

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2002**

ROCHESTER, NEW YORK,

Officials 2002

William A. Johnson, Jr.
Mayor

Jeffrey T. Carlson
Deputy Mayor

William R. Faucette, Jr.⁽²⁾
Chief of Staff

Marisol Lopez⁽⁴⁾
Chief of Staff

William J. Ansbro⁽⁵⁾
Budget Director

Thomas R. Argust
Commissioner of Community Development

R. Fashun Ku
Commissioner of Economic Development

Edward J. Doherty
Commissioner of Environmental Services

Floyd A. Madison
Fire Chief

Richard Panz
Library Director

Loretta C. Scott
Commissioner of Parks, Recreation & Human Services

Robert J. Meyer⁽¹⁾
Assistant to the Mayor

Richard W. Hannon⁽³⁾
Assistant to the Mayor
Budget Director
Acting Director of Human Resource Management

Bridgette D. Burch-White
Director of Communications

Linda S. Kingsley
Corporation Counsel

John M. Merklinger
Director of Emergency Communications

Vincent J. Carfagna
Director of Finance

Wendell L. Bellamy⁽⁶⁾
Director of Human Resource Management

Terrance Borshoff⁽⁷⁾
Neighborhood Empowerment Team Director

Rodric Cox-Cooper⁽⁸⁾
Neighborhood Empowerment Team Director

Robert J. Duffy
Police Chief

(1) Retired September 27, 2002.

(2) Resigned February 1, 2002.

(3) Budget Director through March 14, 2002; Acting Director/HRM through October 22, 2002; Assistant to the Mayor effective February 7, 2002.

(4) Effective February 4, 2002.

(5) Acting Budget Director through March 14, 2002; Budget Director effective March 15, 2002.

(6) Effective October 23, 2002.

(7) Retired April 7, 2002.

(8) Effective April 8, 2002.

Members of Council 2002

Members	Residence
Lois J. Giess President, Councilmember, East District	15 East Boulevard, 14610
Gladys Santiago Vice President, Councilmember-at-Large	1850 Culver Road, 14609
Brian F. Curran..... Councilmember-at-Large	56 Elmwood Avenue, 14611
Benjamin L. Douglas Councilmember, Northeast District	135 Rutledge Drive, 14621
Nancy K. Griswold Councilmember-at-Large	90 Browncroft Boulevard, 14609
Tim O. Mains Councilmember-at-Large	31 Menlo Place, 14620
Wade S. Norwood Councilmember-at-Large	74 Appleton Street, 14611
Robert J. Stevenson..... Councilmember, Northwest District	77 Albemarle Street, 14613
Tony M. Thompson..... Councilmember, South District	105 Depew Street, 14611

City Clerk's Office 2002

Carolee A. Conklin..... City Clerk

Daniel B. Karin Deputy City Clerk

Birth A. Wright..... Legislative Assistant

Rebecca M. McNamara Legislative Assistant

Geraldine Agnello Administrative Assistant

Bernard J. Christopher Legislative Aide Part-time

Candice A. Bianchi Clerk III

Betsy P. Indivino Receptionist

Dorothy A. Sullivan⁽¹⁾ Legislative Clerk Part-time

Carol A. Supernault..... Legislative Clerk Part-time

Laila M. Velazquez Clerk III w/Typing-Bilingual

(1) Hired July 1, 2002.

Standing Committees of The City Council January 2 - August 28, 2002

Parks, Public Works, and the Environment
Stevenson, Curran, Thompson

Public Safety, Services and the Arts
Douglas, Stevenson, Thompson

Housing and Community Development
Norwood, Douglas, Griswold

Economic Development and Government Efficiency
Mains, Curran, Griswold

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.

**Standing Committees
of
The City Council
August 29 - December 31, 2002**

Parks, Public Works, and the Environment
Stevenson, Curran, Thompson

Public Services and the Arts
Griswold, Mains, Thompson

Housing and Economic Development
Norwood, Douglas, Griswold

Finance and Public Safety
Douglas, Curran, Stevenson

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

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

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

ORGANIZATION MEETING
January 2, 2002
4:00 P.M.

Resolution No. 2002-4

Present - Presiding Officer Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Absent - 0.

The 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 Norwood

Resolution No. 2002-1

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 Lois J. Giess as President for the years 2002-03.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Stevenson

Resolution No. 2002-2

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 Gladys Santiago as Vice President for the years 2002-03.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Giess

Resolution No. 2002-3

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 Carolee A. Conklin as the City Clerk for the years 2002-03.

Section 2. These actions shall take effect immediately.

Adopted unanimously.

By Councilmember Curran

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 2002-03.

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 2002:

- January 15
- February 12
- March 19
- April 16
- May 14
- June 18
- July 23
- August 20
- September 17
- October 15
- November 19
- December 17

and also at such other times as the Council may by adjournment to a day certain appoint. The regular meeting schedule for 2003 shall be established in a resolution adopted in 2002. 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. Prayer.
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 an 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. At the start of the session, 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. However, the minimum allotted time will be three (3) minutes.
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. Any listed speakers not reached by 8:00 p.m. will be invited to return to the next Council session when their names will be placed at the top of the respective lists.
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, who shall forward it to the Chair of the appropriate standing committee(s). 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 committee, at which time the President shall simultaneously provide a copy 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:

Economic Development & Government Efficiency; Housing & Community Development; Parks, Public Works & The Environment; Public Safety, Services, & The Arts.

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 report 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 Douglas

Ordinance No. 2002-1

Designating The Official Newspapers Of The City Of Rochester For The Years 2002-03

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 2002-03: the *Democrat & Chronicle*, the *Daily Record*, 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 4:50 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
January 15, 2002

Present - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 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:

*Frederick J. Cowley, Police Department

Samuel W. Palermo, Police Department

*Kimberlee A. Rose, Police Department

*Gerome Pavia, Fire Department

*Rosemarie C. Russo, Library

*Not attending meeting.

APPROVAL OF THE MINUTES

By Councilmember Griswold

RESOLVED, that the minutes of the Regular Meeting of December 18, 2001, and the Organization Meeting of January 2, 2002, be approved as published in the official sheets of the proceedings.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Mains - 1.

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. 3678-7

The Director of Zoning submits Notices of Environmental Determination. 3679-7

PUBLIC HEARINGS

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

Authorizing Pavement Width Changes On Highland Avenue As A Part Of The Highland Avenue Improvement Project Int. No. 26 One speaker: Louis Childs.

Changing The Zoning Classification Of 634 Hudson Avenue From C-2 Community Commercial To PD Planned Development #1- Holy Redeemer (Northside Church Of Christ) And Adopting The Current Plan For PD#1 Int. No. 23 Three speakers: Joan Roby Davison, Arturo Hoyte, Carolyn Vitale.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Stevenson
January 15, 2002

To the Council:

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

Int. No. 1 - Authorizing The Extension Of A Lead Agency Agreement Between The City Council And The Mayor Regarding Environmental Review

Int. No. 2 - Authorizing Agreements For Architectural Services For Building Renovation Projects

Int. No. 3 - Establishing \$77,000 As Maximum Compensation For A Professional Services Agreement For The Center City Signage Project

Int. No. 20 - Authorizing Acceptance Of Easements For The Genesee River Trail

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

Int. No. 26 - Authorizing Pavement Width Changes On Highland Avenue As A Part Of The Highland Avenue Improvement Project

Respectfully submitted,
Robert J. Stevenson
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-2
Re: Agreement - Environmental Review

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 NY State Environmental Quality Review Act and Chapter 48 of the City Code. When, under these regulations, more than one governmental body is involved in one of these actions, a lead review agency must be designated.

Such designation of a lead agency is merely procedural. It does not reflect any consideration of the actual substance or merits of the action. For all actions, the findings of the designated lead agency are presented with the proposed legislation (e.g., rezoning request or developmental proposal).

Prior to 1987, for actions in which the Council was involved, the designation of a lead agency required formal approval by a majority of its members. This requirement occasionally resulted in a delay of up to three weeks, at that time, the typical period of time between Council meetings.

To eliminate this delay, on October 13, 1987, the Council authorized an agreement between the President and the Mayor that designated the Mayor as lead agency for all actions in which both parties are involved, unless - for any individual action - the President otherwise specified. Since then, the Council has periodically authorized the renewal of this agree-

ment, most recently on January 18, 2000.

Under the proposed 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 this 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.

It is proposed that the term of the agreement be indefinite, to avoid the need for annual reauthorization. However, it is further recommended that provision be included in the agreement for termination of the agreement by either party upon 30-day notice.

Respectfully submitted,
William A. Johnson, Jr. Lois J. Giess
Mayor President

R2010: Environmental Stewardship

Councilmember Mains moved to amend Introductory No. 1.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Ordinance No. 2002-2
(Int. No. 1, As Amended)

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.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-3
Re: Agreements - Architectural Services

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for architectural services required for the building renovation program.

Organization Address

Architectura 247 N. Goodman St.
 Bergmann Associates 200 First Federal Plaza
 LoMonaco Associates 415 Kilbourn Road
 Pardi Partnership Architects 399 Alexander Street
 Richard Mauser Architects 91 Pinnacle Road

The costs of the agreements will be financed from Cash Capital allocations or the proceeds of bond issues authorized for the various projects included in the program.

The building renovation program is designed to preserve and enhance the value and usefulness of City facilities. The program involves both routine maintenance and rehabilitation and special renovation projects.

Historically, for routine maintenance, the projects typically have been designed by personnel of the Bureau of Architecture and Engineering. However, the Bureau currently has several vacant architectural positions and, therefore, has been unable to plan and design all of the projects that are included in the 2001-02 and 2002-03 program.

Under the proposed agreements such services will instead be provided by contractual personnel. Proposals for these services were solicited by the Department of Environmental Services from nine organizations.

Eight proposals were received. The aforementioned five organizations are recommended because of their past performance on other City projects.

Following is a list of projects for which architectural services are expected to be required.

Building	Project
Mt. Hope Cemetery Gatehouse	Slate roof repair
High Falls City Facilities	Condition survey and maintenance/repair plan
Highland Patrol Section	Facility replacement
Clinton-Baden Community Center	Door replacement
Various Buildings	Masonry and brick repointing

The assignment of projects to organizations will be based on their specific skills and expertise and their ability to provide the required services within the time period specified by the City. The cost of the services will be based on specified hourly rates.

Each agreement will have an initial term of one year with provision for renewal for two additional one year periods. Adjustments to the hourly rates will be permitted for each of the renewal periods but will be subject to approval by the City.

Similar agreements, for engineering services for the building renovation program, were authorized by the City Council on November 20, 2001.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor
 R2010: Quality Services

Ordinance No. 2002-3
 (Int. No. 2)

Authorizing Agreements For Architectural 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 architectural services required for building renovation projects as required by the City for a term of one year, with two additional one-year renewal options:

Organization	Address
Architectura	247 N. Goodman St.
Bergmann Associates	200 First Federal Plaza
LoMonaco Associates	415 Kilbourn Road
Pardi Partnership Architects P.C., Inc.	399 Alexander Street
Richard Alfred Mauser Architects	91 Pinnacle Road

Section 2. The agreements 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. 2002-4
 Re: Agreement - Clark Patterson Associates, Center City Signage Project

Transmitted herewith for your approval is legislation authorizing an agreement with Clark Patterson Associates, 186 N. Water Street, for design of new directional signage for the Center City. The maximum cost of this agreement will be \$77,000, which will be financed from federal funds that were previously appropriated by the City Council and the 1999-00 Cash Capital allocation.

The project involves the design, fabrication and installation of the directional signage that will replace the present signage, which were installed in 1983. An agreement with Corbin, of Traverse Michigan, for conceptual design of the signage was authorized by the Council on June 14, 2001.

Corbin was assisted in the completion of the conceptual design by Clark Patterson (as well as Carl Walker, Inc., of Phoenix, a parking specialist). Under the proposed agreement, Clark Patterson will:

1. Provide final design services;
2. Prepare contract specifications;
3. Assist the City in the evaluation of contract bids;
4. As necessary, provide additional design services during construction.

Corbin will assist Clark Patterson in the provision of these services.

Installation of the signage is expected to begin in the spring of 2003 and be completed in the fall. The

estimated cost of installation is \$568,000, which is expected to be financed as follows:

Federal Highway Administration	\$454,000
City Cash Capital	<u>114,000</u>
Total	\$568,000

A summary of the conceptual design is available for review in the Office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Center City

Ordinance No. 2002-4
(Int. No. 3)

Establishing \$77,000 As Maximum Compensation For A Professional Services Agreement For The Center City Signage Project

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

Section 1. The sum of \$77,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Clark Patterson Associates for engineering design services for the Center City Signage 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 funds identified and appropriated in Ordinance No. 2001-367.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-5
Re: Easements - University of Rochester,
Genesee River Trail

Transmitted herewith for your approval is legislation authorizing the acquisition of temporary and permanent easements from the University of Rochester.

The easements are required for realignment and improvement of the Genesee River Trail, on the east bank of the river from the Elmwood Avenue bridge to a point approximately 400 feet north, on the campus of the University of Rochester. Design of the realignment and improvements were included in the design, by Goodkind & O'Dea, Inc., of the Elmwood Avenue Bridge Improvement Project, which was authorized by the City Council on January 16, 2001.

The realignment and improvement will involve the elimination of a "switch-back" ramp, which does not comply with the standards of the Americans with Disabilities Act, and the construction of a cantilevered promenade around the University's pump house. An existing stairs on the trail, which provides access to the University's campus, will be retained.

The construction of the improvements is expected to be completed in the summer of 2002. The cost of the improvements, estimated to be \$105,000, is expected to be financed as follows:

Federal	\$ 84,000
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State	16,000
City	<u>5,000</u>
Total	\$105,000

Provision for the cantilevered trail was included in the agreement between the City, Monroe County and University of Rochester that was authorized by the Council on July 7, 1987 for implementation of the South River Corridor Plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Environmental Stewardship

Attachment No. AB-1

Ordinance No. 2002-5
(Int. No. 20)

Authorizing Acceptance Of Easements For The Genesee River Trail

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

Section 1. The Council hereby approves the acceptance of a temporary construction easement and a permanent public access easement along portions of the east bank of the Genesee River from the Elmwood Avenue Bridge northward, from the current owner, the University of Rochester, to construct and maintain portions of the Genesee River Trail and to provide public access to the Trail.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-6
Re: Pavement Width Changes - Highland
Avenue

Transmitted herewith for your approval is legislation approving various changes in the pavement width of Highland Avenue.

The proposed changes are part of the Highland Avenue Improvement Project, which is being designed by FRA Engineering under an agreement authorized by the City Council on August 21. The project, which extends from Monroe Avenue to the east city line, involves the reconstruction or rehabilitation of the pavement; installation of new water services and hydrants and water main improvements on side streets; replacement of curbs, catch basins, driveway aprons and sidewalks; traffic modifications; and landscaping.

In general, the width of the pavement will be either 32' or 36'. The 32' width will provide for two travel lanes and one parking lane, while the 36' width will provide for two travel lanes and two parking lanes. The length of a recessed parking area near the intersection of Winton Road will also be increased.

Construction of the project is scheduled to begin in the spring of 2002 and be completed by the fall. The estimated cost of construction is \$3,363,000.

<u>Improvement</u>	<u>Estimated Cost</u>
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Street	\$2,818,000
Water	203,000
Sewer	196,000
Traffic	146,000
Total	\$3,363,000

A public informational meeting concerning the project was held on November 29, 2001 and January 3, 2002. A copy of the minutes of the latter meeting will be forwarded to the Council as soon as possible. A copy of the minutes of the former meeting were previously forwarded to the City Council.

The Traffic Control Board endorsed the original changes in pavement width on December 4. The Traffic Control Board is scheduled to consider the additional changes between Mayflower Drive and Winton Road on January 15.

A public hearing on the changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment AB-2

Ordinance No. 2002-6
(Int. No. 26)

Authorizing Pavement Width Changes On Highland Avenue As A Part Of The Highland Avenue Improvement Project

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

Section 1. The Council hereby approves the following pavement width changes on Highland Avenue:

1. Remove the existing 9-foot recessed passenger loading area along the north side of Highland Avenue located from 153 feet to 114 feet west of Winton Road;
2. A constant decrease of 4 feet, from 36 feet to 32 feet, from Chadbourne Road to 700 feet east of Mayflower Drive;
3. A variable taper beginning with a 4 foot decrease at the latter point to a 6 foot decrease, from 36 feet to 30 feet, at a point 55 feet to the east;
4. A constant decrease of 6 feet, from 36 feet to 30 feet, from the latter point to a point 31 feet to the east;
5. A variable taper beginning with a 6 foot decrease at the latter point to a 0 foot decrease, matching the existing 36 foot width, at a point 32 feet to the east;
6. A variable taper beginning with a 0 foot decrease, matching the existing 36 foot width, at a point 182 feet west of Oakdale Drive to a 5 foot decrease, from 36 feet to 31 feet, at a point 43 feet to the east;
7. A variable taper beginning with a 5 foot decrease at the latter point to a 2 foot increase, from 36 feet to 38 feet, at a point 100 feet to the east;

8. A variable taper beginning with a 2 foot increase at the latter point to a 3 foot increase, from 37 feet to 40 feet, at a point 80 feet west of Winton Road;
9. A gradual taper of 6 feet, from 38 feet to 32 feet, beginning 180 feet east of Winton Road to 315 east of Winton Road;
10. A decrease of 2 feet, from 34 feet to 32 feet, from the latter point to Hillside Avenue; and
11. A decrease of 2 feet, from 34 feet to 32 feet, from Village Lane to the East City Line.

Section 2. Such changes and additional improvements as a part of the Highland Avenue Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
January 15, 2002

To the Council:

The Public Safety, Services & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 4 - Establishing \$15,000 As Maximum Compensation For A Professional Services Agreement For The Rhythm Nights Concert Series And Amending Ordinance No. 2001-409, As Amended

Int. No. 5 - Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets For Animal And Dog Control Violations

Int. No. 6 - Authorizing An Agreement And Appropriating Funds For Human Services Projects And Amending The 2001-02 Budget

Int. No. 7 - Appropriating Funds For Youth Training Projects And Amending The 2001-02 Budget

Respectfully submitted,
Benjamin L. Douglas
Robert J. Stevenson
Tony M. Thompson
Gladys Santiago
PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-7
Re: Agreement - B&R Productions, Inc.,
Rhythm Nights Concert Series

Transmitted herewith for your approval is legislation authorizing an agreement with B&R Productions, Inc. (principal: Bobby Warren), 76 Orchard Creek Circle, for talent booking and concession management services. The maximum cost of this agreement will be \$15,000, which will be financed from the 2001-02 budget of the Department of Parks, Recreation and Human Services and the Rochester MusicFest

Trust Fund.

The services relate to the "Rhythm Nights" concert series at Manhattan Square Park. The concerts will be presented on six Saturday evenings, beginning June 22, and will include performances by national and regional jazz and rhythm and blues artists.

Besides booking the artists, B&R Productions will provide a production manager for the concert and hospitality for the artists. It provided similar services for the four "Rhythm Nights" concerts that were presented during 2001, which were attended by an estimated 6,000 people.

In consideration for exclusive vending rights for the "Rhythm Nights" concerts, B&R Productions will pay to the City \$500 plus 25% of the net revenue from food and beverage sales. In 2001, total revenues received by the City were \$891.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Center City

Ordinance No. 2002-7
(Int. No. 4, As Amended)

Establishing \$15,000 As Maximum Compensation For A Professional Services Agreement For The Rhythm Nights Concert Series And Amending Ordinance No. 2001-409

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 B&R Productions, Inc. for booking artists for the "Rhythm Nights" concert series at Manhattan Square Park. Of said amount, \$8,000 shall be funded from the 2001-02 Budget of the Department of Parks, Recreation and Human Services and \$7,000 is hereby appropriated from the Rochester Events Network Trust Fund. The agreement shall also provide B&R Productions, Inc. exclusive rights to vend food and beverages to the public at the "Rhythm Nights" concert series, in exchange for the sum of \$500 and 25% of the net revenue from the food and beverage sales.

Section 2. Ordinance No. 2001-409, authorizing an agreement for the 2002 Rochester MusicFest, as amended, is hereby further amended by reducing the amount of funding for the agreement from the 2001-02 Budget of the Department of Parks, Recreation and Human Services from \$479,000 to \$451,000, and by increasing the appropriation from the MusicFest Trust Fund from \$133,000 to \$161,000.

Section 3. This ordinance shall take effect immediately.

Underlined material added.
Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 1
Re: City Code Amendment - Animal
Control Violations

Transmitted herewith for your approval is legislation amending the City Code to authorize the supervisory personnel of the Animal Control Unit to issue notices of violation.

Any dog control or police officer is authorized to issue a notice of violation of the provisions of Chapters 30 and 31 of the City Code or Article 7 of the NYS Agriculture and Markets Law. However, in some instances, such as when an unleashed or loose dog is seized, the owner of the dog is not present and the issuance of a notice is not possible.

In many instances, an owner will subsequently redeem the dog at the animal control center. Under such circumstances, the issuance of a notice of violation requires the presence at the center of a dog control officer (or police officer).

While an officer may be occasionally present at the center, to impound other dogs, most officers usually are responding to calls for service or patrolling. If an officer is not present at the center, a redemption may be delayed until an officer is available to issue a notice of violation.

Such a delay obviously results in inconvenience to the dog owner. If it is necessary to "recall" an officer to the center, the time available for responding to service calls or patrolling is obviously reduced.

To prevent delays in redemption and avoid the possible need to recall dog control officers from the field, it is recommended that the management personnel of the center, at least one of whom is always on duty during normal hours of operation, be authorized to issue notices of violations, based upon the impound reports of the dog control officers.

The personnel that would be so authorized are:

- Animal Shelter Manager
- Assistant Shelter Manager

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Services

Local Law No. 1
(Int. No. 5)

Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets For Animal And Dog Control Violations

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 the following new Subsection E to Section 8A-3 of the City Charter, Issuance of appearance tickets:

- E. The Director of Animal Services, Animal Shelter Manager and Assistant Shelter Manager, as well as Animal Control Officers and Supervisors, may issue notices of violation returnable in the Dog Complaint Division of the Parking Violations Bureau for any violation of Article 7 of the Agriculture and Markets Law or Chapter 31, Dog Control, of the Municipal Code, or of any local law or ordinance relating to the licensing, identification or control of dogs; and may issue

notices of violation returnable in the Municipal Code Violations Bureau for any violation of Chapter 30, Animals, of the Municipal Code, or of any local law or ordinance relating to the licensing, identification or control of animals other than dogs.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-8 and
Ordinance No. 2002-9
Re: Human Services Projects

Transmitted herewith for your approval is legislation relating to various human services projects. This legislation will:

1. Authorize an agreement with the Southwest Area Neighborhood Association for continued financial support of the Southwest Community Center at the James Madison School of Excellence;
2. Appropriate a total of \$83,495 from the General Community Needs allocation of the 2000-01 Community Development Block Grant to finance the cost of this agreement and the following other projects:

Southwest Community Center	\$41,000
Logic Model Training	2,000
Maplewood-Edgerton Toy Library	5,000
Jr. Recreation Leader Internship	22,125
BizKids	13,370
Total	<u>\$83,495</u>

3. Amend the 2001-02 budget by \$40,500 to reflect the appropriations for the last three projects.

All of the projects are considered projects with matching funds and are therefore eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The agreement for the Southwest Community Center represents the fourth year of funding, the appropriations for the logic model training and toy library represent the third year of funding, and the appropriations for the internship and BizKids program represent the first year of CDBG funding.

Descriptions, budgets and, as appropriate, assessments of these projects are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Health, Safety and Responsibility

Attachment No. AB-3

Ordinance No. 2002-8
(Int. No. 6)

Authorizing An Agreement And Appropriating Funds For Human Services Projects And Amending The 2001-02 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 Southwest Area Neighborhood Association for the Southwest Community Center/James Madison School of Excellence Wellness Center Human Services Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$41,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program.

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

Section 4. There is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program the sum of \$2,000, or so much thereof as may be necessary, to fund the Logic Model Training Project of the Cornell Cooperative Extension.

Section 5. Ordinance No. 2001-215, the 2001-02 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Neighborhood Empowerment Teams by the sum of \$5,000, which amount is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program to fund the Edgerton Maplewood Toy Library.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-9
(Int. No. 7)

Appropriating Funds For Youth Training Projects And Amending The 2001-02 Budget

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

Section 1. The sum of \$22,145, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2000-01 Community Development Program to fund the Junior Recreation Leaders Project.

Section 2. The sum of \$13,370, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2000-01 Community Development Program to fund the BizKids Project.

Section 3. Ordinance No. 2001-215, the 2001-02 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 \$35,500, which amount shall be funded from the appropriations made herein.

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

By Councilmember Norwood
January 15, 2002

To the Council:

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

Int. No. 8 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2001-283, As Amended

Int. No. 9 - Authorizing Ordinances No. 99-255 And 99-311 Relating To The Sale Of Real Estate

Int. No. 10 - Authorizing An Agreement With The Urban League Of Rochester, N.Y., Inc. To Administer The Business Development And Technical Assistance Program

Int. No. 11 - Authorizing An Amendatory Agreement For Technical Assistance For Housing And Community Development Activities

Int. No. 15 - Authorizing The Sale Of Real Estate And An Agreement For Susan B. Anthony Preservation District Infill Housing

Int. No. 16 - Approving Sale Of Real Estate For The Ontario Place Project

Int. No. 17 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Ontario Place Project

Int. No. 18 - Approving Sale Of Real Estate And A Loan Agreement For The HOP Rental Project, And Amending Ordinance No. 99-215

Int. No. 19 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The HOP Rental Project

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

Int. No. 23 - Changing The Zoning Classification Of 634 Hudson Avenue From C-2 Community Commercial To PD Planned Development #1-Holy Redeemer (Northside Church Of Christ) And Adopting The Current Plan For PD#1

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-10 and
Ordinance No. 2002-11
Re: Real Estate Transactions

Transmitted herewith for your approval is legislation

approving the following real estate transactions:

1. The sale of 13 properties,
2. A change in the name of a prospective purchaser, and
3. Changes in authorized acquisition prices of four properties.

Sales

The first four properties to be sold were included in the public auction of September 24. The purchasers will be required to rehabilitate the properties and obtain Certificates of Occupancy within nine months of the conditional closings.

The next property, 275 Ellison Street, was also included in the public auction of September 24 but was subject to approval of the development proposal. Under the proposal, the property will be deconverted from four to two residential units; one of the units will be occupied by the owner.

The next seven properties are considered unbuildable because of their size. They will be sold for \$1.00 to the owners of adjacent properties and combined with those properties.

The last property, 666 Cedarwood Terrace, will be sold to its former owner. The sale price includes all delinquent taxes, interest and penalties.

Name Change

On July 13 and August 10, 1999, the City Council authorized the sale of 73 Ambrose Street, 350 Glenwood Avenue, and 30-32 Kenwood Avenue to Leroy McPhatter. The first property was included in the public auction of April 29, 1999, while the other two properties were included in the same public auction but were subject to approval of the development proposals.

Under the proposals, 350 Glenwood Avenue was to be deconverted from four to three residential units, while 30-32 Kenwood Avenue was to be rehabilitated as a six unit residential structure. Some rehabilitation of the properties has occurred.

Leroy McPhatter, however, has incurred a serious illness. He has therefore requested that sale of the properties be transferred to his son, Joseph McPhatter, to permit completion of the rehabilitation of them.

Price Changes

On August 21, 2001, the Council authorized the acquisition, by negotiation or condemnation, of 15 properties as part of the Fulton Avenue Redevelopment Project. The total cost of acquisition was \$207,450.

On September 25, the Council authorized a total increase of \$11,000 in the authorized acquisition prices for two properties, based upon corrected independent appraisals. The total cost of acquisition was therefore increased to \$218,450.

The Law Department and Division of Real Estate have recommended further increases in the authorized acquisition prices of these two properties and two other properties. The recommendation reflects the results of negotiation and is based on consideration of probable litigation costs if the properties had to be acquired through condemnation.

Fulton Street Address	Current Authorized Price	Revised Authorized Price	Assessed Value
124	\$24,000	\$31,500	\$52,900
143	26,000	33,000	76,000
225-225.5	15,000	27,500	35,500
227	6,500	7,800	15,000

If this recommendation is approved, the total cost of acquisition will increase to \$246,750.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-4

Ordinance No. 2002-10
(Int. No. 8, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2001-283

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.#	Legal Use Purchaser	Price
57 Durnan St. 091.81-1-22	1 Family Siew H. Hioe	\$2,400
7 Flora St. 121.69-3-58	1 Family Floyd James, Jr.	3,500
466 Frost Av. 120.67-2-5	1 Family Siew H. Hioe	4,800
271 Pennsylvania Av. 106.60-1-24	1 Family Siew H. Hioe	4,000

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

Address S.B.L.#	Price	Purchaser
275 Ellison St. 107.30-3-82	\$14,000	Lem Chan Tim

Section 3. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land:

Address S.B.L.#	Sq. Ft. Purchaser
EH 46 Leighton Av. Pt. of 107.71-1-74	2415 Jeanne M. Fore
WH 46 Leighton Av. Pt. of 107.71-1-74	2415 Laurie J. Cater
EH 85 Murray St. Pt. of 105.73-2-59	1444± Trese Smith
WH 85 Murray St. Pt. of 105.73-2-59	1444± David & Patricia Ladiges
13 Oscar St. 091.70-3-56	3306± Rochester Housing Authority

EH 13 Sullivan St. Pt. of 106.39-1-5	2228± Elizabeth Santiago
WH 13 Sullivan St. Pt. of 106.39-1-5	2228± Carl Cote

Section 4. The Council hereby further approves the sale of the following parcel of improved property to former owner:

Address S.B.L.#	Price Purchaser
666 Cedarwood Terr. 107.73-1-80	\$6,985.23 Cynthia Kellogg

Section 5. Ordinance No. 2001-283, relating to the acquisition of parcels for the Fulton Avenue Re-development Project, as amended by Ordinance No. 2001-325, is hereby further amended by increasing the amount authorized for the acquisition of 124 Fulton Avenue from \$24,000 to \$31,500, for 143 Fulton Avenue from \$26,000 to \$33,000, for 225-225.5 Fulton Avenue from \$15,000 to \$27,500, for 215-217 Fulton Avenue from \$21,000 to \$38,500, and for 227 Fulton Avenue from \$6,500 to \$7,800, thereby increasing the total acquisition costs to \$[246,750] 264,250, and the total acquisition and closing costs to \$[289,750] 307,250.

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

Section 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-11
(Int. No. 9)

Authorizing Ordinances No. 99-255 And 99-311 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 99-255, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 73 Ambrose Street, as authorized in Section 1 thereof, from Leroy McPhatter to Joseph McPhatter.

Section 2. Ordinance No. 99-311, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 350 Glenwood Avenue and 30-32 Kenwood Avenue, as authorized in Section 2 thereof, from Leroy McPhatter to Joseph McPhatter.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-12
 Re: Agreement - Urban League,
 Technical Assistance

Transmitted herewith for your approval is legislation authorizing an agreement with the Urban League of Rochester, Inc., 265 N. Clinton Avenue, for continued administration of the technical assistance program for small businesses. The maximum cost of this agreement will be \$50,000, which will be financed from the Housing Stock and General Property Conditions allocation of the 2001-02 Community Development Block Grant.

The City has several programs designed to assist small businesses to participate in the City's procurement opportunities. The technical assistance program has been directed primarily to those businesses that are involved in the City's rehabilitation programs.

The League has administered the program since its inception in 1987. The most recent agreement for such administration was authorized by the City Council on June 28, 2001.

Following is a summary of the League's performance under this agreement for the nine-month period ending October 31.

	<u>Planned</u>	<u>Actual</u>
Participants		
Individual consultations	70	170
Business planning assistance	65	165
Bid estimation assistance	30	30
Seminars/workshops	40	79

Of the participants in the program, approximately 25% were persons considering starting a business, 45% were operators/owners of new businesses and 30% were operators/owners of established businesses. Approximately 8-10% of the participants were Hispanic.

The League also alerted participants of specific bid opportunities. These alerts resulted in the submission of 101 bids, 56 of which were awarded.

Under the proposed agreement, the League will continue to...

1. Provide businesses with assistance on the procedural aspects of eligibility for Women/Minority Business Certification with the NYS Office of Minority and Women Business Development;
2. Provide individual consultations to a minimum of 100 persons or businesses;
3. Provide bid estimation services on an "as needed" basis to a minimum of 30 businesses;
4. Conduct a minimum of 40 workshops concerning the following subjects:

Information and referral services
 Business planning
 Cost estimation and bid preparation
 Blueprint and contract specification interpretation
 Establishing and securing credit
 Employment practices
 Marketing and advertising

5. Maintain a reference library with copies of specifications, plans and Dodge Reports; and
6. Develop and disseminate Spanish promotional materials about the program and conduct other

"outreach" efforts.

The program is also financed by the following:

CitiCorp Foundation	\$25,000
CitiBank	7,000
Client fees	5,000

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-12
 (Int. No. 10)

Authorizing An Agreement With The Urban League Of Rochester, N.Y., Inc. To Administer The Business Development And Technical Assistance Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester, N.Y., Inc., to administer the Business Development and Technical Assistance Program.

Section 2. The agreement shall obligate the City of Rochester 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 Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 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. 2002-13
 Re: Agreement - Enterprise Foundation,
 Technical Assistance

Transmitted herewith for your approval is legislation authorizing an agreement with the Enterprise Foundation for the provision of technical assistance to the South West Development Council. The maximum cost of this agreement will be \$25,000, which will be financed from the allocation Housing Stock and General Property Condition of the 1999-00 and 2000-01 Community Development Block Grants.

Enterprise, which was established in 1982 by philanthropists James and Patricia Rouse, is a national non-profit housing and community development organization. Its mission is to assist people in obtaining affordable housing and jobs.

Enterprise established an office in Rochester in 1997. In conjunction with the City, Citibank, Daisy Marquis Jones Foundation, United Way of Greater Rochester, and Chase Manhattan Bank, it formed the Rochester Community Development Collaborative.

The most recent agreement with Enterprise was au-

thorized by the City Council on July 17. Under this agreement, Enterprise provides technical assistance to the following organizations:

- City,
- Ibero-American Development Corporation,
- North East Area Development,
- North East Neighborhood Alliance,
- Northwest Community Services,
- Rochester Housing Development Fund Corporation and any non-profit developers involved with housing projects in conjunction with the Corporation, and
- Southwest Community Development Collaborative

Under the proposed agreement, Enterprise will also provide technical assistance to the South West Development Council, a collaborative consisting of:

- Eagle Community Development Corporation
- Sector 4 Community Development Corporation
- Frederick Douglass Community Development
- South West Area Development Corporation

Specifically, Enterprise will...

1. Assist SWDC to identify development opportunities in the southwest area of the city;
2. Develop detailed work plans for each development opportunity that is identified, including:
 - a. Preparation of a feasibility analysis and financial plan,
 - b. Identification of possible funding sources,
 - c. Creation of "partnerships" among local financial institutions to provide the necessary funds;
3. Facilitate relationships among local partners and the development team; and
4. Manage the development process, including:
 - a. Land assemblage,
 - b. Construction management, and
 - c. Financial "packaging"

One full-time staff person will be assigned to the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods
Ordinance No. 2002-13
(Int. No. 11)

Authorizing An Amendatory Agreement For Technical Assistance For Housing And Community Development Activities

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 Enterprise Foundation for technical assistance for housing and community development activities in the southwest section of the City.

Section 2. The amendatory agreement shall

obligate the City of Rochester to pay an amount not to exceed \$25,000, and of said amount, or so much thereof as may be necessary, \$18,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 1999-2000 Community Development Program and \$7,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program.

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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2002-14,
2002-15, 2002-16, 2002-17,
and 2002-18

Re: Housing Development

Transmitted herewith for your approval is legislation relating to three housing development projects involving Housing Opportunities, Inc. This legislation will:

Susan B. Anthony Neighborhood

1. Authorize the sale, at their appraised value, of two properties to HOP, and
2. Authorize an agreement with HOP to provide \$100,000 from the 1999 and 2000 HOME programs to partially finance the costs of construction of four single-family houses on these properties, which will be subdivided;

Ontario/Woodward Street Neighborhood

3. Authorize the sale, at their appraised values, of nine properties to HOP or Ontario Place LP, and
4. Authorize an agreement with either entity for the exemption from real estate taxes for the eight rental structures to be constructed on these properties and for payments in lieu of taxes thereon;

Rochester Affordable Rental Effort

5. Authorize the sale, at their appraised values, of five properties to HOP, Housing Opportunities Housing Development Fund Corporation, Inc. or Ontario Place LP,
6. Authorize an agreement with any of the entities to provide \$447,586 from the 1998, 1999 and 2000 HOME programs to partially finance the costs of rehabilitation of the aforementioned

five properties and two other properties already owned by HOP, and

7. Authorize an agreement with any of the entities for the exemption from real estate taxes for the seven properties and for payments in lieu of taxes thereon.

SBA Neighborhood

The project in the Susan B. Anthony neighborhood will involve the subdivision of the two vacant lots to be sold to HOP and the construction of four single-family houses.

The houses will be constructed for HOP by Imperial Rochester Development Corp., which has participated in the Home Expo program. The house designs have been approved by the Rochester Preservation Board and the NYS Historic Preservation Office.

The estimated cost of construction of each house is \$108,000. However, the sale price of each house will be reduced to \$73,000 through the following subsidies:

Estimated construction cost	\$108,000
Subsidies	
City HOME Program	\$25,000
Federal Home Loan Bank of New York	8,000
Landmark Society	<u>2,000</u>
Estimated Sale Price	\$ 73,000

The houses will be sold to families with incomes of not more than 80% of the median family income of the Rochester Metropolitan Statistical Area. Purchasers will be eligible for a grant of up to \$6,000 from the Buyer Assistance Program. They will also be eligible for mortgage loans from Charter One with interest rates of 4.5%, through a commitment from the Federal Home Loan Bank of Cincinnati.

Ontario/Woodward Neighborhood

The project in the Ontario/Woodward Street neighborhood will involve the subdivision of the properties to be sold and the construction of 12 residential units in four single-family and four two-family houses. The project represents a collaboration of HOP with Sojourner House.

The estimated cost of construction is \$1,757,800, which is expected to be financed as follows:

NYS Housing Trust Fund Corporation (tax credits)	\$ 985,900
NYS Department of Social Services	725,600
Federal Home Loan Bank of New York	<u>46,300</u>
Total	\$1,757,800

The units, each of which will contain three bedrooms and 1 1/2 bathrooms, will be rented, at estimated rates of \$329 per month plus utilities, to families who are leaving transitional housing or families who are at risk of homelessness. Preference in renting will be provided to families referred by Sojourner, which will provide supportive services to the families in all units.

Under the proposed in-lieu of tax payment agreement, a 30 year tax exemption will be authorized for each of the houses included in the project. In consideration of this exemption, an annual payment in-lieu of taxes equal to 10% of shelter rents (gross rents less utility costs) will be required. The total initial PILOT amount is expected to be about \$3,900.

RARE

The RARE project involves five properties to be acquired from the City and two other properties previously acquired from the U.S. Department of Housing and Urban Development through the Asset Control Area Partnership Program. Four of the properties, containing 12 units, will be located in the southeast quadrant of the city, while the three other properties, containing six units, will be located in the southwest quadrant.

The project will involve the deconversion of the 28 units currently contained on these properties to 18 units. It will result in two four-family and five two-family structures.

The estimated cost of the project is \$1,920,200, which will be financed as follows:

NYS Housing Trust Fund Corporation (tax credits)	\$1,393,204
City HOME Program	447,586
Developer Equity	<u>79,410</u>
Total	\$1,920,200

The financing from the HOME program will consist of a temporary construction loan that will be converted to a permanent loan with a term of 30 years and an interest rate equivalent to the applicable federal borrowing rate. The loan agreement will provide for annual payments equal to interest of 1% with repayment of the principal and the balance of the interest at the loan's maturity.

Seven of the units will be reserved for rental to households that have incomes of less than 50% of the median RMSA income and three units will be reserved for rental to single-parent households. The estimated monthly rents will range from \$370 for a one-bedroom apartment to \$525 for a four-bedroom unit.

Under the proposed PILOT agreement, a 30-year exemption will be authorized for each of the structures included in the project. In consideration of this exemption, annual payments in-lieu of taxes equal to 10% shelter rents will be required. The initial PILOT amount is expected to be about \$7,900.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor
 R2010: Healthy Urban Neighborhoods

Attachment No. AB-5

Ordinance No. 2002-14
 (Int. No. 15)

Authorizing The Sale Of Real Estate And An Agreement For Susan B. Anthony Preservation District Infill Housing

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Housing Opportunities, Inc. for the development of infill housing in the Susan B. Anthony Preservation District.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$100,000, and of said amount, or so much thereof as may be necessary, \$22,500 is hereby appropriated from 1999 HOME

Program Funds and \$77,500 is hereby appropriated from 2000 HOME Program Funds.

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

Section 4. The Council hereby approves the sale of the following parcels of real estate at their appraised values to Housing Opportunities, Inc. (HOP), for the development of infill housing:

Parcel	SBL Number	Appraised Value
43-43.5 Madison St.	120.36-1-47	\$850
20-22 King Street	120.36-2-38.1	900

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the day of closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-15
(Int. No. 16)

Approving Sale Of Real Estate For The Ontario Place 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 at their appraised values to Housing Opportunities, Inc. (HOP), or a housing development fund company affiliated with Housing Opportunities, Inc., for the development of low income rental housing as a part of the Ontario Place Project:

Parcel	SBL Number
13 Ontario Street	106.65-2-4.1
17 Ontario Street	106.65-2-6.1
19 Ontario Street	106.65-2-7
20 Ontario Street	106.65-1-5
23 Ontario Street	106.65-2-8
25 Ontario Street	106.65-2-9.1
30 Ontario Street	106.65-1-8.1
72 Woodward Street	106.65-2-48
79 Woodward Street	106.65-3-35.1

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-16
(Int. No. 17)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Ontario Place 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 property of the HOP Ontario Place Project, to be owned by a housing development fund company affiliated with Housing Opportunities, Inc. and to be used for low income rental housing:

Address	SBL Number
13 Ontario Street	106.65-2-4.1
17 Ontario Street	106.65-2-6.1
19 Ontario Street	106.65-2-7
20 Ontario Street	106.65-1-5
23 Ontario Street	106.65-2-8
25 Ontario Street	106.65-2-9.1
30 Ontario Street	106.65-1-8.1
72 Woodward Street	106.65-2-48
79 Woodward Street	106.65-3-35.1

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement with the owner for the affordable rental housing project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-17
(Int. No. 18)

Approving Sale Of Real Estate And A Loan Agreement For The HOP Rental Project, And Amending Ordinance No. 99-215

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 at their appraised values to Housing Opportunities, Inc. (HOP), or a housing development fund company affiliated with Housing Opportunities, Inc., for the development of rental housing:

Parcel	SBL Number	Appraised Value
826 Exchange Street	121.69-3-25	\$2,500
150-152 Flint Street	121.69-2-69	2,000
411 Meigs Street	121.57-3-14	8,500
463 Pearl Street	121.66-1-11	8,500
451-453 Tremont St.	120.52-3-9	2,000

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

Section 3. The Mayor is hereby further authorized to enter into a loan agreement with Housing Opportunities, Inc. or a housing development fund company affiliated with Housing Opportunities, Inc. whereby

the City shall provide an amount not to exceed \$447,486 to partially finance the costs of the construction of rental units. The funding shall be provided as a construction and 30 year loan at a 1% interest rate. Housing Opportunities, Inc. or a housing development fund company affiliated with Housing Opportunities, Inc. shall make annual payments of 1% interest, with the principal deferred until year 30. Of said amount, or so much thereof as may be necessary, there is hereby appropriated from 1998 HOME Program Funds the sum of \$82,459, from 1999 HOME Program Funds the sum of \$299,300, of which \$43,000 was transferred to the Rental Allocation in Section 3 of Ordinance No. 2000-26, and from 2001 HOME Program Funds the sum of \$65,727.

