional svcs. agree. for outplacement svcs., Tr. letter, 42, Pssd., 42

OXFORD STREET

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Changing zoning class. of 213-215 Oxford St. from Roch. Museum and Science Ctr. Planned Dev. District No. 4 to R-2 Medium Density Residential, Tr. letter, 268, Pub. hear., 257, Pssd., 269

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PAETEC COMMUNICATIONS, INC.

Establishing max. comp. for professional svcs. agree. for telecom billings audit, Tr. letter, 63, Pssd., 64

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Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

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PARDI PARTNERSHIP ARCHITECTS P.C.

Establishing max. comp. for professional svcs. agree. for improvements to City Hall, Tr. letter, 78, Pssd., 78

PARK AVENUE REVITALIZATION COMMITTEE

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

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Amend. Mun. Code with respect to parking, Tr. letter, 209, Pssd., 219
 Standardization of CALE Parking PayStations, Tr. letter, 297, Pssd., 298

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Auth. amend. agree. for operation of Plymouth Ave. parking lot, Tr. letter, 7, Pssd., 7
 Establishing max. comp. for amend. professional svcs. agree. for Genesee Crossroads Garage Structural Repairs Proj., Tr. letter, 23, Pssd., 24
 Auth. agree. for lease of commercial space in Sister Cities Parking Garage, Tr. letter, 62, Pssd., 63
 Approving free parking at Mortimer St. Parking Garage, Tr. letter, 65, Pssd., 65
 Establishing max. comp. for professional svcs. agree. for Parking Garage Repair and Reconstruction Program, Tr. letter, 141, Pssd., 142
 Bond ord. auth. issuance of \$1,200,000 bonds to finance cost of Parking Garage Repair and Reconstruction Program, Tr. letter, 141, Pssd., 143
 Auth. lease and acq. of Mun. Lot #4, Tr. letter, 173, Pssd., 174
 Auth. agree. for lease of Mun. Lot #4, Tr. letter, 173, Pssd., 174
 Auth. agree. for American Recovery and Reinvestment Act projects and amend. 2009-10 Budget, Tr. letter, 183, Pssd., 184
 Bond ord. auth. issuance of \$573,400 bonds to finance cost of improvements to heating, ventilating and air conditioning equipment at City facilities, Tr. letter, 185, Pssd., 186
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 Establishing max. comp. for amend. professional svcs. agree. for East End Garage repairs, Tr. letter, 240, Pssd., 240
 Auth. agree. for parking garage svcs., Tr. letter, 294, Pssd., 295
 Establishing max. comp. for professional svcs. agree. for garage improvements, Tr. letter, 318, Pssd., 319
 Auth. lease agree. for lease of Mun. Lot #18

and repealing Ord. No. 2007-334, Tr. letter, 370, Pssd., 371

Approv. lease by Roch. Urban Renewal Agency to SMG of portion of 200 Exchange Blvd, Tr. letter, 372, Pub. hear., 368, Pssd., 373
 Auth. agree. for lease of Mun. Lot #10, Tr. letter, 372, Pub. hear., 368, Pssd., 373

PARKS AND PLAYGROUNDS

Auth. agree. and approp. funds for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvement Proj., Tr. letter, 59, Pssd., 59
 Auth. agree. for improvements to Genesee WaterWays Ctr. and amend. 2009-10 Budget, Tr. letter, 253, Pssd., 253
 Auth. agree. for funding Sebastian Park and amend. Ord. No. 2010-334, Tr. letter, 384, Pssd., 385
 Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 389, Pssd., 389
 Establishing max. comp. for amend. professional svcs. agree. for Manhattan Sq. Park Improvements Proj., Tr. letter, 409, Pssd., 409
 Auth. agree. for concessions at Genesee Valley Park Sports Complex, Tr. letter, 420, Pssd., 420
 Auth. sale of Hemlock Lake Park, Tr. letter, 449, Pssd., 450

PARKS AND RECREATION CENTER

Establishing max. comp. for amend. professional svcs. agree. for Parks and Rec. Ctr. Improvements and amend. Ord. No. 2010-58, Tr. letter, 98, Pssd., 99

PARTNER, SALLY FARRELL

Reso. approving appt. to Mun. Civil Service Commission, Tr. letter, 42, Adpt., 43

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Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

PARTY IN THE PARK

Establishing max. comp. for professional svcs. agree. for "Party In The Park" concerts, Tr. letter, 401, Pssd., 401

PASSENGER BUS CORP.

Auth. agree. for lease of Mun. Lot #4, Tr. letter, 173, Pssd., 174

PASSERO ASSOCIATES

Establishing max. comp. for professional svcs. agree. for Port of Roch. riverfront improvements and amend. 2009-10 Budget, Tr. letter, 51, Pssd., 52
 Establishing max. comp. for professional svcs. agree. for Highland Parkway Rehab. Proj., Tr. letter, 273, Pssd., 276

PATHFINDERS ENGINEERS & ARCHITECTS LLP

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25

PATHSTONE

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257

PATHSTONE INC.

Auth. agree. for Neighborhood Leadership Institute and approp. funds, Tr. letter, 265, Pssd., 266

PATHSTONE REALTY CORPORATION

Establishing max. comp. for professional svcs. agree. for Public Market mural, Tr. letter, 228, Pssd., 228

PATHWAYS TO PEACE

Amend. 2010-11 Budget for Pathways to Peace, Tr. letter, 289, Pssd., 290

PAVEMENT WIDTH CHANGES

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PAYLOCK

Auth. agree. for immobilization of motor vehicles, Tr. letter, 168, Pssd., 170

PAYROLL ADMINISTRATION SERVICES

Establishing max. comp. for professional svcs. agree. for payroll admin. svcs. for PRIME II, Tr. letter, 457, Pssd., 457

PEDESTRIAN WAYFINDING PLAN

Auth. agree. for Pedestrian Wayfinding Plan and amend. 2010-11 Budget, Tr. letter, 378, Pssd., 379

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Transit Center survey, 123 responses, presented by Councilmember Palumbo, 163

Petition against towing code changes, 4 signatures, presented by Councilmember Palumbo, 191

Petition against Transit Ctr. on Mortimer St., 26 signatures, presented by Councilmember Palumbo, 191

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PHOTO LAB SERVICES

Auth. intermunicipal agree. to provide photo lab svcs., Tr. letter, 159, Pssd., 160

PICTURE FEST INTERNATIONAL, INC.