Section 4. Ordinance No. 99-215, relating to the HOP/Monroe Place Rental Project, is hereby amended by reducing the amount authorized and appropriated in Section 3 from 1998 HOME Program Funds by the sum of \$14,759. The Mayor is hereby authorized to enter into such amendatory agreements as may be necessary in order to effectuate this reduction.

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.

Ordinance No. 2002-18
(Int. No. 19)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The HOP 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 following property of the HOP Rental Project, to be owned by a housing development fund company affiliated with Housing Opportunities, Inc. and to be used for low income rental housing:

Address	S.B.L.#
826 Exchange Street	121.69-3-25
150-152 Flint Street	121.69-2-69
411 Meigs Street	121.57-3-14
463 Pearl Street	121.66-1-11
451-453 Tremont Street	120.52-3-9
99 Hamilton Street	121.55-2-19
525 South Avenue	121.56-1-10.1

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement with the owner for the affordable rental housing project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-19
Re: Zoning Map Amendment -
634 Hudson Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map by changing the classification of 634 Hudson Avenue from C-2 Community Commercial to PD Planned Development #1.

The property is abutted by C-2 uses on the north, east and south and R-2 Two-Family Residential uses to the west. It contains part of the former campus of Holy Redeemer Church.

The campus originally contained the church building, school, rectory, convent and Concordia Hall. The convent building was sold to East House Properties and is currently used for housing, while Concordia Hall was sold to the Ibero-American Action League and is currently used for a Charter School.

The remaining buildings - the church, school and rectory - were sold in 1988 to Northside Church of Christ. The rectory was subsequently demolished.

The church presently has a congregation of about 350-375 members. The school presently has an enrollment of approximately 200 students and a staff of 23 people.

The rezoning was requested by Northside to permit construction on the site of a three-story apartment building with 22 one-bedroom units for elderly persons, along with a community room and administrative offices. The apartment units will contain about 540 square feet of space.

The estimated cost of construction of the building is \$1,796,500, which is expected to be financed as follows:

U.S. Department of Housing and Urban Development	\$1,651,500
Federal Home Loan Bank	145,000
Total	\$1,796,500

Construction is expected to begin in the spring of 2002 and be completed in February or March of 2003. The Planning Commission held an informational hearing on the proposed rezoning on December 10; there were eight speakers, all of whom supported the proposal. The Commission recommended by a vote of 9-0 that the rezoning be approved.

Pursuant to Article 8 of the NYS Environmental Conservation Law and Article 48 of the City Code, it has been determined that the proposed rezoning will not have any significant effects. A negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-6

Ordinance No. 2002-19
(Int. No. 23)

Changing The Zoning Classification Of 634 Hudson Avenue From C-2 Community Commercial To PD Planned Development #1-Holy Redeemer (Northside Church of Christ) And Adopting The Current Plan For PD#1

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 634 Hudson Avenue, from C-2 Community Commercial to PD Planned Development #1-Holy Redeemer (Northside Church of Christ):

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at the point of intersection of the centerline of Alphonse Street and the centerline of Hudson Avenue;

- Thence 1) Easterly along the centerline of Alphonse Street a distance of 246 feet more or less to the northerly projection of the east line of Lot AR-1 as shown on a resubdivision map made for Thomas A. Fink and filed in the Monroe County Clerk's Office in Liber 240 of maps at page 59;
- Thence 2) Southerly along said projection and the easterly line of said Lot AR-1 a distance of 133.43 feet to a point;
- Thence 3) Easterly and forming an interior angle of 268° 47' a distance of 7.82 feet to a point;
- Thence 4) Southerly and forming an interior angle of 91° 13' a distance of 15.33 feet to a point;
- Thence 5) Easterly and forming an interior angle of 268° 47' a distance of 12.87 feet to a point;
- Thence 6) Southerly and forming an interior angle of 91° 13' a distance of 43.05 feet to a point;
- Thence 7) Westerly and forming an interior angle of 88° 47' a distance of 40.54 feet to a point;
- Thence 8) Southerly and forming an interior angle of 270° 16' 30" a distance of 189.90 feet more or less to the centerline of Clifford Avenue;
- Thence 9) Westerly along the centerline of Clifford Avenue to the centerline of Hudson Avenue;
- Thence 10) Northerly along the centerline of Hudson Avenue to the centerline of Alphonse Street and the point or place of beginning.

Section 2. The Council hereby approves the

following Current Plan for PD#1-Holy Redeemer (Northside Church of Christ):

PD#1-Holy Redeemer (Northside Church of Christ).

A. Purpose: Holy Redeemer (Northside Church of Christ) Planned Development is intended to recognize and permit a defined area for the unified and orderly development of the Hudson Avenue Campus of the Northside Church of Christ, maintaining an integrated facility that provides a variety of community services. The Holy Redeemer (Northside Church of Christ) Planned Development District will maintain the integrity of the church as an important part of the Hudson Avenue street scape and as a valuable cultural resource of the City of Rochester. Planned Development districts allow flexibility in planning and development and provide a process for evaluating and accommodating incremental growth and change, thereby assuring compatibility with the adjacent, noninstitutional districts.

B. Permitted uses: Permitted uses include, but are not limited to, the following uses when consistent with the above purpose and subject to the provisions of 115-65:

- (1) Churches
- (2) Residential Buildings for Seniors
- (3) Schools
- (4) Day Care Centers
- (5) Community Centers
- (6) Community Support and Services

C. Accessory uses and structures: Accessory uses and structures are permitted in the Holy Redeemer (Northside Church of Christ) Planned Development, subject to site plan review and the limitations established in the R-3, Low-Medium Residential zoning district.

D. Bulk, space and yard requirements:

- (1) Maximum F.A.R.: Per Approved Plan.
- (2) Maximum height: Three (3) stories.
- (3) Minimum yard requirements:

(a) Along Hudson Avenue:

- [1] Parking lots and structures: 5 feet.
- [2] Buildings: 25 feet.

(b) Along Clifford Avenue:

- [1] Buildings: 20 feet.

(c) Along Alphonse Street:

- [1] Parking lots and structures: 20 feet.
- [2] Buildings: 20 feet.

E. Parking: Off-street parking and loading requirements are set forth below, subject to the standards of 115-90.

- (1) Location: Parking for uses within the Holy Redeemer (Northside Church of Christ) Planned Development may be located anywhere within the District.
- (2) Required Spaces: There shall be no require-

ment for uses in Holy Redeemer (Northside Church of Christ) Planned Development. However, any such parking voluntarily provided shall comply with the parking lot design and maintenance standards of the City Zoning Ordinance.

- F. Regulations set forth in 115-95C(5) regarding telecommunication antennas and towers shall apply to this IPD.
- G. Amendments to or modifications of this district are subject to the procedures set forth in 115-27.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
January 15, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

Int. No. 12 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of \$1,000 Or Less

Int. No. 13 - Cancellation Of Taxes And Charges

Int. No. 14 - Resolution Approving Appointments To The Board Of Ethics

Int. No. 24 - Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

Int. No. 25 - Resolution Appointing Temporary Members To The Board Of Assessment Review

The Economic Development & Government Efficiency Committee recommends for consideration the following entitled legislation:

Int. No. 22 - Amending The 2001-02 Budget

The following entitled legislation is being held in committee:

Int. No. 21 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$21,479,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,
Tim O. Mains
Nancy K. Griswold
Lois J. Giess (Voted on Intro. No. 24 & Intro. No. 25.)

ECONOMIC DEVELOPMENT & GOVERNMENT EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-20
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 2002.

Each year, approximately 65,800 tax bills are issued by the City. In 2000-01 the most recently completed fiscal year, these bills contained City and School taxes, charges and fees totaling \$163,894,342.

Of this amount, taxes and charges totaling \$1,457,540 or .89% of the total levy, subsequently were determined to be erroneous and were cancelled. These cancellations involved 683 accounts or 1.06% 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 and was most recently approved on January 16, 2001. As a result of this latter delegation, through December 5, 2001, the Director of Finance authorized cancellations totaling \$59,661.07 for 232 accounts.

Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500. On January 19, 1999, the Council authorized the Director of Finance to cancel charges up to \$1,000 for calendar year 1999.

Reapproval of this delegation of authority is requested for 2002. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to be applicable:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Services

Ordinance No. 2002-20
(Int. No. 12)

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 2002.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-21
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 \$84,604.43.

Of the total, \$66,899.51 (79.0%) relates to the properties on St. Paul Street that were formerly owned by the Greater Rochester Chamber of Commerce. When these properties were sold on April 2, 2001 to the State University of New York, they immediately became exempt from taxation.

Of the remaining amount, \$15,985.65 (17.9%) relates to five properties owned by Faith Temple of the Living God, which is exempt from taxation. The other amount, \$1,719.27 (3.1%) relates to code violation charges incurred by the former owner of the property.

If the proposed cancellations are approved, total cancellations during 2001-02 will be \$300,257.24, which represents .15% of the taxes receivable as of July 1, 2001.

	Number	Amount
City Council	27	\$252,259.70
Administrative	148	47,997.54
Total	175	\$300,257.24

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Services

Ordinance No. 2002-21
(Int. No. 13)

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 City taxes and charges.

- a. Code violation attributed to the former owner.

S.B.L.#	Class	Address	Tax Year	Amount Canceled
106,510-0002-033	H	136 Third St.	2001	\$
619.27			2002	
1,100.00				

- b. Church properties have been used as such since purchase. The properties are tax exempt.

S.B.L.#	Class	Address	Tax Year	Amount Canceled
120,470-0001-007	NH	29 Garfield St.	1996	\$
867.43			1997	
695.57				
120,470-0001-008	NH	35 Garfield St.	1996	
496.87			1997	
512.98				
120,470-0001-048	NH	40 Lincoln Av.	1996	
505.29			1997	
521.67				
120,470-0001-049	NH	36-38 Lincoln Av.	1996	
429.50			1997	
443.42				
120,470-0001-050	NH	24 Lincoln Av.	1996	
5,861.43			1997	
5,651.49				

- c. The State of New York University System purchased both properties in April 2001. The properties became tax exempt as of date of purchase. All taxes and charges are to be canceled.

S.B.L.#	Class	Address	Tax Year	Amount Canceled
106,790-0001-062	NH	61 St. Paul St.	2002	\$
7,414.54				
106,790-0001-061	NH	57 St. Paul St.	2002	-
59,484.97				

Total
\$84,604.43

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. 2002-5
Re: Appointment - Board of Ethics

Transmitted herewith for your approval is legislation to approve the appointment to the Board of Ethics of:

Andrea R. Stridiron
120 Crawford Street
Rochester, NY 14620

Ms. Stridiron will replace David Watson, who was appointed to the Planning Commission on September 25, thus requiring his resignation from the Board of Ethics.

The purpose of the Board of Ethics is to interpret and enforce the Code of Ethics of the City of Rochester. The Board has five citizen members, appointed by City Council, plus the Director of Human Resource Management and one City Councilmember; I currently serve as the Council representative on the Board.

Ms. Stridiron will serve the remainder of Mr. Watson's term, through October 31, 2002. A copy of Ms. Stridiron's resume is on file in the City Clerk's office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-5
(Int. No. 14)

Resolution Approving Appointments To The Board Of Ethics

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

Section 1. The Council hereby approves the appointment of

Andrea R. Stridiron
120 Crawford Street
Rochester, NY 14620

to the Board of Ethics to fill the unexpired term of David Watson through October 31, 2002.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-6
Re: RGRTA Appointments

Transmitted herewith for your approval is legislation nominating the following persons for appointment to the Rochester-Genesee Regional Transportation Authority (RGRTA).

Thomas P. Ryan, Jr. Paul E. Haney
439 Rocket Street 424 Broadway
Rochester, NY 14609 Rochester, NY 14607
Pursuant to section 1299dd of the NYS Public Authorities Law, the Commissioners of the RGRTA are appointed by the Governor with the advice and consent of the Senate. The persons considered for appointment are nominated by the legislative bodies of the participating municipalities. Two nominations are required for each commissioner position, along with a recommendation of one of the two. Mr. Ryan is so recommended.

The City is entitled to three seats on the Authority Board. In July, 1999, the Council nominated six

people and recommended three of them for appointment. The Governor appointed only two persons, Stephen Horstman and Marilyn Schutte, neither of whom had been recommended by the Council. Of the remaining two nominees, one of them died prior to action by the Governor, so no appointment was made for that seat. These nominations are intended to fill the vacant seat allocated to the City. The length of term for each Commissioner is five years.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-6
(Int. No. 24)

Resolution Nominating Various Persons For Membership On The Rochester-Genesee Regional Transportation Authority

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

Section 1. The Council of the City of Rochester hereby nominates the following two persons to fill a single vacancy on the Rochester-Genesee Regional Transportation Authority created by the resignation of Thomas Toole:

Thomas P. Ryan, Jr. 439 Rocket Street Rochester, NY 14609	Paul E. Haney 424 Broadway Rochester, NY 14607
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Section 2. Pursuant to section 1299-dd of the Public Authorities Law, the Council hereby requests that the Governor of the State of New York appoint one of the persons named in Section 1 to fill the vacancy on the Rochester-Genesee Regional Transportation Authority. The Council hereby recommends the appointment of Thomas P. Ryan, Jr. to such position because of his interest and expertise in the regional transit activities of the Rochester-Genesee Regional Transportation Authority.

Section 3. The City Clerk is hereby authorized and directed to transmit copies of the Resolution to the Governor and to the Rochester-Genesee Regional Transportation Authority.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.
TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-7
Re: Temporary Appointments -
Board of Assessment Review

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

Ruth E. Brooks 104 Melrose Street Rochester, NY 14619	James P. Donlon 286 Averill Avenue Rochester, NY 14620
Michael R. Galitzdorfer 43 Field Street Rochester, NY 14620	Thomas Lewis 1394 North Street Rochester, NY 14621
Eileen M. Mance 95 Merriman Street	Pamela Robinson 858 Arnett Boulevard

Rochester, NY 14607 Rochester, NY 14619

Justin Underwood Joe A. Ware, Sr.
91 Jewel Street 496 Lakeview Park
Rochester, NY 14621 Rochester, NY 14613

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that eight panelists would be sufficient for the workload in the coming cycle.

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

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

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

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-7
(Int. No. 25)

Resolution Appointing Temporary Members To The Board Of Assessment Review

Section 1. The Council hereby appoints the following persons to serve as temporary members of the Board of Assessment Review during 2002:

Ruth E. Brooks James P. Donlon
104 Melrose Street 286 Averill Avenue
Rochester, NY 14619 Rochester, NY
14620

Michael R. Galitzdorfer Thomas Lewis
43 Field Street 1394 North Street
Rochester, NY 14620 Rochester, NY
14621

Eileen M. Mance Pamela Robinson
95 Merriman Street 858 Arnett Boulevard
Rochester, NY 14607 Rochester, NY
14619

Justin Underwood Joe A. Ware, Sr.
91 Jewel Street 496 Lakeview Park
Rochester, NY 14621 Rochester, NY
14613

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

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-22
Re: 2001-02 Budget Amendment

Transmitted herewith for your approval is legislation amending the 2001-02 budget by...

1. Reducing the estimate for sales tax revenues by \$5,030,400 and correspondingly reducing the following appropriations:

Cash capital	\$3,400,000
Contingency account	<u>1,630,400</u>
Total	\$5,030,400

2. Further reducing the contingency account by transferring \$913,000 to the following departments to finance certain unanticipated expenditures.

Environmental Services	\$223,400
Undistributed Expense	15,600
Fire	53,000
Cash Capital	77,000
Police	<u>544,000</u>
Total	\$913,000

3. Appropriating \$222,500 from the Seized Asset Fund to further increase appropriations for law enforcement activities.

Police	\$147,100
Undistributed Expense	52,900
Cash Capital	<u>22,500</u>
Total	\$222,500

4. Transferring \$820,000 from the contingency account to the Department of Environmental Services, to provide for the proper accounting of the portion of the contingency account originally allocated to the Local Works Fund.

Introduction

On November 20, the City Council approved an amendment to the 2001-02 budget to reduce the total amount by \$4,239,100. This reduction reflected the expectation that the amount of state aid to be received during the current fiscal year will be less than the amount originally estimated. In addition to the deficiency in state aid, the events of September 11 have resulted in decreased estimates for certain other revenues, principally sales tax collections and interest earnings, as well as increased estimates for certain expenses. It is projected that, without corrective action, the City would experience a total budget deficiency of approximately \$8.4 million.

The proposed budget amendments represent the initial corrective actions that are recommended. Additional budget amendments are expected to be proposed in the future.

Sales Tax Reduction

The total estimate for sales tax revenues included in the 2001-02 budget was \$115,979,600. This estimate was based upon an assumed rate of growth of 2.00% in the fourth quarter of 2000-01 and an assumed rate of growth of 2.50% during 2001-02.

The actual rate of change during the fourth quarter of 2000-01 was -4.00%, while the actual rate of change during the first quarter of 2001-02 was -2.50%. Based upon these actual collections, total sales tax revenues during 2001-02 are now projected to be about \$109,712,000, about \$6,267,600 less than the original estimate.

This projection assumes a -5.0% rate of change during the second quarter of the fiscal year, a -1.0% rate of change during the third quarter, and a +2.0% rate of change during the fourth quarter, when most economists forecast an end to the current recession. Overall, the projected rate of change for 2001-02 is -1.7%.

To compensate for the reduction in the estimate for sales tax and other revenues, on October 15, a hiring "freeze" was instituted for all departments and constraints were imposed on capital expenditures. The freeze and constraints are expected to result in significant cost avoidance, which will be reflected in the future budget amendment.

However, the proposed reductions in the Cash Capital and Contingency appropriations are also considered to be required to compensate for the reduced revenues. The reduction in Cash Capital appropriations will involve the following projects and purposes.

	<u>Original Appropriation</u>	<u>Recommended Reduction</u>
Community Development		
South River Corridor Housing Initiative		
\$1,000,000	\$1,000,000	
Atlantic Woodstock Subdivision Infrastructure		
800,000	800,000	
Railroad Right-of-Way Acquisition		
570,000	570,000	
Economic Development - Property Acquisition and Demolition	800,000	800,000
Environmental Services - Motor Equipment		
542,000	542,000	230,000
Total		\$3,400,000

Financing for some of these projects is not expected to be required during 2001-02. However, if financing is required, all of the projects and purposes can be accommodated within the annual debt authorization plan.

During 2001-02, the maximum amount of tax-supported debt that may be issued is \$16,664,800, which is equivalent to the amount of tax-supported debt that is scheduled to be redeemed. However, the present Capital Improvement Program provides for the issuance of new debt of only \$13,239,000. The program therefore could be revised to provide for the financing through debt (instead of cash capital appropriations) of the aforementioned projects and still be within the specified debt limit.

Unanticipated Expenditures

The appropriation transfers for unanticipated expenditures involve the following activities:

1. DES/Undistributed Expense - Following the events of September 11, security has been enhanced at various City facilities. These enhancements have involved the installation of additional surveillance equipment and the deployment of additional security personnel.

DES	\$223,400
Undistributed Expense	15,600
Total	<u>\$239,000</u>

2. Fire - An appropriation was inadvertently omitted from the 2001-02 budget for incentive payments to fire fighters who elect to obtain health insurance through sources other than the City (e.g., inclusion in the insurance coverage of a spouse). At present, 40 firefighters have made such an election, which has resulted in a cost avoidance of between \$62,200 and \$164,700, depending on the plan in which the firefighters otherwise would have enrolled. Of this amount, about \$53,000 is expected to be remitted to the firefighters as incentive payments, under the terms of the contract with Local 1071 of the International Association of Fire Fighters.

3. Cash Capital - The gradual settling of the ground at the Quint/Midi #6 fire station at 740 N. Goodman Avenue caused extensive damage to the plumbing for the station. The cost of the temporary emergency repairs was about \$77,000. The estimated cost of permanent repairs, which may require the replacement of the slab floor, is about \$464,000.

4. Police - Beginning in July and extending through October, anti-violence efforts were enhanced. Most of the efforts involved the deployment of additional personnel on overtime.

Through October, the department expended \$1,873,858 or 78% of its total overtime allocation of \$2,407,700. Of the amount expended, approximately \$691,100 resulted from the deployment of the additional personnel for the anti-violence initiative. An additional cost of \$52,900 was incurred for associated employee benefits.

Of the combined cost of \$744,000, \$544,000 will be financed through the proposed transfer from the contingency account. The remaining amount, \$200,000, will be financed through the proposed appropriation from the Seized Asset Fund, which is described below.

Seized Asset Fund Appropriation

The Seized Assets Fund contains the proceeds from the disposition of assets confiscated by the state or federal governments as a result of investigations of drug trafficking and other illegal activities. Under state and federal law, any police agency that participates in these investigations is entitled to receive a share of the proceeds.

At present, the balance of the fund is \$222,569. As indicated above, it is proposed that \$200,000 of this amount be appropriated to partially finance the costs of the anti-violence initiative.

It is further proposed that an additional \$22,500 be appropriated to finance the continuation of the weapon replacement program of the Police Department. The program involves the replacement of nine millimeter handguns with .45 caliber handguns.

To date, 85 of the 710 handguns in the department's inventory have been replaced. The proposed appropriation will finance the replacement of 45 additional weapons.

Local Works Fund Contingency Allocation

The Local Works Fund finances the costs of street cleaning and snow removal activities, as well as the hazardous sidewalk replacement program. Most of the costs of the fund are included in the DES budget.

The amount of the contingency allocation apportioned to the Local Works Fund is \$820,000 (page 1-49 of the 2001-02 budget). It is proposed that this amount be transferred from the contingency account to the DES budget, to properly reflect within that budget the total amount of the Local Works Fund allocation for operations, exclusive of employee benefits and capital costs.

Contingency Account

The original amount of the contingency allocation was \$5,485,700. If the proposed transfers are approved, the allocation will be reduced to \$2,122,300.

Original allocation		\$5,485,700
Proposed transfers:		
Sales tax reduction	\$1,630,400	
Unanticipated expenditures	913,000	
Local Works Fund	820,000	3,363,400
Remaining allocation		\$2,122,300

This allocation is considered sufficient to finance the costs of an arbitration award for police personnel represented by the Rochester Locust Club. An award is expected to be made in late spring.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-22
(Int. No. 22)

Amending The 2001-02 Budget

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

Section 1. Ordinance No. 2001-215, the 2001-02 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 \$22,500 and to the Rochester Police Department by the sum of \$200,000, which amounts are hereby appropriated from funds realized from seized and forfeited assets.

Section 2. Ordinance No. 2001-215, the 2001-02 Budget of the City of Rochester, as amended, is hereby further amended by transferring amounts from the Contingency Account as follows:

Police Department	\$ 491,100
Department of Environmental Services	1,043,400
Fire Department	53,000
Cash Capital	77,500
Undistributed Expense	68,500

Section 3. Ordinance No. 2001-215, the 2001-02 Budget of the City of Rochester, as amended, is hereby further amended by reducing the revenue estimates

and appropriations to the Cash Capital Allocation by the sum of \$3,400,000 and to the Contingency Account by the sum of \$1,630,400.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 21
Re: Bond - City School District

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$21,479,000 and appropriating the proceeds thereof to finance the costs of design and construction of various improvements to school facilities. The authorization of such issuance was requested by the Board of Education on December 17, 2001.

On August 16, the Board had requested authorization for the issuance of bonds totaling \$32,620,000. However, because this amount of new debt exceeded \$25,333,000, the amount of existing debt to be redeemed during 2001-02, the request was not considered by the City Council.

Since the amount of the present, revised authorization request is less than the amount of debt to be redeemed, consideration of the request is recommended. When approving the revised request, the Board also rescinded the original request of August 16.

The revised request will provide for improvements at 24 elementary schools, two middle schools and eight high schools, as well as the central office building, service center and temporary tutoring center. A summary of the proposed improvements is attached.

This is expected to be the only authorization request to be received from the Board during 2001-02.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Educational Excellence

Introductory No. 21

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK, AUTHORIZING THE ISSUANCE OF \$21,479,000 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 the 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 \$21,479,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$21,479,000 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 \$21,479,000 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 \$21,479,000. 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 object or purpose 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.

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.

Held in committee.

The meeting was adjourned at 9:01 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
February 5, 2002

Present - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Absent Councilmember Curran — 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.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Mains
Economic Development &
Government Efficiency Committee
February 5, 2002

To the Council:
Introductory No. 21, was introduced January 15, 2002,

and appears in its original form with its transmittal letter on page 24 of the current Council Proceedings.

Ordinance No. 2002-23
(Int. No. 21)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$21,479,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

The meeting was adjourned at 5:19 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
February 12, 2002

Present - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 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
Award
Proclamation From The Mayor Of New Orleans

APPROVAL OF THE MINUTES
By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of January 15, 2002, 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:

- Reports: 3680-7
- 1. Schedule of Revenues and Expenditures
- 2. Police and Fire Overtime Report
- 3. Claims Report
- 4. Report of Professional Service Agreements of \$10,000 or Less

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By President Giess - Petition from residents of Arnold Park in favor of the restoration of the monuments. Petition No. 5094

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Renaming The Portion Of Lattimore Road Between Kendrick Road And Elmwood Avenue As Kendrick Road Int. No. 27 No speakers.

Renaming United Way As Bragdon Place Int. No. 28 No speakers.

Authorizing Increases In The Pavement Width Of Ellington Road As A Part Of The Curb Replacement Program Int. No. 30 No speakers.

Local Improvement Ordinance - Replacement Of Monuments On Arnold Park Int. No. 44 Five speakers: Frank Zwemer, Emelyn Logan Baldwin, James Parrillo, Ken Merzel and Ann Stenzel.

Changing The Zoning Classification Of 11-35 Orange Street And 14-34 Romeyn Street From R-2 Two-Family Residential And 583 Broad Street And 37 Romeyn Street From M Manufacturing Industrial To C-2 Community Commercial Int. No. 36 Three speaker: Dan Aiken, Ellen Perez, and Mr. Perez.

Authorizing An Amendatory 2001-02 Community Development Program Plan And An Agreement For A Float Loan For The Near Westside Rental Project Int. No. 38 No speakers.

Authorizing An Amendatory 2001-02 Community Development Program Plan And An Agreement For A Float Loan For The Canal Place Project Int. No. 45 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

Councilmember Mains moved to have Introductory No. 52 voted on at the end of meeting.

The motion was seconded by President Giess.

The motion was adopted unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Stevenson
February 12, 2002

To the Council:

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

Int. No. 43 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Ford Street Bridge Rehabilitation Project

Int. No. 46 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$100,000 Bonds Of Said City To Finance Additional Costs Of Implementing Environmental Clean-Up Of 14-60 Charlotte Street Within The City
The Parks, Public Works and the Environment Committee recommends for consideration the following entitled legislation:

Int. No. 27 - Renaming The Portion Of Lattimore Road Between Kendrick Road And Elmwood Avenue As Kendrick Road

Int. No. 28 - Renaming United Way As Bragdon Place

Int. No. 30 - Authorizing Increases In The Pavement Width Of Ellington Road As A Part Of The Curb Replacement Program

Int. No. 42 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The West Ridge Road Improvement Project And Appropriating Funds

Int. No. 44 - Local Improvement Ordinance - Replacement Of Monuments On Arnold Park

The following entitled legislation is being held in committee:

Int. No. 29 - Authorizing An Increase In The Pavement Width Of Stroh Street As A Part Of The Curb Replacement Program

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Tony M. Thompson
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-24
Re: Agreement - Bergmann Associates,
Ford Street Bridge Rehabilitation Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, 200 First Federal Plaza, for additional resident project representation services for the Ford Street Bridge Rehabilitation Project. The maximum cost of this agreement will be \$100,000, which will be financed with previously approved federal and state reimbursements and bond issues.

The project involved widening of the bridge deck; restoration of the existing trusses; repair of the sidewalks and curbs on the approaches to the bridge; modifications to the piers and abutments; replacement of structural flooring members; improvements to the railings; painting of steel; installation of pedestrian lighting and historic period details; new pavement striping and signage; and minor repairs to the bridge over the abandoned railroad track. Design of the project, by Bergmann, was authorized by the City Council on July 22, 1997 and December 15, 1998.

Construction of the project began in the spring of 2001 and was substantially completed in December, 2001. The work was performed by The Pike Company.

The original bid for the project was \$7,959,590, with an additional \$1,304,410 allocated for contingencies. The estimated final construction cost is \$8,550,000.

The proposed amendatory agreement with Bergmann will provide for payment of the costs of additional inspection services required during construction.

These services included:

1. The requirement by the NYS Department of Transportation for an inspector trainee to be assigned to the project; and
2. More overtime and night-shift inspection services than originally anticipated to permit Pike to meet project deadlines.

If the proposed amendatory agreement is approved, the total cost of the agreement with Bergmann will increase to \$1,036,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-24
(Int. No. 43)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Ford Street Bridge Rehabilitation Project

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

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for resident project representation services for the Ford Street Bridge Rehabilitation Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$5,000 shall be funded from Bond Ordinance No. 2000-67. \$80,000 shall be funded from the appropriation made in Section 1 of Ordinance No. 99-277 and \$15,000 shall be funded from the appropriation made in Section 2 of Ordinance No. 99-277.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-25
Re: Bond - Charlotte Street
Environmental Remediation

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$100,000 and appropriating the proceeds thereof to finance the costs of additional environmental remediation services on various properties on Charlotte Street. These bonds will supplement bonds authorized by the City Council on January 16, 2001.

The latter bonds were authorized for environmental remediation on seven properties that are intended to be used for future residential development. The acquisition of these properties was authorized by the City Council on April 13, 1999.

The environmental remediation services are being provided by Day Environmental, Inc. They include:

1. Removal and disposal of contaminated soil;

- 2. Recovery and removal of any petroleum floating on the groundwater;
- 3. Collection of confirmatory soil samples;
- 4. Post clean-up monitoring;
- 5. Preparation of a health risk assessment; and
- 6. Preparation of long-term soil management and monitoring plans.

Originally, it was estimated that approximately 1,100 tons of contaminated soil would have to be removed. However, to date, the actual volume of soil required to be removed is 1,300 tons. The supplemental bond issue will finance the costs of removal and disposal of the additional amount of soil.

It will also finance the costs of environmental investigation of 80-100 Charlotte Street, which is adjacent to the properties owned by the City. This property, previously used for electrical repair and maintenance, is currently for sale.

The purchase of this property is being considered, to add .8 acres to the development site. The environmental investigation is required to determine whether remediation of the property will be necessary, the costs of which will affect the purchase price.

Finally, the bond issue will finance the costs of geotechnical investigations to determine the engineering controls required for development of the site. Proposals for development are expected to be solicited in February.

In summary, the incremental cost to be financed by the proposed supplemental bond issue are:

Additional soil removal	\$ 49,000
Environmental Investigation:	
80-100 Charlotte Street	31,000
Geotechnical Investigation	20,000
Total	\$100,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Environmental Stewardship

Attachment No. AB-8

Ordinance No. 2002-25
(Int. No. 46)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$100,000 Bonds Of Said City To Finance Additional Costs Of Implementing Environmental Clean-Up Of 14-60 Charlotte Street 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 additional costs of implementing the clean-up of certain hazardous substances at 14-60 Charlotte Street which is located within the City (the "Project"). The estimated maximum cost of said specific object or purpose described herein, including preliminary costs and costs incidental thereto and the financing thereof, is now currently estimated to be approximately \$220,000, and said amount is hereby

appropriated therefor. The plan of financing includes the issuance of \$100,000 bonds of the City to finance said appropriation, together with the application of \$120,000 bonds previously appropriated in Ordinance No. 2001-3, 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. Additional bonds of the City in the principal amount of \$100,000, supplementing those previously authorized, 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 \$100,000.

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.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 for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

- (a) such obligations are authorized for an object

or purpose for which the City is not authorized to expend money, or

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-26
Re: Official Map Amendment -
Lattimore Road

Transmitted herewith for your approval is legislation amending the Official Map by renaming the portion of Lattimore Road between Kendrick Road and Elmwood Avenue as Kendrick Road.

The renaming was requested by the University of Rochester following completion of the Lattimore/Kendrick Road Improvement Project. Among other things, the project involved various changes in the width and alignment of both roads, which were approved by the City Council on April 26 and July 17, 2001.

As a result of certain of these changes, the portion of Lattimore Road between Kendrick Road and Elmwood Avenue now appears to be an extension of Kendrick Road. Under the proposed legislation, it will be renamed accordingly.

The Planning Commission held an informational meeting on the proposed renaming on January 12, 2002; a representative of the U. of R. was the only speaker. The Commission recommended by a vote of 8-0 that the renaming be approved.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed renaming will not result in any significant effects. A negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-9

Ordinance No. 2002-26
(Int. No. 27)

Renaming The Portion Of Lattimore Road Between Kendrick Road And Elmwood Avenue As Kendrick Road

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by renaming the portion of Lattimore Road between Kendrick Road and Elmwood Avenue as Kendrick Road.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-27
Re: Official Map Amendment -
United Way

Transmitted herewith for your approval is legislation amending the Official Map by renaming United Way as Bragdon Place.

On July 13, 1993, the City Council approved the renaming as United Way of the portion of Mortimer Street between St. Paul Street and Bragdon Place. The renaming was requested by the Greater Rochester Chamber of Commerce to commemorate the 75th anniversary of the United Way of Greater Rochester, Inc., which at that time was the primary tenant of the Chamber building.

On April 2, 2001, the State University of New York - Brockport acquired the Chamber building and the United Way relocated to College Avenue. The space previously utilized by the United Way is now occupied by Brockport.

Because of its occupancy, Brockport requested that United Way be renamed SUNY Brockport Place. However, the Bureau of Buildings and Zoning recommended that it instead be renamed Bragdon Place.

The recommendation was based on a recognition that the chamber building was among those designed by the renowned architect, Claude Bragdon, and that, under the street name guidelines promulgated in May, 2001, the use of different names for different portions of the same street is to be avoided. Also, most people associate SUNY Brockport with the Village of Brockport.

The Planning Commission held an informational meeting on the proposed renaming on January 14; there were two speakers, who supported the renaming of the street to SUNY Brockport Place. The Commission recommended by a vote of 7-1 that the street be renamed Bragdon Place.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed renaming will not have a significant effect on the environment since it is a Type II action.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Center City

Attachment No. AB-10

Ordinance No. 2002-27
(Int. No. 28)

Renaming United Way As Bragdon Place

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by renaming United Way, between St. Paul Street and Bragdon Place, as Bragdon Place.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-28 And
Introductory No. 29
Re: Pavement Width Increases - Strohm
Street and Ellington Road

Transmitted herewith for your approval is legislation approving the following increases in pavement width:

1. An increase of 4' in the pavement width of Strohm Street, from 20' to 24'; and
2. Increases in the pavement width of Ellington Road of...
 - a. 4', from 20' to 24', from Oakwood Road to a point 50' west of Elwood Drive, and
 - b. 6', from 20' to 26', from the latter point to Dewey Avenue.

The increases will occur in conjunction with the Curb Replacement Program. They were designed by personnel of the Bureau of Architecture and Engineering Services and will be accompanied by the replacement of catch basins, driveway aprons and sidewalks, as necessary.

Construction of the improvements is scheduled to begin in the spring and be completed in the fall.

A public informational meeting concerning the improvements was held on January 22. A copy of the minutes of this meeting will be forwarded to the City Council as soon as possible.

The Traffic Control Board will consider the proposed increases on February 5. A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-11

Ordinance No. 2002-28
(Int. No. 30)

Authorizing Increases In The Pavement Width Of Ellington Road As A Part Of The Curb Replacement Program

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

Section 1. The Council hereby approves an increase of 4 feet in the pavement width of Ellington Road, from 20 feet to 24 feet, from Oakwood Road to 50 feet west of Elwood Drive, and an increase of 6 feet, from 20 feet to 26 feet, from 50 feet west of Elwood Drive to Dewey Avenue, as a part of the Curb Replacement Program.

Section 2. Such change and additional changes as a part of the Curb Replacement Program 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.

Introductory No. 29

AUTHORIZING AN INCREASE IN THE PAVEMENT WIDTH OF STROHM STREET AS A PART OF THE CURB REPLACEMENT PROGRAM

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

Section 1. The Council hereby approves an increase of 4 feet in the pavement width of Strohm Street, from 20 feet to 24 feet, from Clayton Street to Lake Avenue, as a part of the Curb Replacement Program.

Section 2. Such change and additional changes as a part of the Curb Replacement Program 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.

Held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-29
Re: W. Ridge Road Improvement Project

Transmitted herewith for your approval is legislation relating to the West Ridge Road Improvement Project. This legislation will:

1. Appropriate a total of \$147,000 in anticipated federal and state reimbursements to finance a portion of the costs of the project:

Federal	\$117,600
State	29,400
Total	\$147,000

2. Authorize an amendatory agreement with

Bergmann Associates, 200 First Federal Plaza, for additional preliminary design services, at a maximum cost of \$289,400.

The cost of the agreement will be financed with the proposed and previously approved federal and state reimbursements.

The project, which extends from the Veterans Memorial Bridge to Hanford Landing Road, is one of three reconstruction projects that are planned by the NYS Department of Transportation for West Ridge Road, extending from the bridge to North Greece Road in Greece. The projects are designed to improve safety and capacity, as well as to improve the condition of the pavement.

The cost of the project will be financed primarily by the federal and state governments. However, the project is being administered by the City under an agreement authorized by the City Council on August 10, 1999. Design of the project, by Bergmann, was authorized by the Council on April 18, 2000.

The project will include reconstruction of the pavement; construction of loading and drop-off areas in front of the buildings at Kodak Park; construction of a limited access road on the south side of Ridge Road east of Lake Avenue; relocation of certain utilities; replacement of curbs, driveway aprons and sidewalks; traffic modifications; and special landscaping.

The improvements require the acquisition of adjacent properties on the south side of Ridge Road west of Lake Avenue and the north side of Ridge Road east of Lake Avenue. Agreements for the appraisal of these properties were authorized by the Council on November 20, 2001.

Construction of the project is expected to begin in 2004 and be completed in 2005. The present estimated cost of the project is \$16,843,000, which is expected to be financed as follows:

Federal	\$10,754,000
State	2,789,000
City	<u>3,300,000</u>
Total	\$16,843,000

The proposed amendatory agreement with Bergmann will provide for the following additional services:

1. Design - expansion of the scope of the project to include:
 - a. Pedestrian and traffic improvements on Maplewood Drive, between Gorsline Street and Keehl Street, and
 - b. Relocation and reconstruction of a portion of Minder Street.
2. Relocation assistance to occupants who will be displaced by the project.

If the proposed amendatory agreement is approved, the total cost of the agreement with Bergmann will increase to \$1,633,000.

Public informational meetings concerning the project were held on May 28, 1999 and December 12, 2001. A copy of the minutes of the first meeting were previously forwarded to the Council; a copy of the minutes of the second meeting is attached.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-12

Ordinance No. 2002-29
(Int. No. 42)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The West Ridge Road Improvement Project And Appropriating Funds

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

Section 1. The sum of \$289,400, 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 engineering and design services for the West Ridge Road Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$117,600 shall be funded from the appropriation made in Section 2 hereof, \$29,400 shall be funded from the appropriation made in Section 3 hereof, \$113,920 shall be funded from the appropriation made in Section 2 of Ordinance No. 2000-111 and \$28,480 shall be funded from the appropriation made in Section 3 of Ordinance No. 2000-111.

Section 2. The sum of \$117,600, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration in order to fund preliminary engineering and design services, right of way incidentals and project administration for the West Ridge Road Improvement Project.

Section 3. The sum of \$29,400, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the State of New York in order to fund preliminary engineering and design services, right of way incidentals and project administration for the West Ridge Road Improvement Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1496
Re: Local Improvement District -
Arnold Park

Transmitted herewith for your approval is legislation relating to the monuments at the entrances of Arnold Park. This legislation will authorize...

1. The establishment of a local improvement district on Arnold Park to finance part of the cost of replacement of the monuments; and
2. An amendatory agreement with the Landmark Society of Western New York, Inc., for receipt and use of the funds received from establishment of the district.

Arnold Park was established in 1853 by William E.

Arnold and was originally dedicated to the adjacent property owners. In 1912, the property owners dedicated the street to the City.

The street contains ornamental entrances at the intersections of both East and Park Avenues. At one time, between 1888 and 1912, these entrances contained iron gates. At present, they contain cast stone and concrete gate posts, balustrades and pedestals and cast iron planters. All of the four monuments, which were designated as landmarks in 1969, are in deteriorated condition.

In 2000, the City executed an agreement with the Landmark Society for maintenance of the current monuments until their removal and the design, construction and maintenance of replacement monuments. This agreement was executed in anticipation of the receipt by the Arnold Park Neighborhood Association of a grant or donation to finance part or all of the costs of the replacement.

A donation of approximately \$90,000 has indeed been received. The proposed local improvement district will provide a mechanism through which the remaining portion of the total estimated replacement cost of \$180,000 can be financed.

The City will pre-finance the remaining cost through an appropriation from the Local Improvement Fund. Repayment of this amount by the property owners on Arnold Park will occur over 15 years at an interest rate equivalent to 1% more than the City's borrowing rate.

The repayment will occur through the assessment of annual charges against the properties based upon front footage. The total estimated annual charge is \$8,387.75.

Petitions supporting the establishment of the district were received from 11 of the 22 property owners on the street. The front footage of these properties comprises 61% of the total front footage. A public hearing on the establishment of the district is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-13

Local Improvement Ordinance No. 1496
(Int. No. 44)

Local Improvement Ordinance - Replacement Of Monuments On Arnold Park

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

Section 1. The Council hereby authorizes the replacement of the monuments at the northern and southern ends of Arnold Park.

Section 2. The Council hereby finds that the replacement of the monuments will benefit the parcels of property within the district described in proportion to each parcel's front footage along Arnold Park within the District, as follows:

<u>Property Address</u>	<u>Front Footage</u>
<u>SBL Number</u>	

4 Arnold Park	75 LF
121.340-0002-005.000	
5-7 Arnold Park	218 LF
121.350-0001-064.000	
6-6.5 Arnold Park	75 LF
121.340-0002-006.000	
8 Arnold Park	75 LF
121.340-0002-007.000	
9 Arnold Park	75 LF
121.350-0001-063.000	
10 Arnold Park	75 LF
121.340-0002-008.000	
11 Arnold Park	75 LF
121.420-0001-023.000	
12 Arnold Park	75 LF
121.340-0002-009.000	
14 Arnold Park	75 LF
121.340-0002-010.000	
15 Arnold Park	75 LF
121.420-0001-024.000	
16 Arnold Park	75 LF
121.420-0001-022.000	
17 Arnold Park	75 LF
121.420-0001-025.000	
18 Arnold Park	112 LF
121.420-0001-021.000	
19 Arnold Park	75 LF
121.420-0001-026.000	
20 Arnold Park	37 LF
121.420-0001-020.000	
21 Arnold Park	100 LF
121.420-0001-027.000	
22 Arnold Park	73 LF
121.420-0001-019.000	
23-25 Arnold Park	48 LF
121.420-0001-028.000	
565 East Avenue	275.40 LF
121.350-0001-065.000	
4 Meigs Street	266.30 LF
121.340-0002-004.000	
160 Park Avenue	100 LF
121.420-0001-018.000	
182-184 Park Avenue	100 LF
121.420-0001-029.000	

Section 3. Such district is hereby defined to be the Special Assessment District for the payment of additional costs relating to the replacement of the monuments. The Council hereby finds that the replacement of the monuments benefits each parcel of property within the district on the basis of each parcel's front footage within the District, and the costs of such replacement shall be allocated among the parcels in the district on that basis.

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 \$90,000, plus interest at a rate 1% above the City's "latest borrowing rate" on the unpaid balance, shall be assessed on the property within the limits of the district of assessment described above, in the amounts set forth 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 on the annual tax bill for the property in 15 equal annual installments, beginning with the 2002-03 tax bill.

Section 6. The total cost of said improvements and work, up to \$90,000, 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 amendatory agreement with the Landmark Society of Western New York, Inc., as agent for the Arnold Park Neighbors, for the replacement of the monuments at the northern and southern ends of Arnold Park.

Section 8. The amendatory agreement shall obligate the City of Rochester 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 Section 6.

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

Section 10. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

By Councilmember Douglas
February 12, 2002

To the Council:

The Public Safety, Services & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 31 - Establishing \$36,900 As Maximum Compensation For A Professional Services Agreement For The Replacement Of The Ice Rink Floor At The BlueCross Arena At The War Memorial

Int. No. 32 - Authorizing An Agreement For Neighborhood Center Improvements

Int. No. 47 - Authorizing An Application And Agreement For The Motor Vehicle Theft & Insurance Fraud Prevention Program And Amending The 2001-02 Budget

Int. No. 48 - Amending The 2001-02 Budget With Respect To The COPS 311 Grant

Int. No. 49 - Establishing \$62,000 As Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

Respectfully submitted,
Benjamin L. Douglas
Robert J. Stevenson
Tony M. Thompson
Gladys Santiago
PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-30

Re: Agreement - Erdman, Anthony and Associates, Arena Ice Rink Replacement

Transmitted herewith for your approval is legislation authorizing an agreement with Erdman, Anthony and Associates, 2165 Brighton-Henrietta Town Line Road, for resident project engineering services relating to the replacement of the ice rink at the Blue Cross Arena at the War Memorial. The maximum cost of this agreement will be \$36,900, which will be financed from the 2001-02 Cash Capital allocation of the Department of Parks, Recreation and Human Services (Arena Fund).

The present ice floor was installed in 1973. In 1999, leaks in the refrigerant system were detected. During the summer of 1999, a portion of the floor was excavated and two pipes were replaced. The pipes had holes and substantial corrosion and the contractor, Mollenberg and Betz, indicated that similar holes and corrosion were likely in other piping.

When operation of the refrigerant system resumed in the fall of 1999, leaks of glycol were immediately detected. Although the system is operated with the least amount of pressure, approximately five gallons of glycol are collected monthly from the leaks.

On August 21, 2001, the City Council authorized an agreement with Erdman for development of the specifications for replacement of the ice floor. The replacement will include the refrigerant headers, distribution system piping, insulation and ice pad.

The replacement is scheduled to begin during the summer of 2002 and be completed by October. The estimated cost of the project is \$685,200, which will be financed from the proceeds of the bonds previously issued for renovation of the Arena and existing Cash Capital allocations.

Erdman is recommended to provide inspection services because of its familiarity with the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Tourism Destination

Ordinance No. 2002-30
(Int. No. 31)

Establishing \$36,900 As Maximum Compensation For A Professional Services Agreement For The Replacement Of The Ice Rink Floor At The BlueCross Arena At The War Memorial

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

Section 1. The sum of \$36,900, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman, Anthony and Associates for resident engineering, inspection and project management services for the replacement of the Ice Rink Floor at the BlueCross Arena at the War Memorial. 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 2001-02 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-31
Re: Agreement - UNCGR, United
Neighborhood Center Plan

Transmitted herewith for your approval is legislation authorizing an agreement with the United Neighborhood Centers of Greater Rochester Foundation, Inc., for the provision of supplemental financial support for its program of providing for the renovation, expansion or replacement of neighborhood centers. The maximum cost of this agreement will be \$166,500, which will be financed from the Housing Stock and General Property Conditions of the 2000-01 Community Development Block Grant.

The UNCGR was established in 1982 to coordinate the operations and services of the various neighborhood centers in Rochester. In 1991, the UNCGR conducted a study of the needs of the people served by each center and the capacity of the center to address these needs.

Based upon this study, a plan for the improvement of the centers was developed. The UNCGR Foundation was established in 1992 to implement this improvement plan and to conduct the necessary fund raising campaign.

To date, the Foundation has raised \$16,969,400, which has been used or committed to the following purposes:

Lewis Street Center	\$ 2,561,800
Eastside Community Center	2,701,900
Charles Settlement House	4,170,000
Baden Street Settlement House	47,000
Southwest Community Center	1,663,200
Montgomery Neighborhood Center	26,400
Community Place (Carter Street)	2,950,000
Shared Services Unit/Agency	
Consolidation	1,097,040
Fund Raising and Administration	<u>1,711,000</u>
Total Disbursements and Commitments	\$16,928,340

The uncommitted amount is being reserved for contingencies and the cost of dissolution of the Foundation, which is expected to occur after the Community Place project is completed. Any remaining funds will revert to the United Way of Greater Rochester, which has provided the most funds to the Foundation.

The City's original commitment to the Foundation was \$1.1 million. To date, the City Council has appropriated \$933,500 of this amount for the following projects:

Date	Project	Amount
June 28, 1994	Eastside	\$166,700
May 9, 1995	Charles	166,700
November 19, 1996	Charles	132,600
March 17, 1998	Southwest	
	Community Center	166,700
February 16, 1999	Genesee/Lewis	<u>300,800</u>
Total		\$933,500

The proposed appropriation will be used principally to finance renovations at the Lewis Street Center. Some of the funds, however, will be used to finance a portion of the cost of design of the Community Place improvements.

Because of the extended delay in the start of construction of the improvements, the estimated cost of the project has increased by \$350,000. This incremental cost is expected to be financed from supplemental allocations from the City (\$300,000) and UNCGR (\$50,000).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-14

Ordinance No. 2002-31
(Int. No. 32)

Authorizing An Agreement For Neighborhood Center 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 United Neighborhood Centers of Greater Rochester Foundation, Inc. to administer funds for the renovation of the Lewis Street Center and the Carter Street Recreation Center.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$166,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 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. 2002-32 and
Ordinance No. 2002-33
Re: Police Grants

Transmitted herewith for your approval is legislation relating to the receipt and use of two grants for police programs. This legislation will:

1. Authorize an application to and an agreement with the NYS Division of Criminal Justice Services for receipt of a grant of \$50,000 under the Motor Vehicle Theft and Insurance Fraud Prevention Program; and
2. Amend the 2001-02 budget and Cash Capital allocation of the Police Department to reflect the amount of the grant to be expended during the current fiscal year and the appropriation of the remaining amount of a previously approved COPS 311 grant.

Police Department	\$ 15,000
Cash Capital	<u>105,000</u>
Total	\$120,000

Motor Vehicle Theft Prevention Program

The state's motor vehicle theft prevention program, which is financed from a \$1.00 surcharge on vehicle insurance premiums, is intended to reduce vehicle thefts and insurance fraud incidents. The most recent grant to the City under the program was authorized by the City Council on December 15, 1998.

The grants funds have been used to acquire "bait" vehicles with alarms and for investigations into theft "rings" and "chop shops" and the "Watch Your Car" public information and educational campaign. The funds from the proposed new grant will be used for the payment of overtime for investigations.

COPS 311

The receipt of a grant of \$383,900 under the COPS 311 program was authorized by the Council on October 28, 1999. The grant has been used to finance the costs of the 3-1-1 demonstration program.

As you are aware, the 3-1-1 program is intended to reduce the total number of calls that are dispatched through the 9-1-1 program and, because of the reduction, to improve the response times for the calls that continue to be dispatched. The reduction in required dispatches is expected to result from the provision of alternative response options, such as reports by telephone or appointment, mail-in reports, and reports to alternative locations like patrol sections or NET offices.

To date, \$278,900 of the grant amount has been appropriated. The proposed legislation will provide for appropriation of the remaining amount to reimburse the Cash Capital account of the Police Department for the cost of equipment previously acquired.

An evaluation report on the 3-1-1 program is expected to be submitted to the Council within 60 days.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Services

Ordinance No. 2002-32
(Int. No. 47)

Authorizing An Application And Agreement For The Motor Vehicle Theft & Insurance Fraud Prevention Program And Amending The 2001-02 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 for the Motor Vehicle Theft & Insurance Fraud Prevention Program.

Section 2. Ordinance No. 2001-215, the 2001-02 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 \$15,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Douglas moved to amend Introductory No. 48.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Ordinance No. 2002-33
(Int. No. 48, As Amended)

Authorizing A COPS Grant And Amending The 2001-02 Budget With Respect To Said Grant And The COPS 311 Grant

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

Section 1. Ordinance No. 2001-215, the 2001-02 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 \$105,000, which amount is hereby appropriated from funds received under the 1999 COPS 311 Grant Program.

Section 2. The Mayor is hereby authorized to submit an application to and enter into an agreement with the United States Department of Justice, Office of Community Oriented Policing, for funding under a COPS Grant Program.

Section 3. Ordinance No. 2001-215, the 2001-02 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 \$84,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-34
Re: Agreement - Monroe Community College, AmeriCorps Program

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe Community College, as agent for the Rochester AmeriCorps Jobs Collaborative, for continued financial support of the AmeriCorps Program. The maximum cost of this agreement will be \$62,000, which will be financed from the 2001-02 budget for Undistributed Expense.

The AmeriCorps program is a federal community service initiative for individuals ages 17 or older. The

City's participation in the program was authorized by City Council on September 29, 1994.

The program is administered by the aforementioned Collaborative, which consists of representatives of Action for a Better Community, Ibero American Action League, Neighborhood Based Alliance, Rochester Area Foundation, City School District, Task Force to Reduce Violence, Monroe County, Puerto Rican Youth Development, United Neighborhood Centers, Center for Youth Services and the Urban League of Rochester, as well as the City of Rochester and Monroe Community College.

Under the program, participants perform various public services in exchange for a stipend or living allowance of \$9,620 per year, health insurance, reimbursement of child care costs (if necessary) and an educational award of up to \$4,725. In Rochester, the public services are directed toward improving the reality and perception of public safety in neighborhoods of highest need.

Approximately 700 persons have participated in the program since its inception in 1994. Of this number, 476 successfully completed the requirements for 1700 hours of community service and 83 are currently nearing completion.

Under the proposed agreement, AmeriCorps members will continue to work in Police section offices, NET offices, recreation centers and Pathways to Peace offices. The cost of the agreement is the same as the present agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-34
(Int. No. 49)

Establishing \$62,000 As Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Program

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 Monroe Community College, as agent for the Rochester AmeriCorps Jobs Collaborative, for the AmeriCorps Program. Said amount shall be funded from the 2001-02 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Norwood
February 12, 2002

To the Council:

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

Int. No. 33 - Authorizing The Sale Of Real Estate

Int. No. 34 - Authorizing A Loan Agreement For The Vermont Manor Rental Housing Project And Amending Ordinance No. 2000-120

Int. No. 35 - Authorizing An Application And Agreements Relating To The Housing Opportunities For Persons With AIDS Program

Int. No. 50 - Resolution Approving Appointments To The Board Of Trustees of The Rochester Public Library

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

Int. No. 36 - Changing The Zoning Classification Of 11-35 Orange Street And 14-34 Romeyn Street From R-2 Two-Family Residential And 583 Broad Street And 37 Romeyn Street From M Manufacturing Industrial To C-2 Community Commercial

Int. No. 37 - Approving Sale Of Real Estate And A Loan Agreement For The Near Westside Rental Project

Int. No. 38 - Authorizing An Amendatory 2001-02 Community Development Program Plan And An Agreement For A Float Loan For The Near Westside Rental Project

Int. No. 39 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Near Westside Rental Project

Int. No. 45 - Authorizing An Amendatory 2001-02 Community Development Program Plan And An Agreement For A Float Loan For The Canal Place Project

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas (Abstained vote on Introductory No. 34.)
Nancy K. Griswold (Absent)
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-35
Re: Real Estate Sales
Transmitted herewith for your approval is legislation approving the sale of 11 properties.

The first two properties - 308-310 Jay Street and 161 Shelter Street - were included in the public auction of September 24, 2001. The purchasers will be required to rehabilitate the properties and obtain Certificates of Occupancy within nine months of the conditional closing.

The next three properties - 125 Baycliff Drive, 1298-1304 Dewey Avenue and 913 Goodman Street - will be sold to their former owners. The purchase prices include all delinquent taxes, interest and penalties.

The next three properties were included in the home-steading lottery of November 13, 2001 and will be sold for \$1.00 each. The purchasers will be required to rehabilitate the structures within 18 months of the

conditional closing and to occupy the properties for a minimum of five years.

The remaining three properties are considered unbuildable because of their size. They will be sold for \$1.00 to the owners of adjacent properties and combined with those properties.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-15

Ordinance No. 2002-35
(Int. No. 33)

Authorizing The Sale Of Real Estate

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

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

Address S.B.L.#	Legal Use Purchaser	Price
308-310 Jay St. 105.84-1-32	3 Family Ray Testa	\$6,800
161 Shelter St. 120.83-1-10	2 Family Robert Pollock	5,300

Section 2. The Council hereby further approves the sale of the following parcels of improved property to former owner:

Address S.B.L.#	Price	Purchaser
125 Baycliff Dr. 107.37-2-51	\$ 5,213.17	Robert Fonda
1298-1304 Dewey Ave. 090.58-1-60	18,735.17	John P. Brown
913 S. Goodman St. 121.81-3-12	8,564.32	Sharon R. Acquilano

Section 3. The Council hereby further approves the sale of the following parcels of improved property through the Homesteading Lottery for the sum of \$1.00:

Address	S.B.L.#	Purchaser
131 Michigan St.	105.41-4-61	Howard Henry
34 Treyer St.	106.22-4-42	Luz Colon
313 Weaver St.	091.72-3-12	Cyndia Perez

Section 4. The Council hereby further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft.	Purchaser
51 Merrimac St. 106.40-4-49	2890+/-	James Peterson
7-9 Orleans St. 120.58-3-51 & 50	4807	Bobby J. Anderson, Sr.
36 Rockland Pk. 120.51-4-58	4627+/-	Michael Shine

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-36
Re: Agreement - Vermont Manor LLC,
Rental Housing Project

Transmitted herewith for your approval is legislation authorizing an agreement with Vermont Manor LLC for a loan to partially finance the costs of a rental housing project. The maximum cost of this agreement will be \$145,000, which will be financed from the 1998-99 and 1999-2000 City Development Fund. Vermont Manor was established by the YWCA for development of the project, which will involve the renovation of a 14-unit, three-story, brick apartment building at 1305 Culver Road, at the intersection with Vermont Street. The building will be renovated into six two-bedroom, eight one-bedroom and two studio units.

The renovations, which were begun in January, include the replacement of kitchens, bathrooms and windows; the upgrade or replacement of mechanical systems; installation of yard lighting and fencing; and the creation of a play area for children.

The estimated cost of the project is \$1,172,757.

Property acquisition	\$ 199,000
Construction	570,194
Professional services	89,808
Financing charges	78,641
Development fee	138,198
Working capital	22,918
Reserves	73,998
Total	\$1,172,757

This cost is expected to be financed as follows:

City loan	\$ 145,000
Daisy Marquis Jones Foundation	100,000
Federal Home Loan Bank	120,000
Bank mortgage	214,000
Tax credits/equity	593,757
Total	\$1,172,757

The City loan will have a term of 30 years with an interest equal to the applicable borrowing rate. Repayment will occur at maturity.

The units will provide transitional housing, primarily for households headed by females. The households will be required to have incomes of less than 50% of the Rochester Metropolitan Statistical Area.

The estimated rents are as follows:

Studio	\$375
One-bedroom	475
Two-bedroom	575

Families may receive financial assistance through the Section 8 program or the Monroe County Department of Social Services.

Tenant referrals will be accepted from North East Area Development and the Beechwood Neighborhood Association. Supportive services will be provided by the YWCA or other appropriate agencies. The YWCA services will be provided both on site and at its headquarters.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-36
(Int. No. 34)

Authorizing A Loan Agreement For The Vermont Manor Rental Housing Project And Amending Ordinance No. 2000-120

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 Vermont Manor, LLC whereby the City shall partially finance the costs of the construction of rental units as a part of the Vermont Manor Rental Housing Project. The loan shall be for a term of 30 years at the applicable federal borrowing rate as determined by the Director of Finance, with payment deferred until the end of the term.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$145,000, and of said amount, or so much thereof as may be necessary, \$19,000 shall be funded from the 1999-2000 City Development Fund and \$126,000 shall be funded from the 1998-99 City Development Fund.

Section 3. Ordinance No. 2000-120, relating to the YWCA Women in Transition Project, is hereby amended by reducing the amount authorized and appropriated for said Project by the sum of \$19,000, which amount is reappropriated to fund the Vermont Manor Rental Housing Project. The Mayor is hereby authorized to enter into an amendatory agreement to implement the reduction authorized herein.

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

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife is an employee of one of the affiliating agencies.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-37
Re: Housing Opportunities for

Persons With AIDS Program

Transmitted herewith for your approval is legislation relating to the Housing Opportunities for Persons With AIDS Program. This legislation will:

1. Authorize an application and agreement with the U.S. Department of Housing and Urban Development for receipt of a grant of \$536,000;
2. Authorize agreements with the following organizations for housing assistance services:

Organization	Amount
AIDS Rochester, Inc.	\$281,796
Catholic Charities, Inc.	181,452
The Health Association, Inc.	56,672

3. Appropriate \$16,080 to finance administrative expenses.

The cost of the agreements will be financed from the HOPWA allocation included in the 2001-02 Consolidated Community Development Action Plan.

The HOPWA program was established in 1990. It is intended to provide "...states, localities and non-profit organizations with resources and incentives for meeting the housing needs of persons with AIDS and related diseases".

Prior to 1998-99, AIDS Rochester, Catholic Charities and The Health Association, received HOPWA funds through a competitive grant application process. Since 1998-99, funds have been allocated to the City as part of the consolidated entitlement program.

In 1999, a review was conducted of the housing needs and available housing services for people with AIDS. This review, conducted by the University of Rochester, involved interviews with representatives of the organizations that had received HOPWA funds in the past and other agencies that serve people with AIDS.

The review resulted in the recommendation that the annual grants to the aforementioned organizations be continued. The agreements for the 2000-01 allocations were authorized by the City Council on February 13, 2001. Under the proposed agreements, these organizations will continue to provide long term rental subsidies, emergency rental and utility assistance and transportation.

It is expected that the following number of households will be assisted:

Organization	Number of Households
AIDS Rochester	100
Catholic Charities	63
The Health Association	9

A copy of the 1999 report of the University of Rochester is available for review in the Office of the City Clerk. Detailed descriptions of the programs of the aforementioned organizations are included in the report.

The City's 2001-02 HOPWA allocation is \$45,000 more than its 2000-01 allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-37
(Int. No. 35)

Authorizing An Application And Agreements Relating To 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 submit an application to and enter into an agreement with the United States Department of Housing and Urban Development for funding under the Housing Opportunities for Persons With AIDS Grant Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons With AIDS Grant Program:

Organization	Amount
The Health Association, Inc.	\$ 56,672
Catholic Charities, Inc.	181,452
AIDS Rochester, Inc.	281,796

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$519,920, and said amount, and the sum of \$16,080 for administrative expenses, or so much thereof as may be necessary, are hereby appropriated from Housing Opportunities for Persons With AIDS Grant Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-8
Re: Appointments - RPL Board of Trustees

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of the following three persons to the Board of Trustees of the Rochester Public Library.

- Appointments: Margaret Van Kirk
129 Cheltenham Road
- George Wolf
28 Potter Place (Fairport)
- Reappointment: Jocelyn Basley
74 Bronson Avenue

Ms. Van Kirk will replace Charles Fallon, who relocated out of the Rochester area. Her term will extend through December 31, 2002, the original expiration date of Mr. Fallon's term.

Mr. Wolf will serve as the representative of the Board of Trustees of the Monroe County Library System (the RPL Board has reciprocal representation on the MCLS Board). He will replace Earl Steffen, who is deceased.

Ms. Basley's initial appointment to the Board was approved by the City Council on August 10, 1999. She replaced Gary Muldoon, who relocated out of the city.

Since her appointment, she has attended 11 of the 23 Board meetings that have been held. Her term, the remainder of Mr. Muldoon's term, expired on December 31, 2001.

The appointment of Mr. Wolf and reappointment of Ms. Basley will extend through December 31, 2006.

A copy of the resume of Ms. Van Kirk is on file in the office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Educational Excellence

Resolution No. 2002-8
(Int. No. 50)

Resolution Approving Appointments To The Board of Trustees Of The Rochester Public Library

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

Section 1. The Council hereby approves the reappointment of Jocelyn R. Basley, 74 Bronson Avenue, to the Board of Trustees of the Rochester Public Library for a term which shall expire on December 31, 2006.

Section 2. The Council hereby approves the appointment of George Wolf, 28 Potter Place, Fairport, as a representative of the Monroe County Library System, to the Board of Trustees of the Rochester Public Library for a term which shall expire on December 31, 2006. Mr. Wolf shall replace Earl Steffen, who is deceased.

Section 3. The Council hereby approves the appointment of Margaret Van Kirk, 129 Cheltenham Road, to fill a vacancy on the Board of Trustees of the Rochester Public Library for a term which shall expire on December 31, 2002.

Section 4. This resolution shall take effect immediately.
Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 36
Re: Zoning Map Amendment - Broad,
Romeyn and Orange Streets

Transmitted herewith for your approval is legislation amending the Zoning Map by changing the classification of the following properties to C-2 Community Commercial.

No. of Properties	Current Zoning Addresses
12	R-2 Two-Family Residential 11-35 Orange and 14-34 Romeyn St.
2	M Manufacturing Industrial 583 Broad and 37 Romeyn St.

The area comprised by the properties abut C-2 uses to the north, east and south and R-2 uses to the west. The first 12 properties contain eight vacant lots and four residential structures, while the latter two properties contain a commercial plaza and vacant lot.

The rezoning was requested by the owner of the properties, Chester Palozzi, who operates the plaza. If the rezoning is approved, it is expected that the properties will be developed as a self-service car wash.

The Planning Commission held an informational meeting concerning the proposed rezoning on January 14; there were two speakers, one of whom supported and one of whom opposed the proposal. The Commission recommended by a vote of 6-2 that the rezoning be approved.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law, it has been determined that the proposed rezoning will not result in any significant effects. A negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Economic Vitality

Councilmember Norwood moved to return Introductory No. 36 to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 36

CHANGING THE ZONING CLASSIFICATION OF 11-35 ORANGE STREET AND 14-34 ROMEYN STREET FROM R-2 TWO-FAMILY RESIDENTIAL AND 583 BROAD STREET AND 37 ROMEYN STREET FROM M MANUFACTURING INDUSTRIAL TO C-2 COMMUNITY COMMERCIAL

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following described properties, constituting 11-35 Orange Street and 14-34 Romeyn Street, from R-2 Two-Family Residential, and 583 Broad Street and 37 Romeyn Street from M Manufacturing Industrial to C-2 Community Commercial:

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 Romeyn Street and the centerline of West Broad Street;

Thence 1) Southeasterly along the centerline of West Broad Street a distance of 137.5 feet more or less to the northeasterly projection of the centerline of the abandoned Rickard Alley;

Thence 2) Southwesterly along said projection and along said centerline of Rickard Alley a distance of 330.00 feet to a point;

Thence 3) Northwesterly and at right angles to the centerline of Rickard Alley a distance of 7.5 feet to the southwesterly corner of Lot 8 of the Staples Tract as recorded in the Monroe County Clerk's Office in Liber 37 of maps at page 17;

Thence 4) Northwesterly along the southwesterly line of said Lot 8 and it's northwesterly extension a distance of 130.0 feet more or less to the centerline of Romeyn Street;

Thence 5) Northeasterly along the centerline of Romeyn Street to a point 3 feet from the northeasterly line of Lot 23 of said Staples Tract projected southeasterly to the centerline of Romeyn Street;

Thence 6) Northwesterly parallel to the northeasterly line of Lot 22 and 3 feet southwesterly therefrom a distance of 113.3 feet more or less to the rear line of said Lot 23;

Thence 7) Southwesterly along the rear line of said Lot 22 and the rear line of Lot 5 of James M. Whitney's Subdivision of Lot 38, Section F, of the Whitney Tract to a point 40.42 feet more or less from the southerly line of said Lot 5;

Thence 8) Northwesterly along the midline of said Lot 5 and it's extension a distance of 67.5 feet more or less to the centerline of Orange Street;

Thence 9) Northeasterly along the centerline of Orange Street a distance of 212 feet to a point;

Thence 10) Southeasterly and parallel with the southerly line of Broad Street a distance of 60 feet to the westerly line of Lot 1 of said Whitney's Subdivision;

Thence 11) Southwesterly along the westerly line of said Lot 1 a distance of 37 feet to the southerly line of said Lot 1;

Thence 12) Southeasterly along the southerly line of said Lot 1 a distance of 23.72 feet to the easterly line of said Lot 1;

Thence 13) Northeasterly along the easterly line of said Lot 1 a distance of 42.36 feet to a point;

Thence 14) Southwesterly and parallel to the southerly line of Lot 18 of the said Staples Tract a distance of 94.52 feet to the centerline of Romeyn Street;

Thence 15) Northeasterly along the centerline of Romeyn Street to the centerline of West Broad Street and the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance Nos. 2002-38, 2002-39, and 2002-40

Re: Near Westside Rental Housing Project

Transmitted herewith for your approval is legislation relating to the planned Near Westside Rental Housing Project of the Providence Housing Development Corporation. This legislation will:

1. Authorize the sale, at their appraised values, of 19 properties on Brown, Silver, and Terry Streets and Fulton Avenue; and
2. Authorize agreements with Providence, or another entity to be created for the project, for:
 - a. A temporary construction float loan of \$200,000, which will be financed from the 2001- 02 Community Development Block Grant,
 - b. A additional loan of \$361,473, which will be financed from the 2001 HOME Program,
 - c. A loan of \$323,527, which will be financed from the NYS Urban Renewal Trust Fund, and
 - d. An exemption from real estate taxes for the properties and for payments in lieu of taxes thereon.

The project will involve the construction of 16 new rental units in the Brown Street neighborhood and 10 new units on Fulton Avenue. The project is intended to support revitalization efforts in these areas.

The estimated cost of the project is \$3,059,162:

Property acquisition	\$ 7,000
Construction	2,229,593
Professional fees	248,750
Developer fee	372,451
Working capital	31,825
Reserves	169,543
Total	<u>\$3,059,162</u>

This cost is expected to be financed as follows:

HOME Program Loan	\$ 361,473
NYS Urban Renewal Grant	323,527
Equity	<u>2,374,162</u>
Total	<u>\$3,059,162</u>

The HOME loan will initially be provided as a temporary construction loan with an interest rate of 0%. An additional construction loan of \$100,000 will be provided by the Lake Avenue Baptist Church.

Upon completion of construction, the HOME loan will be converted to a 15-year loan with interest at the Applicable Federal rate or 6.5%, whichever is greater. Annual interest payments of 1% will be made, with the balance of interest and principal due

at the end of the term.

The equity for the project will be provided through the sale of low-income tax credits, which have been approved by the NYS Division of Housing and Community Renewal.

Construction of the units is expected to be completed during the 2002 construction season. Each of the units will contain two-bedrooms.

The units will be rented, at estimated rates of \$375 per month plus utilities, to families with incomes equal to or below 44% of the median income of the Rochester Metropolitan Statistical Area.

Under the proposed in-lieu of tax agreement, a 20-year exemption will be authorized for each of the properties included in the project. In consideration of this exemption, an annual payment in-lieu of taxes equal to 10% of shelter rents (gross rents less utility costs) will be required. The total initial PILOT amount is expected to be about \$8,736.

The provision of the CDBG float loan will require amendment of the 2001-02 CDBG. A public hearing on the amendment is necessary.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-38
(Int. No. 37)

Approving Sale Of Real Estate And A Loan Agreement For The Near Westside Rental Project

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

Section 1. The Council hereby approves the sale of the following parcels of real estate at their appraised values to Providence Housing Development Corporation, or a housing development fund company affiliated with Providence Housing Development Corporation, for the development of rental housing as a part of the Near Westside Rental Project:

<u>Parcel</u>	<u>SBL Number</u>
515-519 Brown Street	120.35.3-53
523-525 Brown Street	120.35-3-06
547-549 Brown Street	120.35-3-58
553-557 Brown Street	120.35-3-60
561-563 Brown Street	120.35-3-61
670 Brown Street	120.35-2-47
674 Brown Street	120.35-2-48
750 Brown Street	120.43-1-59.4
105 Silver Street	120.35-2-73
109 Silver Street	120.35-2-72
17 Terry Street	120.35-3-57
117 Fulton Avenue	105.43-2-57
119 Fulton Avenue	105.43-2-56
121 Fulton Avenue	105.43-2-55
123 Fulton Avenue	105.43-2-49
125 Fulton Avenue	105.43-2-48
158-160 Fulton Avenue	105.43-1-28
162-164 Fulton Avenue	105.43-1-29
166 Fulton Avenue	105.43-1-30

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

the City has agreed to convey said properties free of City tax liens and other charges.

(Int. No. 39)

Section 3. The Mayor is hereby further authorized to enter into a loan agreement with Providence Housing Development Corporation or a housing development fund company affiliated with Providence Housing Development Corporation whereby the City shall provide an amount not to exceed \$361,473 to partially finance the costs of the construction of rental units. The funding shall be provided as a construction loan with 0% interest, and upon completion of construction to be converted to a 20 year loan at an interest rate of the greater of 6.5% or the applicable federal rate as determined by the Director of Finance, 1% of which shall be repayable annually with the remaining interest and principal due at the end of the loan. Said amount, or so much thereof as may be necessary, is hereby appropriated from 2001 HOME Program Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-39
(Int. No. 38)

Authorizing An Amendatory 2001-02 Community Development Program Plan And An Agreement For A Float Loan For The Near Westside Rental Project

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

Section 1. The Council hereby approves an amendatory 2001-02 Community Development Program Plan whereby the sum of \$200,000 shall be added to the Improving the Housing Stock and General Property Conditions Allocation and/or the HOME Program in a new account for a float loan for the Near Westside Rental Project.

Section 2. The Mayor is hereby authorized to enter into a construction loan agreement with Providence Housing Development Corporation or a housing development fund company affiliated with Providence Housing Development Corporation, for the Near Westside Rental Project. The loan shall be for a term not to exceed twelve months, and shall be repaid without interest at the end of the term. The loan shall be secured by a letter of credit.

Section 3. The loan agreement shall obligate the City of Rochester to pay an amount not to exceed \$200,000, 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 2001-02 Community Development Program and/or HOME Program Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-40

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Near Westside 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 20 years, the following property of the Near Westside Rental Project, to be owned by a housing development fund company affiliated with Providence Housing Development Corporation and to be used for low income rental housing:

Address	SBL Number
515-519 Brown Street	120.35.3-53
523-525 Brown Street	120.35-3-06
547-549 Brown Street	120.35-3-58
553-557 Brown Street	120.35-3-60
561-563 Brown Street	120.35-3-61
670 Brown Street	120.35-2-47
674 Brown Street	120.35-2-48
750 Brown Street	120.43-1-59,4
105 Silver Street	120.35-2-73
109 Silver Street	120.35-2-72
17 Terry Street	120.35-3-57
117 Fulton Avenue	105.43-2-57
119 Fulton Avenue	105.43-2-56
121 Fulton Avenue	105.43-2-55
123 Fulton Avenue	105.43-2-49
125 Fulton Avenue	105.43-2-48
158-160 Fulton Avenue	105.43-1-28
162-164 Fulton Avenue	105.43-1-29
166 Fulton Avenue	105.43-1-30

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement with the owner for the affordable rental housing project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal in total to at least 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-41
Re: Agreement - Canal Place Project

Transmitted herewith for your approval is legislation authorizing an agreement with Housing Opportunities, Inc., or Canal Place LP, a limited partnership formed by HOP for a temporary float loan of \$300,000 for the planned construction of a 40-unit townhouse project in the Town of Greece. The loan will be financed from the 2001-02 Community Development Block Grant.

The project, Canal Place, will be developed on 6.2 acres of land located on the south side of the Erie Canal. It will contain 10 two-bedroom units and 30 three-bedroom units.

All of the units will be affordable to families with incomes below 50% of the median family income of the Rochester Metropolitan Statistical Area. The Rochester Housing Authority will provide Section 8 certificates for 10 units, which will make them affordable to families with incomes as low as 30% of the median.

The total estimated cost of the project is \$4,804,958, which is expected to be financed as follows:

Federal Home Loan Bank	\$ 280,000
NYS HOME Loan	1,300,000
Monroe County Loan	300,000
Enterprise Social Investment Corp.	2,826,290
HOP	<u>98,668</u>
Total	\$4,804,958

Temporary construction financing will be provided by the City, County, Greater Rochester Housing Partnership, Enterprise, and Federal Home Loan Bank. The City's loan will have a maximum term of 12 months and an interest rate of 0% and will be secured with a letter of credit.

A similar loan was authorized by the City Council on January 20, 1998 for construction of Briarwood Place in Scottsville. The use of City CDBG funds for a project outside the city is permitted when it can be demonstrated that the project can reasonably be expected to provide benefits to city residents.

For the planned project at Canal Place, 15% of the units will be reserved for families that are transitioning from Sojourner House to permanent housing. Other low-income city residents also would be eligible to be tenants of Canal Place.

The float loan will require amendment of the 2001-02 CDBG. A public hearing on this amendment is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Regional Partnerships

Attachment No. AB-16

Ordinance No. 2002-41
(Int. No. 45)

Authorizing An Amendatory 2001-02 Community Development Program Plan And An Agreement For A Float Loan For The Canal Place Project

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

Section 1. The Council hereby approves an amendatory 2001-02 Community Development Program Plan whereby the sum of \$300,000 shall be added to the Improving the Housing Stock and General Property Conditions Allocation and/or the HOME Program in a new account for a float loan for the Canal Place Project in the Town of Greece.

Section 2. The Mayor is hereby authorized to enter into a construction loan agreement with Housing Opportunities, Inc., and/or Canal Place, L.P., for the Canal Place Project in the Town of Greece. The loan shall be for a term not to exceed twelve months, and shall be repaid without interest at the end of the term. The loan shall be secured by a letter of credit.

Section 3. The loan agreement shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program and/or HOME Program Funds.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
February 12, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

Int. No. 40 - Cancellation Of Taxes And Charges

Int. No. 41 - Establishing \$12,000 As Maximum Compensation For An Amendatory Professional Services Agreement For Continued Provision Of Real Estate Title Services

Int. No. 51 - Authorizing An Amendatory Agreement With Rural Metro Medical Services For The Continued Provision Of Emergency Ambulance Services

Respectfully submitted,
Tim O. Mains
Brian F. Curran
Nancy K. Griswold (Absent)
Gladys Santiago
ECONOMIC DEVELOPMENT & GOVERNMENT
EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-42
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 \$29,274.43.

Of the total, \$25,249.43 (86.3%) relates to a property located within the NYS Empire Zone. Because of its location, the property qualifies for an exemption for improvements to the property.

The remaining amount, \$4,025.00 (13.8%) relates to code violation charges incurred by the former owner of the property.

If the proposed cancellations are approved, total cancellations during 2001-02 will be \$344,180.51, which represent .17% of the tax receivables as of July 1, 2001.

Accounts Amounts

City Council	29	\$281,534.51
Administrative	<u>164</u>	<u>52,646.00</u>
Total	193	\$334,180.51

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Services

Ordinance No. 2002-42
(Int. No. 40)

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 City taxes and charges:

- a. Code violation attributed to the former owner.

<u>S.B.L.#</u>	<u>Address</u>	<u>Amount Canceled</u>
<u>Class</u>	<u>Tax Year</u>	
106.680-0002-057	232 Garson Ave.	
H	2002	\$ 4,025.00

- b. The property is located within the Empire Zone. The property owner was approved to receive the property tax exemption on improvements made to such properties.

<u>S.B.L.#</u>	<u>Address</u>	<u>Amount Canceled</u>
<u>Class</u>	<u>Tax Year</u>	
106.450-0001-024	690 St. Paul St.	
NH	2002	<u>25,249.43</u>
Total		\$29,274.43

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. 2002-43
Re: Agreement - Independent Title Agency,
Real Estate Title Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Independent Title Agency, LLC, 99 Ridgeland Road, for the continued provision of real estate title services. The maximum cost of this agreement will be \$12,000, which will be financed from the 2001-02 budget for Undistributed Expense.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings and real estate sales. Currently, these services are provided by Independent under an agreement authorized by the City Council on October 17, 2001.

At that time, it was expected that approximately 1,600 foreclosure searches and approximately 170 sale or

acquisition searches would be required during 2001-02. However, it is now projected that 1,750 and 170 searches will actually be needed.

The proposed amendatory agreement will provide for approximately 150 additional foreclosure searches. The following fees per parcel will continue to be applicable.

<u>Service</u>	<u>Fee</u>
Preliminary (10 year) report	\$ 95
Update of prior preliminary report	70
Full (60 year) with prior preliminary search	175
Full report without preliminary search	235

If the proposed amendatory agreement is approved, the total cost of the two-year agreement with Independent will increase to \$334,800.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Services

Ordinance No. 2002-43
(Int. No. 41)

Establishing \$12,000 As Maximum Compensation For An Amendatory Professional Services Agreement For Continued Provision Of Real Estate Title Services

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

Section 1. The sum of \$12,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Independent Title Agency, LLC, for continued provision of real estate title services. Said amount shall be funded from the 2001-02 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-44
Re: Agreement - Rural Metro Medical
Services, Emergency Ambulance
Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Rural Metro Medical Services, 177 University Avenue, for the continued provision of emergency ambulance service requested by the City.

A municipality is authorized to provide ambulance service under section 122-b of the NYS General Municipal Law. Historically, the City has provided such service through agreements with private companies.

The current agreement, with Rural Metro, was approved by the City Council on August 20, 1996. Amendatory agreements, extending the term through January 31, 2002, were approved by the Council on October 17, 2000 and January 16, April 26, July 17, and October 23, 2001.

The proposed additional amendatory agreement will further extend the term to June 30, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Health, Safety and Responsibility

Ordinance No. 2002-44
(Int. No. 51)

Authorizing An Amendatory Agreement With Rural Metro Medical Services For The Continued Provision Of Emergency Ambulance Services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Rural Metro Medical Services for the continued provision of emergency ambulance services as requested by the City, or when the City receives a request for ambulance services from a third person, and standby services at emergency scenes and special events, through June 30, 2002.

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. 2002-45
Re: Agreements - CONECTS Program
Transmitted herewith for your approval is legislation relating to the Adolescent Pregnancy Prevention Services Program. This legislation will:

1. Authorize agreements with:
 - a. New York State Office of Children and Family Services for the receipt of a grant of \$319,700;
 - b. The following agencies that comprise the CONECTS consortium:

Charles Settlement House Inc.
Junior Achievement
Society for the Care & Protection of Children
Urban League of Rochester, Inc.
YWCA of Rochester and Monroe County
2. Appropriate the grant funds to finance the cost of the agreements and the costs associated with administration of the grant.

The CONECTS program, which was initiated in 1984, involves a consortium of the above agencies. The Monroe Council on Teen Potential provides program coordination and direction to the consortium, while the City serves as the lead agency.

CONECTS is designed to reduce the rate of initial and repeat teen pregnancies and provide various services to pregnant or parenting teenagers. During 2002-2003, the grants will be allocated among the members of the consortium as follows:

Charles Settlement House	\$ 34,480
Junior Achievement	2,800
Society for the Care & Protection of Children	60,000
Urban League of Rochester, Inc.	75,000
YWCA of Rochester and Monroe County	<u>60,000</u>
Subtotal	232,280
City Administration	<u>87,420</u>
Total	\$319,700

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Health, Safety and Responsibility

Ordinance No. 2002-45
(Int. No. 52)

Authorizing Agreements For The Adolescent Pregnancy Prevention Services 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 Office of Children and Family Services for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

Section 2. 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>
Charles Settlement House, Inc.	\$34,480
Junior Achievement	2,800
Society for the Care & Protection of Children	60,000
Urban League of Rochester	75,000
YWCA of Rochester & Monroe County	<u>60,000</u>

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$232,280. The sum of \$319,700, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Office of Children and Family Services to fund the agreements and the cost of administration.

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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife is an employee of one of the affiliating agencies.

The meeting was adjourned at 9:04 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
March 19, 2002

Present - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 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. By Boy Scout Troup 200

Recognition Ceremony

Retirement:
David Evert - Department of Parks, Recreation and Human Services
Stephen Trenton - Fire Department

APPROVAL OF THE MINUTES
By Councilmember Thompson

RESOLVED, that the minutes of the Special Meeting of February 5, 2002, and Regular Meeting of February 12, 2002, 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. 3681-7
 - Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3682-7

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 2002 Int. No. 56 No speakers.

Authorizing Increases In The Pavement Width Of Lanark Crescent As A Part Of The Curb Replacement Program Int. No. 57 One speaker: Kimberly Wilson.

Authorizing Increases In The Pavement Width Of Berwick Road As A Part Of The Curb Replacement Program Int. No. 58 No speakers.

Authorizing An Increase In The Pavement Width Of Elm Drive As A Part Of The Curb Replacement Program Int. No. 59 No speakers.

Authorizing Changes In The Pavement Width Of West Ridge Road, Lake Avenue And Maplewood Drive, Realignment And Intersection And Ramp Changes, And Establishing The Width Of New Streets As A Part Of The West Ridge Road Improvement Project From Hanford Landing Road To The Veteran's Memorial Bridge Int. No. 81 Two speakers: Alice Eddy and Donald Quetschenbach.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 62 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 63 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Stevenson
March 19, 2002

To the Council:

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

Int. No. 53 - Authorizing Agreements For The Adopt-A-Lot Program

Int. No. 54 - Authorizing Agreements For The Adopt-A-Block Program

Int. No. 55 - Establishing \$90,000 As Maximum Compensation For Professional Services Agreements For Motor Vehicle Collision Repair Services

Int. No. 82 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The River Street Waterfront Public Improvement Project

Int. No. 83 - Bond Ordinance Of The City Of

Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of Engineering And Project Design Services Related To The River Street Waterfront Public Improvement Project

Int. No. 84 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,142,000 Bonds Of Said City And The Application Of \$2,307,000 In Current Funds Of The City To Finance The Reconstruction Of Certain Streets Related To The Milling And Resurfacing And Residential Street Improvement Programs

Int. No. 85 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$553,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Milling And Resurfacing Program

Int. No. 86 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$587,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Milling And Resurfacing And Residential Street Improvement Programs

Int. No. 87 - Establishing Maximum Compensation For A Professional Services Agreement For A High Volume Bus Stop Pavement Management Study

Int. No. 88 - Authorizing Agreement For The State Street Underpass Access Improvement Project

Int. No. 89 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$130,000 Bonds Of Said City To Finance The Cost Of Engineering And Project Design Services Related To The State Street Underpass Access Improvement Project

Int. No. 90 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$169,000 Bonds Of Said City To Finance The Additional Cost Of Implementing The Reconstruction Of The Erie Harbor-East River Retaining Wall Within The City

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

Int. No. 56 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2002

Int. No. 57 - Authorizing Increases In The Pavement Width Of Lanark Crescent As A Part Of The Curb Replacement Program

Int. No. 58 - Authorizing Increases In The Pavement Width Of Berwick Road As A Part Of The Curb Replacement Program

Int. No. 59 - Authorizing An Increase In The Pavement Width Of Elm Drive As A Part Of The Curb Replacement Program

Int. No. 81 - Authorizing Changes In The Pavement Width Of West Ridge Road, Lake Avenue And Maplewood Drive, Realignments And Intersection

And Ramp Changes, And Establishing The Width Of New Streets As A Part Of The West Ridge Road Improvement Project From Hanford Landing Road

To The Veteran's Memorial Bridge

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-46
Re: Adopt-A-Lot Agreements

Transmitted herewith for your approval is legislation authorizing agreements with four neighborhood associations for the maintenance of city vacant lots under the Adopt-A-Lot Program. The total cost of the agreements will be \$113,850, which will be financed from the 2001-02 budget of the Department of Environmental Services.

The Adopt-A-Lot Program, which began in 1983, is designed to increase the quality of vacant lot maintenance while decreasing its cost. Under the program, DES annually establishes the amount that will pay for maintenance of each vacant lot "equivalent" (40' x 100'), prescribes maintenance standards, and solicits proposals for such maintenance from the neighborhood associations in the areas in which the lots are located.

The maintenance standard prescribed for the associations is the same standard used by the department. The associations are required to perform maintenance four or five times each season, with an emphasis upon maintenance during the spring.