Establishing max. comp. for professional svcs. agree. for film festival, Tr. letter, 295, Pssd., 295

PILLARS OF HOPE PROGRAM

Auth. agree. for Pillars of Hope Program, Tr. letter, 33, Pssd., 33

PIRNIE, MALCOLM

Establishing max. comp. for professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj. and amend. Ord. No. 2009-319, Tr. letter, 78, Pssd., 79

Establishing max. comp. for amend. profes-

sional svcs. agree. for reservoir improvements, Tr. letter, 319, Pssd., 320

PLACEMENT SERVICES

Establishing max. comp. for professional svcs. agree. for placement svcs., Tr. letter, 107, Held, 107

PLANNING SERVICES

Establishing max. comp. for amend. professional svcs. agree. for Lawn St. Public Improvement Proj., Tr. letter, 23, Pssd., 23

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148

Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 319, Pssd., 319; Tr. letter, 409, Pssd., 410

PLUMBING ENGINEERING SERVICES

Auth. agree. for mechanical, electrical and plumbing engineering svcs. for bldg. renovation proj., Tr. letter, 24, Pssd., 25

PLYMOUTH AVENUE

Auth. agree. with NYS Det. of Transportation for snow removal, Tr. letter, 412, Pssd., 413

PLYMOUTH AVENUE PARKING LOT

Auth. amend. agree. for operation of Plymouth Ave. parking lot, Tr. letter, 7, Pssd., 7

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Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 47, Pssd., 48; Tr. letter, 203, Pssd., 204

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Reso. confirming appt. of Chief of Police, Tr. letter, 421, Adpt., 421

POLICE DEPARTMENT

Auth. appl. and agree. for Selective Traffic Enforcement Program and amend. 2009-10 Budget, Tr. letter, 32, Pssd., 32

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 60, Pssd., 60; Tr. letter, 284, Pssd., 285

Auth. grant agree. and amend. 2009-10 Budget for police equip., Tr. letter, 95, Pssd., 96

Auth. intermunicipal agree. for criminalistic imaging svcs., Tr. letter, 97, Pssd., 97

Amend. 2009-10 Budget for marketing of Red Light Camera Program, Tr. letter, 161, Pssd., 162

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 283, Pssd., 284

Establishing max. comp. for professional svcs. agree. for Officer Assistance Program, Tr. letter, 284, Pssd., 284

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 284, Pssd., 285

Auth. agree. for reimbursement for School Resource Officers, Tr. letter, 289, Pssd., 289

Establishing max. comp. for amend. professional svcs. agree. for Police Mobile Data Termi-

nals, Tr. letter, 291, Held, 291

Amend. 2010-11 Budget by approp. forfeiture funds for Roch. Police Dept., Tr. letter, 328, Held, 328, Pssd., 365

Auth. agree. with County of Monroe with respect to unarraigned prisoners, Tr. letter, 333, Pssd., 333

Auth. applications and agree. for funding for Roch. Police Dept. initiatives and amend. 2010-11 Budget, Tr. letter, 364, Pssd., 365

Amend. 2010-11 Budget by approp. forfeiture funds for drug and violence prevention programs, Tr. letter, 389, Pssd., 389

Auth. agree. for Tobacco Sales Enforcement Program and amend. 2010-11 Budget, Tr. letter, 389, Pssd., 390

Establishing max. comp. for professional svcs. agree. for studies of Roch. Fire and Police Depts., Tr. letter, 401, Pssd., 402

Establishing max. comp. for professional svcs. agree. for telephone notification system svcs., Tr. letter, 433, Held, 433

Auth. appl. and agree. for Selective Traffic Enforcement Program and amend. 2010-11 Budget, Tr. letter, 456, Pssd., 457

POMCO GROUP

Establishing max. comp. for professional svcs. agree. for admin. of City's Workers' Comp. Program, Tr. letter, 197, Pssd., 197

POP WARNER LEAGUE MONROE COUNTY COWBOYS

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

PORT MARINA AND MIXED USE DEVELOPMENT PROJECT

Establishing max. comp. for professional svcs. agree. for Port Marina and Mixed Use Dev. Proj. and amend. Ord. No. 2005-262, Tr. letter, 320, Pssd., 321

Bond ord. auth. issuance of \$837,000 bonds to finance cost of planning for Port Marina and Mixed Use Dev. Proj., Tr. letter, 320, Pssd., 322

PORT OF ROCHESTER

Establishing max. comp. for professional svcs. agree. for Port of Roch. riverfront improvements and amend. 2009-10 Budget, Tr. letter, 51, Pssd., 52

Approp. funds and auth. agree. for Port of Roch. Security/Intelligent Transportation System, Tr. letter, 83, Pssd., 84

Auth. amend. lease agree. for space in Port Terminal Bldg., Tr. letter, 111, Pssd., 111; Tr. letter, 437, Pssd., 438

Establishing max. comp. for professional svcs. agree. for Port of Roch. Marina Proj., Tr. letter, 359, Pssd., 360

Auth. acq. of Monroe County Boat Launch, Tr. letter, 438, Pssd., 438

Bond ord. auth. issuance of \$205,000 bonds to finance cost of acq. of Monroe County Boat Launch, Tr. letter, 438, Pssd., 439

PORTSMOUTH TERRACE

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub.

hear., 62, Pssd. 92

PRESCIENT SOFTWARE

Establishing max. comp. for professional svcs. agree. for debt accounting software, Tr. letter, 430, Pssd., 430

PREVENTIVE MAINTENANCE AT 3 LOCATIONS TRANSPORTATION IMPROVEMENT PROJECT

Auth. participation in Preventive Maint. at 3 Locations Transportation Improvement Proj. and approp. funds, Tr. letter, 353, Pssd., 354

PRIME II PROGRAM

Auth. agree. for PRIME II Program and amend. 2010-11 Budget, Tr. letter, 392, Pssd., 393

Establishing max. comp. for professional svcs. agree. for payroll admin. svcs. for PRIME II, Tr. letter, 457, Pssd., 457

PRINTER CONSOLIDATION INITIATIVE

Establishing max. comp. for agree. for consolidation of printers, Tr. letter, 402, Pssd., 402

PROJECT B.A.S.E.

Approving applications, agree. and 2010 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 97, Pssd., 98

PROJECT HOPE

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

PROJECT IMPACT VII

Auth. agree. with respect to Proj. IMPACT VII and amend. 2010-11 Budget, Tr. letter, 288, Pssd., 289

PROJECT IMPLEMENTATION ASSURANCE SERVICES

Establishing max. comp. for professional svcs. agree. for proj. implementation assurance svcs., Tr. letter, 399, Pssd., 399

PROJECT ODYSSEY

Approving applications, agree. and 2010 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 97, Pssd., 98

PROJECT SEARCH

Auth. agree. for Proj. SEARCH, Tr. letter, 285, Pssd., 285

PUBLIC ART

Auth. agree. for public art for ARTWalk2 Enhancement Proj., Tr. letter, 27, Pssd., 29

L.I.O. - Public art at 657-687 East Ave. as part of ARTWalk2 Enhancement Proj., Tr. letter, 27, Pub. hear., 6, Pssd., 30

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Auth. agree. for grant for Roch. Public Mkt. and amend. 2009-10 Budget, Tr. letter, 34, Pssd., 34

Snow removal at the Public Mkt., Tr. letter, 100, Pub. hear., 62, Pssd., 101

Security at Public Mkt., Tr. letter, 100, Pub. hear., 62, Pssd., 102

Establishing max. comp. for professional svcs. agree. for "Bands on the Bricks" concerts, Tr. letter, 202, Pssd., 203

Establishing max. comp. for professional svcs. agree. for Public Market mural, Tr. letter, 228, Pssd., 228

Auth. acq. of land and easement for Roch. Public Mkt., Tr. letter, 334, Pssd., 335

Auth. amend. agree. for ATM machines at Public Mkt., Tr. letter, 364, Pssd., 364

Auth. acq. of parcels for parking for Public Mkt., Tr. letter, 448, Held, 449

Establishing max. comp. for professional svcs. agree. for Public Mkt. Renovation and Expansion Proj., Tr. letter, 451, Pssd., 452

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PUERTO RICAN FESTIVAL

Establishing max. comp. for agree. for Puerto Rican Festival, Tr. letter, 201, Pssd., 202

PUERTO RICAN YOUTH DEVELOPMENT

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

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-Q-**Q-TECH ENGINEERING, P.C.**

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-R-**RAIHN**

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Auth. sale of Hemlock/Canadice watershed lands and amend. 2009-10 Budget, Tr. letter, 66, Pssd., 68

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Bond ord. auth. issuance of \$900,000 bonds to finance cost of acq. of parcels for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pssd., 157

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Auth. agree. and approp. funds for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvement Proj., Tr. letter, 59, Pssd., 59

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Auth. agree. for reconstruction of South Ave. Comm. Ctr., Tr. letter, 352, Pssd., 352

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Adoption of budget estimates for mun. purposes for 2010-11 fiscal year, approp. sums set forth therein and approving commercial refuse fees, Tr. letter, 209, pub. hear., 191, Pssd., 212

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Approp. funds for Highland Reservoir Liner Improvement Proj., Tr. letter, 78, Pssd., 81

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Auth. agree. and approp. funds for Edgerton Rec. Ctr. Aquatic Facilities and Playground Improvement Proj., Tr. letter, 59, Pssd., 59

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Establishing max. comp. for professional svcs. agree. for Lawrence St. Group Rehab. Proj., Tr. letter, 247, Pssd., 248

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L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2010 and expiring June 30, 2011, Tr. letter, 209, Pub. hear., 191, Pssd., 214

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Auth. agree. for energy efficient lighting installations, Tr. letter, 411, Pssd., 411

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SOCCER STADIUM

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Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

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Auth. professional svcs. agree. for motor vehicle collision repair svcs., Tr. letter, 240, Pssd., 241

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Establishing max. comp. for amend. professional svcs. agree. for sound and lighting svcs., Tr. letter, 168, Pssd., 168

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Auth. agree. for reconstruction of South Ave. Comm. Ctr., Tr. letter, 352, Pssd., 352

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SPIRITUS CHRISTI PRISON OUTREACH INC.

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Auth. appl. and agree. for STOP Violence Against Women Program, Tr. letter, 30, Pssd., 32

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Establishing max. comp. for professional svcs. agree. for Winchester St. Rehab. Proj. and amend. Ord. No. 2010-19 and 2009-10 Budget, Tr. letter, 143, Pssd., 144

Auth. acq. by negotiation or condemnation of *de minimis* permanent easements for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148

Establishing max. comp. for amend. professional svcs. agree. for Jefferson Ave. Revitalization Proj., Tr. letter, 147, Pssd., 148

Approving changes in pav. width of Oakwood Rd., Ellington Rd. and Benwell Rd., Tr. letter, 149, Pub. hear., 104, Pssd., 150

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Approving changes in pav. width of Mt. Hope Ave., Crittenden Blvd. and Elmwood Ave. as part of Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pub. hear., 105, Pssd., 154

Amend. official map by dedicating parcels to street purposes for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pub. hear., 105, Pssd., 156

Bond ord. auth. issuance of \$900,000 bonds to finance cost of acq. of parcels for Mt. Hope Ave. Phase I Pub. Improvement Proj., Tr. letter, 152, Pssd., 157

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2010 and expiring June 30, 2011, Tr. letter, 209, Pub. hear., 191, Pssd., 214