The following organizations will participate in the 2002 program:

<u>Organization</u>	<u>Amount</u>
West Main Business Association	\$ 4,600
Coalition of Northeast Association	35,190
Marketview Heights Association	20,700
Montgomery Neighborhood Center	5,060
North East Block Club Alliance	20,700
South West Area Neighborhood Association	15,870
Urban League of Rochester	4,600
Group 14621	7,130
Program Total	\$113,850

In total, the seven organizations will be responsible for maintaining 429 (495 lot equivalents) of the approximately 3,000 City-owned lots requiring maintenance. The established price for the 2002 program for such maintenance is \$230 per lot equivalent, which is the same as last year's price.

All of the organizations that participated in the 2001 program and performed satisfactorily. They maintained 426 lot equivalents at a total cost of \$85,700. The following is a summary of participation in the program since 1995.

<u>Year</u>	<u>No. of Organizations</u>	<u>No. of Lots</u>	<u>Lot Equivalents</u>
-------------	-----------------------------	--------------------	------------------------

1995	4	384	399
1996	5	397	410
1997	5	342	365
1998	5	371	398
1999	5	359	369
2000	7	378	426
2001	7	378	426
Proposed 2002	8	429	495

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Involved Citizens

Attachment No. AB-17

Ordinance No. 2002-46
(Int. No. 53)

Authorizing Agreements For The Adopt-A-Lot 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 under the Adopt-A-Lot Program:

<u>Organization</u>	<u>Amount</u>
Coalition of Northeast Associations (CONEA)	\$35,190
Marketview Heights Association	20,700
North East Block Club Alliance (NEBCA)	20,700
Southwest Area Neighborhood Association (SWAN)	15,870

Section 2. The agreements authorized herein and additional Adopt-A-Lot agreements shall obligate the City to pay an amount not to exceed \$113,850, and said amount, or so much thereof as may be necessary, shall be funded from the 2001-02 Budget of the Department of Environmental 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. 2002-47
Re: CDBG Appropriation - 2002-03
Adopt-A-Block Program

Transmitted herewith for your approval is legislation authorizing agreements with eight organizations for participation in the 2002-03 Adopt-A-Block Program. The total maximum cost of these agreements will be \$213,650, which will be financed from the 2001-02 Community Development Block Grant Program.

The Adopt-A-Block Program was initiated in 1988 to improve the cleanliness of highly visible areas of the city by increasing litter removal services. Under the program, neighborhood or community organizations contract with the City to supplement its regular

cleaning services.

Proposals for participation in the 2002-03 program were solicited from 42 organizations. Fourteen organizations submitted proposals for the maintenance of 42 areas totaling 31.72 miles. All of these proposals are recommended for approval.

Each organization will provide a minimum of two workers to perform special hand sweeping and litter removal services for at least seven hours each day, two days per week between May and October, and for up to 160 hours on "fair-weather" days between November and April. Sidewalks, tree lawn areas, and curb lanes will be cleaned.

The organizations will provide all necessary equipment. The City will provide additional refuse collection services as required.

The fee to be paid for all 42 areas consists of the following:

Administrative services	\$ 1,500
Sweeping and litter removal services (May through October)	5,926
Sweeping and litter removal services - \$7.00 per worker hours up to 160 hours (November through May)	<u>1,120</u>
Total	\$8,546

The following organizations are participating in the program:

Coalition of Northeast Associations	\$ 17,092
ISLA	17,092
North East Block Club Alliance	17,092
South East Area Coalition	17,092
Calvary Saint Andrews Parish	17,092
Lyll Avenue Revitalization Committee	17,092
Southwest Area Neighborhood Assn.	17,092
West Main Business Association	42,730
Catholic Family Center Francis Center	8,546
Community Place of Greater Rochester	8,546
NEAD	8,546
Montgomery	8,546
Portland Avenue Business Association	8,546
Maplewood Business Association	<u>8,546</u>
Total	\$213,650

Following is a summary of participation during the past 10 years:

<u>Year</u>	<u>Number of Organizations</u>	<u>Areas</u>
1991	11	15
1992	14	18
1993	14	18
1994	13	19
1995	12	22
1996	14	23
1997	14	26
1998	16	26
1999	16	26
2000	17	27
2001	14	24
2002 (proposed)	14	28

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Involved Citizens

Ordinance No. 2002-47
(Int. No. 54)

Authorizing Agreements For The Adopt-A-Block 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 under the Adopt-A-Block Program:

Organization	Amount
Coalition of Northeast Associations (CONEA)	\$17,092
ISLA	17,092
North East Block Club Alliance (NEBCA)	17,092
South East Area Coalition (SEAC)	17,092
Calvary Saint Andrews Parish	17,092
Lyell Area Revitalization Committee (LARC)	17,092
Southwest Area Neighborhood Association (SWAN)	17,092
West Main Business Association	42,730

Section 2. The agreements authorized herein and additional Adopt-A-Block agreements shall obligate the City to pay an amount not to exceed \$213,650, 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 2001-02 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. 2002-48
Re: Agreements - Collision Repair Services

Transmitted herewith for your approval is legislation authorizing agreements with five companies for the provision of collision repair services. The total maximum cost of these agreements will be \$90,000, which will be financed from the 2000-01 and future budgets of the Department of Environmental Services.

When a City vehicle is involved in a collision, the Bureau of Equipment Services determines whether to perform the required repairs or to have commercial companies perform them instead. Among the considerations involved in this determination are the types of repairs required, the availability of personnel to do the work, and the existing workload.

To provide for the performance of repairs by commercial companies, a list of qualified vendors is periodically established. Whenever a specific repair is required, these vendors are requested to provide a price quote for the work.

The current list was established by the City Council on March 21, 2000. It contains five vendors.

To be considered qualified for inclusion on the list,

companies must satisfy the following criteria:

1. They must have performed collision repair work for at least five years;
2. They must be located within 10 miles from City Hall; and
3. They must have no police record.

The proposed new list of qualified companies consists of the four current qualified vendors and one other company that expressed interest to Equipment Services, the Purchasing Bureau or the Police Department. One of the current vendors chose not to renew their agreements.

Following is a summary of repair activity during 2001.

Company	Number of Jobs	Amount
Hawk Frame and Axle	1	\$ 5,518.75
Vision Ford, Inc.	0	0
Rural/Metro	4	13,867.93
Alliance Collision	6	20,277.38
Total	11	\$39,664.06

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Service

Ordinance No. 2002-48
(Int. No. 55)

Establishing \$90,000 As Maximum Compensation For 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 sum of \$90,000 or so much thereof as may be necessary, is hereby established as the total compensation to be paid for professional services agreements between the City and the following companies for motor vehicle collision repair services for a term of one year, with an option for two one-year renewals:

Hawk Frame & Axle, Inc.
77 O'Connor Road
Fairport, NY 14454

Vision Ford, Inc.
4545 Ridge Road West
Rochester, NY 14626

Alliance Collision, Inc.
532 North Street
Rochester, NY 14605

Michael's Auto Body Repair
217 Lyell Avenue
Rochester, NY 14608
Rural/Metro Medical Services
177 University Avenue
Rochester, NY 14605

Of said amount, \$10,000 shall be funded from the 2001-02 Budget of the Department of Environmental Services, \$30,000 shall be funded from the 2002-03 and 2003-04 Budgets of the Department of Environmental Services, and \$20,000 shall be funded from the 2004-05 Budget of the Department of Environmental Services, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-49 And
Ordinance No. 2002-50
Re: River Street Waterfront
Improvement Project

Ordinance No. 2002-50
(Int. No. 83)

Transmitted herewith for your approval is legislation relating to the River Street Waterfront Improvement Project. This legislation will:

1. Authorize an agreement with FRA Engineering, 245 Summit Point Drive, for the provision of engineering design services for the project; and
2. Authorize the issuance of bonds totaling \$400,000 and appropriate the proceeds thereof to finance the cost of this agreement.

The project is intended to improve public access to the west bank of the Genesee River and promote development in the River Street area. It will involve the construction of a public promenade; repair of the foundation of the former railroad station; construction of a 50-60 space parking lot north of the station; and the installation of utilities to support private development.

Proposals for such development have been received from two organizations. These proposals currently are being evaluated.

Proposals for design of the public improvements were solicited and received from three organizations. FRA is recommended because of the qualifications of the personnel to be assigned to the project and its past performance.

Construction of the improvements, which have an estimated cost of \$4.3 million, is scheduled to begin in 2003. However, this schedule may be affected by the environmental remediation of the area to be performed by CSX Transportation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Tourism Destination

Attachment No. AB-18

Ordinance No. 2002-49
(Int. No. 82)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The River Street Waterfront Public Improvement Project

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$400,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C. for engineering design services for the River Street Waterfront Public 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. This ordinance shall take effect immediately.

Passed unanimously.

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$400,000 Bonds Of Said City To Finance The Cost Of Engineering And Project Design Services Related To The River Street Waterfront Public Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of engineering and design services related to improvements to the River Street Waterfront within the City including, but not limited to, pedestrian, docking and parking improvements and aesthetic, utility and street lighting improvements (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$400,000 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 \$400,000 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 \$400,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.62 of the Law, is five (5) years.

Section 5. Each of the bonds authorized by this

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-51, 2002-52,

And 2002-53
Re: Bonds - Street Improvement Program

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$5,282,000 and appropriating the proceeds thereof to partially finance the costs of the Street Improvement Program.

Street	\$4,142,000
Water	553,000
Sewer	587,000
Total	<u>\$5,282,000</u>

The program will provide for the resurfacing of approximately one mile of streets, the rehabilitation or reconstruction of approximately one mile of streets, replacement of approximately 1.5 miles of curbs, and other related improvements, including sidewalks, lighting, landscaping water and sewer facilities. A listing of the projects included in the program is attached.

Of the proceeds of the bond for street improvements, \$2,369,000 will be used to finance milling and resurfacing and \$1,773,000 will be used for residential street rehabilitation. All of the proceeds of the bonds for water and sewer improvements will be used for milling and resurfacing.

These proceeds will be supplemented by the unexpended balance of the proceeds of bond issues previously approved by the City Council.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Service

Attachment No. AB-19

Ordinance No. 2002-51
(Int. No. 84)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,142,000 Bonds Of Said City And The Application Of \$2,307,000 In Current Funds Of The City To Finance The Reconstruction Of Certain Streets Related To The Milling And Resurfacing And Residential Street Improvement Programs

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2002 Milling and Resurfacing and Residential Street Improvement Programs in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,449,000. The plan of financing includes the issuance of \$4,142,000 bonds of the City, and said amount is hereby appropriated therefor, and the application of \$2,307,000 in current funds of the City to finance the balance of said cost, 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 \$4,142,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the

State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$4,142,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said 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 im-

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Ordinance No. 2002-52
(Int. No. 85)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$553,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Milling And Resurfacing 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 2002 Milling And Resurfacing Program in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$553,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$553,000 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 \$553,000 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 \$553,000. 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Ordinance No. 2002-53
(Int. No. 86)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$587,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Milling And Resurfacing And Residential Street Improvement Programs

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the 2002 Milling and Resurfacing and Residential Street Improvement Programs in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$587,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$587,000 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 \$587,000 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 \$587,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to

the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-54
Re: Bus Stop Pavement Management Study

Transmitted herewith for your approval is legislation relating to a proposed study of street pavement at certain bus stops. This legislation will:

- 1. Authorize an agreement with Lu Engineers, 2230 Penfield Road, for conduct of the study, at a maximum cost of \$30,000; and
- 2. Appropriate this amount from anticipated reimbursements from the Federal Highway Administration to finance the cost of this agreement.

There are numerous locations throughout the city at which the street pavement is irregular because of the frequent stopping and starting of buses. These irregularities represent potential hazards to other vehicles and pedestrians and users of wheelchairs and impair street cleaning and snow removal.

The objective of the proposed study is to develop an effective street treatment program to address the cumulative impact on the pavement of heavy transit vehicles. Lu, which is among the organizations approved by the NYS Department of Transportation for FHA projects, is recommended to conduct the study because of the qualifications of the personnel to be assigned to the project, its past performance, and its

ability to provide the required services within the time period specified by the City.

Under the agreement, Lu will:

- 1. Conduct an inventory of locations at which there is heavy bus traffic;
- 2. Determine the condition of the street surface and base;
- 3. Survey available street treatment technologies and practices that address the effect of heavy transit vehicles; and
- 4. Recommend the appropriate improvements for each of the identified locations.

The study is expected to be completed by the spring of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Service

Ordinance No. 2002-54
(Int. No. 87)

Establishing Maximum Compensation For A Professional Services Agreement For A High Volume Bus Stop Pavement Management Study

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Lu Engineers for a High Volume Bus Stop Pavement Management Study. Said amount, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-55 And
Ordinance No. 2002-56
Re: High Falls Underpass
Improvement Project

Transmitted herewith for your approval is legislation relating to the High Falls Underpass Improvement Project. This legislation will:

- 1. Authorize an agreement with Goodkind & O'Dea, Inc., 183 E. Main Street, for the provision of engineering services for the project, at a maximum cost of \$130,000;
- 2. Authorize the issuance of bonds totaling this amount to finance the cost of the agreement; and
- 3. Authorize an agreement with CSX Transportation, Inc., of Jacksonville, Florida, for access to

its property.

The project is intended to improve the aesthetic appearance and safety of the underpasses near High Falls, involving the bridges for both the CSX railroad line and the Inner Loop and the pedestrian walkway east of State Street. It will extend from the Plymouth Avenue underpass to the Inner Loop access ramp east of State Street.

Proposals for design of the improvements were solicited and received from five organizations. Goodkind & O'Dea is recommended to provide the design services because of the qualifications of the personnel to be assigned to the project, its past performance and its commitment to creativity. Under its proposal, the use of various colors, materials, textures, mass and scale will be investigated.

Design of the project is expected to be completed in the fall of 2002. Construction is expected to occur in 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Tourist Destination

Attachment No. AB-20

Ordinance No. 2002-55
(Int. No. 88)

Authorizing Agreements For The State Street Underpass Access Improvement Project

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

Section 1. The sum of \$130,000, 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 Goodkind & O'Dea, Inc., for engineering design services for the State Street Underpass Access 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. The Mayor is hereby further authorized to enter into agreements with the State of New York and CSX Transportation, Inc. for easements or other access rights to attach and maintain lighting and architectural components to the Inner Loop and CSX Railroad Underpasses on State Street as a part of the State Street Underpass Access Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-56
(Int. No. 89)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$130,000 Bonds Of Said City To Finance The Cost Of Engineering And Project Design Services Related To The State Street Underpass Access Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of engineering and design services related to improvements to the Inner Loop and CSX Railroad Underpasses on State Street within the City including, but not limited to, pedestrian and vehicle safety, aesthetic and street lighting improvements (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 \$130,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$130,000 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 \$130,000 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 \$130,000. 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-57
Re: Bonds - Erie Harbor East River
Wall Project

Transmitted herewith for your approval is legislation authorizing the issuance of supplemental bonds totaling \$169,000 and appropriating the proceeds thereof to finance certain additional costs of the Erie Harbor East River Wall Project.

The project was designed by LaBella Associates pursuant to an agreement authorized by the City Council on October 14, 1997. It involves the partial demolition and reconstruction of the wall between the Troup-Howell and Ford Street bridges; construction of structural retaining wall systems; improvement of the riverside trail; installation of mooring facilities; and landscaping.

Bids for the project were received in June, 2000. The work is being performed by Crane Hogan Structural Systems, Inc.

The bid amount was \$4,474,445, which was 10% below the engineering estimate. An additional \$498,555 (10%) was allocated for contingencies and the costs of lighting, signage and landscaping, which are being performed under separate contracts.

The Council authorized the bond issue required to fi-

nance a portion of these costs on June 20, 2000. It also appropriated \$800,000 received under the NYS Multi-Modal Transportation Program for the project.

During construction, the need for additional work has been identified. This work includes the following:

- 1. Additional sheeting installation, resulting from rock elevations that were different than originally anticipated (\$124,000);
- 2. Additional rock anchors, also resulting from the different rock elevations (\$51,000);
- 3. Discovery and removal of buried debris and reinforced concrete foundations (\$50,000); and
- 4. Removal and the planned replacement of trees and additional landscaping, since the construction would have resulted in significant root damage (\$71,000).

A portion of these costs, which total \$196,000, can be financed from the unexpended balance of the contingency allocation. However, a supplemental bond issue is required to finance the remaining costs.

To provide for the supplemental bond issue, the amount of bonds issued for the street improvement program will be reduced. The unexpended balance of the proceeds from bond issues authorized by the Council in prior years will instead be utilized for this program.

The project is expected to be completed in June.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Tourism Destination

Ordinance No. 2002-57
(Int. No. 90)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$169,000 Bonds Of Said City To Finance The Additional Cost Of Implementing The Reconstruction Of The Erie Harbor-East River Retaining Wall 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 additional cost of implementing the reconstruction of the river retaining wall on the east side of the Genesee River between the Troup-Howell Bridge and the Ford Street Bridge within the City ("Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,812,000. The plan of financing includes the issuance of \$169,000 bonds of the City, and said amount is hereby appropriated therefor, together with application of an \$800,000 New York State Multi-Modal Grant, \$422,600 in current funds available and \$4,420,400 bonds previously appropriated in Ordinance No. 2000-183, 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 \$169,000 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 \$169,000.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.10 of the Law, is forty (40) years.

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

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

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

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

- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1497
Re: Care and Embellishment of Malls

Transmitted herewith for your approval is legislation authorizing the care and embellishment of street malls during 2002 and appropriating the associated costs of \$76,098 among the benefited properties.

The annual care and embellishment program provides for the maintenance of 26 street malls, by either the Department of Parks, Recreation and Human 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 department.

The costs of the maintenance are apportioned among the benefited properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Until these payments are received, the department advances the necessary funds to the street associations.

In 2001, 12 malls were maintained by the department and 14 malls were maintained by street or neighborhood associations. The total authorized costs were \$32,334 and \$43,757, respectively.

In 2002, the department will be responsible for the maintenance of 13 malls at a total cost of \$35,600. Street associations will be responsible for the maintenance of 11 malls at a total cost of \$40,498.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Environmental Stewardship

Local Improvement Ordinance No. 1497
(Int. No. 56)

Local Improvement Ordinance - Care And

Embellishment Of Various Neighborhood Street Malls For 2002

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 the calendar year 2002

Boulevard Parkway	\$ 1,800.00
Burke Terrace	400.00
Carthage Drive	500.00
Central Park (City)	4,500.00
Elmwood Mall	2,800.00
Glendale Park	3,500.00
Knickerbocker Street	2,100.00
Nye Park	1,600.00
Portsmouth Terrace	1,600.00
Raines Park	1,600.00
Seneca Parkway	10,800.00
Sumner Park	2,600.00
Werner Park	1,800.00
	<u>\$35,600.00</u>

- b. The care and embellishment of the following streets hereinafter referred to as "Group II" during the calendar year 2002:

Arnold Park	\$ 3,500.00
Hazelwood Terrace	2,060.00
Highland Parkway	1,362.00
Hillside Avenue	2,376.00
Huntington Park	2,815.00
Lafayette Park	3,459.00
Lakeview Park	2,617.00
Nunda Boulevard	5,601.00
Oxford Street	10,000.00
Rundel Park	4,308.00
Sibley Place	2,400.00
	<u>\$40,498.00</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, 2002

Section 4. The total cost of such improvements and work, estimated at \$76,098.00, shall be charged as heretofore described in this ordinance and paid from the General Fund, and said sum, or so much thereof as may be necessary, is hereby appropriated for the aforesaid purpose.

Section 5. The work described for Group I shall be performed by or at the direction of the Bureau of Parks and Recreation.

Section 6. It is hereby determined that it is impracticable to have the work described herein for Group II done by competitive contract. Therefore, contracts for the work described herein for Group II may be awarded to such qualified persons or neighborhood

associations as may be selected from those located in or adjacent to the aforementioned streets and areas.

Section 7. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-58,
2002-59, And 2002-60

Re: Pavement Width Changes

Transmitted herewith for your approval is legislation authorizing the following increases in pavement width:

1. Lanark Crescent
 - a. An increase of 5', from 21' to 26', from Merchants Road to Monticello Drive, and
 - b. An increase of 6', from 20' to 26', from Monticello Drive to the cul-de-sac east of Monticello Drive.
2. Berwick Road
 - a. An increase of 3', from 23' to 26', from Merchants Road to Monticello Drive, and
 - b. An increase of 5', from 19' to 24', from Monticello Drive to the cul-de-sac east of Monticello Drive.
3. Elm Drive - an increase of 5', from 19' to 24', from Monticello Drive to the cul-de-sac east of Monticello Drive.

The increases will occur in conjunction with the Curb Replacement Program. They were designed by FRA Engineering and will be accompanied by the replacement of catch basins, driveway aprons and sidewalks, as necessary.

Construction of the improvements is scheduled to begin in the fall and be completed by the end of the year. The estimated cost of construction is \$712,000, which will be financed from Cash Capital allocations of the Department of Environmental Services.

A public information meeting concerning the improvements was conducted on February 26. A copy of the minutes of this meeting will be forwarded to the City Council in the near future.

The Traffic Control Board will consider the increase in pavement width on March 5. A public hearing on the increases is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-21

Ordinance No. 2002-58
(Int. No. 57)

Authorizing Increases In The Pavement Width Of Lanark Crescent As A Part Of The Curb Replacement Program

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

Section 1. The Council hereby approves an increase of 5 feet in the pavement width of Lanark Crescent, from 21 feet to 26 feet, from Merchants Road to Monticello Drive, and an increase of 6 feet, from 20 feet to 26 feet, from Monticello Drive to the 38-foot-radius cul-de-sac 290 feet east of Monticello Drive, as a part of the Curb Replacement Program.

Section 2. Such changes and additional changes as a part of the Curb Replacement Program 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.

Ordinance No. 2002-59
(Int. No. 58)

Authorizing Increases In The Pavement Width Of Berwick Road As A Part Of The Curb Replacement Program

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

Section 1. The Council hereby approves an increase of 3 feet in the pavement width of Berwick Road, from 23 feet to 26 feet, from Merchants Road to Monticello Drive, and an increase of 5 feet, from 19 feet to 24 feet, from Monticello Drive to the 40-foot-radius cul-de-sac 410 feet east of Monticello Drive, as a part of the Curb Replacement Program.

Section 2. Such changes and additional changes as a part of the Curb Replacement Program 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.

Ordinance No. 2002-60
(Int. No. 59)

Authorizing An Increase In The Pavement Width Of Elm Drive As A Part Of The Curb Replacement Program

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

Section 1. The Council hereby approves an increase of 5 feet in the pavement width of Elm Drive, from 19 feet to 24 feet, from Monticello Drive to the 38-foot-radius cul-de-sac 575 feet east of Monticello Drive, as a part of the Curb Replacement Program.

Section 2. Such change and additional changes as a part of the Curb Replacement Program 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. 2002-61
Re: Pavement Widths - W. Ridge Road Improvement Project

Transmitted herewith for your approval is legislation relating to the pavement widths of various streets included in the W. Ridge Road Improvement Project. This legislation will:

1. Authorize the following changes in the pavement widths of existing streets:
 - a. Lake Avenue
 - 1) An increase of 1', from 70' to 71', from W. Ridge Road to Redwood Road, and
 - 2) An increase of 5', from 70' to 75', from W. Ridge Road to Ridgeway Avenue;
 - b. Maplewood Drive
 - 1) A decrease of 17', from 51' to 34', from W. Ridge Road to Keehl Street, and
 - 2) A decrease of 7', from 33' to 26', from W. Ridge Road to Gorsline Street;
 - c. W. Ridge Road
 - 1) An increase of 17', from 63' to 80', from Lake Avenue to Maplewood Drive, and
 - 2) An increase of 3', from 72' to 75', from Hanford Landing Road to Lake Avenue;
 - d. Ridgeway Avenue - an increase of 1', from 54' to 55', from Lake Avenue to W. Ridge Road;
 - e. Off-ramp from westbound Route 104 - a decrease of 11', from 31' to 22' from Veteran's Memorial Bridge to Lapham Street;
2. Authorize the following pavement widths for new streets:
 - a. A street connecting W. Ridge Road with Pullman Avenue - 26';
 - b. A street connecting Redwood Road to Lapham Street - 26';
 - c. A two-way frontage road south of W. Ridge Road:
 - 1) From Ridgeway Avenue for a distance of 125' - 14', and
 - 2) From the latter point to Maplewood Drive - 22';
3. Authorize the elimination of the following access ramps:

- a. Southbound Maplewood Drive to westbound W. Ridge Road, and
- b. Eastbound W. Ridge Road to southbound Maplewood Drive.

Besides the change in or establishment of pavement widths, the project will include the reconstruction of the pavement; construction of loading and drop-off areas in front of the buildings at Kodak Park; realignment of W. Ridge Road; construction of a limited access road on the south side of Ridge Road east of Lake Avenue; establishment of a median between Lake Avenue and the Veteran's Memorial Bridge; relocation of certain utilities; replacement of curbs, driveway aprons, sidewalks and the pedestrian bridge over W. Ridge Road; traffic modifications; and special landscaping.

The cost of the project, estimated to be \$16,843,000, will be financed primarily by the federal and state governments. However, the project is being administered by the City under an agreement authorized by the City Council on August 10, 1999.

Design of the project, by Bergmann Associates, was authorized by the Council on April 18, 2000. The proposed changes in the width of existing streets are based upon this design.

The new street connecting Pullman Avenue with Lake Avenue is intended to improve vehicular safety. The existing intersection of Pullman Avenue and the existing portion of Minder Street connecting Pullman Avenue with W. Ridge Road will be eliminated and a cul-de-sac will be constructed at the end of Pullman Avenue.

The new street connecting Redwood Road to Lapham Street is intended to provide access to Lake Avenue from Lapham Street. The existing intersection of Lapham Street with Lake Avenue will be eliminated, but a sidewalk connection to Lake Avenue will be retained.

The new frontage road is intended to facilitate access to the driveways of the properties south of W. Ridge Road. The elimination of the access ramps is based upon low traffic volume.

The street realignments and changes in pavement width will require the acquisition and demolition of 19 residential and six business structures. Agreements for the appraisal of these properties were authorized by the Council on November 20, 2001.

Public informational meetings concerning the project were held on May 28, 1999, December 12, 2001 and January 31, 2002. Copies of the minutes of the first two meetings were previously forwarded to the Council; copies of the minutes of the latter meeting, which was divided into two sessions, are attached.

Construction of the project is scheduled to begin in 2004 and be completed in 2005.

The proposals relating to pavement width were endorsed by the Traffic Control Board on February 19, 2002. A public hearing on these proposals is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010:

Attachment No. AB-22

Ordinance No. 2002-61
(Int. No. 81)

Authorizing Changes In The Pavement Width Of West Ridge Road, Lake Avenue And Maplewood Drive, Realignment And Intersection And Ramp Changes, And Establishing The Width Of New Streets As A Part Of The West Ridge Road Improvement Project From Hanford Landing Road To The Veteran's Memorial Bridge

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

Section 1. The Council hereby approves the following changes as a part of the West Ridge Road Improvement Project from Hanford Landing Road to the Veteran's Memorial Bridge:

1. An increase in the pavement width of Lake Avenue of 1 foot, from the existing pavement width of 70 feet to 71 feet, from West Ridge Road to Redwood Road.
2. A decrease in the pavement width of Maplewood Drive of 17 feet, from the existing pavement width of 51 feet to 34 feet, from Lapham Street to Bridgeview Drive.
3. A decrease in the pavement width of Maplewood Drive of 7 feet, from the existing pavement width of 33 feet to 26 feet, from West Ridge Road to Gorsline Street.
4. Establishment of a width of 26 feet for the relocation of a portion of Minder Street which will connect West Ridge Road and Pullman Avenue at a point approximately 108 feet west of Minder Street.
5. Establishment of a width of 26 feet for a new street which will connect Redwood Road at a point 440 feet east of Lake Avenue to Lapham Street at a point 390 feet east of Lake Avenue, to provide for the elimination of the Lapham Street intersection with Lake Avenue.
6. Establishment of a width of 14 feet for a new frontage road south of West Ridge Road beginning at Ridgeway Avenue at its intersection with West Ridge Road and extending east for a distance of 125 feet, and a width of 22 feet for beginning at the latter point and continuing to its intersection with Maplewood Drive.
7. Realignment of West Ridge Road, beginning 740 feet west of the Lake Avenue intersection to the Veteran's Memorial Bridge, with the westbound and eastbound travel lanes of West Ridge Road between Lake Avenue and Maplewood Drive divided by a landscaped median.
8. An increase in the pavement width of West Ridge Road of seventeen (17) feet, from Lake Avenue to Maplewood Drive, with a westbound pavement width of forty-five (45) feet and an eastbound pavement width of thirty-five (35) feet, from Lake Avenue to Maplewood Drive.
9. An increase in the pavement width of West Ridge Road of three (3) feet, from the exist-

ing pavement width of 72 feet to 75 feet, from Hanford Landing Road to Lake Avenue.

- 10. An increase in the pavement width of Lake Avenue of five (5) feet, from the existing pavement width of 70 feet to 75 feet, from Ridgeway Avenue to West Ridge Road.
- 11. An increase in the pavement width of Ridgeway Avenue of one (1) foot, from the existing pavement width of 54 feet to 55 feet, from Lake Avenue to West Ridge Road.
- 12. A decrease in the pavement width of the off-ramp from westbound Route 104 at the Veteran's Memorial Bridge to northbound Maplewood Drive as far as Lapham Street, from the existing pavement width of 31 feet to 22 feet.
- 13. Elimination of the access ramp from southbound Maplewood Drive to westbound West Ridge Road and elimination of the access ramp from eastbound West Ridge Road to southbound Maplewood Drive.

Section 2. Such changes and additional changes as a part of the West Ridge Road Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
March 19, 2002

To the Council:

The Public Safety, Services & The Arts Committee recommends for adoption the following entitled legislation:

Int. No. 60 - Approving Applications, Agreements And The 2002 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Int. No. 61 - Appropriating Funds For A Human Services Project

Int. No. 73 - Authorizing The Acquisition Of A Fire Apparatus Deployment Analysis Module And Amending The 2001-02 Budget

Int. No. 91 - Appropriation Of Interest On Local Law Enforcement Block Grant Funds

Int. No. 92 - Authorizing An Agreement With Respect To Underage Alcohol Enforcement

The Public Safety, Services & The Arts Committee recommends for consideration the following entitled legislation:

Int. No. 62 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 63 - Local Improvement Ordinance - Security At The Public Market

The following entitled legislation is being held in committee:

Int. No. 71 - Authorizing An Amendatory Agreement For The Operation Of The BlueCross Arena At The War Memorial

Int. No. 72 - Amending The User Fee For The BlueCross Arena At The War Memorial

Respectfully submitted,
Benjamin L. Douglas
Robert J. Stevenson
Tony M. Thompson
Gladys Santiago
PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2002-62
Re: 2002 Rochester-Monroe County Youth Bureau

Transmitted herewith for your approval is legislation relating to the Rochester-Monroe County Youth Bureau. This legislation will:

- 1. Approve the 2002 administrative and program budgets of the Bureau; and
- 2. Authorize any necessary agreements to implement these budgets.

The Youth Bureau is a joint agency that was established by the City and County "...to encourage and administer a county-wide comprehensive planning and service delivery system that is devoted in whole or in part to the welfare and positive 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 (formerly the Division for Youth).

Under the bylaws of the Board, which were approved by City Council on June 8, 1982, the annual budget of the Bureau is subject to the approval of the City and County. Upon approval, the City is required to submit the related application for state aid to the Office of Children and Family Services through the Bureau and, to the extent that matching funds are available, to reimburse the County for up to a maximum of 34% of its total administrative budget.

The budget proposed for the Youth Bureau for 2002 provides for administrative costs of \$741,915, which is 4.12% less than the 2001 budget. Based upon the proposed budget, the 2002 contribution requested from the City is \$110,828, or 14.9%.

A reimbursement of 50.2% of this amount will subsequently be received from the Office of Children and Family Services. The City's net cost for administration will therefore be \$55,414. In 2001 its net cost was \$55,635.

The proposed 2002 budget also provides for the operation or administration of the following programs by the City:

Program	2001	2002	Change

Department of Parks, Recreation & Human Services:

Youth Recreation	\$348,049	
Family Violence	\$355,117	\$ 7,068
Project Base	216,794	14,452
Project Odyssey	58,789	(706)
Project YMCA Love 15	5,771	0
Police Department: Family & Victim Assistance	5,771	19,432
	0	(19,432)
	119,434	127,471
	<u>\$762,560</u>	(8,037)
	\$755,905	\$ (6,655)
Related Revenue:		
State Aid	\$173,848	
Other Revenue	\$206,795	\$32,947
	<u>240,755</u>	(25,219)
Sub Total	<u>\$439,822</u>	
	\$447,550	\$ 7,728
City Contribution	\$322,738	
	\$308,355	\$(14,383)

After consideration of State aid and other revenue, the net cost to the City of all programs will be \$308,355, or \$14,383 less than the 2001 amount.

The following agreements are expected to be required to implement the program budget:

1. NYS Office of Children and Family Services, for partial financing of the programs and projects;
2. Rochester-Monroe County Youth Bureau, for the administration of the program;
3. Society for the Protection and Care of Children, for operation of the Family Violence Program; and
4. Baden Street Settlement, for operation of Project Base and Project Odyssey.

The County Legislature approved the 2002 Youth Bureau budget on November 16, 2001.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Health, Safety and Responsibility

Attachment No. AB-23

Ordinance No. 2002-62
(Int. No. 60)

Approving Applications, Agreements And The 2002 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 2002 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2002 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may

be necessary to effectuate the 2002 Comprehensive Youth Services Plan. The City's required contribution to the 2002 Youth Bureau Budget shall be financed equally from the 2001-02 and 2002-03 Budgets of the Department of Parks, Recreation and Human 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 Violence Program. Said agreement shall obligate the City to prefinance an amount not to exceed \$21,122, and said amount, or so much thereof as may be necessary, shall be funded from the 2001-02 Budget of the Department of Parks, Recreation and Human Services.

Section 3. The Mayor is further authorized to enter into an agreement with the Baden Street Settlement, Inc. for the operation of Project Base. Said agreement shall obligate the City to pay an amount not to exceed \$13,706, and said amount, or so much thereof as may be necessary, shall be funded from the 2001-02 Budget of the Department of Parks, Recreation and Human 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 \$5,771, and said amount, or so much thereof as may be necessary, shall be funded from the 2001-02 Budget of the Department of Parks, Recreation and Human 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. 2002-63
Re: CDBG Appropriation -
Rochester's Child

Transmitted herewith for your approval is legislation appropriating \$2,500 from the 2001-02 Community Development Block Grant for continuation of the Rochester's Child project.

The project is considered a project with matching funds and is therefore eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The proposed agreement represents the third year of funding.

A project description, assessment and budget is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Educational Excellence

Attachment No. AB-24

Ordinance No. 2002-63
(Int. No. 61)

Appropriating Funds For A Human Services Project

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

Section 1. The sum of \$2,500, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program to fund the Rochester's Child Project of the Rochester Area Community Foundation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-64
Re: 2001-02 Budget Amendment -
Fire Department

Transmitted herewith for your approval is legislation increasing the 2001-02 budget of the Fire Department to finance the acquisition of a personal computer program to analyze, simulate and present data relating to emergency response times.

The computer program, a product of Deccan International, will facilitate management of the department's resources and provide greater flexibility in deployment. It is used by the fire departments of Denver, Colorado and Washington, D.C., among others.

Use of the program will involve the periodic transfer of data compiled by the Emergency Communications Department. Development of the means to provide for such transfer will require approximately 18 hours of programming by the information systems unit of the department, which, along with personnel from the Bureau of Information Systems, participated in a demonstration of the program's capabilities.

The program will permit...

1. Workload analysis, by geographic area and time period;
2. Evaluation of response performance, as averages or percentages; and
3. Stimulation of alternative response scenarios and evaluation of their effect upon response performance.

Acquisition of the program is consistent with the findings of the PTI study authorized by the City Council on April 14, 1998. This study recommended significant improvements in the information systems of the Fire Department.

Acquisition of the program also will facilitate the implementation of the recommendations of the fire station location review by MMA Consulting Group that was authorized by the Council on July 17, 2001. This review is expected to be completed by the end of the month.

The budget for the project is as follows.

Program license	\$ 75,000
Training	3,000

Maintenance (2 year)	26,000
Miscellaneous	6,000
Total	<u>\$110,000</u>

The appropriation increase will be financed from the Emergency Medical Training Fund. This fund, which contains reimbursements from New York State for emergency medical training for firefighters, presently has an accumulated balance of \$241,059.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Service

Ordinance No. 2002-64
(Int. No. 73)

Authorizing The Acquisition Of A Fire Apparatus Deployment Analysis Module And Amending The 2001-02 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 Deccan International Incorporated for the acquisition of a Fire Apparatus Deployment Analysis Module and technical support for two years.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$110,000, and of said amount, or so much thereof as may be necessary, \$84,000 shall be funded from the 2001-02 Budget of the Rochester Fire Department, and \$13,000 shall be funded from each of the 2002-03 and 2003-04 Budgets of the Rochester Fire Department, contingent upon adoption of said budgets.

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

Section 4. Ordinance No. 2001-215, the 2001-02 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 \$84,000, which amount is hereby appropriated from funds received from the New York State Department of Health.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-65 And
Ordinance No. 2002-66
Re: Police Grants

Transmitted herewith for your approval is legislation relating to two grants for police programs. This legislation will:

1. Appropriate a total of \$53,232 in interest earnings of the Law Enforcement Block Grant trust fund;

Confidential Evidence Fund	\$33,456
PAC-TAC Program	19,776
Total	<u>\$53,232</u>

- 2. Authorize an agreement with the Governor's Traffic Safety Committee for receipt of a grant of up to \$29,713 to partially finance the cost of enforcement activities involving the sale of alcohol to underage persons.

Law Enforcement Block Grant

The LEBG program, which was initiated in 1996, allocates funds to municipalities based on the number of Part I (serious) crimes reported in each jurisdiction. To date, the City has received \$1,892,928 under the program.

These funds have been deposited in a trust fund, which earns interest. The interest that has accrued must be appropriated and expended by specified dates, which are dependent upon the date of receipt of the grants.

The proposed appropriation involves the fourth and fifth grants. The interest on these grants must be expended by June 1, 2002 and January 1, 2003, respectively.

Underage Alcohol Enforcement

In 1996, as part of its STOP-DWI program, the Police Department began to enhance its enforcement efforts relating to the sale of alcohol to persons under the age of 21. Underage youth were recruited to attempt to purchase alcohol from various locations, such as stores, bars and restaurants.

Beginning in 1998, the Governor's Traffic Safety Committee has provided grants to partially finance the costs of enforcement. Acceptance of the most recent grant was authorized by the City Council on March 20, 2001.

During the grant period (October 1, 2000 through September 30, 2001), 13 enforcement details were conducted. Purchases were attempted at 179 locations and 49 arrests were made for illegal sales.

The proposed grant will be used for the continuation of such enforcement efforts.

Overtime	\$23,413
Informant payments	1,300
Printing and advertising	300
"Buy" money	1,200
Vehicle rental	1,500
Equipment	2,000
Total	<u>\$29,713</u>

The proposed grant is \$5,443 more than the prior grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Health, Safety and Responsibility

Ordinance No. 2002-65
(Int. No. 91)

Appropriation Of Interest On Local Law Enforcement Block Grant Funds

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

Section 1. There is hereby appropriated the sum of \$33,456, constituting interest earned, as well as

all additional interest to be earned, on Year 4 Local Law Enforcement Block Grant Funds, to fund the confidential evidence fund of the Rochester Police Department.

Section 2. There is hereby appropriated the sum of \$19,776, constituting interest earned, as well as all additional interest to be earned, on Year 5 Local Law Enforcement Block Grant Funds, to fund the PAC-TAC Program of the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-66
(Int. No. 92)

Authorizing An Agreement With Respect To Underage Alcohol Enforcement

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 Governor's Traffic Safety Committee for funding for an Underage Alcohol Enforcement Program.

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

Section 3. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1498
And Local Improvement Ordinance No. 1499

Re: Public Market Snow Removal And Security Services

Transmitted herewith for your approval is legislation approving the appropriations and assessments for snow removal and security services at the Public Market.

The snow removal district was established by the City Council on May 22, 1990, while the security services district was established by the Council on August 13, 1991. Both districts include 18 properties that are adjacent to the Public Market.

The Department of Parks, Recreation and Human Services provides special snow removal and security services, including plowing and salting, as necessary. The security services include foot patrols from 5:00 p.m. to 5:00 a.m. on Monday through Saturday and all day Sunday and certain holidays.

Part of the cost of these services is apportioned among the properties within the district. These assessments include (1) a fixed fee for each property and (2) an additional fee for each front foot of each property.

Three of the properties are now owned by the City of Rochester. Although the portion of the assessment assigned to them was used for the determination of the total assessment, the sum of the three City-owned properties was subtracted from the total assessment levied as an efficiency measure.

In 2002-03 for snow removal services, the fixed fee will be \$100 per property while the footage fee will be \$2.44 per foot. The total amount of assessment will be \$5,856.11, which is \$531.95 more than the 2001-02 amount.

	Approved <u>2001-02</u>	Proposed <u>2002-03</u>
Fixed Fee	\$ 100.00	\$ 100.00
Number of Properties	18	18
Fixed Fee Total	<u>\$1,800.00</u>	<u>\$1,800.00</u>
Footage Fee 2.44	\$ 2.12	\$
Footage	<u>1,662.34</u>	<u>1,662.34</u>
Footage Fee Total	<u>\$3,524.16</u>	<u>\$4,056.11</u>
Total Assessment	\$5,324.16	\$5,856.11
Less City Portion (800.42)	<u>(733.56)</u>	—
Adjusted Assessment	\$4,590.60	\$5,055.69

For security services, the fixed fee will be \$990 per property, while the front footage fee will be \$5.09 per foot. The total amount of the assessment will be \$26,281.31, which is the same as the 2001-02 amount.

	Proposed <u>2002-03</u>
Fixed Fee 990.00	\$
Number of Properties	18
Fixed Fee Total	<u>\$17,820.00</u>
Footage Fee 5.09	\$
Footage <u>1,662.34</u>	—
Footage Fee Total	<u>\$ 8,461.31</u>
Total Assessment	\$26,281.31
Less City Portion	<u>(4,010.96)</u>
Adjusted Assessment	\$22,270.35

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Service

Local Improvement Ordinance No. 1498
(Int. No. 62)

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, 2002 to June 30, 2003.

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 2002-03 year shall be \$5,055.69. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus two dollars and forty-four cents (\$2.44) 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:

Property Address	SBL No.	Front Footage
248 N. Union Street 558.27	106.660-0001-014	
171 Railroad Street 190.25	106.670-0001-078	
156 Public Market 126.31	106.670-0001-074	
160 Public Market	106.670-0001-075	42.58
166 Public Market	106.670-0001-076	35.62
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 Ave	106.590.0003-002.1	120
16-18 Public Market	106.590-0003-001	40
25 Pennsylvania Ave	106.580-0003-026	40
17-23 Pennsylvania Ave	106.580-0003-027	40
15 Pennsylvania Ave	106.580-0003-028	40
11 Pennsylvania Ave	106.580-0003-029	19.57
9 Pennsylvania Ave 128.24	106.580-0003-030	

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, 2002 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2002

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Local Improvement Ordinance No. 1499
(Int. No. 63)

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, 2001 to June 30, 2002.

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 half 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 2002-03 year shall be \$22,270.32. The amount to be assessed against each parcel shall include a fee of nine hundred ninety dollars (\$990.) per parcel plus five dollars and nine cents (\$5.09) 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:

Property Address	SBL No.	Front Footage
248 N. Union Street	106.660-0001-014	558.27
171 Railroad Street	106.670-0001-078	190.25
156 Public Market	106.670-0001-074	126.31
160 Public Market	106.670-0001-075	42.58
166 Public Market	106.670-0001-076	35.62
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 Ave	106.590.0003-002.1	120
16-18 Public Market	106.590-0003-001	40
25 Pennsylvania Ave	106.580-0003-026	40
17-23 Pennsylvania Avenue	106.580-0003-027	40
15 Pennsylvania Ave	106.580-0003-028	40
11 Pennsylvania Ave	106.580-0003-029	19.57
9 Pennsylvania Ave	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, 2002 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2002.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 71 And
Introductory No. 72
Re: Blue Cross Arena At The War Memorial

Transmitted herewith for your approval is legislation relating to the Blue Cross Arena at the War Memorial. This legislation will:

1. Authorize an amendatory agreement with SMG, Inc., for continued management and operation of the Arena;
2. Approve the following changes in the user fee:
 - a. An increase in the amount of the fee, from \$1.00 to \$1.25, and
 - b. Extension of the fee to tickets under \$5.00.