Amend. Official Map by abandonment of portion of Mortimer St. and auth. its sale for constr. of transit ctr., and changing traffic flow on Mortimer St. from St. Paul St. to N. Clinton Ave. from two-way to one-way eastbound, Tr. letter, 231, Pub. hear., 192, Pssd., 232

Establishing max. comp. for professional svcs. agree. for Lawrence St. Group Rehab. Proj., Tr. letter, 247, Pssd., 248

L.I.O. - Window well abandonments as part of Lawrence St. Group Rehab. Proj., Tr. letter, 247, Pub. hear., 192, Pssd., 248

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Bond ord. auth. issuance of \$2,150,000 bonds to finance reconstruction of certain streets related to 2010 Street Improvement Program, Tr. letter, 273, Pssd., 275

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Establishing max. comp. for professional svcs. agree. for Highland Parkway Rehab. Proj., Tr. letter, 273, Pssd., 276

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Establishing max. comp. for amend. professional svcs. agree. for E. Broad St./Chestnut St./Court St. Improvement Proj., Tr. letter, 319, Pssd., 319; Tr. letter, 409, Pssd., 410

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Amend. ord. relating to street improvements, Tr. letter, 386, Pssd., 386

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Auth. agree. with NYS Det. of Transportation for snow removal, Tr. letter, 412, Pssd., 413

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Establishing max. comp. for professional svcs. agree. for Fire Dept. studies, Tr. letter, 328, Held, 329, Pssd., 365

Establishing max. comp. for professional svcs. agree. for Lyell-Lake-State Brownfield Opportunity Area Nomination Study and approp. funds, Tr. letter, 360, Pssd., 361

Establishing max. comp. for professional svcs. agree. for studies of Roch. Fire and Police Depts., Tr. letter, 401, Pssd., 402

Establishing max. comp. for professional svcs. agree. for Holly fire protection system viability study, Tr. letter, 453, Pssd., 453

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Auth. agree. for Summer of Opportunity Program, Tr. letter, 161, Pssd., 161

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Establishing max. comp. for amend. professional svcs. agree. for EMS RFP, Tr. letter, 327, Pssd., 328

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Establishing max. comp. for professional svcs. agree. for placement svcs., Tr. letter, 107, Held, 107

TREC ENVIRONMENTAL, INC.

Auth. agree. for hazardous materials svcs., Tr. letter, 450, Pssd., 451

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Establishing max. comp. for professional svcs. agree. for Public Mkt. Renovation and Expansion Proj., Tr. letter, 451, Pssd., 452

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Approving property tax exemption and auth. in-lieu-of-tax agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

Approving property tax exemption and auth. in-lieu-of-tax agree. for Eastman Commons Rental Proj., Tr. letter, 45, Pssd., 47

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Approv. property tax exemption and auth. in-lieu-of tax agree. for Frederick Douglass Apts. Proj. and repealing Ord. NO. 2008-135, Tr. letter, 379, Pssd., 381

Approv. property tax exemption and auth. in-lieu-of-tax agree. for Neighborhood of the Arts Special Needs Apt. Proj., Tr. letter, 403, Pssd., 404

Approv. property tax exemption and auth. in-lieu-of tax agree. for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 407

Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 424, Pssd., 425

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TEACHING AND TRAINING BY DESIGN, LLC

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 391, Pssd., 392

Establishing max. comp. for amend. professional svcs. agree. for youth training svcs., Tr. letter, 418, Pssd., 418

TEEN COURT

Establishing max. comp. for professional svcs. agree. for Roch. Teen Court, Tr. letter, 99, Pssd., 100

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TEEN OUTREACH PROGRAM

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TEENAGE PREGNANCY PREVENTION PROGRAM

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr.

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TELECOMMUNICATIONS

Establishing max. comp. for professional svcs. agree. for telecom billings audit, Tr. letter, 63, Pssd., 64

TELEPHONE NOTIFICATION SYSTEM

Establishing max. comp. for professional svcs. agree. for telephone notification system svcs., Tr. letter, 433, Held, 433

THOMAS, MICHAEL WARREN

Establishing max. comp. for amend. professional svcs. agree. for horticultural svcs., Tr. letter, 96, Pssd., 97

THOMAS P. RYAN, JR. COMMUNITY CENTER

Amend. proposed 2010-11 Budget in regard to Thomas P. Ryan, Jr. Comm. Ctr., Tr. letter, 207, Pssd., 207

THRESHOLD CENTER FOR ALTERNATIVE YOUTH SERVICES

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 391, Pssd., 392

TIM HORTONS USA

Auth. lease agree. for library café, Tr. letter, 428, Pssd., 429

TOBACCO SALES ENFORCEMENT PROGRAM

Auth. agree. for Tobacco Sales Enforcement Program and amend. 2010-11 Budget, Tr. letter, 389, Pssd., 390

TOUR DE NEW YORK

Establishing max. comp. for agree. for 2010 Tour de New York, Tr. letter, 199, Pssd., 200

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Auth. amend. mun. cooperation agree. for Highland Park/Canalway Trail Improvements Proj., Tr. letter, 94, Held, 94, Pssd., 149

Establishing max. comp. for professional svcs. agree. for Erie-Lackawanna Rails-to-Trails Pedestrian Bridge Proj. and approp. funds, Tr. letter, 244, Pssd., 245

Bond ord. auth. issuance of \$600,000 bonds to finance cost of reconstruction of Erie-Lackawanna Rails-to-Trails Pedestrian Bridge, Tr. letter, 244, Pssd., 246

Amend. 2009-10 Budget for trails planning study, Tr. letter, 244, Pssd., 246

TRAINING

Establishing max. comp. for agree. for lot maint. jobs training program, Tr. letter, 82, Pssd., 82

Establishing max. comp. for agree. for transitional jobs training program, Tr. letter, 82, Pssd., 82

Establishing max. comp. for professional svcs. agree. for commercial driver's license training, Tr. letter, 239, Pssd., 240

Establishing max. comp. for professional svcs. agree. for heavy equip. training, Tr. letter, 241, Pssd., 242

Establishing max. comp. for amend. professional svcs. agree. for computer training, Tr. letter, 369, Pssd., 370

Establishing max. comp. for professional svcs. agree. for training, Tr. letter, 377, Pssd., 378

Establishing max. comp. for amend. professional svcs. agree. for youth training svcs., Tr. letter, 418, Pssd., 418

TRANSIT CENTER

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Reso. in support of Transit Center, Tr. letter, 163, Adpt., 164

Amend. Official Map by abandonment of portion of Mortimer St. and auth. its sale for constr. of transit ctr., and changing traffic flow on Mortimer St. from St. Paul St. to N. Clinton Ave. from two-way to one-way eastbound, Tr. letter, 231, Pub. hear., 192, Pssd., 232

TREE REMOVAL

Amend. 2010-11 Budget for distressed ash tree removal, Tr. letter, 271, Pssd., 271; Tr. letter, 452, Pssd., 453

TRIDATA

Establishing max. comp. for amend. professional svcs. agree. for EMS RFP, Tr. letter, 327, Pssd., 328

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Auth. acq. of parcels for parking for Public Mkt., Tr. letter, 448, Held, 449

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Auth. agree. with County of Monroe with respect to unarraigned prisoners, Tr. letter, 333, Pssd., 333

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Establishing max. comp. for professional svcs. agree. for admin. of unemployment insurance claims, Tr. letter, 197, Pssd., 198

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Approp. funds for Energy and Environmental Conservation Block Grant Program, Tr. letter, 82, Pssd., 83

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Auth. agree. for Assistance to Firefighters Grant and amend. 2009-10 Budget, Tr. letter, 160, Pssd., 160

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Auth. submission of Consolidated Comm. Dev. Plan/2010-14 Five Year Strategic Plan and 2010-11 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 234, Pssd., 236

UNITED STATES DEPARTMENT OF JUSTICE

Auth. agree. for 2010 Justice Assistance Grant Program, Tr. letter, 254, Pssd., 255

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Auth. appl. and agree. for funding for Roch. Intermodal Transportation Ctr., Tr. letter, 361, Pssd., 361

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Approp. funds for Highland Reservoir Liner Improvement Proj., Tr. letter, 78, Pssd., 81

UNITED STATES SUBSTANCE AND MENTAL SERVICES ADMINISTRATION

Auth. agree. and amend. 2010-11 Budget for substance abuse prevention program, Tr. letter, 419, Pssd., 419

UNITED WAY OF GREATER ROCHESTER

Auth. agree. for grant for North St. Rec. Ctr. and amend. 2009-10 Budget, Tr. letter, 96, Pssd., 96

UNIVERSITY AVENUE

Auth. acq. of easements for University Ave. Improvement and ARTWalk2 Enhancement Proj., Tr. letter, 27, Pssd., 29

Approving changes in pav. width of N. Goodman St. and University Ave., Tr. letter, 146, Pub. hear., 105, Pssd., 150

Establishing max. comp. for amend. professional svcs. agree. for University Ave. Improvement and ARTWalk Ext. Enhancement Proj., Tr. letter, 323, Pssd., 323

Auth. participation in Preventive Maint. at 3 Locations Transportation Improvement Proj. and approp. funds, Tr. letter, 353, Pssd., 354

Approv. property tax exemption and auth. in-lieu-of-tax agree. for Neighborhood of the Arts Special Needs Apt. Proj., Tr. letter, 403, Pssd., 404

UNIVERSITY OF ROCHESTER

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for University of Roch. City Campus as Planned Dev. District #10, Tr. letter, 114, Pub. hear., 104, Pssd.,

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Changing zoning class. of IPD #5-University of Roch. and Medical Ctr.; 555 and 665 Joseph C. Wilson Blvd. and 245 Elmwood Ave. from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Dr. from R-1 Low Density Residential, to PD #10-University of Roch. City Campus, Tr. letter, 114, Pub. hear., 104, Pssd., 129

Establishing max. comp. for professional svcs. agree. for Officer Assistance Program, Tr. letter, 284, Pssd., 284

Auth. agree. for Proj. SEARCH, Tr. letter, 285, Pssd., 285

Establishing max. comp. for professional svcs. agree. for medical dir. svcs., Tr. letter, 390, Pssd., 391

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 391, Pssd., 392

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

UP ALL NIGHT

Establishing max. comp. for professional svcs. agree. for "Bands on the Bricks" concerts, Tr. letter, 202, Pssd., 203

UPSTATE REGIONAL BLUEPRINT FUND

Reso. endorsing grant appl. for funding from Upstate Regional Blueprint Fund, Tr. Letter, 6, Adpt., 6

URBAN AGRICULTURE PROGRAM

Auth. amend. 1997-98, 1999-2000, 2000-01, 2001-02 and 2005-06 Comm. Dev. Program Plans, amend. ord. and auth. agree. for Urban Agriculture Program, Tr. letter, 19, Held, 20, Held, 76, Pssd., 140

URBAN AREA SECURITY INITIATIVE

Amend. 2010-11 Budget for 2009 Urban Area Security Initiative, Tr. letter, 286, Pssd., 287

Auth. agree. for Urban Area Security Initiative grants and amend. 2010-11 Budget, Tr. letter, 326, Pssd., 327

URBAN LEAGUE OF ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Approving loan agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

Approving property tax exemption and auth. in-lieu-of-tax agree. for Mills at High Falls Phase II Proj., Tr. letter, 44, Pssd., 45

URBAN RENEWAL

Establishing max. comp. for professional svcs. agree. for appraisal svcs., Tr. letter, 47, Pssd., 48

Auth. acq. of parcels to effectuate the Midtown Urban Renewal Plan, Tr. letter, 112, Pssd., 113

Bond ord. auth. issuance of \$2,260,000 bonds to finance cost of acq. of parcels to effectuate Midtown Urban Renewal Plan, Tr. letter, 112, Pssd., 114

L.I.O. - Establishing operating and maint. costs of street lighting special assessment dis-

tricts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

L.I.O. - Establishing operating and maint. costs of special assessment districts for streetscape enhancements, Tr. letter, 151, Pub. hear., 105, Pssd., 152

Continuation of L.I.O. No. 1421 relating to Norton St. Urban Renewal District Streetscape District, Tr. letter, 150, Pub. hear., 105, Pssd., 152

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VACUUM OIL-SOUTH GENESEE RIVER CORRIDOR BROWNFIELD OPPORTUNITY AREA

Establishing max. comp. for professional svcs. agree. for brownfield site svcs., Tr. letter, 410, Pssd., 411

Establishing max. comp. for professional svcs. agree. for Brownfield Opportunity Area Nomination Study, Tr. letter, 453, Pssd., 454

VANGUARD ENGINEERING P.C.