The Arena is operated by SMG pursuant to an agreement authorized by the City Council on June 25, 1998. Under the terms of this agreement, SMG is responsible for all operating costs and is required to reimburse the City for all utility costs, up to a maximum of \$450,000 per year.

It is entitled to retain, as a management fee, \$420,000 per year of the net operating surplus. If, in any year, a loss is incurred, it is entitled to recover this loss from the net operating surplus of a future year.

In 2000, a loss of \$768,735 was incurred. When this amount is added to the losses of previous years, the accumulated loss is \$2,088,441. For 2001, for which audited financial statements are not yet available, the loss is projected to be \$280,000.

The losses are generally attributable to fewer events and lower attendance than originally projected after completion of the renovation of the facility. SMG has indicated that it cannot continue to operate the Arena under such circumstances and has requested that the terms of the operating agreement be modified.

SMG's right to terminate, if the terms are not modified, is unclear. However, if SMG did terminate, operation of the Arena obviously would be disrupted, as either a new operator was recruited or the City assumed responsibility for its management and operation.

To avoid these consequences, it is recommended that the following modifications to the agreement be approved.

1. Reimbursement by SMG of only 50% of the costs of utilities; and
2. Provision of an annual incentive payment of up to \$75,000 for increased ticket sales or reductions in utility costs.

These modifications would be applied retroactively to January 1, 2001.

Following is a summary of the effect of the modification of the reimbursement requirement.

	Proposed	Present	Change
SMG	\$225,000	\$450,000	\$(225,000)
City	378,000	153,000	225,000
Total	\$603,000	\$603,000	\$ 0

The present user fee was authorized by the Council on June 25, 1995. The fee presently is not applicable to tickets with a value of \$5.00 or less.

The proposed changes in the fee, which will be ef-

fective July 1, are intended to offset the reduction in the reimbursement.

	Estimated Ticket Sales	Revised Revenue	Present Revenue	Change
\$5.00 or less	\$100,000	\$125,000	\$ 0	\$125,000
More than \$5.00	400,000	500,000	400,000	100,000
Total	\$500,000	\$625,000	\$400,000	\$225,000

A copy of the audited financial statements for 2000 is on file in the Office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Service

Introductory No. 71

AUTHORIZING AN AMENDATORY AGREEMENT FOR THE OPERATION OF THE BLUECROSS ARENA AT THE WAR MEMORIAL

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 SMG, Inc. for the operation of the BlueCross Arena at the War Memorial. The amendatory agreement may provide, retroactive to January 1, 2001, that SMG, Inc. be required to pay 50% of the total annual utility costs. The amendatory agreement may also provide, beginning on July 1, 2002, for an annual incentive payment to SMG, Inc. not to exceed \$75,000, based on increased ticket sales or utility cost reductions.

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.

Held in committee.

Introductory No. 72

AMENDING THE USER FEE FOR THE BLUECROSS ARENA AT THE WAR MEMORIAL

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

Section 1. The Council hereby approves the establishment of an amendatory user fee of \$1.25 to be applied immediately to all tickets for events and activities taking place at the BlueCross Arena at the War Memorial on or after July 1, 2002.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the collection of the user fee.

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.

Held in committee.

By Councilmember Norwood
March 19, 2002

To the Council:

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

Int. No. 64 - Authorizing The Sale Of Real Estate

Int. No. 65 - Accepting Donation Of Real Estate

Int. No. 66 - Granting A Temporary Easement For The Stutson Street Bridge Project

Int. No. 67 - Appropriation Of Funds - Homebuyer Assistance Program

Int. No. 74 - Approving The Acquisition Of Parcels For The Home Expo/Challenged Street Project

Int. No. 75 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property Within The City's Home Expo/Challenged Street Project

Int. No. 76 - Authorizing The Exchange of Real Estate And A Loan To Grant Agreement

Int. No. 93 - Approving The 2002 Home Expo Program And Amending Ordinance No. 2002-39

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-67,
2002-68, And 2002-69
Re: Real Estate Transactions

Transmitted herewith for your approval is legislation approving the following real estate transactions.

1. Sale of 10 properties,
2. Acceptance of the donation of one property, and
3. The granting of a temporary easement.

Sales

The first property to be sold, 551-555 Portland Avenue, was included in the public auction of September 24, 2001. The vacant lot will be developed as a parking lot for use in conjunction with the purchaser's adjacent day care facility.

The next two properties - 25 Hillendale Street and 73-75 Karnes Street - will be sold to their former owners. The purchase prices include all delinquent taxes, interest and penalties.

The next property, 421 Rocket Street, contains a two-family structure that will be deconverted into a single-family structure and resold to an owner-occupant whose family income does not exceed 80% of the median area income. The next property, 86-90 Webster Avenue, will be renovated as a day care facility and arts center.

The next three properties - 160R Bay Street, 28 Fairbanks Street, and 38 Phelps Avenue - are considered unbuildable because of their size. They will be sold for \$1.00 to the owners of adjacent properties and combined with those properties.

The last two properties - 402 Hazelwood Terrace and 26 Ries Street - were included in the homesteading lottery of November 13, 2001. The purchasers will be required to rehabilitate the structures within 18 months of the conditional closing and reside in them for at least five years.

Donation

The property to be donated, 47 Grand Avenue, contains a vacant three-family structure that is in deteriorated condition. Following acquisition, the structure will be demolished, at an estimated cost of \$10,000.

The resultant vacant lot will contain 5,120 square feet. It will be used for the development of a single-family house under Home Expo 2002.

As a condition of the donation, City taxes and charges totaling \$7,753 will be canceled. Monroe County taxes totaling approximately \$4,700 will be paid by the City.

Easement

The easement, which consists of .119 acres, is required by the NYS Department of Transportation for the construction of the Colonel O'Rorke Bridge. The price of the easement, \$4,500, was established by an independent appraiser, Robert Pogel.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods
Quality Service

Attachment No. AB-25

Ordinance No. 2002-67
(Int. No. 64)

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 vacant land with proposal by regular auction:

Address	Price	Purchaser
S.B.L.#		
551-555 Portland Ave.	\$150	Gwennette Davis-Jones
106.34-1-28		

Section 2. The Council hereby further approves the sale of the following parcels of improved property

to former owners:

Address	Price	Purchaser
S.B.L.#		
25 Hillendale St.	\$ 6,056.86	Mamie I. Warren
135.24-2-3		
73-75 Karnes St.	10,540.38	Dolores G. Jones
105.49-3-59		

Section 3. The Council hereby further approves the sale of the following parcels of improved property by negotiated sale:

Address	Price	Purchaser
S.B.L.#		
421 Rocket St.	\$30,000	Rochester Housing Development Fund Corp.*
107.31-2-54		
86-90 Webster Ave.	\$1.00	Northeast Area Development, Inc.**
106.68-2-67.1		

- * Officers: Jean Lowe, Raphael Cestero, Robert Barrows
- ** Officers: Rev. Robert Morgan, Ann Paige, Ken Graci, Victoria Pellett

Section 4. The Council hereby further approves the sale of the following parcels of unbuildable vacant land by negotiated sale for the sum of one dollar (\$1.00):

Address	Sq. Ft.	Purchaser
S.B.L.#		
160R Bay St.	1380	Rock Christian Center*
106.50-2-70.1		
26 Fairbanks St.	2566	Winston & Corrine Jones
091.72-3-75		
38 Phelps Ave.	3342	John & Jane Mannaua
105.43-2-60		

- * Principal: Rev. Jose N. Malave

Section 5. The Council hereby further approves the sale of the following parcels of improved property by homesteading lottery for the sum of one dollar (\$1.00):

Address	Purchaser
S.B.L.#	
402 Hazelwood Terr.	Letitia Campbell
107.55-1-46	
26 Ries St.	Leonard & Robin Spears
105.82-3-13	

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

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-68
(Int. No. 65)

Accepting Donation Of Real Estate

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

Section 1. The Council hereby approves the acceptance of the donation of 47 Grand Avenue, SBL #106.680-0002-029, from the current owner, Yakup Oruc.

Section 2. Upon acquisition by the City, City taxes and other charges against said parcel 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, except outstanding County taxes.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-69
(Int. No. 66)

Granting A Temporary Easement For The Stutson Street Bridge Project

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

Section 1. The Council hereby approves the granting of a temporary easement over the parcel known as Map #45, Parcel #50 for two years, for the sum of \$4,500, to the New York State Department of Transportation, to facilitate the construction of the new Stutson Street Bridge.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-70
Re: Homebuyer Assistance Program

Transmitted herewith for your approval is legislation relating to the Homebuyer Assistance Program. This legislation will:

1. Appropriate \$400,000 from the 2001 HOME Program to finance the continuation of the program; and
2. Authorize any necessary agreements.

The program provides financial assistance of up to \$6,000 to families with low- or moderate incomes who purchase houses through the Housing Initiative. The financial assistance may be used for closing costs and/or down payment assistance.

A recipient of assistance is required to provide a five-year promissory note. If recipient continues to reside in the house and the property is not resold during this period, the note expires.

Since inception of the program in September 1993, \$1,767,025 has been disbursed or committed to 319 homebuyers. The total unencumbered balance of prior appropriations is \$148,316.

The most recent appropriation, of \$218,000, for the

program was approved by the City Council on July 18, 2000. The proposed appropriation will supplement this amount.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-70
(Int. No. 67)

Appropriation Of Funds - Homebuyer Assistance Program

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

Section 1. The sum of \$400,000, or so much thereof as may be necessary, is hereby appropriated from 2001 HOME Program Funds to fund the Homebuyer Assistance Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Homebuyer Assistance Program.

Section 3. The agreements shall contain such 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. 2002-71 And
Ordinance No. 2002-72
Re: Real Estate Acquisition - Webster Avenue

Transmitted herewith for your approval is legislation relating to the acquisition of four properties on Webster Avenue. This legislation will:

1. Authorize the acquisition; and
2. Authorize the issuance of bonds totaling \$310,000 and appropriate the proceeds thereof to finance the costs of acquisition, relocation of the occupants and demolition of the structures.

The properties contain a one-family house, two two-family houses and a mixed-use structure, all of which are occupied. The acquisition of the properties is proposed to permit relocation of the occupants, demolition of the structures and inclusion of the resultant lots in Home Expo 2002.

The acquisition prices were established by the following independent appraisers: Robert Pogel, Kevin Bruckner and David Hall. The acquisition cost, along with the closing, relocation and demolition costs, will be financed from the proceeds of the proposed bond issue.

Acquisition	\$132,500
Closing	15,000
Relocation	102,500
Demolition	60,000
Total	<u>\$310,000</u>

The properties have a total assessed value of \$131,500. Based on 2001-02 rates, total tax revenue is \$5,142.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Attachment No. AB-26

Ordinance No. 2002-71
(Int. No. 74)

Approving The Acquisition Of Parcels For The Home Expo/Challenged Street 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 as a part of the Home Expo/Challenged Street Project:

Address	S.B.L.#	Amount
Reputed Owner	Type	
61 Webster Ave. Vernal L. & Narseary Harris	106.68-2-79 1 Family	\$39,500
73 Webster Ave. John A. DeWitte, Inc.	106.68-2-77 Commercial	27,000
107-107.5 Webster Avenue John L. Cuyler	106.68-2-70 2 Family	35,000
111-113 Webster Avenue McCoy Enterprises, Inc.	106.68-2-69 2 Family	31,000

Section 2. The acquisition, relocation, demolition and closing costs shall obligate the City to pay an amount not to exceed \$310,000, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

Section 3. City taxes and other current year charges against said parcels shall be canceled from the date of closing forward. If the present owner has paid any taxes or other current year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-72
(Int. No. 75)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$310,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property Within The City's Home Expo/Challenged Street 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 the "City"), is hereby authorized to finance the costs of the City's Home Expo/Challenged Street Project (the "Project"), consisting of the acquisition of the following blighted properties: 61 Webster Avenue, 73 Webster Avenue, 107-107.5 Webster Avenue and 111-113 Webster Avenue. Existing improvements on said properties are to be ultimately demolished by the City. The estimated maximum cost of the specific object or purpose authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$310,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$310,000 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 \$310,000 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 \$310,000. 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.21 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-73
Re: Jefferson Avenue Real Estate Transactions

Ordinance No. 2002-73
(Int. No. 76)

Transmitted herewith for your approval is legislation relating to real estate transactions involving two properties on Jefferson Avenue. This legislation will:

1. Authorize the sale of 639-655 Jefferson Avenue to OHAD, LLC (principal: Willie Lightfoot, Jr.);
2. Authorize, as consideration for the sale, the acquisition of 614-622 Jefferson Avenue; and
3. Authorize an agreement with OHAD for the provision of \$74,198 to partially finance the costs of construction of a building on the first property.

The project involves the replacement of an office of the South West Neighborhood Association, which was previously located at 614-622 Jefferson Avenue but was destroyed by fire. It will involve the construction of a two-story, 3720 square foot building on 639-655 Jefferson Avenue that will contain two apartments, two commercial businesses and an of-

fice for SWAN.

The appraised value of the property (\$1,700) is approximately equal to the appraised value of the property to be acquired (\$1,800). The values were established by an independent appraiser, Robert Pogel.

The property to be acquired by the City may be leased, licensed or sold to a community agency in the future. The agency would maintain the parcel as a park.

The estimated cost of the project is \$312,611.

Parcel acquisition	\$ 1,700
Site preparation	64,703
Construction	219,868
Professional fees and miscellaneous	26,340
Total	<u>\$312,611</u>

This cost will be financed as follows:

Parcel sale	\$ 1,800
Bank loan	85,000
Insurance proceeds (equity)	151,613
City	74,198
Total	<u>\$ 312,611</u>

Under the proposed agreement, the City funds will be provided as a five-year loan. The loan will have an interest rate 2% below the prime rate or 3%, whichever is greater.

It is expected that six jobs will be created as a result of the project. OHAD will receive a credit for each monthly payment if two businesses are operating in the building for at least eight months in each 12-month period.

The project is expected to be completed in 230 days.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Economic Vitality

Attachment No. AB-27

Authorizing The Exchange Of Real Estate And A Loan To Grant Agreement

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

Section 1. The Council hereby approves the exchange with OHAD, LLC of the title to the City-owned parcel at 639-655 Jefferson Avenue, SBL# 120.68-3-8.2, 8.3, 8.4, 9.2 and 10 for the title to the parcel at 614-622 Jefferson Avenue, SBL# 120.68-3.17.

Section 2. The Mayor is further authorized to enter into a loan agreement with OHAD, LLC for the construction of a mixed-use residential and commercial building on the parcel at 639-655 Jefferson Avenue. The loan shall extend for a term of five years after completion of the construction, with interest at the rate of 3% or 2 percentage points below the prime rate at the time of closing as determined by the Director of Finance, whichever is greater. The borrower may receive a credit for each monthly payment, provided

that two commercial businesses are open and operating in the building at least eight months in each twelve month period.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$74,198, and said amount, or so much thereof as may be necessary, shall be funded from the 1998-99 City Development Fund.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-74
Re: Home Expo 2002

Transmitted herewith for your approval is legislation relating to Home Expo 2002. This legislation will:

1. Authorize the participation of the following developers in the program:
 - a. Speedwell Construction Services, Inc.
 - b. Imperial Rochester Development Corp.
 - c. HSBC Community Development Corp.
 - d. Atlas Corporation
2. Authorize the sale, at their appraised values, of nine parcels on Grand and Webster Avenues and any other parcels previously approved by the City Council for inclusion in the Home Expo program to the aforementioned developers and/or the Greater Rochester Partnership Housing Development Fund Corporation;
3. Appropriate \$161,000 from the 2000 and 2001 HOME programs to finance the cost of promotion, security, fencing and other activities associated with Home Expo 2002 and authorize the use of \$65,000 in unexpended funds previously appropriated for similar purposes for prior Home Expo programs;
4. Authorize the use of previously approved grants from the NYS Affordable Housing Corporation; and
5. Authorize any agreements required for the use of these funds.

Home Expo 2002 will involve the construction of up to 13 houses on parcels in the Grand and Webster Avenue area and an additional 11 houses on parcels in other areas of the city. The program will begin with the construction of five model houses on Webster Avenue.

Home Expo 2002 will be co-sponsored by North East Area Development. NEAD will assist in marketing the houses and will create a "buyer pool".

Home Expo 2002 will complement NEAD's other revitalization efforts in the area. NEAD has renovated five houses under the Home Rochester Program and is currently renovating the Wehle Building on the corner of Webster and Grand Avenues into offices and a day care facility.

The budget for Home Expo 2002 is as follows:

Expenses:	Closing cost assistance	\$144,000
	Home purchase subsidies	480,000
	Promotion, security and contingencies	<u>226,000</u>
Total		\$850,000
Revenues:	Cash Capital	\$ 40,000
	HOME Program	334,000
	City Development Fund	36,000
	NYS AHC	<u>440,000</u>
Total		\$850,000

The home purchase subsidies will vary according to family income:

	Income as Percent of MSA Median	Subsidy
	80% or below	\$20,000
	81-100%	15,000
	100-120%	10,000

Purchasers with incomes at or below 100% or the median family income will also be eligible to participate in the Homebuyer Assistance Program. Under this program, up to \$6,000 is available for down payment and closing cost assistance.

The purchase subsidies of \$20,000 will permit the houses to be sold at prices between \$62,000 and 66,600. Prospective purchasers will have to meet the following income guidelines.

Family Size	80%	100%	120%
1	\$29,600	\$37,050	\$44,450
2	33,850	42,300	50,800
3	38,100	47,600	57,150
4	42,300	52,900	63,500
5	45,700	57,150	68,550
6	49,100	61,350	73,650
7	52,500	65,600	78,700
8	55,850	69,850	83,800

A purchaser will be required to reside in the house for a minimum of 10 years or repay the purchase subsidy. After five years, the required repayment amount will decline 20% during each of the remaining five years.

The Greater Rochester Partnership Housing Development Fund Corporation will, if necessary, provide construction financing for the participating developers. The Home Store will provide pre-purchase counseling, home ownership training, and assistance in obtaining mortgages.

The Home Store will also provide nominal marketing assistance to the developers and maintain a listing of available lots and house styles. Each developer may independently retain the services of a real estate broker to market its houses.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Healthy Urban Neighborhoods

Ordinance No. 2002-74
(Int. No. 93)

Approving The 2002 Home Expo Program And

Amending Ordinance No. 2002-39

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

Section 1. The Council hereby approves the participation of the following developers in the 2002 Home Expo Program:

- HSBC Community Development Corporation (Principal: George Lorson)
- Imperial Rochester Development Corporation (Principal: Donald Laudadio)
- Speedwell Construction Services, Inc. (Principal: Robert Spencer)
- Atlas Construction (Principal: Mike Spaan)

Section 2. The Council hereby approves the sale of any of the following parcels of real estate, and any previously approved Home Expo lots, for their appraised value, to any of the developers listed in Section 1 and/or the Greater Rochester Partnership Housing Development Fund Corporation provided that the developer shall construct and sell housing in accordance with the guidelines of the 2002 Home Expo Program:

Address	S.B.L.#
25 Grand Ave.	106.68-2-25
52 Webster Ave.	106.68-2-64
55 Webster Ave.	106.68-2-80
65 Webster Ave.	106.68-2-78
77 Webster Ave.	106.68-2-76
83 Webster Ave.	106.68-2-75
89 Webster Ave.	106.68-2-74
95 Webster Ave.	106.68-2-73
101 Webster Ave.	106.68-2-71

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 closing for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. Previously appropriated local funds for the Home Expo Program and grants from the New York State Housing Corporation are hereby further authorized for use to fund the 2002 Home Expo Program.

Section 5. The sum of \$76,500, or so much thereof as may be necessary, is hereby appropriated from 2000 HOME Program funds, and the sum of \$84,500, or so much thereof as may be necessary, is hereby appropriated from 2001 HOME Program funds, to fund the 2002 Home Expo Program.

Section 6. The Mayor or his designee is hereby authorized to enter into agreements which may be necessary to implement the 2002 Home Expo Program.

Section 7. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. Ordinance No. 2002-39, relating to a float loan for the Near Westside Rental Project, is hereby amended by amending the final sentence of Section 2 thereof to read in its entirety as follows:

The loan shall be secured by a note and mortgage administered through a Building Loan Agreement.

Section 9. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
March 19, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

Int. No. 68 - Resolution Approving Appointments And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 69 - Amending And Restating The Deferred Compensation Model Plan For Employees Of The City Of Rochester

Int. No. 70 - Amending Chapter 111 Of The Municipal Code In Regard To Handicapped Parking Permits And Amending The 2001-02 Budget

Int. No. 78 - Authorizing A Loan Agreement With The City School District

Int. No. 79 - Authorizing An Agreement With Respect To Underwriting Services For School District Bond Refunding

Int. No. 80 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of An Amount Not To Exceed \$108,000,000 In Principal Amount Of Refunding Bonds Of Said City To Finance The Advance Refunding And Refunding Of Bonds Previously Issued By The City To Fund The Capital Costs Of The Construction, Renovation, Expansion And Equipping Of Certain Facilities Operated By The Rochester City School District

The following entitled legislation is being held in committee:

Int. No. 77 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Crossroads Parking Garage And Project Area

Respectfully submitted,
Tim O. Mains
Brian F. Curran
Nancy K. Griswold
Gladys Santiago
ECONOMIC DEVELOPMENT & GOVERNMENT EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-9
Re: Appointments - Downtown Enhancement District Advisory Committee

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of seven people to the Downtown Enhancement District Advisory Committee.

Appointments
Mark Stevens
S. B. Ashley Management Corporation

Scott Grippo
Genesee Management, Inc. (Sibley Building)

Nickolaus Wowk
Xerox Corporation

Reappointments

Tom Moonan
Monroe Title Insurance

Steven White
Hyatt Regency Rochester

Eugene Lockhart
All Day Sunday

Dr. Quinton Bullock
MCC Damon City Center

Mr. Stevens will replace Matt Pica of the Sheraton Four Points Hotel. Mr. Grippo will replace James Yarrington of Doran Yarrington and Moran Architects. Mr. Wowk will replace Charles Cummings of Xerox.

The terms of all of the appointments and reappointments will extend through December 31, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Center City

Resolution No. 2002-9
(Int. No. 68)

Resolution Approving Appointments 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 or reappointment of the following persons to the Downtown Enhancement District Advisory Committee for terms which shall expire as follows:

Name	Expiration
Affiliation	

Appointment:

Mark Stevens	12/31/03
S.B. Ashley Mgt. Corp.	
Scott Grippo	12/31/03
Genesee Mgt., Inc.	
Nickolaus Wowk	12/31/03
Xerox Square	

Reappointment:

Thomas Moonan	12/31/03
Monroe Title Insurance Corp.	
Steven White	12/31/03
Rochester Hyatt	
Eugene Lockhart	12/31/03
All Day Sunday	
Dr. Quinton Bullock	12/31/03
Damon City Center	

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-75
Re: Deferred Compensation Plan

Transmitted herewith for your approval is legislation approving an amended deferred compensation plan to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001.

Deferred compensation plans are intended to encourage and assist people in saving funds for their retirement. Establishment of such plans by employers is authorized by sections 401 (private employers) and 457 (public employers) of the U.S. Internal Revenue Code.

Under such plans, an employee may elect to defer the receipt of a portion of his or her earnings. The amount deferred is not subject to federal or state taxes in the year that it is earned. Rather, it is subject to taxes in the year that it is received, usually upon retirement of the employee. Between these years, the amount deferred is invested.

A deferred compensation plan for City employees was approved by the City Council on September 23, 1986. Amendments to this plan were approved by the Council on April 16, 1997, November 10, 1998, and August 22, 2000.

Under the proposed additional amendment, the plan will be modified to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001. These modifications, indicated in the attachment, generally provide for increases to the amount an employee may defer, greater flexibility with respect to distributions, and portability between retirement plans.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Quality Service

Attachment No. AB-28

Ordinance No. 2002-75
(Int. No. 69)

Amending And Restating The Deferred Compensation Model Plan For Employees Of The City Of Rochester

WHEREAS, the New York State Deferred Compensation Board (the "Board"), pursuant to Section 5 of the New York State Finance Law ("Section 5"), and the Regulations of the New York State Deferred Compensation Board (the "Regulations"), has promulgated the Model Deferred Compensation Plan for Employees of the City of Rochester (the "Model Plan") and offers the Model Plan for adoption by local employers;

WHEREAS, the City of Rochester, pursuant to Section 5 and the Regulations, has adopted and currently administers the Model Plan known as the Deferred Compensation Plan for Employees of the City of Rochester;

WHEREAS, effective January 1, 2002, the Board amended the Model Plan to adopt provisions of the

Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") as they apply to the Model Plan and to adopt modifications that update certain administrative provisions to accommodate prospective state-of-the-art methods and procedures;

Ordinance No. 2002-76
(Int. No. 70)

Amending Chapter 111 Of The Municipal Code In Regard To Handicapped Parking Permits And Amending The 2001-02 Budget

WHEREAS, the Board has offered for adoption the amended and restated Model Plan to each Model Plan sponsored by a local employer in accordance with the Regulations; and

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

WHEREAS, upon due deliberation, the City of Rochester has concluded that it is prudent and appropriate to amend the Deferred Compensation Plan for Employees of the City of Rochester by adopting the amended and restated Model Plan.

Section 1. Section 111-76 of the Municipal Code, Parking for handicapped persons, is hereby amended by changing Subsection A in its entirety to read as follows:

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

The City Clerk shall issue parking permits to handicapped residents of the City in accordance with rules and regulations adopted by the City Clerk for this purpose.

Section 1. The City of Rochester hereby amends the Deferred Compensation Plan for Employees of the City of Rochester effective January 1, 2002, by adopting the amended and restated Model Plan effective January 1, 2002, in the form on file with the City Clerk.

Section 2. Ordinance No. 2001-215, the 2001-02 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$7500 from the Police Department to the City Council/City Clerk to reflect the transfer of responsibility for issuing handicapped parking permits.

Section 2. This ordinance shall take effect immediately.

Section 3. This ordinance shall take effect on April 1, 2002.

Passed unanimously.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

TO THE COUNCIL:
Ladies and Gentlemen:
Ordinance No. 2002-77
Re: Agreement - City School District,
Transportation Program

Ordinance No. 2002-76
Re: Handicapped Parking Permits
Transmitted herewith for your approval is legislation transferring the responsibility for issuing handicapped parking permits from the Chief of Police to the City Clerk, and amending the 2001-02 Budget to reflect this change.

Transmitted herewith for your approval is legislation authorizing an agreement with the City School District for the loan of \$3.3 million to finance a portion of the costs of its transportation program during 2001-02.

Currently, permits for handicapped parking are handled by the Investigation Unit of the Police Department. Applicants bring the required documentation to the desk at the Public Safety Building, where the permits are issued. When the new Public Safety building opens this spring, the Investigation Unit will be located on the fourth floor, in an area that is not accessible to the public.

The program provides for the transport of students who reside more than 1.5 miles from their schools. Transportation is provided for approximately 25,000 students to 173 locations, including public, private and parochial schools.

To address this problem, beginning on April 1, the City Clerk has agreed to accept responsibility for this new activity along with the various other permits issued by her office in City Hall. Throughout Monroe County, the various Town Clerks are generally responsible for issuing handicapped parking permits rather than police agencies. This change, therefore, will bring City practice in line with prevailing practices in the area.

Most of the costs of the transportation program are reimbursed by New York State. The reimbursement occurs in the year following the year in which the costs are incurred.

Along with the responsibility for issuing the permits, one clerical position will be transferred from the Police Department to the Clerk's office to accommodate the workload, which is currently in the range of 5,000 permits per year. The cost of this service for the final quarter of the year is estimated to be \$7500. The proposed budget amendment will effect this transfer.

As you are aware, in 2001-02 the District was confronted with a state aid deficiency of about \$19.6 million. To address this deficiency, the District considered increasing the distance required for eligibility for participation in the transportation program from 1.5 to 3.0 miles and eliminating transportation for the Urban-Suburban program.

Respectfully submitted,

The changes would have reduced transportation costs by about \$3.3 million in 2001-02. However, they also would have resulted in reduced revenues of about \$2.9 million in 2002-03.

William A. Johnson, Jr. Lois J. Giess
Mayor President

To avoid the need for changes in the transportation program, the District requested an exception to the City Charter requirement for a minimum cash capital allocation of \$10 million, to permit these funds to instead be used for operating purposes. It proposed to finance the capital projects for which the funds were originally allocated from the proceeds of bonds.

R2010: Quality Service

The City approved the exception to the Charter

requirement. However, since the amount of bonds scheduled to be issued by the District under its capital improvement program already exceeded the amount of debt scheduled to be redeemed, the City did not approve the additional bonds.

Instead, it proposed a temporary loan to finance continuation of the transportation program. The proposed agreement will authorize this loan.

Under the agreement, the loan will be repaid in three annual installments of \$1.1 million each. The deferral of the repayment of \$2.2 million to future years is intended to assist the District in addressing its 2002-03 budget problems.

The interest rate on the loan will be equivalent to the City's average investment rate for the 12-month period ending May 1. The present investment rate is 2.43%.

The present unappropriated balance of the Insurance Reserve Fund is approximately \$12.1 million. A similar loan, of \$3.7 million, was authorized by the City Council on June 19, 1990, to assist the district in revising its transportation program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Educational Excellence
Ordinance No. 2002-77
(Int. No. 78)

Authorizing A Loan Agreement With The City School District

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

Section 1. The Mayor is authorized to enter into a loan agreement with the City School District whereby the City shall loan to the District the sum of \$3,300,000 in order that the District may maintain the distance at which students are transported to and from school at one and one-half miles. The loan shall be repaid by the District in three annual installments of \$1,100,000 plus interest for the twelve month period prior to May 1 of each year, commencing in May, 2003. Interest shall be based on the City's investment rate for the twelve month period prior to May 1 of each year, as determined by the Director of Finance.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$3,300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Insurance Reserve 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. 2002-78 And
Ordinance No. 2002-79
Re: Debt Refinancing, City School District

Transmitted herewith for your approval is legislation relating to the refinancing of the bonded indebtedness of the City School District. This legislation will:

1. Authorize the issuance of new bonds totaling \$108 million and appropriate the proceeds thereof for the future redemption of existing bonds totaling \$94.1 million and interest thereon; and
2. Authorize an agreement with Roosevelt & Cross, of New York City, for the provision of underwriting services for the refinancing.

At present, the maximum maturity of a debt issue is determined by the "period of probable usefulness" specified by the NYS Local Finance Law. In practice, the maturity established by the City for a debt issue is usually less than the maximum period specified by the law.

The City's practice of rapid repayment is intended to protect its credit rating. Because of the practice, Moody's has characterized the City's debt burden - which is above the median for similar cities - as "manageable".

The District is partially reimbursed by New York State for the repayment of debt issued for construction or renovation of buildings through the building aid program. In the past, the amount of building aid received was directly related to the amount of the principal and interest payments.

Under Chapter 383 of the Laws of 2001, standard reimbursement schedules - which are the different specified periods of probable usefulness - were established and will become effective in 2002-03. For the District, the reimbursement periods will exceed the present maturities of its debt.

The extension of the reimbursement period will significantly reduce the amount of building aid the District will receive annually, by about \$11-12 million for its bonded indebtedness in 2002-03. The proposed refinancing is intended to offset this reduction in revenue through a reduction in annual debt service.

The reduction in debt service will be achieved through an extension of the maturity of the debt. The amortization of the new bond issues will be "matched" to the revised reimbursement schedule.

The proceeds of the new debt will be placed in an escrow account and will be used in the future for repayment of the old debt, and interest thereon, in accordance with its existing maturity schedule for the old debt. Obviously, with the extension of the maturity of the District's debt resulting from the new bond issue, total interest costs will increase.

Roosevelt & Cross is recommended to provide the underwriting services required for the refinancing because of its experience. It has been involved with similar refinancings for other schools and has been the manager or co-managers of negotiated transactions for the following entities:

- Counties: Broome, Erie, Monroe, Nassau and Oneida
- Cities: Buffalo, Syracuse, Utica and White Plains
- Other: New York State, Empire Development Corporation, Environmental Facilities

Corporation, Dormitory Authority, Thruway Authority, Metropolitan Transportation Authority, NYS Housing Finance Agency, NYS Mortgage Agency, Port Authority of New York and New Jersey

(Int. No. 80)

Because of its experience, it has significant marketing capabilities. It has over 9,000 retail clients, including 6,700 in New York State, and custody of over \$1.2 billion in funds.

The fee for the underwriting services will be based on the maturity of the new bonds to be issued.

Maturity	Fee per \$1,000
2002	\$2.50
2003-2006	3.75
2007-	5.00

It is estimated that total fees will be \$475,000 to \$500,000. The fees will include the costs of Roosevelt & Cross' counsel and escrow and verification agents; printing of the official statement for the issue; credit ratings; and bond insurance.

Provision for the fees will be included in the new bond issue. Consequently, the District will be reimbursed by the State for approximately 77% of the fees over the maturity of the bonds.

The refinancing of the existing bonded indebtedness is expected to occur within 30 days. The maturities of existing bond anticipation notes will be "matched" to the new reimbursement schedule when they are reserved or converted into bonds.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Educational Excellence

Ordinance No. 2002-78
(Int. No. 79)

Authorizing An Agreement With Respect To Underwriting Services For School District Bond Refunding

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 Roosevelt & Cross, Inc. for underwriting services for refunding of the bonded debt of the City School District.

Section 2. The agreement shall obligate the City to pay Roosevelt & Cross at the rate of \$2.50 per \$1,000 for debt maturing in 2002, \$3.75 per \$1,000 for debt maturing in 2003-2006, and \$5.00 per \$1,000 for debt maturing in 2007 and thereafter, which amounts shall be funded from the 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. 2002-79

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of An Amount Not To Exceed \$108,000,000 In Principal Amount Of Refunding Bonds Of Said City To Finance The Advance Refunding And Refunding Of Bonds Previously Issued By The City To Fund The Capital Costs Of The Construction, Renovation, Expansion And Equipping Of Certain Facilities Operated By The Rochester City School District

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), has previously issued certain series of bonds of the City in the calendar years 1993 through 2001 (the "Bonds") to fund the capital costs of the construction, renovation, expansion and equipping of certain facilities (the "Projects") operated by the Rochester City School District (the "School District"). A complete description of the Bonds is on file in the office of the Chief Fiscal Officer of the City. The total maximum cost of the specific objects or purposes constituting the Projects were duly authorized by the City in connection with issuance of each respective series of Bonds and said amounts were duly appropriated and expended therefor. The City pledged to levy and collect ad valorem tax on all the taxable real property in the City without limitation as to rate or amount in amounts sufficient to pay the principal of the Bonds and the interest thereon as the same shall become due and payable.

Section 2. Chapter 383 of the New York State Laws of 2001 (the "Act") has amended the State education law, general city law and local finance law to allow for an adjustment in the State building aid formula over an extended amortization period thereby enabling the City to achieve significant cost savings over the extended amortization period for indebtedness incurred to refund the City's existing Bonds (the "Refunding Bonds"). Refunding Bonds of the City in the principal amount not to exceed \$108,000,000 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, including, specifically, Section 90.00 thereof, as amended by the Act (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The amortization term of the Refunding Bonds, or any series thereof, shall be as prescribed by the Commissioner of Education of the State over the period (or aggregate of periods) maximizing State building aid for the Projects available under the Act.

Section 4. The proceeds of the sale of the Refunding Bonds shall be held and invested exclusively for application to the outstanding principal amounts of the Bonds as the Bonds become available for redemption (or payment at maturity) without prepayment penalty or premium, all in accordance with Section 90.10 of the Local Finance Law, as amended by the Act.

Section 5. The Refunding Bonds authorized by this Ordinance shall contain the recital of validity as prescribed by Sections 52.00 and 90.00 of the Law and 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 provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds 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 of Sections 50.00, 51.00, 56.00 to 59.00 and 168.00 of said Law, the powers and duties of the City Council 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, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 77
Re: Agreement - Bergmann Associates,
Genesee Crossroads Area Redevelopment

Transmitted herewith for your approval is legislation authorizing an agreement with Bergmann Associates, 200 First Federal Plaza, for preparation of a redevelopment concept plan for the Genesee Crossroads area and a rehabilitation and maintenance plan for the municipal parking garage in the area. The maximum cost of the agreement will be \$150,000, which will be financed from the 1994-95 and 1995-96 Cash Capital allocations.

The area includes a portion of the Genesee Crossroads Urban Renewal Project Area, which was established in 1963. The parking garage, which contains 611

spaces on four levels, and Charles Carroll Park and Plaza, which is located above the garage, were constructed in 1966.

The garage is experiencing deterioration of various structural, mechanical and electrical components. The deterioration has resulted in concrete spalling, delamination, joint leakage and defective systems.

For this reason, on May 31, 2001, it was proposed to the City Council that FRA Engineering develop a comprehensive rehabilitation and maintenance plan for the garage. The Council, however, suggested that such a plan should not be developed separately from the plan for redevelopment of the park and other plans for the development of adjacent private properties. The latter plans include expansion of the Kenneth Keating federal building and development for mixed uses of the Rochester Gas & Electric property on Front Street.

Accordingly, proposals for preparation of both an area redevelopment plan and garage maintenance plan were therefore solicited from seven organizations. Four proposals were received.

These proposals were reviewed by an interdepartmental committee consisting of representatives from the Economic Development Department and Departments of Community Development, Environmental Services and Parks, Recreation and Human Services. Bergmann is recommended because of its familiarity with the area, its past performance and the experience and qualifications of the team that it has assembled for the project.

This team includes Hargreaves Associates, of Cambridge, Massachusetts and San Francisco, California, and RKG Associates, of Durham, New Hampshire and Alexandria, Virginia. Hargreaves was involved in the development of waterfront parks in Cincinnati, Louisville, Portland, San Diego, and San Jose, among other cities. RKG, a land use planning and real estate market research and analysis specialist, was involved in riverfront development in South Bound Brook, New Jersey and the downtown redevelopment of Bowling Green, Kentucky.

Under the proposed agreement, the team will:

1. Complete an inventory of the parcels within the project area that indicates:
 - a. Current land use,
 - b. Ownership,
 - c. Current and proposed zoning classifications,
 - d. Public and private utilities,
 - e. Occupancy, and
 - f. Future development plans;
2. Prepare three alternative concept redevelopment plans that provide for:
 - a. Demolition of the parking garage,
 - b. Retention of most of the parking garage with a street level walkway along the river, and
 - c. Improvements achieving a result that is between plans a and b;

3. Prepare an overview of the relevant components of the real estate market of the area and, particularly, of the center city;
4. Prepare a parking analysis of the area, indicating current and projected demand and capacity, and a parking management plan;
5. Evaluate the public art in the park and recommend any changes in display;
6. Evaluate the structural condition of the Sister Cities pedestrian bridge and the feasibility of covering the bridge and restoring the river fountain to operation;
7. Evaluate the feasibility of connecting the walkways in the project area to the High Falls entertainment district;
8. Conduct a visual condition survey of the garage;
9. Conduct concrete core and cathodic protection investigations;
10. Prepare a rehabilitation and maintenance plan for the garage within the context of the concept redevelopment plans for the area;
11. Prepare preliminary cost estimates for each of the concept plans; and
12. Prepare a final report containing conclusions and recommendations.

A project advisory committee, consisting of City staff and representatives of affected property owners, will be established to oversee the project. A design charette and workshop will also be conducted to assist in the development of the alternative concepts.

The project is expected to require nine months to complete.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Centre City

Introductory No. 77

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE GENESEE CROSSROADS PARKING GARAGE AND PROJECT AREA

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 Bergmann Associates for a comprehensive long-term rehabilitation and maintenance plan for the Genesee Crossroads Parking Garage and a pre-development concept plan for the Genesee Crossroads Project Area. The agreement may extend until nine (9) months after completion and acceptance of the construction of the Project. Of said amount, \$20,900 shall be funded from the 1994-95 Cash Capital Allocation and \$129,100 shall be funded from the

1995-96 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Held in committee.

The meeting was adjourned at 8:47 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
April 4, 2002
5:30 P.M.

Present - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Stevenson, Thompson - 8.

Absent Councilmember Santiago - 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.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
The Housing And Community Development
April 4, 2002

To the Council:

Introductory No. 36, was introduced February 12, 2002, and appears in its original form with its transmittal letter on page 40 of the current Council Proceedings.

Attachment No. AB-42

Councilmember Norwood moved to amend Introductory No. 36.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Ordinance No. 2002-80
(Int. No. 36, As Amended)

Changing The Zoning Classification Of 11-35 Orange Street And 14-34 Romeyn Street From R-2 Two-Family Residential And 583 Broad Street And 37 Romeyn Street From M Manufacturing Industrial To C-2 Community Commercial

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following described properties, constituting 11-35 Orange Street and 14-34 Romeyn Street, from R-2 Two-Family Residential, and 583 Broad Street and 37 Romeyn Street from M Manufacturing Industrial to C-2 Community Commercial:

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 Romeyn Street and the centerline of West Broad Street;

Thence 1) Southeasterly along the centerline of West Broad Street a distance of 137.5 feet more or less to the northeasterly projection of the centerline of the abandoned Rickard Alley;

Thence 2) Southwesterly along said projection and along said centerline of Rickard Alley a distance of 330.00 feet to a point;

Thence 3) Northwesterly and at right angles to the centerline of Rickard Alley a distance of 7.5 feet to the southwesterly corner of Lot 8 of the Staples Tract as recorded in the Monroe County Clerk's Office in Liber 37 of maps at page 17;

Thence 4) Northwesterly along the southwesterly line of said Lot 8 and it's

northwesterly extension a distance of 130.0 feet more or less to the centerline of Romeyn Street;

Thence 5) Northeasterly along the centerline of Romeyn Street to a point 3 feet from the northeasterly line of Lot 23 of said Staples Tract projected southeasterly to the centerline of Romeyn Street;

Thence 6) Northwesterly parallel to the northeasterly line of Lot 22 and 3 feet southwesterly therefrom a distance of 113.3 feet more or less to the rear line of said Lot 23;

Thence 7) Southwesterly along the rear line of said Lot 22 and the rear line of Lot 5 of James M. Whitney's Subdivision of Lot 38, Section F, of the Whitney Tract to a point 40.42 feet more or less from the southerly line of said Lot 5;

Thence 8) Northwesterly along the midline of said Lot 5 and it's extension a distance of 67.5 feet more or less to the centerline of Orange Street;

Thence 9) Northeasterly along the centerline of Orange Street a distance of 212 feet to a point;

Thence 10) Southeasterly and parallel with the southerly line of Broad Street a distance of 60 feet to the westerly line of Lot 1 of said Whitney's Subdivision;

Thence 11) Southwesterly along the westerly line of said Lot 1 a distance of 37 feet to the southerly line of said Lot 1;

Thence 12) Southeasterly along the southerly line of said Lot 1 a distance of 23.72 feet to the easterly line of said Lot 1;

Thence 13) Northeasterly along the easterly line of said Lot 1 a distance of 42.36 feet to a point;

Thence 14) Southwesterly and parallel to the southerly line of Lot 18 of the said Staples Tract a distance of 94.52 feet to the centerline of Romeyn Street;

Thence 15) Northeasterly along the centerline of Romeyn Street to the centerline of West Broad Street and the point or place of beginning.

Section 2. The change in the zoning classification authorized herein shall take effect upon compliance by the applicant with the following requirements, as certified by the City Engineer to the Director of Zoning, within eighteen months of the adoption of this ordinance, and shall effect a change in the zoning classification of said parcels even if said parcels have been reclassified in the interim as a result of the adoption of a new zoning code and map for the City:

a. Obtaining approval for, and abandonment of,

that portion of Romeyn Street from West Broad Street to the proposed new connector street between Romeyn Street and Orange Street; and

b. Obtaining approval for, and dedication, naming and construction to the City Engineer's specifications of, a new connector street between Romeyn Street and Orange Street.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

The meeting was adjourned at 5:47 P.M.