Establishing max. comp. for professional svcs. agree. for resident proj. representation svcs., Tr. letter, 317, Pssd., 317

VANLARE, FRANK E., WASTEWATER TREATMENT FACILITY

Auth. agree. for transfer of sewer assets, Tr. letter, 454, Pssd., 455

VARGAS ASSOCIATES, INC.

Auth. agree. for move management svcs., Tr. letter, 53, Pssd., 53

VEGA, RICHARD

Establishing max. comp. for professional svcs. agree. for investigative svcs., Tr. letter, 196, Pssd., 197

VETERINARY SERVICES

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 60, Pssd., 60; Tr. letter, 284, Pssd., 285

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 284, Pssd., 285

VIDEOGRAPHY

Establishing max. comp. for professional svcs. agree. for videography and editing svcs., Tr. letter, 198, Pssd., 199

VILLAGE OF EAST ROCHESTER HOUSING AUTHORITY

Auth. execution of agree. of cooperation and approv. issuance of bonds for St. John's Health Care Corp. by Village of E. Roch. Housing Authority in order for interest on Series 2010 Bonds to qualify for exemption from federal income taxation, Tr. letter, 269, Pssd., 270

VOLUNTEERS OF AMERICA OF WESTERN NEW YORK, INC.

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Auth. agree. relating to 2010 Summer of

Opportunity Program, Tr. letter, 255, Pssd., 257

VOTERS BLOCK COMMUNITY PROJECT

Approv. loan agree. for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 406

Approv. property tax exemption and auth. in-lieu-of tax agree. for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 407

Auth. sale of real estate for Voters Block Comm. Proj., Tr. letter, 405, Pssd., 408

Auth. sale of real estate and amend. Ord. No. 2010-149 and 2010-389 and 2010-392, Tr. letter, 434, Pssd., 436

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WXXI PUBLIC BROADCASTING

Establishing max. comp. for professional svcs. agree. for videography and editing svcs., Tr. letter, 198, Pssd., 199

WAGES AND SALARIES

Amend. 2009-10 Budget for wage and salary increases and Refuse and Water Fund purchases, Tr. letter, 105, Pssd., 107

Approv. wage and salary increases of Roch. Housing Auth., Tr. letter, 433, Held, 434

WALKER, ROSALIND

Establishing max. comp. for amend. professional svcs. agree. for fitness and nutrition classes, Tr. letter, 32, Pssd., 33

WAR MEMORIAL

See "Blue Cross Arena at the War Memorial"

WARING ROAD

Auth. participation in Waring Rd. Improvement Proj., Tr. letter, 272, Pssd., 273

Amend. Ord. No. 2010-257 and 258 relating to Lake Ave. and Waring Rd. Improvement Projects, Tr. letter, 452, Pssd., 452

WARREN, LOVELY A., COUNCIL PRESIDENT

Reso. for nomination and selection of President for Roch. City Council, Adpt., 1

Reso. for nomination and selection of Vice President for Roch. City Council, Adpt., 1

Auth. agree. for City School Facilities Modernization Program, Tr. letter, 12, Pssd., 13

Negative vote, Motion to discharge Int. No. 6 from Comm., Adpt., 140; Ord. No. 2010-115, Pssd., 140; Int. No. 408, Failed, 383

Amend. proposed 2010-11 Budget in regard to Thomas P. Ryan, Jr. Comm. Ctr., Tr. letter, 207, Pssd., 207

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

Reso. approving standard work day for retirement purposes, Tr. letter, 259, Adpt., 260

Motion to amend Int. No. 344, Adpt., 337

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Reso. establishing schedule for regular Council meetings during 2011, Tr. letter, 396, Adpt., 396

Amend. Mun. Code with respect to dogs, Tr. letter, 396, Pssd., 397

Reso. establishing max. number of Commis-

sioners of Deeds, Tr. letter, Adpt., 427

Amend. Mun. Code with respect to towing, Tr. letter, 427, Pssd., 428

WATER

Establishing max. comp. for agree. for S. Clinton Ave. Conduit Modernization Proj., Tr. letter, 54, Pssd., 55

Bond ord. auth. issuance of \$490,000 bonds to finance additional cost of reconstruction of City's S. Clinton Ave. water supply conduit located in Town of Brighton, Tr. letter, 54, Pssd., 56

Auth. sale of Hemlock/Canadice watershed lands and amend. 2009-10 Budget, Tr. letter, 66, Pssd., 68

Establishing max. comp. for professional svcs. agree. for Rush Reservoir Liner and Floating Cover Improvement Proj. and amend. Ord. No. 2009-319, Tr. letter, 78, Pssd., 79

Bond ord. auth. issuance of \$3,870,000 bonds to finance Rush Reservoir and Highland Reservoir Improvement Proj., Tr. letter, 78, Pssd., 81

Approp. funds for Highland Reservoir Liner Improvement Proj., Tr. letter, 78, Pssd., 81

Bond ord. auth. issuance of \$729,000 bonds to finance reconstruction of var. water mains related to 2010 Water Main Extension and Improvements Program, Tr. letter, 87, Pssd., 88

Amend. 2009-10 Budget for wage and salary increases and Refuse and Water Fund purchases, Tr. letter, 105, Pssd., 107

L.L. auth. water franchise agree. with Eastman Kodak Co., Tr. letter, 129, Pssd., 138

Auth. amend. agree. with Monroe County Water Authority, Tr. letter, 129, Pssd., 138; Tr. letter, 450, Pssd.,

Establishing max. comp. for professional svcs. agree. for load study for water distribution system, Tr. letter, 184, Pssd., 184

Amend. Mun. Code with respect to water rates, Tr. letter, 193, Pssd., 196

Bond ord. auth. issuance of \$155,000 bonds to finance reconstruction of var. water mains related to 2010 Street Improvement Program, Tr. letter, 273, Pssd., 276

Bond ord. auth. issuance of \$3,000,000 bonds to finance cost of reconstruction of var. water mains related to Water Main Extension and Improvements Program, Tr. letter, 354, Pssd., 355

Auth. agree. for funding for Highland Reservoir Liner Improvement Proj. and approp. funds and auth. agree. for funding for Durand Eastman Beach Water Quality Improvement Proj., Tr. letter, 355, Pssd., 356

Establishing max. comp. for amend. professional svcs. agree. for water agree. svcs., Tr. letter, 411, Pssd., 412

Amend. Bond Ord. No. 2010-331 and 2009-201 auth. issuance of bonds to finance cost of reconstruction of var. water mains related to 2009 and 2011 Water Main Extension and Improvements Programs, Tr. letter, 411, Pssd., 412

WEGMAN'S LPGA

Establishing max. comp. for professional svcs. agree. for City youth participation in 2010 LPGA Championship events, Tr. letter, 190, Pssd., 190

WERNER PARK

Care and embellishment of var. neighborhood street malls for 2010-11, Tr. letter, 91, Pub. hear., 62, Pssd. 92

WEST RIDGE ROAD

Changing zoning class. of Eastman Kodak Co. parcels from T-P Transitional Parking and M-1 Industrial; and 160 Pullman Ave., 135 W. Ridge Rd., 1720 1764 and 1768-1776 Lake Ave. from T-P Transitional Parking; 246 W. Ridge Rd. from M-1 Industrial and 415-425 W. Ridge Rd. and 1760 Dewey Ave. from C-3 Regional Destination Ctr. to PD #12-Eastman Business Park, Tr. letter, 129, Pub. hear., 104, Held, 136, Pssd., 182

Changing zoning class. of 119 and 131 W. Ridge Rd. and 32 Pullman Ave. from T-P Transitional Parking to C-2 Community Ctr., Tr. letter, 129, Pub. hear., 104, Held, 138, Pssd., 182

WESTFALL ROAD

Changing zoning class. of CityGate parcels at 350, 422, 444 and 450 E. Henrietta Rd. and 401 and 445 Westfall Rd. from IPD#12-Iola to PD #11-CityGate, Tr. letter, 439, Pub. hear., 422, Pssd., 448

Approv. changes in pav. width of Westfall Rd. and E. Henrietta Rd. as part of Westfall Rd. Improvement Proj., Tr. letter, 455, Pub. hear., 422, Pssd., 456

WESTMORELAND DRIVE

Changing zoning class. of IPD #5-University of Roch. and Medical Ctr.; 555 and 665 Joseph C. Wilson Blvd. and 245 Elmwood Ave. from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Dr. from R-1 Low Density Residential, to PD #10-University of Roch. City Campus, Tr. letter, 114, Pub. hear., 104, Pssd., 129

WIDE WATER GARDEN

Amend. proposed 2010-11 Budget - \$49,500. Tr. letter, 207, Pssd., 209

WILSON COMMENCEMENT PARK

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

WILSON, JOSEPH C., BOULEVARD

Changing zoning class. of IPD #5-University of Roch. and Medical Ctr.; 555 and 665 Joseph C. Wilson Blvd. and 245 Elmwood Ave. from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Dr. from R-1 Low Density Residential, to PD #10-University of Roch. City Campus, Tr. letter, 114, Pub. hear., 104, Pssd., 129

L.I.O. - Establishing operating and maint. costs of street lighting special assessment districts, Tr. letter, 151, Pub. hear., 105, Pssd., 151

WINCHESTER STREET

Establishing max. comp. for professional svcs agree. for Winchester St. Rehab. Proj. and amend. Ord. No. 2010-19 and 2009-10 Budget, Tr. letter, 143, Pssd., 144

WINDSOR LOFTS RENTAL PROJECT

Approv. loan agree. for Windsor Lofts Rental Proj., Tr. letter, 263, Pssd., 263

WINSLOW, SALLY WOOD

Establishing max. comp. for amend. professional svcs. agree. for High Falls Centers, Tr. letter, 172, Pssd., 172

WINTEK

Establishing max. comp. for professional svcs. agree. for High Falls laser shows, Tr. letter, 202, Pssd., 202

Establishing max. comp. for professional svcs. agree. for laser show decommission and amend. 2010-11 Budget, Tr. letter, 432, Pssd., 433

WINTER, GREG J.

See "Wintek"

WOMEN'S PLACE

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

WOODS OVIATT GILMAN LLP

Establishing max. comp. for amend. professional svcs. agree. for legal svcs. and amend. 2009-10 Budget, Tr. letter, 11, Pssd., 12

Establishing max. comp. for professional svcs. agree. for legal svcs. and amend. 2010-11 Budget, Tr. letter, 429, Pssd., 430

WOODSIDE STREET

Changing zoning class. for 9 S. Goodwill St. and 9 Woodside St. from T-P Transitional Parking to C-3 Regional Destination Ctr., Tr. letter, 129, Pub. hear., 104, Held, 137, Pssd., 182

WORK DAY

Reso. approving standard work day for retirement purposes, Tr. letter, 259, Adpt., 260

WORKERS' COMPENSATION PROGRAM

Establishing max. comp. for professional svcs. agree. for admin. of City's Workers' Comp. Program, Tr. letter, 197, Pssd., 197

WORLD CANALS CONFERENCE

Establishing max. comp. for professional svcs. agree. for World Canals Conference, Tr. letter, 296, Pssd., 296