CAROLEE A. CONKLIN
City Clerk

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REGULAR MEETING
April 16, 2002

Present - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Absent - Councilmembers Douglas, Santiago - 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:

Bureau of NET

*Terrance G. Borshoff

Department Of Parks, Recreation & Human Services

*Grace Snavelly

Economic Development Department

Jessie Marvin Lazeroff

Finance Department

*John H. Knaak

*Richard Koral

*Frank F. Roberts

Fire Department

Thomas Glende

*Robert W. McDevitt

*Gary Weisensel

Library

*Willie T. Griffin

Police Department

*Adin Feliciano

*Joseph L. Murphy

Daniel F. Woods

*Not attending meeting,

APPROVAL OF THE MINUTES

By Councilmember Thompson

RESOLVED, that the minutes of the Regular Meeting of March 19, 2002, 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. 3683-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3684-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By President Giess - Petition from residents of the South East Area Coalition requesting for 45 more days to review zoning code revision. Petition No. 5095

By President Giess - Petition from residents of the Swillburg Neighborhood Association requesting for more trees to be planted along Henrietta Street from Nelson Street to Field Street. Petition No. 5096

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Authorizing Increases In The Pavement Width Of Richmond Street As A Part Of The Richmond Street Improvement Project Int. No. 97 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 98 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District Int. No. 99 No speakers.

Continuation Of Local Improvement Ordinance No. 1340 Relating To The Lyell Avenue I Street Lighting Upgrade Project Int. No. 100 No speakers.

Continuation Of Local Improvement Ordinance No. 1377 Relating To The Lyell Avenue II Street Lighting Upgrade Project Int. No. 101 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 102 No speakers.

Authorizing Increases In The Pavement Width Of Rundel Park As A Part Of The Rundel Park Public Improvement Project Int. No. 122 No speakers.

Authorizing Increases In The Pavement Width Of Lily Street As A Part Of The Lily Street Improvement Project Int. No. 123 One speaker: Tim Brooks.

Approving The Re-Opening Of Wilson Boulevard From Ford Street To Elmwood Avenue And Additional Pavement Changes To Wilson Boulevard And Public Access Improvements To Bausch & Lomb Riverside Park Int. No. 125 No speakers.

Authorizing Amendatory 1999-2000 And 2000-01 Community Development Program Plans To Transfer

Funds To The Good Grades Pay And Job Creation/ Youth Development Accounts Int. No. 128 No speakers.

Establishing A Moratorium On Applications For Amendments To The Zoning Ordinance And Map Int. No. 108 One speaker: Gloria Edmonds.

Changing The Zoning Classification Of 420 Westfall Road From R-3 Low-Medium Residential To R-3/O-O Low-medium Residential/Overlay Office Int. No. 124 One Speaker: GRH Architects

Approving The Sale Of 110 Science Parkway In The Rochester Science Park To LeFrois Development, LLC Int. No. 120 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2002-81 Re: Agreement - WXXI, Channel 12

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a six-month agreement with WXXI Public Broadcasting, 280 State Street, for continued operation of Channel 12, the City's government access television station. The maximum cost of the agreement will be \$87,111, which will be financed from the 2001-02 budget for Undistributed Expense.

The original agreement with WXXI was authorized by the City Council on December 17, 1991. The most recent agreement was authorized by the Council on December 18, 2001 and expired on March 21, 2002. Under the agreement, WXXI provides the primary transmission facilities and programming for Channel 12.

The purpose of the agreement is to increase the viewership of Channel 12 and to thus enhance the City's marketing and informational efforts. Through WXXI's access to and broadcast of program materials from the public broadcasting system, the amount of unprogrammed time on the channel is limited.

At present, regular programming is provided from 9:00 a.m. to 11:00 p.m. Thereafter, "bulletin boards" containing information about City job and contract opportunities, special events and community activities are shown.

WXXI is required to provide studio facilities for the City's production of up to 50 hours of programming each year. Currently, the City produces two regular half-hour shows each month about City services and events. It also produces various public service announcements that are shown between regular programs.

Under the proposed agreement, WXXI will continue to be required to operate Channel 12 for at least 14 hours each day. The City will advise WXXI of the amount of programming it will provide and WXXI will be responsible for providing sufficient programming to fill the remaining time.

Respectfully submitted, William A. Johnson, Jr.

Mayor

Ordinance No. 2002-81 (Int. No. 132)

Establishing Maximum Compensation For A Professional Services Agreement With WXXI Public Broadcasting For City 12

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

Section 1. The sum of \$87,111, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and WXXI Public Broadcasting for the continued operation of City 12 for a term not to exceed six months. Said amount shall be funded from the 2001-02 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2002-82 Re: Agreement - South Wedge Planning Committee, Dock Installation

R2010: Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an agreement with the South Wedge Planning Committee (SWPC), 288 Sanford Street, Rochester, New York, 14620 in an amount not to exceed \$15,000, as a matching grant for installation of docks at South Wedge Landing.

City Council introduced and authorized funding for the matching grant in Ordinance 2001-202, as part of the FY 2002 Cash Capital budget. Since that time, the South Wedge Planning Committee has actively pursued the required matching funds through grant applications and solicitations. In order to move forward with the \$30,000-\$35,000 project in time to complete installation this spring, a local business, K.A.S.E., Inc. has agreed to guarantee the up-front match funding needed to purchase and install 225 linear feet of floating dock. The agreement will provide for SWPC to continue efforts to secure the matching funds, however, in the event this effort is not successful by September 1, 2002, K.A.S.E. will absorb any shortfall. Following installation, the docks will be donated to the City of Rochester and be available for public use. They will be the only facility locally that will be designed specifically to accommodate the physically challenged.

K.A.S.E., with offices located in Macedon, does business as "Canalside Rentals" and currently operates a number of canoe, bicycle and kayak rental facilities along the Erie Canal, including sites in Fairport, Brockport, Macedon, Palmyra, Waterloo and Kershaw Park in Canandaigua. Additionally, they manage the operation of the Genesee Waterways Center in Genesee Valley Park. The President and CEO is Kathy Skinner who has been actively involved with SWPC in organizing the River Challenge Event held in June as well as efforts to increase access to and activity along the south river and canal. In return for guaranteeing the matching funds, K.A.S.E. will be afforded the opportunity to operate a canoe/kayak/bicycle rental

and instructional service at the South Wedge Landing site under a license agreement from the City. Plans call for a 7-day per week, staffed operation. K.A.S.E. will install and remove the docks seasonally and pay the City a flat annual license fee (\$500) plus 10% of gross income over \$2,500.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-82
(Int. No. 133)

Authorizing Agreements Relating To Docks At The South Wedge Landing

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 an agreement between the City and the South Wedge Planning Committee as a matching grant for the installation of docks at the South Wedge Landing. Said amount shall be funded from the 2001-02 Cash Capital Allocation.

Section 2. The Mayor is hereby authorized to enter into a license agreement with K.A.S.E., Inc., d/b/a Canalside Rentals, for the use of the South Wedge Landing site and docks for canoe, kayak and bicycle rentals and instruction. K.A.S.E., Inc., d/b/a Canalside Rentals, shall install and remove the docks seasonally and shall pay to the City a flat rate of \$500 annually plus 10% of the gross income over \$2,500 annually. The license agreement may extend for a term of two years, with three one-year options to renew.

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.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Stevenson
April 16, 2002

To the Council:

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

Int. No. 94 - Establishing Maximum Compensation For An Amendatory Agreement For The Lake Avenue Public Improvement Project

Int. No. 95 - Establishing Maximum Compensation For An Agreement For The Electric Avenue Pedestrian Bridge Removal

Int. No. 96 - Amending The 2001-02 Budget With Respect To Water

Int. No. 111 - Establishing \$729,100 As Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Remediation Of The Former APCO General Contractor's Site

Int. No. 112 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$182,300 Bonds Of Said City To Finance The Additional Cost Of Implementing Environmental Remediation At The Former APCO Site Located Within The City At 79 Woodstock Road

Int. No. 113 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,145,100 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

Int. No. 114 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$134,600 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

Int. No. 115 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$65,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

Int. No. 116 - Authorizing Agreements And Appropriating Funds For The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

Int. No. 117 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Review Services Relating To The CSXT Train Derailment Cleanup

Int. No. 126 - Resolution Approving Appointments To The Rochester Environmental Commission

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

Int. No. 97 - Authorizing Increases In The Pavement Width Of Richmond Street As A Part Of The Richmond Street Improvement Project

Int. No. 98 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Int. No. 99 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

Int. No. 100 - Continuation Of Local Improvement Ordinance No. 1340 Relating To The Lyell Avenue I Street Lighting Upgrade Project

Int. No. 101 - Continuation Of Local Improvement Ordinance No. 1377 Relating To The Lyell Avenue II Street Lighting Upgrade Project

Int. No. 102 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 122 - Authorizing Increases In The Pavement Width Of Rundel Park As A Part Of The Rundel Park Public Improvement Project

Int. No. 123 - Authorizing Increases In The Pave-

ment Width Of Lily Street As A Part Of The Lily Street Improvement Project

Int. No. 125 - Approving The Re-Opening Of Wilson Boulevard From Ford Street To The Elmwood Avenue And Additional Pavement Changes To Wilson Boulevard And Public Access Improvements To Bausch & Lomb Riverside Park

Int. No. 129 - Establishing Maximum Compensation For A Professional Services Agreement For The Atlantic-Woodstock Subdivision

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Tony M. Thompson
Lois J. Giess (Voted on Int. No. 111 & Int. No. 112.)
Gladys Santiago (Voted on Int. No. 111 through Int. No. 129.)
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-83
Re: Agreement - CSX Transportation, Inc., Lake Avenue Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with CSX Transportation, Inc., of Jacksonville, Florida, for additional design review and construction flagging services required for the Lake Avenue Improvement Project. The maximum cost of this agreement will be \$37,080, which will be financed from anticipated state and federal reimbursements and the proceeds from a bond issue previously authorized by the City Council.

The Lake Avenue project generally extends from Burley Road to the Lake Ontario State Parkway. The work, which began in the summer of 2001, is being performed by Nory Construction, Inc., at a cost of \$8,985,634.

The project includes reconstruction and widening of the bridge over the railroad tracks near Boxart Street. Because the project requires intrusion on the property of CSX and coordination with railroad operations, review of the project design and the provision of flagging services by CSX has been required.

The original agreement for such services was authorized by the Council on July 17, 2001. The maximum cost of the agreement, \$138,414, was based on an estimate prepared by CSX prior to award of the construction contract.

After reviewing the actual contract schedule and work plan, CSX has indicated that additional flagging services will be required. The proposed amendatory agreement will provide for these additional services.

If the amendatory agreement is approved, the total cost of the agreement with CSX will increase to \$175,494.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-29

Ordinance No. 2002-83
(Int. No. 94)

Establishing Maximum Compensation For An Amendatory Agreement For The Lake Avenue Public Improvement Project

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

Section 1. The sum of \$37,080, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory agreement with CSX Transportation for design review and construction flagging services for the Lake Avenue Public Improvement Project. Of said amount, \$1,859 shall be funded from Bond Ordinance No. 2001-233, \$29,664 shall be funded from the appropriation made in Section 3 of Ordinance No. 2001-235, and \$5,562 shall be funded from the appropriation made in Section 4 of Ordinance No. 2001-235.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-84
Re: Agreement - CSX Transportation, Inc., Electric Avenue Bridge Removal Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with CSX Transportation, Inc., of Jacksonville, Florida, for design review and construction flagging services and the provision of access to its property. The maximum cost of the agreement will be \$18,000, which will be financed from the 1998-99 Cash Capital allocation of the Department of Environmental Services.

The services and access will be provided for the Electric Avenue Bridge Removal Project. This pedestrian bridge, which is 170' in length, was constructed in 1926 and provided access to Holleder Stadium, which was demolished in 1985, and School #40, which was converted into condominium units in 1982.

Because of the demolition of the stadium and conversion of the school, it is estimated that only about 10 people presently use the bridge each day. Because of the low usage, the bridge contributes to nuisance activities within the neighborhood.

Accordingly, residents of the neighborhood requested removal of the bridge. At a public informational meeting on October 4, approximately 70% of the people of the attendees indicated their support of this request.

The bridge will be removed in conjunction with the Lily Street Improvement Project, which is scheduled to begin in the fall of 2002. The estimated cost of removal is \$57,000.

Removal of the bridge will require access to the

property not only of CSX, but also of Rochester & Southern Railroad, Inc. The latter access will be provided through a license agreement between the railroad and the contractor for the project.

A copy of the minutes of the public informational meeting is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-30

Ordinance No. 2002-84
(Int. No. 95)

Establishing Maximum Compensation For An Agreement For The Electric Avenue Pedestrian Bridge Removal

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 agreement with CSX Transportation for design review and construction flagging services for the removal of the Electric Avenue Pedestrian Bridge. The agreement shall further authorize access to CSX property for the project. Said amount shall be funded from the 1998-99 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-85
Re: 2001-02 Budget Amendment -
Water Purchases

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation increasing the 2001-02 budget of the Department of Environmental Services by \$1,209,800 to provide for the purchase of additional water from the Monroe County Water Authority.

Under the agreement authorized by the City Council on April 25, 1978, the City and MCWA buy and sell water to each other at various locations in the interconnected distribution systems. The purchase and sale price is equivalent to the cost of production of water at MCWA's Shoremont treatment plant.

In most years, the City sells more water to MCWA than it purchases. However, because of recent near drought conditions, it is projected that City purchases during 2001-02 will exceed sales.

(million of gallons)

	<u>Budget</u>	<u>Projected</u>
Customer demand	10,714	10,800
Sales to other communities	275	300
Sales to MCWA	<u>5,225</u>	<u>5,653</u>

Total Demand	16,214	16,753
City production	<u>13,460</u>	<u>9,232</u>
MCWA Purchases	2,754	7,521
Exchange price	\$ 380	\$ 300
Purchase Cost	\$1,046,520	\$2,256,300

Therefore, it is projected that an appropriation increase of \$1,209,800 will be required.

The increase will be financed from the undesignated fund balance of the Water Fund. This balance currently is \$4,115,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-85
(Int. No. 96)

Amending The 2001-02 Budget With Respect To Water

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

Section 1. Ordinance No. 2001-215, the 2001-02 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 \$1,209,800, which amount is hereby appropriated from the Water Fund balance to fund the purchase of water from the Monroe County Water Authority.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-86 And
Ordinance No. 2002-87
Re: APCO Site Environmental
Remediation

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation relating to environmental remediation of the former APCO General Contractors site. This legislation will:

1. Authorize an amendatory agreement with The Sear-Brown Group, 85 Metro Park, for additional remediation services, at a maximum cost of \$729,100;
2. Authorize the issuance of bonds totaling \$182,300 and appropriate the proceeds thereof to finance a portion of this cost; and
3. Appropriate \$546,800 in anticipated reimbursements from the 1996 Clean Water/Clean Air Bond Act to finance the remaining portion of the cost.

The former APCO site consists of nine parcels, totaling 6.9 acres, that are located in the residential area generally bounded by E. Main Street, Atlantic Avenue, Woodstock Street and Akron Street.

Eight of the parcels were acquired through tax foreclosure proceedings. The other parcel was acquired

through condemnation.

Prior to their acquisition, the parcels had been used since the 1930s by general contracting businesses. It is intended that, in the future, they be used for residential development.

On June 17, 1997, the City Council authorized an agreement with Sear-Brown for an environmental investigation of the site. The investigation identified surface and subsurface soil contamination, groundwater contamination, underground storage tanks, construction and demolition debris, and various other wastes.

A proposed clean-up plan was completed in 1998 and approved by the NYS Department of Environmental Conservation. This plan provides for:

1. Removal of all above- and under-ground storage tanks;
2. Excavation and removal of construction and demolition debris and contaminated soils; and
3. Design and construction of a system to treat petroleum contaminated soil and groundwater.

On November 10, 1998, the Council authorized an agreement with Sear-Brown for design of the required remediation and completion of certain interim clean-up activities. Amendatory agreements for additional remediation services were authorized on August 21 and September 25, 2001.

The permanent clean-up activities began in October, 2001 and are expected to be completed, as scheduled, in August, 2002. However, much greater quantities of waste than ordinarily anticipated have been determined to be present, including:

1. An additional 3,500 cubic yards of buried construction and demolition debris (\$180,000);
2. An additional 2,400 cubic yards of soil contaminated by petroleum and an additional 7,000 gallons of groundwater contaminated by petroleum(\$70,000);
3. 190 cubic yards of asbestos that was not previously identified (\$20,000); and
4. 1,600 cubic yards of soil contaminated with polynuclear aromatic hydrocarbons and heavy metals (\$60,000).

Because of the additional quantities, which had to be either treated on-site or excavated for off-site disposal, additional laboratory testing (\$50,000) and engineering and inspection services (\$49,100) have also been required. Work continued during an eight week period that was originally scheduled as a winter break.

The following activities are included in the remaining portion of the clean-up plan:

1. Removal of contaminated soil from the former underground storage tank areas and the remaining contaminated surface areas;
2. Construction of the biological soil treatment unit to remove the petroleum contaminants in the soil;
3. Installation of monitoring wells in the areas of where new groundwater contamination has been

identified;

4. Installation of an oxygen injection system to remove groundwater contamination;
5. Validation of laboratory tests;
6. Removal of asphalt paved areas;
7. Relocation and realignment of fencing; and
8. Installation of temporary access road and grading and hydro-seeding of site.

Besides the additional allocation of \$579,100 required for the removal of the additional quantities of waste, a contingency allocation of \$150,000 is recommended to ensure that the remaining activities can be completed. If the proposed amendatory agreement is approved, the total cost of remediation will increase to \$2,099,600.

Under the State bond act, the City will be eligible for reimbursement of up to 75% of the project costs. In addition, the State will indemnify the City and any subsequent owners for any future remediation costs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-86
(Int. No. 111)

Establishing \$729,100 As Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Remediation Of The Former APCO General Contractor's Site

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

Section 1. The sum of \$729,100, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Sear Brown Group for environmental remediation of the former APCO general contractor's site. Of said amount, \$546,800 is hereby appropriated from 1996 Clean Water/Clean Air Bond Act Grant Funds and \$182,300 shall be funded from a bond ordinance for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-87
(Int. No. 112)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$182,300 Bonds Of Said City To Finance The Additional Cost Of Implementing Environmental Remediation At The Former APCO Site Located Within The City At 79 Woodstock Road

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 additional environmental remediation of the former APCO General Contractor's site which is located in the center of a residential neighborhood located between East Main

Street, Atlantic Avenue, Woodstock Road and Akron Street in the City of Rochester, New York (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 \$2,840,669, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$182,300 bonds of the City, together with the application of \$435,000 bonds previously appropriated in Ordinance No. 2001-310, \$151,600 bonds previously appropriated in Ordinance No. 98-405, \$34,000 bonds previously appropriated in Ordinance No. 2001-269, \$2,037,769 in 1996 Clean Water Clean Air Bond Act Grant Funds appropriated in Ordinances No. 98-404 and 99-321 and at this meeting, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$182,300 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 \$182,300. 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 form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-88,
2002-89, 2002-90, And
2002-91

Re: Port of Rochester Harbor
Improvement Project

R2010: Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation relating to the Port of Rochester Harbor Improvement Project. This legislation will:

1. Authorize the issuance of bonds totaling \$1,344,700 and appropriate the proceeds thereof to finance a portion of the costs of the Beach Avenue pedestrian access and parking lot components of the project;

Port	\$1,145,100
Water	134,600
Sewer	65,000
Total	\$1,344,700

2. Appropriate a total of \$1,003,374 in anticipated reimbursements from the Federal Highway Administration and Monroe County; and

FHA	\$ 894,022
County	109,352
Total	\$1,003,374

3. Authorize agreements with the following organizations:
 - a. Monroe County, for receipt of the aforementioned funds, access to Ontario Beach Park, and maintenance of certain improvements, and
 - b. LaBella Associates, 300 State Street, for resident project representation services, at a maximum cost of \$230,000.

The Beach Avenue pedestrian access and parking lot components of the port project include removal of the former Beach Avenue roadway east of Lake Avenue; installation of 14' wide sidewalks with lighting, benches, signage and landscaping; installation of water services for maintenance and special events; and reconfiguration and reconstruction of the parking lots. Design of the improvements, by LaBella, was authorized by the City Council on July 13, 1999.

Bids for construction of the improvements were received on March 19. The work will be performed by DiFiori Construction at an estimated cost of \$1,972,558, which is 23% less than the engineering estimate; an additional \$185,516 (10%) will be allocated for contingencies.

Category	Construction		Contingency	Total
	Inspection			
Access/Parking/ Signage	\$1,809,933		\$166,126	
		\$212,415		\$2,188,474
Water	113,250		9,120	
		12,230		134,600
Sewer	49,581		10,064	
		5,355		65,000
Total	\$1,972,764		\$185,310	
		\$230,000		\$2,388,074

The construction project will include the installation of signage for Ontario Beach Park. The County, which designed the signage, will be responsible for its maintenance after construction.

The cost of construction of the improvements will be financed from the proceeds of the proposed bond issues, the anticipated reimbursements and Cash Capital allocations (\$40,000).

Construction is expected to begin in the spring and be completed by the fall. LaBella is recommended to provide inspection services because of its familiarity with the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AB-31

Ordinance No. 2002-88
(Int. No. 113)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,145,100 Bonds Of Said City To Finance The Cost Of Certain Street Improvements Related To The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the removal of a portion of the Beach Avenue Roadway east of Lake Avenue and the reconstruction of the Ontario Beach parking lots as a part of the Beach Avenue Pedestrian Access and Parking Lot Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,079,122, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,145,100 bonds of the City to finance said appropriation, together with an appropriation from the Federal Highway Administration in the amount of \$894,022, \$40,000 of available current City 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 \$1,145,100 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Ordinance No. 2002-89
(Int. No. 114)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$134,600 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Beach Avenue Pedestrian Access and Parking Lot Improvement Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$134,600, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$134,600 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 \$134,600 are hereby authorized to be issued, pursuant to the Constitution and laws of the

State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$134,600. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of 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 im-

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Ordinance No. 2002-90
(Int. No. 115)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$65,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Beach Avenue Pedestrian Access and Parking Lot Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$65,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$65,000 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 \$65,000 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 \$65,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Ordinance No. 2002-91
(Int. No. 116)

Authorizing Agreements And Appropriating Funds For The Beach Avenue Pedestrian Access And Parking Lot Improvement Project

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$230,000, 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 for resident project representation services related to the Beach Avenue Pedestrian Access and Parking Lot Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$125,398 shall be funded from a Bond Ordinance for street improvements, \$12,230 shall be funded from a Bond Ordinance for water improvements, \$5,355 shall be funded from a Bond Ordinance for sewer improvements, \$3,637 shall be funded from the 2000-01 Cash Capital Allocation and \$83,380 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$894,022, or so much thereof as may be necessary, to fund construction and construction inspection services for the Beach Avenue Pedestrian Access and Parking Lot Improvement Project.

Section 3. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for construction access and maintenance of improvements as a part of the Beach Avenue Pedestrian Access and Parking Lot Improvement Project, and for funding for signage.

Section 4. There is hereby appropriated from anticipated reimbursements from the County of Monroe the sum of \$109,352, or so much thereof as may be necessary, to fund signage for the Beach Avenue Pedestrian Access and Parking Lot 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. 2002-92
Re: Agreement - LaBella Associates,
CSXT Derailment Environmental
Remediation

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with LaBella Associates, 300 State Street, for services related to the environmental remediation by CSX Transportation of the hazardous materials spilled during the recent train derailment on River Street. The maximum cost of this agreement will be \$116,000, which will be financed from the 2000-01 Cash Capital allocation of the Department of Environmental Services.

As you are aware, the derailment occurred on December 23, 2001. It involved 27 of the 43 railroad cars included in the train and two engines.

Most of the cars that derailed contained coal. However, three 20,000 gallon tanker cars - two of which

contained acetone and one of which contained methylene chloride - also derailed.

Approximately 14,100 gallons of acetone and 16,000 gallons of methylene chloride were spilled. The City property at 490 River Street and the public right-of-way, along with several private properties, were contaminated.

An environmental investigation of the derailment site was conducted for CSXT by IT Corporation and a proposed Interim Remedial Measure plan was prepared. This plan did not adequately delineate the extent of the contamination and did not address contamination along the riverbank.

Accordingly, LaBella - which has been involved in the port development project pursuant to an agreement authorized by the City Council on July 13, 1999 - was requested to perform a supplemental investigation of the site. This investigation revealed:

1. Soil and groundwater contamination in areas in which CSXT had not performed testing;
2. Areas with high levels of surface soil contamination, from which the public would have to be restricted; and
3. High levels of contamination in areas along the riverbank, in which no remediation had been planned by CSXT.

As a result of this investigation, the NYS Department of Environmental Conservation instructed CSXT to revise its work plan to address these findings. CSXT subsequently executed a Voluntary Clean-Up Agreement that provides for the removal of at least 15,000 tons of contaminated soil, backfill and compaction of new soil, and the testing and, if necessary, remediation of river sediments. Remediation of the soil is expected to require at least 10-15 weeks.

Under the proposed agreement, LaBella will monitor remediation activities on City property. It will:

1. Visit the site daily to observe and document cleanup activities;
2. Collect soil and groundwater samples for laboratory analysis;
3. Observe backfilling of soil and review compaction test results;
4. Review CSXT and DEC confirmation test results;
5. Document the adequacy of the cleanup and identify any deviations from the remediation plan that could affect future development in the area.

Because of extent of the contamination and the possibility that remediation of river sediments may be necessary, an amendatory agreement with LaBella for additional services may be required in the future.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-32

Ordinance No. 2002-92
(Int. No. 117)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Review Services Relating To The CSXT Train Derailment Cleanup

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

Section 1. The sum of \$116,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for environmental review services relating to the CSXT train derailment cleanup in Charlotte. Said amount 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:

Resolution No. 2002-10
Re: Appointment - Rochester
Environmental Commission

R2010: Campaign 4 - Environmental
Commission

Transmitted herewith for your approval is legislation confirming the appointment of Rosemary Jonientzz, 14 Priem Street, and Thomas Tuori, 788 East Avenue, to the Rochester Environmental Commission.

They will replace Joanne Jacobs and Richard Shearman, who no longer are city residents. Their terms will extend through April 30, 2005.

Copies of their resumes are on file in the Office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2002-10
(Int. No. 126)

Resolution Approving Appointments To The Rochester Environmental Commission

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

Section 1. The Council hereby approves the appointments of the following persons to the Rochester Environmental Commission for terms which shall expire on the following dates:

- | | |
|---------------------------------------|----------------|
| Rosemary Jonientzz
14 Priem Street | April 30, 2005 |
| Thomas Tuori
788 East Avenue | April 30, 2005 |

They will replace Joanne Jacobs and Richard Shearman, whose terms have expired.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-93
Re: Pavement Width Change -
Richmond Street

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the following changes in the pavement width of Richmond Street:

1. An increase of 4', from 26' to 30', from Pitkin Street to a point 75' east of E. Main Street; and
2. A taper, from 30' to 26', from the latter point to E. Main Street.

The changes in pavement width are required by the Richmond Street Improvement Project, which was designed by Passero Associates under an agreement authorized by the City Council on September 15, 1999 and amended on November 20, 2001. The changes are designed to facilitate traffic flow on the street.

The changes will occur within the existing right-of-way. The acquisition of adjacent properties will not be necessary.

Besides the changes in pavement width, the project includes the reconstruction of the pavement; installation of new water mains, services and hydrants; replacement of catch basins, curbs, driveway aprons, street lights, and sidewalks; and landscaping.

Construction of the project is scheduled to begin in the summer and be completed in the fall. The estimated cost of construction is \$257,400.

<u>Improvement</u>	<u>Estimated Cost</u>
Street	\$156,900
Water	84,000
Sewer	14,300
Traffic	2,200
Total	\$257,400

These costs will be financed from existing Cash Capital allocations, the proceeds of bond issues previously authorized by the Council and anticipated reimbursements from Monroe County.

A public informational meeting concerning the project was held on March 5. A copy of the minutes of this meeting is attached.

The changes in pavement width were endorsed by the Traffic Control Board on March 19. A public hearing on the changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-33

Ordinance No. 2002-93
(Int. No. 97)

Authorizing Increases In The Pavement Width Of Richmond Street As A Part Of The Richmond Street Improvement Project

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

Section 1. The Council hereby approves an increase of 4 feet in the pavement width of Richmond Street, from 26 feet to 30 feet, from Pitkin Street to a point 75 feet east of East Main Street, and a taper from 30 feet to the existing 26 feet from the latter point to East Main Street, as a part of the Richmond Street Improvement Project.

Section 2. Such changes and additional changes as a part of the Richmond Street Improvement Project 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:

Local Improvement Ordinance No. 1500
And
Local Improvement Ordinance No. 1501
Re: Special Assessment Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing the 2002-03 budgets for the following special assessment districts:

District	2002-03	2001-02	Variance
Merchants/Winton Road Open Space	\$ 500	\$ 500	\$ 0
Norton Street Urban Renewal	2,815	2,815	0
Cascade Historic	3,500	2,960	540

Merchants/Winton Road

The Merchants/Winton Road district was established by the City Council on August 20, 1996 to preserve as open space approximately 1.5 acres of land on Merchants Road. The district includes 71 properties on Winton, Merchants, Royleston, Woodstock, Marsden and Elmcroft Roads.

The land consists of one parcel that was owned by the City prior to establishment of the district and one parcel that was acquired by the City in 1996 at a total cost of \$30,000. The cost of acquisition is being amortized over 10 years at an interest rate of 5%, or at about \$2,720 per year, which is added to the maintenance cost.

The total charges are apportioned among the properties within the district based upon their assessed values, without consideration of any exemptions. The properties are classified into two groups or tiers:

1. Properties that are within the triangular area that contains the open space; and
2. Properties that are across streets from the triangular area.

The charges for properties within the first group are based upon total assessed values, while the charges for properties within the second group are based upon two-thirds of their assessed values.

Norton Street

The Norton Street district was established by the Council on May 12, 1998 to finance the annual cost of maintenance of the enhancements that were included in the Norton Street Urban Renewal Project (14621 Industrial Park). These enhancements included special sidewalks, signage and landscaping.

The district includes nine properties. The cost of maintenance is apportioned among these properties based upon the front footage of the properties.

Cascade

The Cascade district was established by the Council on February 16, 1999 to finance the annual costs of maintenance of the special landscaping that was included in the Cascade Historic District Improvement Project. This landscaping included a berm on the north side of Cascade Drive and decorative tree grates and planters.

In 2001, special benches and a clock were also installed in the district. The increase in the budget reflects the additional maintenance associated with those enhancements.

The district includes 29 properties. The cost of maintenance is apportioned among these properties based upon the front footage of the properties.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1500
(Int. No. 98)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for streetscape enhancements during 2002-03:

Streetscape District	Amount	LIO
Cascade Historic	\$3,500.00	1430
Norton Street Urban Renewal	2,815.00	1421

Section 2. This ordinance shall take effect on July 1, 2002.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Local Improvement Ordinance No. 1501
(Int. No. 99)

Local Improvement Ordinance - Establishing

The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

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

Section 1. The maintenance cost of the special work and services for the 2002-03 fiscal year for the Merchants/Winton Road Open Space District is established as \$500, which with the previously approved capital costs of \$2,719.60 establishes a total assessment of \$3,219.60, and said total amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1395.

Section 2. This ordinance shall take effect on July 1, 2002.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1502,
Local Improvement Ordinance No. 1503,
And
Local Improvement Ordinance No. 1504
Re: Street Lighting Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to eight street lighting districts.

1. Approve the continuation of the Lyell Avenue I and Lyell II districts for an additional 15 years; and
2. Approve the appropriations and assessments for the eight districts.

District	2002-03	2001-02	Variance
Wilson Boulevard 8.21	\$ 523.85	\$ 532.06	\$
Lyell Avenue I 8.85	2,105.41	2,096.56	
Lyell Avenue II 35.81	2,310.36	2,274.55	
Monroe I 8.36	1,379.20	1,370.84	
Monroe II 2.22	601.19	598.97	
Cascade Dr./ Washington St. 2.52	1,544.20	1,541.68	
Norton Street 5.93	1,306.09	1,300.16	
Lake Avenue	3,906.08	3,906.08	.00

The districts were established to either enhance lighting levels and thereby improve security and safety in the affected area or enhance aesthetic appearance. The costs of the original enhancements were financed by the University of Rochester (Wilson Boulevard); Community Development Block Grants funds (Lyell I and II); City funds (Monroe I and II and Lake Avenue) and federal funds (Cascade/Washington

and Norton).

The proposed assessments represent the costs of energy and maintenance or the amortization of capital costs. They will be apportioned among the properties within the districts on the basis of front footage.

The Wilson Boulevard district, which includes only property owned by the U. of R., was established by the City Council on May 9, 1995. The enhancements involved the installation of six additional lighting fixtures.

The first Lyell Avenue district was established by the Council on August 11, 1992. It includes 72 properties along the portion of Lyell Avenue between State and Broad Streets and at the intersections of Lyell and Saratoga Avenue, Verona Street and Amber Place.

The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 25 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on four poles at the aforementioned intersections.

The second Lyell Avenue district was established by the Council on May 9, 1998. It includes 95 properties along the portion of Lyell Avenue between Broad and Hague Streets and at the intersections of Orchard and Whitney Streets.

The enhancements involved the replacement of 250-watt fixtures with 400-watt fixtures on 29 poles along the street. It also involved the replacement of 100/150-watt fixtures with 250-watt fixtures on two poles at the intersections.

The proposed legislation will extend the term of these districts for an additional 15 years.

The Monroe Avenue districts were established by the Council on March 18, 1998. The first district includes 102 properties along the portion of Monroe Avenue between the Inner Loop and Interstate 490, while the second district includes 68 properties along the portion of Monroe Avenue between Interstate 490 and Culver Road.

The enhancements on the Monroe Avenue districts included pole fluting and the installation of pedestrian level lighting fixtures and banner brackets. The Cascade/Washington district was established by Council on February 17, 1999. It includes 29 properties along Cascade Street and Washington Street from W. Main Street to the north end. The enhancements included a post top ornamental system.

The Norton district was established by Council on May 12, 1998. It includes nine properties within the 14621 Industrial Park. The enhancements include pedestrian level lighting fixtures on Excel Drive and the retention of acorn fixtures on the north side of Norton Street.

The Lake Avenue district was established by Council on August 24, 2000. It includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consisted of 26 post top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles.

Public hearings are required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1502
(Int. No. 100)

(Int. No. 102)

Continuation Of Local Improvement Ordinance No. 1340 Relating To The Lyell Avenue I Street Lighting Upgrade Project

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

WHEREAS, by Local Improvement Ordinance No. 1340, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue I Street Lighting Upgrade Project; and

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

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of fifteen years.

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefited properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for street lighting enhancements during 2002-03:

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

Street Lighting District	Amount	LIO
Wilson Boulevard	\$ 523.85	1374
Lyell Avenue I	2,105.41	Pending
Lyell Avenue II	2,310.36	Pending
Monroe Avenue I	1,379.20	1413
Monroe Avenue II	601.19	1412
Cascade Historic	1,544.20	1429
Norton Street Urban Renewal	1,306.09	1422
Lake Avenue	3,906.08	1472

Section 1. Local Improvement Ordinance No. 1340, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue I Street Lighting Upgrade Project, is hereby re-enacted for an additional period of fifteen years, commencing on July 1, 2002.

Section 2. This ordinance shall take effect on July 1, 2002.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Nays - None - 0.

Local Improvement Ordinance No. 1503
(Int. No. 101)

Continuation Of Local Improvement Ordinance No. 1377 Relating To The Lyell Avenue II Street Lighting Upgrade Project

TO THE COUNCIL:
Ladies and Gentlemen:

WHEREAS, by Local Improvement Ordinance No. 1377, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue II Street Lighting Upgrade Project; and

Ordinance No. 2002-94
Re: Pavement Width Change - Rundel Park
R2010: Campaign 7 - Quality Service

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of fifteen years.

Transmitted herewith for your approval is legislation authorizing an increase of 1', from 15' to 16', in the width of the pavement on each side of the median on Rundel Park, from University Avenue to Upton Court.

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

The increase reflects concerns of residents about the narrowness of the street, which results in cars mounting curbs and rutting the median and in frequent damage to parked cars. Besides the increase in pavement width, the project will include the replacement of curbs, driveway aprons and street lights, and landscaping.

Section 1. Local Improvement Ordinance No. 1377, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue II Street Lighting Upgrade Project, is hereby re-enacted for an additional period of fifteen years, commencing on July 1, 2002.

The plan for replacement of the curbs provides for the installation of mountable curbs along the median with a 1.5' strip of concrete or other material behind the curb. The plan for replacement of the street lights provides for the removal of the existing concrete poles on the median and the installation of new concrete poles with commercial harp light fixtures. Three trees on the median will be removed.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Both the Rochester Environmental Commission and Rochester Preservation Board reviewed the project plan. The REC recommended that the three trees be replaced and that the new light fixtures be consistent with the character of the neighborhood. The RPB

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Local Improvement Ordinance No. 1504

recommended that a standard, rather than mountable, curb be installed and that salvaged historic harp fixtures, if available, be used. The RPB will be requested to reconsider its recommendation concerning the mountable curbs at its meeting on May 1, since an alternate material will be substituted for the concrete strip.

A majority of the property owners on the street have agreed in concept to the establishment of a special assessment district to finance the incremental costs of the new street lights. After bids for construction of the project are received and the actual cost of the new lights is known, a formal petition of support for the district will be circulated.

Construction of the project is scheduled to begin in the summer and be completed in the fall.

Public informational meetings concerning the project were held on August 22, 2000 and February 26, 2002. Copies of the minutes of these meetings are attached.

The Traffic Control Board endorsed the increase in pavement width on April 2. A public hearing on the increase is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-34

Ordinance No. 2002-94
(Int. No. 122)

Authorizing Increases In The Pavement Width Of Rundel Park As A Part Of The Rundel Park Public Improvement Project

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

Section 1. The Council hereby approves an increase of one foot in the pavement width of Rundel Park on either side of the median, from 15 feet on either side of the median to 16 feet, from University Avenue to Upton Court, as a part of the Rundel Park Public Improvement Project.

Section 2. Such changes and additional changes as a part of the Rundel Park Public Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 123
Re: Pavement Width Change - Lily Street

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the following changes in pavement width on Lily Street:

- 1. An increase of 6', from 18' to 24', from Magee Avenue to Flower City Park, and

- 2. An increase of 10', from 18' to 28', from Flower City Park to Ridgeway Avenue.

The increases will be included in the Lily Street Improvement Project, which was designed by the Bureau of Architecture and Engineering Services. They are intended to improve traffic flow and facilitate street cleaning and snow removal operations.

Besides the increases in pavement width, the project will include the reconstruction of the pavement; installation of a new water main from Electric to Ridgeway Avenue and new water services and hydrants; installation of curbs and a sidewalk on one side of the street; replacement of catch basins and driveway aprons; and landscaping. The sidewalk, which will be on the east side of the street from Ridgeway Avenue to Flower City Park and on the west side from the latter point to Magee Avenue, is intended to accommodate anticipated changes in pedestrian traffic that will result from the demolition of the Electric Avenue bridge (Introductory 95).

Construction of the project is expected to begin in the summer and be substantially completed in the fall. The estimated cost of the project is \$611,400.

Improvement	Estimated Cost
Street	\$452,700
Water	116,100
Sewer	34,700
Traffic	7,900
Total	\$611,400

This cost will be financed from the proceeds of street and sewer bonds previously authorized by the City Council, Cash Capital allocations of the Department of Environmental Services, and anticipated reimbursements from Monroe County.

Public informational meetings concerning the project were held on February 5 and April 1. Copies of the minutes of these meetings are attached.

The Traffic Control Board will consider the proposed increases in pavement width on April 16. A public hearing on the increases is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Curran moved to have Introductory No. 123 returned to committee.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Introductory No. 123

AUTHORIZING INCREASES IN THE PAVEMENT WIDTH OF LILY STREET AS A PART OF THE LILY STREET IMPROVEMENT PROJECT

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

Section 1. The Council hereby approves an increase of 6 feet in the pavement width of Lily Street, from 18 feet to 24 feet, from Magee Avenue to Flower City Park, and an increase of 10 feet, from 18 feet to

28 feet, from Flower City Park to Ridgeway Avenue, as a part of the Lily Street Improvement Project.

Section 2. Such changes and additional changes as a part of the Lily Street Improvement Project 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.

Returned to committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-95
Re: Bausch & Lomb Riverside Park

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing the construction of various improvements by the University of Rochester affecting Bausch & Lomb Riverside Park.

On June 19, 1990, the City Council authorized the abandonment of Wilson Boulevard. On portions of the former roadway, the pavement was removed and bollards were installed to prevent access; on other portions, the former roadway became a park roadway.

The Council also authorized an agreement with the U. of R. for the operation and maintenance of the riverside park. Under the provisions of this agreement, the university is permitted to make improvements to the park if the improvements are (1) consistent with public use of the park and (2) approved by the City.

The university is planning to re-open Wilson Boulevard. In conjunction with the re-opening, it proposes the following improvements:

1. Construction of a 20' wide landscaped median, from Intercampus Drive to Library Road;
2. Realignment of parking spaces, from perpendicular to the roadway to parallel to the roadway;
3. Construction of a 6-8 space parking lot;
4. Construction of raised crosswalks and curb bump-outs;
5. Installation of new sidewalks on the west side of the roadway between Hutchinson Road and Alumni Road;
6. Installation of signage; and
7. Cleaning of undergrowth along the riverbank.

Construction of the improvements are expected to be completed within four to six months. The construction of the median will increase greenspace within the park by 1.1 acres. The realignment of parking will decrease the number of available spaces by 99.

The Planning Commission held an informational meeting concerning the proposed improvements on March 11. The Commission recommended by a vote of 7-1 that the improvements be approved.

Pursuant to the requirements of Article 8 of the NYS

Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed improvements will not have any significant effects. A negative declaration has been issued.

A public hearing is required,

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-35

Ordinance No. 2002-95
(Int. No. 125)

Approving The Reopening Of Wilson Boulevard From Ford Street To Elmwood Avenue And Additional Pavement Changes To Wilson Boulevard And Public Access Improvements To Bausch & Lomb Riverside Park

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

Section 1. The Council hereby approves improvements to Bausch & Lomb Riverside Park as proposed by the University of Rochester and approved by the Planning Commission at its meeting of March 11, 2002 as consistent with the permitted uses by the public of Bausch & Lomb Riverside Park. The Council specifically approves the construction of a 20 foot wide median in Wilson Boulevard from Intercampus Drive to Library Road, a change to parallel parking along Wilson Boulevard, the use of traffic calming elements, and the re-opening of Wilson Boulevard to through traffic from Ford Street to Elmwood Avenue.

Section 2. The Commissioner of Parks, Recreation and Human Services is authorized to approve the park improvements. Roadway and sidewalk improvements 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. 2002-96
Re: Agreement - Sear-Brown Group,
Atlantic-Woodstock Subdivision

R2010: Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with The Sear-Brown Group, 85 Metro Park, for site design of the proposed Atlantic-Woodstock subdivision. The maximum cost of this agreement will be \$100,000, which will be financed from the 2000-01 Cash Capital allocation.

The subdivision will be created on the former APCO site, which contains approximately 6.9 acres of land. The site currently is being remediated for environmental contamination (Introductories 111 and 112).

The proposed subdivision is projected to contain 31 single-family houses. Under the proposed agreement, Sear-Brown will design the infrastructure improvements required for these houses.

These improvements will include a new street with a cul-de-sac, water and sewer mains, curbs, catch basins, street lights, sidewalks, driveway aprons and landscaping. Construction of the utilities is expected to begin in the fall of 2002, while construction of the street is expected to begin in the spring of 2003 and be completed in the fall of 2003. The estimated cost of construction is \$900,000.