WYMAN CENTER

Auth. agree. for youth svcs. programs and amend. 2010-11 Budget, Tr. letter, 458, Pssd., 459

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XEROX CORPORATION

Establishing max. comp. for agree. for consolidation of printers, Tr. letter, 402, Pssd., 402

XEROX ROCHESTER INTERNATIONAL JAZZ FESTIVAL

Establishing max. comp. for agree. for 2011 Xerox Roch. International Jazz Festival, Tr. letter, 400, Pssd., 401

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YWCA OF ROCHESTER AND MONROE COUNTY

Auth. agree. for Adolescent Pregnancy Prevention Svs. Program and amend. 2009-10 Budget, Tr. letter, 37, Pssd., 37; Tr. letter, 102, Pssd., 104

Auth. agree. for Emergency Shelter Grant Program and amend. Ord. No. 2008-213, Tr. letter, 226, Pssd., 228

Auth. agree. for Teenage Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 391, Pssd., 392

Auth. agree. for Comprehensive Adolescent Pregnancy Prevention Program and amend. 2010-11 Budget, Tr. letter, 459, Pssd., 460

YELLOWJACKET RACING, LLC

Establishing max. comp. for agree. for 2011 Roch. Flower City Challenge, Tr. letter, 368, Pssd., 369

YOUNG, ANN

Establishing max. comp. for professional svcs. agree. for monitoring of Hillside Work Scholarship Connection Program, Tr. letter, 460, Held, 460

YOUNG EXPLOSIVES

Establishing max. comp. for professional svcs. agree. for fireworks, Tr. letter, 199, Pssd., 199

YOUTH FOR CHRIST

Auth. agree. relating to 2010 Summer of Opportunity Program, Tr. letter, 255, Pssd., 257

YOUTH LEADERSHIP AND COMMUNITY ENGAGEMENT PROJECT

Auth. agree. for sexual health promotion for young people, Tr. letter, 253, Pssd., 254

YOUTH NEWS TEAM

Auth. agree. for youth svcs. programs and amend. 2010-11 Budget, Tr. letter, 458, Pssd., 459

YOUTH SERVICES PROGRAMS

Auth. agree. for Youth Svcs. Program, Tr. letter, 363, Pssd., 364

Establishing max. comp. for amend. professional svcs. agree. for youth training svcs., Tr. letter, 418, Pssd., 418

Auth. agree. for youth svcs. programs and amend. 2010-11 Budget, Tr. letter, 458, Pssd., 459

YOUTH VOICE, ONE VISION

Auth. agree. for Youth Voice, One Vision and amend. 2010-11 Budget, Tr. letter, 326, Pssd., 326

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ZION HILL MISSIONARY BAPTIST CHURCH

Accepting donation of real estate, Tr. letter, 262, Pssd., 262

ZONING BOARD OF APPEALS

Reso. approv. appt. to Zoning Board of Appeals, Tr. letter, 376, Adpt., 376

ZONING CHANGES

Changing zoning class. of IPD #5-University of Roch. and Medical Ctr.; 555 and 665 Joseph C. Wilson Blvd. and 245 Elmwood Ave. from O-S Open Space; and 216, 224, 265 and 275 Westmoreland Dr. from R-1 Low Density Residential, to PD #10-University of Roch. City Campus, Tr. letter, 114, Pub. hear., 104, Pssd., 129

Changing zoning class. of Eastman Kodak Co. parcels from T-P Transitional Parking and M-1 Industrial; and 160 Pullman Ave., 135 W. Ridge Rd., 1720 1764 and 1768-1776 Lake Ave. from T-P Transitional Parking; 246 W. Ridge Rd. from M-1 Industrial and 415-425 W. Ridge Rd. and 1760 Dewey Ave. from C-3 Regional Destination Ctr. to PD #12-Eastman Business Park, Tr. letter, 129, Pub. hear., 104, Held, 136, Pssd., 182

Changing zoning class. for 9 S. Goodwill St. and 9 Woodside St. from T-P Transitional Parking to C-3 Regional Destination Ctr., Tr. letter, 129, Pub. hear., 104, Held, 137, Pssd., 182

Changing zoning class. of 480, 500, 540 and 570 Maplewood Dr. from T-P Transitional Parking to O-S Open Space, Tr. letter, 129, Pub. hear., 104, Held, 137, Pssd., 182

Changing zoning class. of 119 and 131 W. Ridge Rd. and 32 Pullman Ave. from T-P Transitional Parking to C-2 Community Ctr., Tr. letter, 129, Pub. hear., 104, Held, 138, Pssd., 182

Changing zoning class. of 5, 7-9, 11 and 13 Sigel St. from R-2 Medium Density Residential and 17-25 Bay St. from C-1 Neighborhood Ctr. to C-2 Community Ctr., Tr. letter, 233, Pub. hear., 191, Pssd., 234

Changing zoning class. of 213-215 Oxford St. from Roch. Museum and Science Ctr. Planned Dev. District No. 4 to R-2 Medium Density Residential, Tr. letter, 268, Pub. hear., 257, Pssd., 269

Changing zoning class. of CityGate parcels at 350, 422, 444 and 450 E. Henrietta Rd. and 401 and 445 Westfall Rd. from IPD#12-Iola to PD #11-CityGate, Tr. letter, 439, Pub. hear., 422, Pssd., 448

ZONING CODE

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for University of Roch. City Campus as Planned Dev. District #10, Tr. letter, 114, Pub. hear., 104, Pssd., 127

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for Eastman Business Park as Planned Dev. District #12, Tr. letter, 129, Pub. hear., 104, Held, 134, Pssd., 182

Amend. Mun. Code, Zoning Code, Tr. letter, 305, Pub. hear., 292, Held, 316, Pssd., 348

Amend. Chapter 120 of Mun. Code, Zoning Code, by adding Dev. Concept Plan for CityGate as Planned Dev. District No. 11, Tr. letter, 439, Pub. hear., 422, Pssd., 447