Sear-Brown is recommended to provide the design services because of its familiarity with the site. It is currently managing the environmental remediation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-36

Ordinance No. 2002-96
(Int. No. 129)

Establishing Maximum Compensation For A Professional Services Agreement For The Atlantic-Woodstock Subdivision

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 Sear-Brown Group for engineering services for the Atlantic-Woodstock Subdivision. Said amount shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
April 16, 2002

To the Council:

The Public Safety, Services & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 103 - Authorizing An Application And Agreements For The 2002 Summer Food Service Program For Children

Int. No. 104 - Amending The 2001-02 Budget With Respect To Emergency Preparedness Training Equipment

Int. No. 105 - Authorizing An Agreement For The Southwest Arts & Cultural Center Project

Int. No. 118 - Establishing Maximum Compensation For An Amendatory Agreement For The 2002 MusicFest

The Public Safety, Services & the Arts Committee recommends for consideration the following entitled legislation:

Int. No. 127 - Authorizing Applications And Agreements Relating To The 2002 Good Grades Pay Program

Int. No. 128 - Authorizing Amendatory 1999-2000

And 2000-01 Community Development Program Plans To Transfer Funds To The Good Grades Pay And Job Creation/Youth Development Accounts

Respectfully submitted,
Benjamin L. Douglas
Robert J. Stevenson
Tony M. Thompson
Gladys Santiago (Abstained vote on Int. No. 127 & Int. No. 128.)
PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-97
Re: Agreements - 2002 Summer Food Service Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to the 2002 Summer Food Service Program for children. This legislation will authorize agreements with:

1. The NYS Department of Education for the receipt and use of such funds as may be allocated to the City for the 2002 program; and
2. The City School District for preparation and delivery of the breakfasts and lunches to be provided under the program.

The Summer Food Service Program is designed to provide free meals during the summer to children 18 years of age and younger. Persons over age 18 who are determined by a state or local educational agency to be mentally and physically disabled, and who participate in a public or private non-profit program for children with disabilities during the school year, are also eligible to participate in the meal program.

The City School District has certified that more than 50% of its total enrollment is eligible for free or reduced price school meals. As a result, all areas of the city are eligible for the program.

Since 1976, the program has been administered by the Department of Parks, Recreation and Human Services. Meals have been prepared and are delivered to the program sites by the City School District.

Until 1993, the program provided only lunches. In 1993, the provision of breakfast at selected sites began. In 1994, breakfasts were extended to all sites. Following is a summary of participation in both aspects of the program during the past 10 years.

Year	Lunch	
	Average Daily Participation	Total No. of Meals Reimbursable
2001	3,536	155,596
2000	4,083	179,647
1999	4,347	191,248
1998	4,403	193,751
1997	4,773	200,447
1996	4,300	189,221
1995	3,847	169,245
1994	3,407	149,918
1993	3,002	132,097

1992	3,330	136,661
1991	3,010	102,340
1990	3,113	99,640

Year	Breakfast	
	Average Daily Participation	Total No. of Meals Reimbursable
2001	1,666	73,307
2000	2,067	90,976
1999	2,169	95,412
1998	2,182	96,014
1997	2,369	99,514
1996	2,005	88,238
1995	1,510	66,457
1994	1,202	53,307
1993	560	24,837

The decrease in participation is attributable to:

1. An increase of 20,000 breakfasts and 5,000 lunches delivered directly to summer school sites;
2. A reduction in the number of sites resulting from a lack of volunteers;
3. Renovation during the summer of several recreation sites, resulting in decreased abundance; and
4. Improved monitoring and inspection.

In 2002, the program will operate at approximately 100 sites for 44 days (June 24 through August 23), the same number of days as last year's program. The selection of the specific sites will be based on their proximity to summer youth employment and other human services projects, and the past performance of the sites with the food services program.

The City School District will again prepare and deliver meals for the program, at the following unit costs:

	2001 Costs	2002 Costs	USDA 2002 Guideline
Breakfast	\$1.02	\$1.05	\$1.32
Lunch	1.97	2.00	2.30

Provision for the Summer Food Service Program will be included in the revenue estimates and appropriations of the 2002-03 budget of DPRHS. A grant of \$493,250 is anticipated, based upon a projected total of 85,000 breakfasts and 170,000 lunches. This total also includes \$54,000 for administrative costs and \$10,000 for refuse collection.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-97
(Int. No. 103)

Authorizing An Application And Agreements For The 2002 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 2002 Summer Food Service Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the City School District for the preparation and delivery of meals pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$429,250, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget and receipt of said funding.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-98
Re: 2001-02 Budget Amendment -
Domestic Preparedness Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation increasing the 2001-02 Cash Capital allocation of the Fire Department by \$135,000. The increase will be financed from a grant to be provided by the U.S. Department of Justice under the Domestic Preparedness Program.

The program is intended to enhance the capacity of municipalities to respond to incidents of terrorism involving weapons of mass destruction. The grant to Rochester will total \$280,000 and will be used for acquisition of the following types of equipment:

Detection equipment	\$136,486
Personal protection equipment	117,814
Decontamination equipment	25,700
Total	\$280,000

The detection equipment will include multigas meters, photoionization detectors, radiation detector kits and weather stations. The personal protection equipment will include suits, gloves, boots, and breathing apparatus. The decontamination equipment will include showers and shelters.

The proposed budget amendment reflects the amount of the grant expected to be expended during 2001-02. The remaining amount of the grant will be included in the proposed 2002-03 budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-98
(Int. No. 104)

Amending The 2001-02 Budget With Respect To Emergency Preparedness Training Equipment

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

Section 1. Ordinance No. 2001-215, the 2001-02 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 \$135,000, which amount is hereby appropriated from funds received from the Department of Justice under the National Defense Authorization Act for emergency preparedness training equipment.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-99
Re: Agreement - SWAN, Southwest
Arts and Cultural Center

R2010: Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the Southwest Area Neighborhood Association, 275 Dr. Samuel McCree Way, for conduct of a study of the feasibility of an arts and cultural center in the southwest sector of the city. The maximum cost of the agreement will be \$25,000, which will be financed from the General Community Needs allocation of the 2000-01 Community Development Block Grant.

A description and budget for the study is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-37

Ordinance No. 2002-99
(Int. No. 105)

Authorizing An Agreement For The Southwest Arts & Cultural Center 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 Southwest Area Neighborhood Association for the Southwest Arts & Cultural Center Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2000-01 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. 2002-100
Re: Agreement - RBTL, 2002 MusicFest

R2010: Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Broadway Theatre League for additional services relating to the 2002 MusicFest. The maximum cost of this agreement is \$135,000, which will be financed from the MusicFest Trust Fund.

The 2002 MusicFest will represent the eighth annual event. RBTL has been involved with the Fest since 1997, when it assumed responsibility for site logistics; in 2000, it also assumed responsibility for talent booking.

The 2002 Fest will be held July 14-21 at various locations throughout the city and culminate at Genesee Valley Park on July 20 and 21. The original agreement with RBTL for the provision of services for this Fest was authorized by the City Council on December 18, 2001.

Under the proposed amendatory agreement, additional allocations will be provided for music production and a performance by Garth Fagan Dance.

	Actual 2001	Original 2002	Proposed 2002
Music Production	\$384,952	\$385,000	\$485,000
Garth Fagan Dance	0	0	35,000
Site Management	139,784	140,000	140,000
Concessions	36,893	35,000	35,000
Finance/ Administration	20,942	22,000	22,000
Marketing	81,162	90,000	90,000
Total	\$663,733	\$672,000	\$807,000

The additional allocations are intended to permit the booking of more popular artists, to provide an additional entertainment form, and to increase attendance. As indicated, if the amendatory agreement is approved, the total cost of the agreement with RBTL will increase to \$807,000.

The present balance of the MusicFest Trust Fund is \$315,172.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-100
(Int. No. 118)

Establishing Maximum Compensation For An Amendatory Agreement For The 2002 MusicFest

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

Section 1. The sum of \$135,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the Rochester Broadway Theatre League to provide talent booking, logistical management, ticket operations and marketing for the 2002 Rochester MusicFest. Said amount is hereby appropriated from the MusicFest Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-101 And
Ordinance No. 2002-102
Re: Good Grades Pay Program

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the 2002 Good Grades Pay Program. This legislation will:

1. Authorize agreements with nine organizations for participation in the program;
2. Authorize agreements with the following organizations for the provision of services for the program:

City School District	\$145,733
Arthur Brown	10,000
Utchat Vision	7,317

3. Appropriate \$126,617 from the General Community Needs allocation of the 1999-00 Community Development Block Grant to finance a portion of the costs of these agreements.

The remaining costs of the agreements providing for participation in the program and the costs of the agreement with Utchat will be financed from the 2001-02 and 2002-03 budgets of the Department of Parks, Recreation and Human Services.

The Good Grades Pay Program, which was initiated in 1996, provides middle or high school students between the ages of 14-21 with summer work experience or vocational exploration or academic enrichment opportunities. To be eligible to participate in the program, a student is required to have a grade point average of at least 2.0, an attendance rate of at least 90%, and no long-term suspensions during the school year.

In 2001, the following components were added to the program:

1. Good Grades Pay Prep, which provides a vocational exploration opportunity to eligible youth who attend summer school;
2. Good Grades Pay Plus, which provides work experience for 30 youth who have a 3.0 GPA and attendance rate of at least 95%; and
3. Monroe Community College/National Youth Sports Program, which provides work experience as counselors for 10 eligible youth at the summer sports camp at MCC.

The costs of the program are financed by the City or private companies. Proposals for the use of the City funds were solicited by DPRHS from 105 organizations and individuals. Thirteen proposals were received.

These proposals were evaluated based on cost effectiveness, past performance and the amount of funds available. Eight projects with total costs of \$272,500 were approved.

It is expected that these projects will provide employment opportunities for 209 youth. In addition, the following City projects will provide opportunities

for 73 youth:

Teens on Patrol	30 youth
Community Conservation Corps	30
Junior Recreation Leader	13

The City School District will provide payroll processing and check distribution services for the City's programs. Arthur Brown, a former youth employment counselor with the Service Corps, will again provide job development and worksite monitoring services.

Utchat (principal: Clifford Collier), which provided video production services for program during 2001, will again provide such services during 2002. Under the proposed agreement, it will:

1. Provide a five-week, workshop, three times a week in which a minimum of 12 students produce a 15-20 minute video on job readiness; and
2. Publicly present the video at the awards ceremony.

The fees for such services will be as follows:

Pre-production (maximum of 10 hours)	\$25 per hour
Production (20)	\$50
Post-production	
Digital Editing (20)	\$105
Other	\$25-50

If the proposed amendatory agreement is approved, the total cost of the agreement with Utchat will increase to \$14,247.

The appropriation of CDBG funds will require amendment of the 1999-00 and 2000-01 CDBGs. A public hearing on these amendments is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-101
(Int. No. 127)

Authorizing Applications And Agreements Relating To The 2002 Good Grades Pay 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 or amendatory agreements with the following organizations in amounts not to exceed the following for the operation of projects and/or administration of projects for the 2002 Good Grades Pay Program:

<u>Program</u>	<u>Total</u>
Action for a Better Community	\$ 34,450
American Red Cross	31,791
Arts & Cultural Council	55,137
Baden Street Settlement	39,733
Catholic Family Center	39,000
Church of Love	37,200
Ibero American Action League	31,389
Monroe Community College	18,837
Rochester City School District	145,773
Rochester City School District Law Prep.	3,800
Undesignated-Job Development Services	10,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$447,110, and of said amount, or so much thereof as may be necessary, \$283,957 shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget, \$36,536 shall be funded from the 2001-02 Budget of the Department of Parks, Recreation and Human Services, and \$126,617 is hereby appropriated from the General Community Needs Allocation of the 1999-2000 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Mains, Norwood, Stevenson, Thompson - 6.

Nays - None - 0.

Councilmember Griswold abstained vote because she is an employee of one of the affiliating agencies.

Ordinance No. 2002-102
(Int. No., 128)

Authorizing Amendatory 1999-2000 And 2000-01 Community Development Program Plans To Transfer Funds To The Good Grades Pay And Job Creation/Youth Development Accounts

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

Section 1. The Council hereby approves an amendment to the 1999-2000 Community Development Program Plan whereby within the General Community Needs Allocation the Service Learning Institute/ASK Account shall be reduced by the sum of \$75,000 and the CHANGE Account shall be reduced by the sum of \$68,000, and of said amounts, \$126,600 shall be transferred to the Good Grades Pay Account and \$16,400 shall be transferred to the Job Creation/Youth Development Account.

Section 2. The Council hereby further approves an amendment to the 2000-01 Community Development Program Plan whereby within the General Community Needs Allocation the Homeless Population Study Account shall be reduced by the sum of \$50,000 and said amount shall be transferred to the Job Creation Support/Youth Development Account.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Norwood
April 16, 2002

To the Council:

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

Int. No. 106 - Authorizing The Sale Of Real Estate

Int. No. 119 - Authorizing Agreements For Fair Housing

The Housing and Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 108 - Establishing A Moratorium On Applications For Amendments To The Zoning Ordinance And Map

The following entitled legislation is being held in committee:

Int. No. 107 - Approving Continuation Of The Asset Control Area Partnership Program

Int. No. 124 - Changing The Zoning Classification Of 420 Westfall Road From R-3 Low-Medium Residential To R-3/O-O Low-medium Residential/Overlay Office

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-103
Re: Real Estate Sales
R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of 15 properties.

The first property, 2-4 Trenaman Street, was included in the public auction of May 14, 2001, subject to approval of the development proposal. The property will be rehabilitated as a four-unit structure.

The next three properties - 568 and 574 S. Goodman Street and 4019 Lake Avenue - will be sold to their former owners. The purchase prices include all delinquent taxes, interest and penalties.

The next property, 465 Colvin Street, was included in the homesteading lottery of November 13, 2001 and will be sold for \$1.00. The purchaser will be required to rehabilitate the structure within 18 months of the conditional closing and to occupy it for a minimum of five years.

The next two properties, 126 Webster Avenue and 4 N. Madison Park, are vacant lots and will be sold at their appraised values. The first property will be developed by North East Area Development as a parking lot for use in conjunction with the planned day care facility and art center at 86-90 Webster Avenue. The second property will be developed by Flower City Habitat for Humanity as a single-family house, which will be sold to a family with an income of less than 80% of the median income of the metropolitan statistical area.

The last eight properties are considered unbuildable because of their size. They will be sold for \$1.00 to the owners of adjacent properties and combined with those properties.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-38

Ordinance No. 2002-103
(Int. No. 106)

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 with proposal by regular auction:

Address S.B.L.#	Price	Purchaser
2-4 Trenaman St. 091.70-2-1	\$1,800	Joseph Potocki

Section 2. The Council further approves the sale of the following parcels of improved property to former owners:

Address S.B.L.#	Price	Purchaser
568 Goodman St. S. 121.66-1-42	\$ 8,227.84	Janeen A. Welch
574 Goodman St. S. 121.66-1-41	7,759.72	Janeen A. Welch
4019 Lake Ave. 061.21-1-77	17,983.35	Patricia A. Burr

Section 3. The Council further approves the sale of the following parcel of improved property through the Homesteading Lottery for the sum of \$1.00:

Address	S.B.L.#	Purchaser
465 Colvin St.	105.81-2-51	Michelle Duhart

Section 4. The Council further approves the negotiated sale of the following parcels of vacant land with proposal:

Address S.B.L.#	Price	Purchaser
126 Webster Ave. 106.68-2-10.1	\$2,000	Northeast Area Development, Inc.*
4 North Madison Park 120.36-01-8	525	Flower City Habitat for Humanity **

- * Officers: Rev. Robert Morgan, Ann Paige, Ken Graci, Victoria Pellett
- ** Officers: Arthur Woodward and Mona Alongi

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

Address S.B.L.#	Sq. Ft.	Purchaser
13 Delmar St. 105.49-1-27	1800	Pierre A. & Wino Bourbonnais

246 Pennsylvania Ave. 106.60-1-14	4290	Perrie & Sullie Jackson
238 Reynolds St. 120.68-2-23	3137±	Rev. Arthur Jones & Wyreen Jones
32 Reed Pk. 106.41-2-34	3090±	Veronica Lawson
42 Reed Pk. 106.41-2-29	3230±	Amos Singletary
102-106 Sanford St. 121.71-1-15	3454±	Samuel C. & Anne E. Musso
EH 422 Tremont St. Pt. of 120.52-1-33	1250	Sam T. & Joyce Saporito
WH 422 Tremont St. Pt. of 120.52-1-33	1250	William Scales

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

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-104
Re: Agreements - Community
Choice Action Plan

R2010: Campaign 9 - Healthy
Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for services relating to the Community Choice (Fair Housing) Action Plan.

Organization	Amount
Monroe County Legal Assistance Corporation	\$46,150
Regional Center for Independent Living	10,000
Wilson Commencement Park Housing Council in the Monroe County Area	36,650
Monroe County	16,314

The costs of these agreements will be financed from the Housing Stock and General Property Conditions allocation of the 2000-01 and 2001-02 Community Development Block Grants and the 1998 HOME Program.

The Community Choice Action Plan was developed by the City, County, Towns of Greece and Irondequoit, and Rochester Housing Authority. The City's participation in the development of the plan was authorized by the City Council on February 20, 1996.

The plan involves 80 strategies to address the impediments to fair housing in the county. A summary of these strategies and their implementation status is included in ten 2001-02 Consolidated Community Development Program that was approved by the Council on May 15, 2001.

The proposed agreements will provide for the contin-

ued implementation of the following activities.

1. MCLAC - fair housing enforcement, education and outreach efforts.
2. RCIL - provision of grants to low-income people with disabilities to permit them to improve the accessibility of their housing units.
3. Wilson Commencement Park - assistance to families to relocate from housing in areas with high concentrations of poverty to other areas with less poverty.
4. The Housing Council - administrative support for the Community Choice Advisory Committee.

Summaries of the performance of these organizations under their current agreement are attached.

The Housing Council previously provided the aforementioned services under a contract with the County, with the City reimbursing the County for a portion of the cost. The proposed agreement with the Housing Council will replace this contract. The proposed agreement with the County will provide for reimbursement of a portion of the costs of the prior contract.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-39

Ordinance No. 2002-104
(Int. No. 119)

Authorizing Agreements For Fair Housing

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 agencies in amounts not to exceed the following for implementation of the Community Choice Action Plan for fair housing:

<u>Agency</u> <u>Program</u>	<u>Amount</u>
Wilson Commencement Park Housing Mobility	\$40,000
Regional Center for Independent Living Accessibility Grant	10,000
MCLAC Fair Housing Enforcement	46,150
County of Monroe Advisory Comm. Staff Support	16,314
Housing Council Advisory Comm. Staff Support	36,650

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$149,114, and of said amount, or so much thereof as may be necessary, \$46,150 shall be funded from the appropriation made in Section 3 of Ordinance No. 98- 359, \$30,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program and \$72,964 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program.

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.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-105
Re: Zoning Moratorium

R2010: Campaigns 9 and 10 - Health, Urban
Neighborhoods and Center City

Transmitted herewith for your approval is legislation establishing a six-month moratorium on the consideration of most applications involving the amendment of the Zoning Ordinance or Map.

On January 19, 1999, the City Council authorized an agreement with Duncan Associates, of Austin, for assistance in the revision of the Zoning Ordinance and Map. The project was expected to be completed within 18 months.

For various reasons, Duncan was unable to adhere to the project schedule and produce the expected products in a timely manner. Accordingly, the agreement with Duncan was terminated and on October 23, 2001, the Council authorized an agreement with Peter J. Smith & Co., of Buffalo, for completion of the project.

A draft Zoning Ordinance and Map was presented in February for public review and comment. The draft Environmental Impact Statement will be presented in April.

The Rochester Environmental Commission will hold a public hearing on the draft on April 22 and the City Planning Commission will hold an additional four public hearings in June. Thereafter, legislation incorporating the revised ordinance and map will be presented to the Council.

It is recommended that, until a revised ordinance and map is approved, a moratorium on applications for changes to the current ordinance and map be imposed. This moratorium would prevent any changes that may be inconsistent with the revised ordinance and map.

The anticipated duration of the moratorium is six months. Exceptions would be provided for urban renewal and planned development districts.

The Planning Commission will hold a public hearing on the moratorium on April 8. A copy of the minutes of this hearing will be forwarded to the City Council as soon as possible.

A public hearing by the Council is also required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-105
(Int. No. 108)

Establishing A Moratorium On Applications For Amendments To The Zoning Ordinance And Map

WHEREAS, the City's land use controls should promote the objectives of the Renaissance 2010 Plan and other components of the Comprehensive Plan by properly regulating land development; and

WHEREAS, the City is in the final stages of completing a comprehensive re-write of the Zoning Ordinance and modifications of the Zoning Map; and

WHEREAS, new applications for Zoning Text and Map Amendments should be consistent with the proposed new Zoning Text and Map provisions instead of the existing ones; and

WHEREAS, a moratorium imposed for such applications for a six-month period shall allow for the completion of the Zoning Text and Map Revision Project, including the required public review and approval processes.

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

Section 1. There shall be a six (6) month moratorium on the acceptance of applications for Zoning Text and Map Amendments in order to allow for the completion of the Zoning Text and Map Revision Project, except for applications arising in Urban Renewal and Planned Development Districts.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-106
Re: Asset Control Area Partnership Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Asset Control Area Partnership Program. This legislation will authorize agreements or amendatory agreements with the following organizations:

1. U.S. Department of Urban Development, for continued participation in the program; and
2. Proway Management Corporation, 1168 N. Clinton Avenue, for continued management and maintenance of the acquired properties, at a maximum cost of \$168,000.

The cost of the agreement with Proway will be financed from the proceeds of the sale of acquired properties.

On April 15, 1997, the City Council authorized an agreement with HUD for the marketing and sale by the City of selected residential properties acquired by HUD through mortgage foreclosure. The program was intended to expedite the return of these properties to private ownership and to promote owner-occupancy.

On September 15, 1999, the Council authorized an agreement for continuation and expansion of the City's participation. Under this agreement, the City is obligated to acquire all foreclosed residential units

in areas with the following zip codes:

14605	14608	14613	14620
14606	14609	14615	14621
14607	14611	14610	

The acquisition price of any property is its appraised value discounted for the estimated cost of repairs required for code compliance.

<u>Estimated Repair Cost</u>	<u>Discount Rate</u>
Less than \$5,000	10%
\$5,000 to \$15,000	30
More than \$15,000	50

Until the properties are sold, they are managed and maintained by Proway. The agreement for provision of these services was authorized on September 15, 1999.

The proposed agreements will provide for continuation of the program. A summary of the performance of the program is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-40

Councilmember Norwood moved to have Introductory No. 107 moved out of committee.

The motion was seconded by Councilmember Griswold.
The motion was adopted unanimously.

Councilmember Norwood moved to amend Introductory No. 107.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2002-106
(Int. No. 107, As Amended)

Approving Continuation Of The 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 an agreement with the United States Department of Housing and Urban Development (HUD) for the continued City participation in the Asset Control Area Partnership (ACAP) Program, and the Council approves the continuance of Sections 2 and 7 of Ordinance No. 99-349. In the event that HUD makes significant changes to the scope or nature of the ACAP Program, the Mayor shall bring such changes to the Council for approval prior to entering into the agreement.

Section 2. The Mayor is hereby authorized to enter into an amendatory agreement with Proway Management Corporation for the management and maintenance of properties acquired by the City from HUD under the Asset Control Area Partnership Program (ACAP) Program.

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

[\$168,000] 69,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from HIP Program property sales proceeds.

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.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 124
Re: Zoning Map Amendment -
420 Westfall Road

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by changing the classification of 420 Westfall Road from R-3 Low-Medium Residential to R-3/O-O Low Medium Residential/Overlay Office.

The property is vacant land. It abuts R-3 and R-3/O-O uses to the west, Institutional Planned Development No. 2 to the north, R-3 to the east and R-3/O-O uses to the south.

The rezoning was requested by the owner of the property, Yoruk Properties II, LLC (principal: Iden Yoruk). If the rezoning is approved, the construction of a 20,600 square foot medical office building will be included in the development of the parcel, in addition to the planned construction of three apartments buildings with eight units each and an accessory parking lot.

The property would have a R-3 High Density Residential classification under the new Zoning Map. The inclusion of a medical facility would not be permitted under this classification.

The Planning Commission held an informational hearing concerning the proposed rezoning on March 11; three representatives of the owner were the only speakers. The Commission recommended by a vote of 7-1 that the rezoning be approved.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed rezoning will not result in any significant effects. A negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 124

CHANGING THE ZONING CLASSIFICATION OF 420 WESTFALL ROAD FROM R-3 LOW-MEDIUM RESIDENTIAL TO R-3/O-O LOW-MEDIUM RESIDENTIAL/OVERLAY OFFICE

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 420 Westfall Road, from R-3 Low-Medium Residential To R-3/O-O Low-Medium Residential/Overlay Office:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point on the centerline of Westfall Road 225.8 feet westerly from the east line of Lot 62, in the second division of Lots in Township Number 13, Range 7;

- Thence 1) Northerly at right angles with the centerline of Westfall Road a distance of 848.75 feet to a point;
- Thence 2) Westerly and forming an interior angle of 89° 55' 10" a distance of 155.76 feet to a point;
- Thence 3) Southerly along a line that is at right angles to the centerline of Westfall Road a distance of 848.53 feet to the centerline of Westfall Road;
- Thence 4) Easterly along the centerline of Westfall Road a distance of 155.76 feet to the point or place of beginning.

Being and hereby intending to convey the same premises conveyed to the grantor by Warranty Deed dated July 15, 1999 and recorded in the Monroe County Clerk's Office on July 15, 1999 in Liber 9187 of deeds at page 18.

Section 2. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Mains
April 16, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

- Int. No. 109 - Cancellation Of Taxes And Charges
- Int. No. 121 - Approving The Sale Of Parcels To Davis Properties
- Int. No. 77 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Crossroads Parking Garage And Project Area

The Economic Development & Government Efficiency Committee recommends for consideration the following entitled legislation:

- Int. No. 120 - Approving The Sale Of 110 Science Parkway In The Rochester Science Park To LeFrois Development, LLC

The following entitled legislation is being held in committee:

Int. No. 110 - Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Parking Garage Renovation Program

Int. No. 130 - 2001-02 Debt Resolution

Int. No. 131 - Amending Bond Ordinance No. 2000-128 Relating To Sewer Improvements As A Part Of The 2000 Milling And Resurfacing And Residential Street Improvement Programs To Reduce The Amount Authorized And Appropriated Therein

Respectfully submitted,
 Tim O. Mains
 Brian F. Curran
 Nancy K. Griswold
 Gladys Santiago
 ECONOMIC DEVELOPMENT & GOVERNMENT EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
 Ladies and Gentlemen:

Ordinance No. 2002-107
 Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service
 Transmitted herewith for your approval is legislation approving the cancellation or refund of charges totaling \$1,800. This amount relates to code violation charges incurred by the former owner of the property.

If the cancellation is approved, total cancellations during 2001-02 will be \$339,121.69, which represent .17% of the tax receivables as of July 1, 2001.

	Accounts	Amounts
City Council	30	\$283,334.13
Administrative	189	55,787.56
Total	219	\$339,121.69

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2002-107
 (Int. No. 109)

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 City taxes and charges:

- a. Code violation fines were incurred by prior owner. Present owner acquired property from lending institution that had taken mortgage foreclosure. Fines remain unpaid.

S.B.L.#	Class	Tax Year	Amount Canceled
090.740-0002-023	H	2002	\$1,800.00
952-954 Dewey Ave.			

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. 2002-108 And
 Ordinance No. 2002-110
 Re: Real Estate Transactions - Economic Development Projects

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the following real estate transactions related to economic development projects:

1. Sale of up to 2.91 acres of land in the Rochester Science Park to LeFrois Development, LLC (principal: Richard LeFrois) for \$174,600;
2. Sale of approximately .37 acres at 1247 and 1253 Clifford Avenue and 85 and 87 Miller Street to Davis Properties (principal: Jeff Davis) for \$5,000.

110 Science Parkway

The first parcel will be used for the construction of a 12,000 square foot facility. Construction is expected to begin in April and be completed by September, at an estimated cost of approximately \$2.0 million.

The facility will be leased to the University of Rochester and Pharm Logic P.E.T. Services of Rochester, LLC. It will be used for the creation of radioactive isotopes for the purpose of cancer detection and cancer detection research.

The facility will be one of only six such facilities in the world with this capability. It is expected to result in the creation of 20 new jobs.

Davis Properties

The second parcel will be used to facilitate the future expansion of the Elmer W. Davis Company, a commercial roofer and sheet metal fabricator. The company is located on adjacent properties at 1217-1225 Clifford Avenue.

In the immediate future, Davis will develop the properties to be sold as parking areas for its employees and customers and to provide access to its facilities. The estimated cost of development is \$75,000 - \$100,000.

Later, after relocation of employees and customers from the existing parking lot is completed, Davis will construct an approximately 2,000 square foot addition to its fabrication and warehouse facilities. This site would accommodate additional expansion in the future.

Construction of the parking lot is expected to be completed this year. Construction of the addition is expected to be completed late this year or early

in 2003.

During the construction season, Davis employs about 200 people. The planned expansion is expected to result in 12 new jobs.

Transaction Prices

The transaction prices were established by the following independent appraisers:

Transaction	Appraiser
110 Science Parkway Davis Properties	Robert Pogel Bruckner, Tillet, Rossi Cahill and LeGrett

Environmental Review

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the proposed transactions will not result in any negative effects. Negative declarations have been issued.

Public Hearing

A public hearing on the sale of land within the Rochester Science Park is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-41

Ordinance No. 2002-108
(Int. No. 121)

Approving The Sale Of Parcels To Davis Properties

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

Section 1. The Council hereby approves the sale of 1247 and 1253 Clifford Avenue, SBL# 106.35-3-1 and 106.35-3-2, and 85 and 87 Miller Street, SBL# 106.35-3-50 and 106.35-3-51, to Davis Properties for the sum of \$5,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-110
(Int. No. 120)

Approving The Sale Of 110 Science Parkway In The Rochester Science Park To LeFrois Development, LLC

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

Section 1. The Council hereby approves the sale of 110 Science Parkway, SBL# 136.70-1-54, in the Rochester Science Park to LeFrois Development, LLC for the sum of \$174,600, provided that LeFrois Development, LLC shall first obtain approval from the Director of Zoning of a detailed development plan for the parcel.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 77 was introduced March 19, 2002, and appears in its original form with its transmittal letter on page 78 of the current Council Proceedings.

Ordinance No. 2002-109
(Int. No. 77)

Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Crossroads Parking Garage And Project Area

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 110
Re: Agreement - Pathfinders Engineering,
Midtown Parking Garage

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Pathfinders Engineering, LLP, 3300 Monroe Avenue, for engineering services relating to the replacement of the revenue control equipment at the Midtown parking garage. The maximum cost of this agreement will be \$19,785, which will be financed from the 2001-02 Cash Capital allocation of the Economic Development Department (Parking Fund).

The parking garage, which contains approximately 1,800 spaces, was constructed in 1960. The current revenue control equipment was installed in 1985 and is now obsolete; replacement parts are no longer available.

The plan for replacement of the equipment also includes several modifications to traffic flow within the garage. The modifications are intended to facilitate exiting.

Proposals for the engineering services required for the equipment replacement and traffic modifications were solicited from three organizations. Two proposals were received.

Pathfinders is recommended because of comparative prices and its past performance on other projects. The schedule for replacement of the equipment will be dependent upon current negotiations with Blackacre Bridge Capital, the owner of Midtown Plaza, concerning possible operation of the garage.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 110

ESTABLISHING MAXIMUM COMPENSATION FOR A PROFESSIONAL SERVICES AGREEMENT FOR THE MIDTOWN PARKING GARAGE RENOVATION PROGRAM

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

Section 1. The sum of \$19,785, 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 Pathfinders Engineering for engineering services for the Midtown Parking Garage Renovation Program. Said amount shall be funded from the 2001-02 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 130 And
Introductory No. 131
Re: 2001-02 Debt Limit

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing \$53,445,100 as the maximum amount of debt that may be issued by the City during 2001-02 for general municipal and educational purposes.

The proposed debt limit consists of a carryover authorization of \$11,447,600 and a new authorization of \$41,997,500.

	City	School	Total
Carryover Authorizations	\$11,447,600	\$ 0	\$11,447,600
New Authorizations	16,664,800	25,332,700	41,997,500
Total	\$28,112,400	\$25,332,700	\$53,445,100

The carryover authorization involves debt originally scheduled to be issued in 2000-01. It assumes cancellation of a bond authorization previously approved by the City Council for the street improvement program.

The new authorization is equivalent in amount to the tax-supported debt that will be redeemed during 2001-02. However, the latter amount does not include the debt redemptions associated with the public safety building (for which exceptions to prior debt limits were approved), certain debt associated with the public market (which normally would be self-supporting), and the debt associated with the pre-financing of the private contributions received for the central library project (which is similarly self-supporting).

A summary of all projects included in the limit is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 130

2001-02 DEBT RESOLUTION

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

WHEREAS, an important component of the City and 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 in fiscal year 2001-02 for general municipal purposes to \$16,664,800 of new authorizations and \$11,447,600 of carryover authorizations, and for City School District purposes to \$25,332,700.

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 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.

This resolution shall take effect immediately.

Held in committee.

Introductory No. 131

AMENDING BOND ORDINANCE NO. 2000-128 RELATING TO SEWER IMPROVEMENTS AS A PART OF THE 2000 MILLING AND RESURFACING AND RESIDENTIAL STREET IMPROVEMENT PROGRAMS TO REDUCE THE AMOUNT AUTHORIZED AND APPROPRIATED THEREIN

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

Section 1. The title and Sections 1, 2, and 3 of Bond Ordinance No. 2000-128, entitled:

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$530,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Milling And Resurfacing And Residential Street Improvement Programs

are hereby amended by changing each dollar amount referenced therein from \$530,000 to \$330,000.

Section 2. This ordinance shall take effect immediately.

Held in committee.

The meeting was adjourned at 9:21 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

States of America - By Girl Scout Troup 364

Recognition Ceremony

Retirement:
Rochester Fire Department
*Daniel Cavuoto
*Thomas Sharer
*Will not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Santiago

RESOLVED, that the minutes of the Special Meeting of April 4, 2002 and the Regular Meeting of April 16, 2002, 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 Director of Zoning submits Notices of Environmental Determination.
165 West Avenue. 3685-7
1020 and 1036 Maple Street. 3686-7
960 - 988 North Plymouth Avenue. 3687-7
Western portion of Newbury St. to LaGrange Ave. 3688-7

PUBLIC HEARINGS

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

Amending The Official Map By Abandonment Of A Portion Of Newbury Street District Int. No. 157
No speakers.

Authorizing Additional Increases In The Pavement Width Of Rundel Park As A Part Of The Rundel Park Public Improvement Project Int. No. 166
No speakers.

Amending The Official Map By Dedicating Parcels To Street Purposes As A Part Of The Port Access Roads And Infrastructure Improvements Project Int. No. 163
No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 144
No speakers.

Changing The Zoning Classification of 1020-1036 Maple Street From M Manufacturing Industrial To C-3 General Commercial District Int. No. 156
Three speakers: Bishop Hartsdale, Ed Jeffries, and Darlene Baker.

Changing The Zoning Classification Of 960-986 North Plymouth Avenue And 21 Bloss Street From R-3 Low Medium Residential To Planned Development PD#2-Upstate Farms Cooperative, Inc. And Redesignating MIPD#4-Upstate Milk Cooperative As Planned Development PD#2-Upstate Farms Cooperative, Inc. And Amending The Current Plan Int. No. 158
No speakers.

Approving The Consolidated Community Development Program/2002-03 Annual Action Plan Int. No. 147
Three speakers: Ruhi Maker, David Broadman, and Brian Heatherington.

REGULAR MEETING
May 14, 2002

Present - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Absent - Councilmember Curran - 1.

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

Pledge of Allegiance to the Flag of the United

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement Int. No. 154 No speakers.

Approving Change In Traffic Flow On Achilles Street From Liberty Pole Way To Stillson Street From One-Way Eastbound To One-Way Westbound Int. No. 153 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 155 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2002-111 Re: Agreement - LEaD, Training & Facilitation Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with LEaD (principal Lauren Spiker), 70 Linden Oaks, for various training and facilitation services associated with the Department of Environmental Services' (DES) employee development plans. The maximum cost of the agreement will be \$22,400, which will be financed from the 2001-02 budget of DES.

LEaD (Leadership, Education and Development) has provided training and assistance to DES since 1997 under periodic agreements. The most recent agreements, for development of a comprehensive performance measurement system and delivery of leadership training were executed in March and July 2001, and January 2002.

Under the proposed agreement, LEaD will...

- 1. Conduct training sessions in the areas of leadership development, customer service, interpersonal effectiveness, team building, and management fundamentals; and
2. Coach work groups in ways to integrate customer service strategies with the principals of continuous improvement.

Under the proposed agreement, LEaD will provide 112 hours of training or facilitation services at an hourly fee of \$200.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2002-111 (Int. No. 169)

Establishing \$22,400 As Maximum Compensation For A Professional Services Agreement With LEaD For Training And Facilitation Services

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$22,400, 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 LEaD for training and facilitation services associated with the Department of Environmental Services' employee development plans. Said amount shall be funded from the 2001-02 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance Nos. 2002-112, 2002-113, And 2002-114

Re: Highland Avenue Improvement Project (Monroe Avenue to the East City Line)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the Highland Avenue Improvement Project. This legislation will:

- 1. Authorize the issuance of bonds in the amount of \$2,360,000 and appropriate the proceeds thereof to finance the cost of the street improvements; and
2. Authorize the issuance of bonds in the amount of \$198,000 and appropriate the proceeds thereof to finance the cost of the sewer improvements; and
3. Appropriate \$55,000 in anticipated reimbursements from Monroe County to finance the costs of the traffic improvements; and
4. Authorize an agreement with FRA Engineering for resident project representation services at a maximum amount of \$256,000.

The project consists of pavement reconstruction/rehabilitation, new granite curbs, concrete sidewalks in select areas, catch basins; water services and hydrants; driveway aprons; new City owned street lighting system; new pavement markings and upgrades to the existing traffic signal system at Winton Road; tree plantings, topsoil and seed.

The engineering design for this project, by FRA Engineering, was authorized by City Council on August 21, 2001. Pavement width changes were authorized on January 15, 2002.

Bids for construction were received on April 30, 2002. The work will be performed by Villager Construction, Inc., at a cost of \$2,089,411.00, which is 21% less than the engineering estimate. An additional \$467,589.00 (22%) will be allocated for contingencies and additional items not included in the contract which include tree planting and street lighting costs.

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

Table with 3 columns: Category, Construction, Contingency. Sub-headers: Inspection, Total.

Street Bond	\$1,703,106	\$426,181
	\$230,713	\$2,360,000
Water Cash	162,214	17,911
	19,875	200,000
Sewer	179,919	18,081
	0	198,000
County Traffic	44,172	5,416
	5,412	55,000
Total	\$2,089,411	\$467,589
	\$256,000	\$2,813,000

The cost of the street and sewer improvements will be financed from proceeds of the proposed bonds. The cost of the water improvements will be financed with 2001-02 Cash Capital (Water Fund). The cost of the traffic improvements will be financed from anticipated reimbursements from Monroe County.

FRA Engineering was selected to perform resident project inspection services because of their familiarity with the project and the qualifications of the personnel to be assigned to the project. The services will be funded by the anticipated proceeds of the Street Bond, Cash Capital (Water Fund) and anticipated reimbursements from Monroe.

Construction is scheduled to begin in the summer, 2002, and be substantially completed in the spring, 2003.

Public informational meetings were held on November 29, 2001, January 3, 2002, and February 13, 2002. Copies of the November 29, 2001 meeting minutes were previously forwarded to the Council. Copies of the minutes for the 2002 meetings are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-44

Ordinance No. 2002-112
(Int. No. 170)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,360,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Highland Avenue Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets constituting a portion of the Highland Avenue Improvement Project, bounded by Monroe Avenue on the west and the east City line along Highland Avenue, in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,360,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,360,000 bonds of the City to finance said appropriation and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$2,360,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the

Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Ordinance No. 2002-113
(Int. No. 171)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$198,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Highland Avenue Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements along Highland Avenue related to the Highland Avenue Improvement Project, bounded by Monroe Avenue on the west and the east City line, in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$198,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$198,000 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 \$198,000 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 \$198,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Ordinance No. 2002-114
(Int. No. 172)

Establishing Maximum Compensation For A Professional Services Agreement And Appropriating Funds For The Highland Avenue Improvement Project

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

Section 1. The sum of \$256,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C. for resident project representation services for the Highland Avenue Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Of said amount, \$230,713 shall be funded from a bond ordinance for street purposes, \$19,875 shall be funded from the 2001-02 Cash Capital Allocation and \$5,412 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the County of Monroe the sum of \$55,000, or so much thereof as may be necessary, to fund traffic improvements for the Highland Avenue Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-115
Re: Police Grants

R2010: Campaign 3 - Health,
Safety & Responsibility

Transmitted herewith for your approval is a legislation authorizing agreements with the NYS Division of Criminal Justice Services for the renewal of grants totaling \$182,562 for the Juvenile Accountability Conferencing Program.

Grant	Amount
Juvenile Justice Accountability Incentive Block Grant	\$ 90,599
Juvenile Justice and Delinquency Prevention Program	44,573
Administrative Grant	2,817
Total	\$137,989

The grant funds will be used to continue the Juvenile Accountability Conferencing Program under the Juvenile Justice Restorative Program, and to underwrite administrative costs. The program provides juveniles who commit less serious offences with opportunities to meet with their victims, to admit their guilt, and to develop a restitution contract. The acceptance of responsibility and compliance with the contract constitute an alternative to prosecution.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-115
(Int. No. 173)

Authorizing Grant Agreements With The New York State Division Of Criminal Justice 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 New York State Division of Criminal Justice Services for funding under the Juvenile Justice Accountability Incentive Block Grant (JJAIBG) Program and the Juvenile Justice and Delinquency Prevention Program (JJDP).

Section 2. The agreements shall contain such 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. 2002-116
Re: Agreement - Richard Fenwick,
Management of Occupied City
Properties

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Richard D. Fenwick to provide property management services for occupied City-owned property. The services provided by this agreement will include rental collection, minor repairs and lawn maintenance.

In December, 1994, Council authorized an agreement with Mr. Fenwick, establishing a basic management fee of 10% of all rents collected plus a \$20/hour fee for maintenance services. In subsequent years, Mr. Fenwick's services have continued to be utilized under the terms of the original agreement, but since the amount paid annually was less than \$10,000, the agreements did not require Council approval.

With the increase in the number of City-owned vacant properties, it is anticipated that the fees paid to Mr. Fenwick this year will exceed \$10,000. The terms established in the original agreement will be maintained.

The proposed agreement will be for a period of one year beginning January 1, 2002, with a one-year renewal option

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-116
(Int. No. 174)

Authorizing An Amendatory Agreement For Property Management Services For City Properties

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 Richard D. Fenwick for the continuation of management and maintenance services for occupied City-owned properties for a term of one year, commencing January 1, 2002, with a one-year renewal option, in accordance with the terms set forth in Ordinance No. 94-372.

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.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

Councilmember Norwood moved to change the regular order of the committees, by hearing the Housing And Community Development Committee first.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

By Councilmember Norwood
May 14, 2002

To the Council:

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

Int. No. 140 - Authorizing The Sale Of Real Estate And Amending Ordinance No. 2002-71

Int. No. 141 - Accepting The Donation Of Real Estate

Int. No. 142 - Granting An Easement To Install Buried Conduit For Cambridge Court Apartments

Int. No. 143 - Amending Ordinance No. 2001-171 Relating To The Sale Of Real Estate

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

Int. No. 144 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas

Int. No. 156 - Changing The Zoning Classification of 1020-1036 Maple Street From M Manufacturing Industrial To C-3 General Commercial District

Int. No. 158 - Changing The Zoning Classification Of 960-986 North Plymouth Avenue And 21 Bloss Street From R-3 Low Medium Residential To Planned Development PD#2-Upstate Farms Cooperative, Inc. And Redesignating MIPD#4-Upstate Milk Cooperative As Planned Development PD#2-Upstate Farms Cooperative, Inc. And Amending The Current Plan

The following entitled legislation is being held in committee:

Int. No. 145 - Authorizing Submission Of The Consolidated Community Development Program/2002-03 Annual Action Plan And Execution Of The Grant Agreement With The United States Department Of Housing And Urban Development

Int. No. 146 - Appropriation Of Funds For The City Development Fund

Int. No. 147 - Approving The Consolidated Com-

munity Development Program/2002-03 Annual Action Plan

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-117, 2002-118, 2002-119, And 2002-120

Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the following real estate transactions:

1. Sale of 16 properties,
2. Acceptance of the donation of two properties, and
3. Granting of a permanent easement.

The legislation will also authorize the substitution of another property for a property whose sale was previously approved and increase the price for another property whose acquisition was previously approved.

Sales

The first property to be sold, the north half of 572 N. Plymouth Avenue, will be sold to the owner of the adjacent property. The property, a vacant lot, will be developed as a parking lot.

The second property, also a vacant lot, was included in the public auction of September 24, 2001, subject to approval of a development proposal. The property will be fenced and landscaped and combined with the purchaser's adjacent property.

The next two properties, 281 Parsells Avenue and 67 Rugby Avenue, will be rehabilitated and re-sold to owner-occupants.

The last 12 properties are considered unbuildable because of their size. They will be sold for \$1.00 to owners of adjacent properties and combined with those properties.

Donations

The properties to be donated, 143 and 149 Lincoln Street, each contain a vacant two-family house that is in deteriorated condition. Following acquisition of the properties, the houses will be demolished, at an estimated cost of \$16,000. The resultant vacant lots, which will contain 5,065 and 6,415 square feet respectively, will be reserved for future residential development.

As a condition of the donation, taxes of \$1,054.82 and \$1,150.81 will be canceled.

Easement

The easement to be granted will consist of an area on 104 and 106 Falmouth Street that is 10' wide and 111.37' in length. It is required by Frontier Telephone for installation and maintenance of a conduit that will provide service to Cambridge Court Apartments, which are located on the adjacent property. The price of the easement will be \$1.00.

Substitution and Acquisition Price Increase

On June 19, 2001, the City Council authorized the sale of 192 Cady Street to Mary Poles as part of the homestead lottery program. Subsequently, prior to the closing of the sale, the property was severely vandalized. It is proposed that the sale of 579 Hague Street be authorized in substitution.

On March 19, 2002, the Council authorized the acquisition of 111-113 Webster Avenue for the Home Expo/Challenged Street Project at a cost of \$31,000. Under the proposed legislation, the authorized cost would be increased to \$33,000, to avoid the need for condemnation proceedings.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-45

Councilmember Norwood moved to amend Introductory No. 140.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2002-117
(Int. No. 140, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinances No. 2002-71, 2002-38 And 2002-39 And Authorizing A Grant Agreement

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 vacant land with proposal by negotiated sale:

Address S.B.L.#	Price	Purchaser
NH 572 Plymouth Ave. N. Pt. of 106.69-01-01	\$200	DiPaolo Baking Company, Inc.*

* Officers: Stephen C. Woerner, Doaminick P. Massa

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

Address S.B.L.#	Price	Purchaser
66 Pennsylvania Ave. 106.59-1-58	\$500	Michael Piacente

Section 3. The Council hereby further approves the sale of the following parcels of improved property by negotiated sale:

Address	Price	Legal Use
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S.B.L.#	Purchaser
281 Parsells Ave. 107.62-1-11	\$ 5,500 1 Family Rochester Housing Development Fund Corporation*
67 Rugby Ave. 120.57-2-53	26,000 1 Family Rochester Housing Development Fund Corporation*

* Officers: Jean A. Lowe, Raphael E. Cestero, Kevin V. Recchia, and Robert Barrows

Section 4. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Sq. Ft.	Purchaser
EH 472 Campbell St. Pt. of 120.25-1-45	1923±	Gary Kendrick
WH 472 Campbell St. Pt. of 120.25-1-45	1923±	Perry & Sullie Jackson
EH 114 Clifton St. Pt. of 120.51-1-11	2502±	Willie C. Pinkins
WH 114 Clifton St. Pt. of 120.51-1-11	2502±	Goodwill Baptist Church*
NEH 47 Fourth St. Pt. of 106.67-1-42	1320	Charles Yacklon
SWH 47 Fourth St. Pt. of 106.67-1-42	1320	Rochester Housing Authority
20 Kondolf St. 105.82-1-63	3365±	Oscar Gonzalez, Jr.
SH 572 Plymouth Ave. N. Pt. of 106.69-1-01	1650	Hector & Elsie Vargas
419 Remington St. 091.71-1-20	2551±	Richard & Eliza Wildman
182 Saratoga Ave. 105.59-2-14	1750	Maria Victoria Gonzalez
48 Sherman St. 105.66-2-22	4440	Danie Degus
305 Wilkins St. 106.24-2-26	3250±	Odell & Ruth Woods

* Officer: James Allen Andrews

Section 5. Ordinance No. 2002-71, relating to the acquisition of parcels for the Home Expo/Challenged Street Project, is hereby amended by increasing the amount authorized for the acquisition of 111-113 Webster Avenue from \$31,000 to \$33,000.

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

Section 7. Ordinance No. 2002-39, as amended by Ordinance No. 2002-74, relating to a float loan for the Near Westside Rental Project, is hereby further amended by amending the third sentence of Section 2 thereof to read in its entirety as follows:

The loan shall be for a term not to exceed twelve months; the interest rate shall be the applicable federal funds rate as determined by the Director of Finance of the City of Rochester.

Section 8. Ordinance No. 2002-38, relating to the sale of real estate and a loan agreement for the Near Westside Rental Project, is hereby amended by deleting the second sentence of Section 3 thereof and inserting the following new sentences in its place:

The funding shall be provided as a construction loan and upon completion of construction to be converted to a 20-year loan. The interest rate for both the construction and permanent loans shall be the greater of 6.5% or the applicable federal funds rate as determined by the Director of Finance, 1% of which shall be payable both upon the completion of construction and annually with the remaining interest and principal due at the end of the loan.

Section 9. The sum of \$35,000, 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 North East Area Development, Inc. for rehabilitation grants and loans to support affordable housing in the Home Expo Project Area. Said amount shall be funded from the 1997-98 Cash Capital Allocation.

Section 10. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2002-118
(Int. No. 141)

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 143 Lincoln Street, SBL #106.340-0003-044-001, and 149 Lincoln Street, SBL #106.340-0003-042, from the current owners, Alighiero and Renata Bartolini.

Section 2. Upon acquisition by the City, City taxes and other charges against said parcels shall be canceled. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled. Said parcels shall be accepted free and clear of any other outstanding liens or encumbrances, except outstanding County taxes.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Norwood moved to amend Introductory No. 142.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2002-119
(Int. No. 142, As Amended)

Granting An Easement To Install Buried Conduit For Cambridge Court Apartments

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

Section 1. The Council hereby approves the granting of a permanent easement to Frontier Telephone of Rochester, Inc. for the sum of \$100 over the City-owned vacant land at 104 and 106 Falmouth Street for the installation of buried conduit to provide service to the Cambridge Court Apartments.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2002-120
(Int. No. 143)

Amending Ordinance No. 2001-171 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2001-171, relating to the sale of real estate, is hereby amended by authorizing the sale of 579 Hague Street, SBL# 105.720-0001-054, to Mary Poles, instead of 192 Cady Street as authorized in Section 2 thereof.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1505
Re: Appropriations and Assessments -
Neighborhood Parking Lots

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$61,748.26 for the operation and maintenance of seven neighborhood commercial or residential parking lots and approving the assessment of \$55,900 against the benefited properties.

The parking lots were established pursuant to the policies adopted by the City Council on January 23, May 8 and May 22, 1979. Under these policies, the original construction costs of the lots were financed by the City but the annual operating and maintenance costs are financed through assessments against the properties that benefit from the lots.

The operation and maintenance of the lots include snow plowing, cleaning, landscape maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, private companies under contract with the City, or the property owners themselves.

For 2002-03, the total cost of these services will be \$61,748, which is \$19,225 less than the 2001-02 amount for eight lots. Since unexpended amounts available from prior year assessments are \$3,726 less than the 2001-02 amounts, total required new assessments will decrease by \$15,489.

2002-03 2001-02 Variance

Total Appropriations

	\$61,748	\$80,973	\$(19,225)
Less: Unused Assessments			
	<u>5,848</u>	<u>9,584</u>	<u>(3,736)</u>
New Assessments	\$55,900	\$71,389	\$(15,489)

No appropriations and assessments are proposed for the Winton/Mayfield parking lot, which was established by the Council on August 11, 1981 and extended on May 12, 1992. Leases for the land on which the lot is located could not be renewed and the lot will revert to private ownership and control.

As in the past, no assessments will be apportioned against the properties included in the Wadsworth Square district. Because of low utilization by residents, the parking lot within the district is presently operated by Ralph Parking pursuant to an agreement authorized by the Council on January 19, 1999. The revenues received under the provisions of this agreement are sufficient to finance all costs of operation.

If the proposed assessments are approved, the charges to the individual properties with the districts will be prepared and submitted to the Council for consideration. The property owners will be provided with an opportunity to review these assessments and to comment upon them at a public hearing.

A public hearing on the proposed legislation is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1505
(Int. No. 144)

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 2000-01:

Parking Area	LIO		
	New Assessments	Unused Assessments From Prior Years	Total Amount
Culver-Merchants		1357	
\$28,400.00	\$ -0-		\$28,400.00
Monroe Avenue		1441	
12,500.00	-0-		12,500.00
Parker Place		1489	
2,500.00	500.00		3,000.00
South Avenue		1468	
-0-	1,650.00		1,650.00
Wadsworth Square		1416	
-0-	2,434.26		2,434.26

North Street		1258	
7,000.00	-0-		7,000.00
Lyell Avenue		1382	
5,500.00	1,264.00		6,764.00

Section 2. This ordinance shall take effect on July 1, 2002.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-121
Re: Zoning Map Amendment -
1020-36 Maple Street.

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation to amend the Zoning Map by changing the zoning classification of 1020-1036 Maple Street from M (Manufacturing-Industrial) to C-3 (General Commercial).

The property at 1020 Maple Street, currently vacant, was formerly the Mapledale Party House. It has been purchased by Mt. Sinai Ministries, which plans to reuse the building as a church. The adjacent parcel at 1036 Maple Street is currently used for sales, rental and service of contractor's and industrial equipment; it is being included in the rezoning to avoid the appearance of spot zoning. The owner has consented to the rezoning.

Church uses are prohibited in the M district but are permitted in the C-3 district, while sales, rental and service of contractor's and industrial equipment are permitted in the C-3 district. The proposed rezoning will permit the church to be established while having no impact on the uses at 1036 Maple Street. The affected properties are abutted R-1 residential and M districts.

On April 8, 2002, the Planning Commission held an informational hearing on the proposed rezoning. Two hundred and one people supported the application by voice acclamation. Eighteen people actually spoke in support of the proposal; there were no speakers in opposition. By a vote of 5-0, the Planning Commission recommended approval of the proposed rezoning.

Pursuant to Article 8 of the NYS Environmental Conservation law and Article 48 of the City Code, it has been determined that the proposed rezoning will not have any significant effects. A negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-46

Ordinance No. 2002-121
(Int. No. 156)

Changing The Zoning Classification Of 1020-1036 Maple Street From M Manufacturing Industrial To C-3 General Commercial District

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following described property, constituting 1020-1036 Maple Street, from M Manufacturing Industrial to C-3 General Commercial District:

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 Glide Street and the centerline of Maple Street;

- Thence 1) Northerly along the centerline of Glide Street to it's intersection with the centerline of Iona Street;
- Thence 2) Easterly along the centerline of Iona Street to the southerly extension of the westerly Line of Lot 18 as shown on a map of the Maple Terrace Subdivision as filed in the Monroe County Clerk's Office in Liber 25 of maps at page 17;
- Thence 3) Northerly along said extension and the westerly line of said Lot 18 to the southerly Line of Lot 24 of said Maple Terrace Subdivision;
- Thence 4) Easterly along the southerly line of said Lot 24 to the southeast corner of said Lot;
- Thence 5) Northerly along the easterly line of said Lot 24 and it's northerly extension to a point midway between the east and west travel lanes of Interstate 490;
- Thence 6) Easterly along a line midway between the east and west travel lanes of Interstate 490 to the northerly extension of the easterly right of way line of Boswell Street;
- Thence 7) Southerly along said extension and the easterly line of Boswell Street to the southerly line of parcel 36 as shown on the City of Rochester Tax Map as parcel 120.24-02-36;
- Thence 8) Easterly along the southerly line of said parcel a distance of 121.29 feet to the Westerly line of Lot 45 as shown on a map of the William H. Matthews re-subdivision as filed in the Monroe County Clerk's Office in Liber 38 of maps at page 1;
- Thence 9) Southerly along the westerly line of said Lot 45 a distance of 108.88 feet to a point;
- Thence 10) Easterly along the southerly line of the north half of Lot 45 of said Matthews re-subdivision a distance 56.76 feet more or less to the easterly line of said Lot 45;
- Thence 11) Southerly along the easterly line of said Lot 45 to the centerline of

Maple Street;

Thence 12) Westerly along the centerline of Maple Street to the centerline of Glide Street 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. 2002-122
Re: Zoning Map Amendment - MIPD#4
Upstate Milk Cooperative To PD #2
Upstate Farms Cooperative

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation to:

Amend the Zoning map by changing the designation of MIPD #4 Upstate Milk Cooperative to PD#2 Upstate Farms Cooperative, and expand the Planned Development district by rezoning the properties at 960, 962, 968, 972, 980, 986-88 N. Plymouth and 21 Bloss Street from R-3 Low-Medium Density Residential to PD#2 Upstate Milk Cooperative.

Amend the Current Plan for MIPD#4 by designating the district as PD#2 Upstate Farms Cooperative, modify regulation of the plan and establish sub-areas A and B within PD#2 for the purpose of controlling future expansions of the Upstate Farms' facilities.

The amendments have been requested by Upstate Farms Cooperative, Inc., which operates a dairy cooperative at 45 Fulton Avenue. The dairy plant with related loading facilities, freezers, accessory storage silos, and accessory parking lots currently comprise the MIPD#4 District. The applicant proposes to enlarge the district and establish two (2) sub-areas with the intention of controlling future expansions of the Upstate facilities. A 6,200 square feet dry storage warehouse is proposed in Sub-Area A to accommodate a recently awarded contract with Wegmans. Sub-Area B will be used for future expansion.

The Planning Commission held an informational hearing on the proposed amendments on April 8, 2002. The Commission recommended approval by a vote of 5-0

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, The Director of Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-47

Ordinance No. 2002-122

(Int. No. 158)

Changing The Zoning Classification Of 960-986 North Plymouth Avenue And 21 Bloss Street From R-3 Low Medium Residential To Planned Development PD#2-Upstate Farms Cooperative, Inc. And Redesignating MIPD#4-Upstate Milk Cooperative As Planned Development PD #2-Upstate Farms Cooperative, Inc. And Amending The Current Plan

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following-described property, constituting 960-986 North Plymouth Avenue and 21 Bloss Street, from R-3 Low Medium Residential to Planned Development PD#2-Upstate Farms Cooperative, Inc.:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at the point of intersection of the centerline of North Plymouth Avenue and the centerline of Bloss Street;

Thence 1) Easterly along the centerline of Bloss Street a distance of 369 feet more or less to the centerline of Fulton Avenue;

Thence 2) Southerly along the centerline of Fulton Avenue a distance of 570.7 feet more or less to the centerline of Lorimer Street;

Thence 3) Westerly along the centerline of Lorimer Street a distance of 340 feet more or less to the centerline of North Plymouth Avenue;

Thence 4) Northerly along the centerline of North Plymouth Avenue a distance of 731 feet more or less to the point or place of beginning and the centerline of Bloss Street.

Section 2. The Council hereby redesignates MIPD#4-Upstate Milk Cooperative as Planned Development PD#2-Upstate Farms Cooperative, Inc., and designates the parcel in MIPD#4 as Subarea A and the parcels rezoned herein as Subarea B of PD#2.

Section 3. The Council hereby amends the Current Plan for MIPD#4-Upstate Milk Cooperative to read as follows and adopts it as the Current Plan for Planned Development PD#2:

Planned Development District #2
Upstate Farms Cooperative, Inc.

A. Purpose:

The PD District is intended to permit the creation of a defined area for the unified and orderly development of compatible industrial uses. The district allows flexibility in planning and development and provides a process for evaluating plans to assure compatibility with adjacent nonindustrial district.

B. Permitted Uses:

The following uses are permitted as of right in the PD #2 District:

- (1) Wholesale establishments.
- (2) Automobile repair
- (3) Building materials storage and sales including lumber, heating equipment, hardware plumbing supplies, roofing, cement blocks and similar material.
- (4) Truck storage subject to the following condition:
 - (a) Refuse trucks:
 - (1) Trucks shall be stored in a completely enclosed building, which shall have no openings facing any adjacent residentially zoned or developed property other than stationary insulated glass windows.
 - (2) No trucks containing refuse shall be stored on premises.
 - (3) All such uses located on a residential district boundary shall be subject to site plan review.
- (5) Electroplating and mirror-silvering operations.
- (6) Fuel storage.
- (7) Industrial medical clinics.
- (8) Laboratories, experimental and testing; provided, however, that all experimental and test work shall be performed within a completely enclosed building.
- (9) Laundries, dry-cleaning and dyeing establishments occupying a total floor area of not more than 10,000 sq. ft.
- (10) Machine shops.
- (11) Manufacturing:
 - a) Automotive and aircraft parts and accessories;
 - b) Bakery goods, candy, ice cream and other food products, but not including the processing of sauerkraut, vinegar and yeast, the growing of mushrooms or the rendering of fats and oils. Retail sales of foods manufactured or processed on the premises shall be permitted, but the floor area devoted to such retail sales shall not exceed the floor area devoted to manufacturing and processing.
 - c) Furniture, metals and wood.
 - d) Ice.
 - e) Metal and rubber-stamps, stencils, badges, jewelry, toys and novelties.
 - f) Musical instruments.
 - g) Office equipment.

- h) Photographic equipment (excluding film).
 - i) Pottery, figurines and other ceramic products using previously ground or treated minerals and earths.
 - j) Professional and scientific instruments.
 - k) Radio, radar, television, electrical and electronic equipment.
 - l) Small appliances.
 - m) Tobacco products.
 - n) Wood products.
 - o) Glass from raw materials.
 - p) Wine, beer, liquor or other alcoholic beverages.
- 12) Motion-picture productions.
 - 13) Packing and crating services.
 - 14) Plastics injection molding operations.
 - 15) Plumbing shops.
 - 16) Printing and publishing.
 - 17) Residential uses.
 - 18) Rug and carpet cleaning.
 - 19) Sheet-metal shops for heating and ventilating equipment.
 - 20) Storage buildings and warehouses.
 - 21) Trade or technical schools.
 - 22) Wholesale produces, vegetable and fruit markets.
 - 23) Utility power generating plants.
 - 24) Drive-in theaters.
 - 25) Commercial uses.
 - 26) Daycare centers.
 - 27) Dairies and soft drink and other beverage bottling plants.
- f) Enameling, lacquering and galvanizing processes.
 - g) Steel fabrication or metal foundries.
 - h) Storage of matches, explosives, fireworks or other pyrotechnic devices.
 - i) Sports arenas.
 - j) Animal crematories, slaughterhouses, stockyards or feeding pens.
 - k) Incinerators.
 - l) Sewage treatment plants.
 - m) Adult bookstores and adult entertainment establishments.
 - n) Hotels and motels.
 - o) Garbage, offal or dead animal reduction or incineration.
 - p) Gas manufacturing plants.
 - q) Petroleum refineries.
 - r) Junkyards.
 - s) Distillation of petroleum, tar, coal, wood or bones.
 - t) Fat and tallow rendering.
 - u) Grain and poultry feed processing.
 - v) Lumber and planing mills.
 - w) Manufacture of:
 - (1) Disinfectants, insecticides or poisons.
 - (2) Paint, shellac, varnish or enamel.
 - (3) Paper or pulp.
 - (4) Rubber or tires.
 - (5) Soap.
 - (6) Asbestos products.
 - (7) Iron products.
 - (8) Rubber products.
 - (9) Acetylene.
 - (10) Cement, lime or gypsum.
 - (11) Coke or charcoal.
 - x) Metal stamping or forging.
 - y) Public transit service yards, railroad freight yards or railroad shops.
 - z) Tanneries.

C. Prohibited Uses

- 1. Uses prohibited completely. The following uses are expressly prohibited in the PD #2 District:
 - a) Automobile sales.
 - b) Animal hospitals, clinics and kennels.
 - c) Batch mixing of cement, concrete or asphalt or rock and stone crushing mills.
 - d) Carnivals, circuses and similar temporary amusements enterprises.
 - e) Construction equipment rental, sales and storage yards.

D. Accessory Uses and Structures:

Accessory uses and structures are permitted in the PD #2 district, subject to any limitations for such set forth in the Zoning Ordinance.

E. Bulk, spaces and yard requirements.

The building height, lot, open space and yard dimension requirements applicable in the PD District #2 are as follows:

- (1) Maximum height: forty feet (40').

- (2) Minimum yard requirements.
 - (a) Plymouth Avenue: twenty (20) feet.
 - (b) Fulton Avenue: twenty (20) feet.
 - (c) Bloss Street: twenty (20) feet.
 - (d) Lorimer Street: twenty (20) feet.
- (3) FAR
 - (a) Sub-Area A: none.
 - (b) Sub-Area B: 4300 square feet (11%)

F. Minimum District Size:

- (1) Minimum District Size: 3.67 acres.

G. Parking and Loading Requirements:

Off-street parking and loading requirements in the PD #2 District shall be those set forth in the Zoning Ordinance; however, the parking spaces located at 48-52 Fulton Avenue may be used to satisfy district parking requirements.

H. Signs

Signs regulations applicable in the PD #2 District are set forth in the Zoning Ordinance.

I. Procedures

City Council may modify the standards of this District in accordance with provisions set forth in the Zoning Ordinance.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-123, 2002-124,
And
2002-125

Re: Consolidated Community Development Plan/2002-03 Draft Annual Action Plan
Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan/2002-03 Draft Annual Action Plan. The legislation will:

1. Approve the 2002-03 Draft Annual Action Plan with one modification;
2. Authorize the submission of the modified plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements; and
3. Approve the appropriation and the use of Urban Development Action Grant principal and interest repayments projected to be received during the 2002-03 program year.

In 1995, the Consolidated Community Development Plan replaced all U.S. Department of Housing and Urban Development planning and application requirements for HUD's formula grant programs, including

the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant Program and the Housing Opportunities for Persons with AIDS. Under the revised requirements, jurisdictions prepare multi-year strategies and one-year action plans for use of federal funds.

The action plan is based on the 2002-03 Consolidated Community Development Program. It covers the period from July 1, 2002 to June 30, 2003. The plan describes federal and other resources expected to be available during this period and specific projects and activities the City will undertake.

The plan provides for the allocation of \$18,958,000.

Community Development Block Grant	\$13,363,000
HOME Program	3,917,000
Emergency Shelter Grant	412,000
Housing Opportunities for Persons with AIDS	566,000
City Development Fund	700,000
Total	\$18,958,000

Under the plan, the following funds are provided for activities that address the following objectives:

Objective	Amount	Percent Of Total
Support NBN	\$ 950,100	5%
Economic Stability	3,678,700	19
Housing Stock	11,324,200	60
Community Needs	2,379,600	13
Other	625,400	3
Total	\$18,958,000	100%

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution 83-26, which was adopted on May 24, 1983.

The draft plan was presented to the Council earlier this month. It is recommended that the draft plan be modified by reducing the allocation for the Lead Hazard Remediation program by \$1,588,000 and increasing the allocation for the Rochester Rehab Program by the same amount. The modification recognizes the logistical constraints in implementing the former program and the continued needs of the former program.

A public hearing on the plan is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-123
(Int. No. 145)

Authorizing Submission Of The Consolidated Community Development Program/2002-03 Annual Action Plan And Execution Of The Grant Agreement 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 a Consolidated Community Development Program/2002-03 Annual Action Plan to the United States Department of Housing and Urban Development. The Mayor is hereby further authorized to execute a

grant agreement with the United States Department of Housing and Urban Development for the Program Year beginning July 1, 2002.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-124
(Int. No. 146)

Appropriation Of Funds For The City Development Fund

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

Section 1. As part of the Consolidated Community Development Program/2002-03 Annual Action Plan, the Council hereby appropriates the sum of \$700,000 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. The agreements shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-125
(Int. No. 147)

Approving The Consolidated Community Development Program/2002-03 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Program/2002-03 Annual Action Plan to be financed with \$18,958,000 available to the City of Rochester from the Community Development Block Grant, HOME Program, Emergency Shelter Grant Program, Housing Opportunities for Persons with AIDS Program, and Urban Development Action Grant loan and interest repayments; and

WHEREAS, the proposed plan was prepared according to a Citizen Participation Plan and reflects public comments and consultations; and

WHEREAS, the Administration has modified the proposed plan by transferring \$1,588,000 from the Lead Hazard Reduction Program to the Rehab Rochester Program; 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 Program/2002-03 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 Program/2002-03 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 unanimously.

By Councilmember Stevenson
May 14, 2002

To the Council:

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

Int. No. 134 - Establishing \$30,000 As Maximum Compensation For A Professional Services Agreement With Andrea Whitcomb For The Continuation Of The "Greta Program"

Int. No. 135 - Authorizing An Agreement With The Rochester-Genesee Regional Transportation Authority For The Refueling Of City Vehicles

Int. No. 136 - Establishing \$50,000 As Maximum Compensation For A Professional Services Agreement With Greater Rochester Metro Chamber Of Commerce, Inc. For Highway Beautification Project

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

Int. No. 157 - Amending The Official Map By Abandonment Of A Portion Of Newbury Street District

Int. No. 166 - Authorizing Additional Increases In The Pavement Width Of Rundel Park As A Part Of The Rundel Park Public Improvement Project

The following entitled legislation is being held in committee:

Int. No. 159 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$230,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Port Access Roads And Infrastructure Improvements Project

Int. No. 160 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$110,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Port Access Roads And Infrastructure Improvements Project

Int. No. 161 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$360,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Port Access Roads And Infrastructure Improvements Project

Int. No. 162 - Authorizing Agreements And Appro-

priating Funds For The Port Access And Infrastructure Improvements Project

Int. No. 163 - Amending The Official Map By Dedicating Parcels To Street Purposes As A Part Of The Port Access Roads And Infrastructure Improvements Project

Respectfully submitted, Robert J. Stevenson Brian F. Curran Tony M. Thompson Gladys Santiago (Voted on Intro. No. 157 through Intro. No. 166.) PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2002-126 Re: Agreement - Andrea Whitcomb, "Greta Program"

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Andrea Whitcomb, 91 Sunset Drive, for the continuation of the "Greta Program". The maximum cost of this agreement will be \$30,000, which will be financed from the 2002-03 budget of the Department of Environmental Services.

The "Greta Program" is an educational effort designed to increase the awareness of youth to the problems of litter and graffiti and the benefits of refuse recycling. Its principal components are performances, workshops, school classroom visits and presentations at City recreation centers and community events.

Ms. Whitcomb, as Greta, has presented the program since 1989. The most recent agreement with Ms. Whitcomb was authorized by the City Council on May 15, 2001.

During 2001-02, the program has been presented to over 4,200 youths through 200 performances at city schools, libraries, recreation centers, and neighborhood events. In addition, over 2,000 adults and children have seen Greta at special events at High Falls, the Museum Science Fair, and the Lilac Parade.

Under the proposed agreement, during 2002-03, Ms. Whitcomb will provide 300 performances and workshops. The cost per performance (\$100) will remain the same.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2002-126 (Int. No. 134)

Establishing \$30,000 As Maximum Compensation For A Professional Services Agreement With Andrea Whitcomb For The Continuation Of The "Greta Program"

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

Section 1. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Andrea Whitcomb for the continuation of the "Greta Program". Said amount shall be funded from the 2002-03 budget of the Department of Environmental Services, contingent upon approval of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2002-127 Re: Agreement - RGRTA, Vehicle Fueling

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester-Genesee Regional Transportation Authority for the continued refueling of City vehicles at the RGRTA facility at 1372 E. Main Street. Such an agreement is authorized by section 110-o of the NYS General Municipal Law.

The original agreement with RGRTA for vehicle fueling services was authorized by the City Council in 1998. Under this agreement, during 2001, RGRTA dispensed 169,105 gallons of fuel to City vehicles at a cost of \$160,606.

Under the proposed agreement, RGRTA will continue to dispense fuel at a cost equivalent to the actual cost of the fuel plus an administrative and service fee of \$.16 per gallon. The fee is \$.01 more than the fee authorized by the present agreement.

Even with the increase in the fee, the cost of refueling by RGRTA is 6.8-9.3 cents less than the cost of refueling by Sunoco, with which the City has a charge agreement.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2002-127 (Int. No. 135)

Authorizing An Agreement With The Rochester-Genesee Regional Transportation Authority For The Refueling Of City 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) whereby RGRTA shall provide for the continued refueling of City vehicles on the east side of the City. The agreement shall obligate the City to reimburse RGRTA for the actual cost of the fuel and pay an administrative and service charge of \$.16 per gallon. The agreement may extend for one year, with two additional one year renewal options. Said amounts shall be funded from the annual budgets for this purpose.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-128
Re: Agreement - Chamber of Commerce,
Highway Beautification Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Metro Chamber of Commerce, Inc., 55 St. Paul Street, for the continued financial support by the City of the Highway Beautification Project. The maximum cost of this agreement will be \$50,000, which will be financed from the 2002-03 budget of the Department of Environmental Services.

The beautification project was initiated in 1990 as a public/private collaborative effort to improve the appearance of the Inner Loop and the portion of route 1-490 between the Erie Canal on the west and "can of worms" on the east. Since its inception, the project has been administered by the Chamber.

The project involves the cleaning, trimming, mowing and landscaping of the sides and medians of the aforementioned highways, a total distance of eight miles, between April and October 31 of each year. The work is performed by private contractors, State and City crews, inmates from the Monroe County jail, and volunteers.

The cost of the proposed agreement is the same as the cost of the prior agreement. A similar agreement, for continued financial support from the County, was approved by the Legislature on March 12.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-128
(Int. No. 136)

Establishing \$50,000 As Maximum Compensation For A Professional Services Agreement With Greater Rochester Metro Chamber Of Commerce, Inc. For Highway Beautification Project

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Greater Rochester Metro Chamber of Commerce, Inc. for the continued financial support of the Highway Beautification Project. Said amount shall be funded from the 2002-03 budget of the Department of Environmental Services, contingent upon approval of said budget.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-129

Re: Abandonment of A Portion
of Newbury Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map by the abandonment of a portion of Newbury Street. The abandonment has been requested by Pinecrest Associates, which owns the lot directly to the south of the proposed abandonment area. The Pinecrest property is occupied by a warehouse with some office space and limited parking. Pinecrest is seeking the abandonment of the 60' by 200' section of Newbury Street and is further seeking to acquire a 50' by 200' section of adjacent property owned by Newbury Associates. The parcels will be combined with their existing parcel in order to provide adequate parking for the existing use.

The City Planning Commission held an informational hearing on April 8, 2002. The Commission recommended approval of the abandonment by a vote of 5-0. The City Engineer will require that certain easements and improvements be completed as a condition of the abandonment.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the proposed action will not result in any significant adverse environmental impacts and a negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-48

Ordinance No. 2002-129
(Int. No. 157)

Amending The Official Map By Abandonment Of A Portion Of Newbury 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 portion of Newbury Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, and being more particularly described as follows:

Beginning at a point said point being the north-east corner of lands now or formerly owned by Pinecrest & Associates filed in the Monroe County Clerk's Office in Liber 6532 at page 348, at its intersection with the westerly right-of-way of Newbury Street.

Thence 1) N 0° 02' 15" W a distance of 60 feet to a point on the southerly boundary line of lands owned now or formerly by Pinecrest & Associates on file in the Monroe County Clerk's Office in Liber 5650 of deeds at page 337;

Thence 2) S 89° 39' 00" W along the south-

erly line of lands now or formerly Pinecrest & Associates a distance of 200.59 feet to a point in the easterly right-of-way line of LaGrange Avenue;

Thence 3) S 0° 02' 15" E along the easterly right-of-way of LaGrange Avenue a distance of 60 feet to said point also being the northwest corner of lands described in Liber 6532 of deeds at page 56;

Thence 4) N 89° 39' 00" E along the north property line of lands described in Liber 6532 of deeds at page 56 a distance of 200.59 feet to the point or place of beginning containing 0.276± acres of land.

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of April 8, 2002.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-130
Re: Pavement Width Changes - Rundel Park

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation relating to the Rundel Park Public Improvement Project. The legislation will amend Ord. 2002-94, which approved a pavement width increase of one foot on either side of the median, by increasing the total pavement width increase to two (2) feet on either side of the median. The resulting pavement width will increase from 15' to 17' on each side of the median. As you will recall, City Council approved the prior legislation on April 16. At that time, the proposal involved narrowing the median by one (1) foot in each direction and removing three trees and the existing concrete light poles which would be unavoidably impacted by the median narrowing. The plan included installing a new City-owned light system; in addition, a mountable curb along the median with a one-and-one-half foot concrete strip behind this curb was planned.

The Rochester Preservation Board reviewed and conditionally approved the project at their April 3, 2002 meeting. One of the conditions they imposed was that the mountable curb and concrete strip plan be eliminated from the plan in favor of a full height standard granite curb, with a widening of up to two (2) feet on either side of the mall.

Since widening the pavement to 17' would require the removal of more than the three trees originally approved, and since this was a change to the plans that had been presented to the neighborhood, an additional meeting was held with the neighborhood on April 17 to discuss the options. It was the general preference of those present that the 17' pavement with full height curb was the preferred alternative.

At the Rochester Preservation Board's May 1, 2002

meeting the City asked for approval to remove up to five more trees than originally planned to allow the newly planned two foot pavement widening on either side of the mall. The Board reviewed and approved this request.

Upon completion of the bid process, when the cost of the new concrete poles and selected fixture have been ascertained, a petition will be circulated to show support for a proposed special assessment district to pay for additional cost of the lighting system. Once the petition is prepared and signed, the creation of a lighting enhancement district will be proposed to City Council.

The pavement width change was endorsed by the Traffic Control Board at their May 7, 2002 meeting. Construction of Rundel Park is scheduled to begin in the summer of 2002 and be substantially completed in the fall of 2002.

Public Information Meetings were held on August 22, 2000 and February 26, 2002. Minutes to these meeting have been previously forwarded to City Council. The minutes to the meeting with residents held on April 17, 2002 are attached.

A public hearing on these changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-49

Ordinance No. 2002-130
(Int. No. 166)

Authorizing Additional Increases In The Pavement Width Of Rundel Park As A Part Of The Rundel Park Public Improvement Project

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

Section 1. The Council hereby approves an increase of one foot in the pavement width of Rundel Park on either side of the median, in addition to the one foot increase already approved in Ordinance No. 2002-94, from the current width of 15 feet on either side of the median to 17 feet, from University Avenue to Upton Court, as a part of the Rundel Park Public Improvement Project.

Section 2. Such changes and additional changes as a part of the Rundel Park Public Improvement Project 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.

Councilmember Stevenson moved to discharge Introductory No. 123 from committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 123 was introduced April 16, 2002, and appears in its original form with its transmittal letter on page 97 of the current Council Proceeding.

Attachment No. AB-50.

Councilmember Stevenson moved to amend Introductory No. 123.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2002-131
(Int. No. 123, As Amended)

Authorizing Increases In The Pavement Width Of Lily Street As A Part Of The Lily Street Improvement Project

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

Section 1. The Council hereby approves an increase of 6 feet in the pavement width of Lily Street, from 18 feet to 24 feet, from Magee Avenue to [Flower City Park, and an increase of 10 feet, from 18 feet to 28 feet, from Flower City Park to] Ridgeway Avenue, as a part of the Lily Street Improvement Project.

Section 2. Such changes and additional changes as a part of the Lily Street Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-132, 2002-133, 2002-134, 2002-135, And 2002-136
Re: Port of Rochester Harbor Improvement Project Port Access Roads And Infrastructure Improvements

R2010: Campaigns 6 & 8 - Economic Vitality and Tourism Destination

Transmitted herewith for your approval is legislation related to Port Access Road Improvements component of the Port of Rochester Harbor Improvement project. The legislation will:

1. Authorize appropriation of anticipated reimbursements in the amount of \$1,502,000, from the Federal Highway Administration to partially finance the cost of construction of the Port Access Roads and Infrastructure Improvements; and
2. Authorize issuance of \$700,000 of City bonds and appropriate of the proceeds thereof to partially finance the Port Access Roads and Infrastructure Improvements as follows:

Category	Total
Port	\$230,000
Water	110,000
Sewer	<u>360,000</u>

\$700,000

3. Authorize a professional services agreement with LaBella Associates, 300 State Street, for resident project representation services during construction of the Port Access Roads and Infrastructure Improvements at a maximum cost of \$299,000.

4. Amend the Official Map by dedicating port access roads as official rights-of-way.

The Port of Rochester Harbor Improvement Project includes the realignment of Beach Avenue east of Lake Avenue and the construction of the Beach Avenue Gateway improvements; the reconstruction of and extension of River Street from Stutson Street into the Port area; the reconstruction of Latta Road and Lighthouse Street, east of Lake Avenue; the construction of waterfront access improvements from River Street extending south to Petten Street; construction of a customs station/ferry terminal and ferry berthing facility; a transient marina and new pedestrian access along the river.

The Port Access Roads and Infrastructure Improvements include new street construction providing access from Lake Avenue Easterly into the Port area, connecting to a segment of the River Street extension. Additionally, a segment street will provide access to the west side of the North Warehouse Building. On-street parallel parking will be provided on most street segments. Concrete sidewalks; decorative paving and lighting; and benches and trash receptacles are included in the project, consistent with the other improvements in the Port of Rochester Project.

In addition to the street construction, new public (water, storm sewer, and sanitary sewer) and private (gas, electric, cable TV, telephone) utilities will be installed to support the anticipated economic development with the Port area.

The Port Access Roads and Infrastructure Improvement project was advertised for construction and bids were received on April 16th. The apparent low bid was submitted by DiFiore Construction, Inc., in the amount of \$1,949,949, which is 25% less than the engineering estimate. An additional 15% will be allocated for other items not included in the construction contract and contingencies.

The construction cost estimate is as follows:

Category	Construction	Contingency
	Inspection	Total
Port/Street	\$1,250,449	\$184,941
	\$191,360	\$1,626,750
Water	89,039	25,277
	11,960	126,276
Sewer	588,604	92,808
	95,680	777,092
Traffic	<u>21,857</u>	<u>1,108</u>
	917	23,882
Total	\$1,949,949	\$304,134
	\$299,917	\$2,554,000

The funding sources are as follows:

Category	Amount
Federal TEA-21 Demonstration Fund	\$1,502,000
Local Share	
Bonds	700,000
Cash Capital	<u>352,000</u>

Total \$2,554,000

The City is eligible to receive reimbursements toward the local share up to \$283,000 under the New York State Marchiselli Aid Program pending State Legislative approval.

The proposed agreement with LaBella Associates, P.C. will provide for resident project representation services for the Port Access Roads and Infrastructure construction. LaBella Associates was selected in accordance with federal and state requirements, based on knowledge of the project and ability to perform within the time period specified by the City.

It is anticipated that construction of the project will begin this spring. Substantial completion is anticipated by the fall of this year, with project finishes (signage, landscaping, etc.) completed in the spring of 2003.

The Planning Commission held an informational meeting on April 8th concerning the proposed Official Map amendment, which, if approved, would subdivide 4752 Lake Avenue into two parcels; there was one (1) speaker who supported the amendment. The Commission recommended by a vote of 5-0-0 that the Official Map amendment be approved.

A public hearing is required

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-51.

Councilmember Stevenson moved to discharge Introductory No. 159 from committee.

The motion was seconded by Councilmember Thompson.
The motion was adopted unanimously.

Ordinance No. 2002-132
(Int. No. 159)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$230,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Port Access Roads And Infrastructure Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Port Access Roads and Infrastructure Improvements Project in the City, including the construction of new streets providing access from Lake Avenue easterly into the Port area and connecting to a segment of the River Street extension and providing access to the west side of the North Warehouse building (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 \$1,626,750, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$230,000 bonds of the City to finance said appropriation, together with an appropriation from the Federal Highway Administration in the amount of \$1,117,875 and \$278,875 of available current City 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 \$230,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

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

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied

with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Stevenson moved to discharge Introductory No. 160 from committee.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Ordinance No. 2002-133
(Int. No. 160)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$110,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Port Access Roads And Infrastructure Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Port Access Roads and Infrastructure Improvements Project in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$126,276, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$110,000 bonds of the City to finance said appropriation, together with an appropriation from the Federal Highway Administration in the amount of \$13,706 and \$2,570 of available current City 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 \$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 \$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 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 by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Stevenson moved to discharge Introductory No. 161 from committee.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Ordinance No. 2002-134
(Int. No. 161)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$360,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Port Access Roads And Infrastructure Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Port Access Roads and Infrastructure Improvements Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$777,092, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$360,000 bonds of the City to finance said appropriation, together with an appropriation from the Federal Highway Administration in the amount of \$351,235 and \$65,857 of available 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 \$360,000 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 \$360,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued,

within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Stevenson moved to discharge Introductory No. 162 from committee.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Ordinance No. 2002-135
(Int. No. 162)

Authorizing Agreements And Appropriating Funds For The Port Access And Infrastructure Improvements Project

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

Section 1. The sum of \$299,000, 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 for resident project representation services related to the Port Access Roads and Infrastructure Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$20,930 shall be funded from a Bond Ordinance for street improvements, \$11,960 shall be funded from a Bond Ordinance for water improvements, \$38,870 shall be funded from a Bond Ordinance for sewer improvements, \$35,880 shall be funded from the 1999-2000 Cash Capital Allocation and \$191,360 shall be funded from the appropriation made in Section 2.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$1,502,000, or so much thereof as may be necessary, to fund construction and construction inspection services for the Port Access Roads and Infrastructure Improvements Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Stevenson moved to discharge Introductory No. 163 from committee.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Ordinance No. 2002-136
(Int. No. 163)

Amending The Official Map By Dedicating Parcels To Street Purposes As A Part Of The Port Access Roads And Infrastructure Improvements 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 the following parcel to street purposes, to be named at a later date:

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at a point in the easterly right of way for Lake Avenue, said point being southerly as measured along said right of way, a distance of 340.11 feet from the southerly right of way for Beach Avenue;

Thence (1) S 18°08'03" E a distance of 14.14 feet to a point;

Thence (2) S 63°08'15" E a distance of 271.11 feet to a point in the westerly right of way for the proposed new Street shown on Map #2, contained in Section 2 herein;

Thence (3) S 26°51'59" W along said westerly right of way a distance of 82.00 feet to a point;

Thence (4) N 18°08'08" W a distance of 22.63 feet to a point;

Thence (5) N 63°08'15" W a distance of 255.11 feet to a point;

Thence (6) S 71°51'57" W a distance of 14.14 feet, to a point in the aforementioned easterly right of way for Lake Avenue;

Thence (7) N 26°52'09" E a distance of 86.00 feet to the POINT OF BEGINNING; Containing 18,781 Sq. Ft., more or less.

Section 2. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following parcel to street purposes, to be named at a later date:

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Commencing at a point in the easterly right of way for Lake Avenue, said point being southerly as measured along said right of way, a distance of 340.11 feet from the southerly right of way for Beach Avenue:

Thence (a) S 18°08'03" E a distance of 14.14 feet to a point;

Thence (b) S 63°08'15" E a distance of 271.11 feet to the point of Beginning;

Thence (1) S 63°08'15" E a distance of 66.00 feet to a point;

Thence (2) S 26°51'59" W a distance of 698.58 feet to a point in the northerly boundary line of lands now or formerly of the County of Monroe;

Thence (3) N 63°07'15" W along said northerly boundary line a distance of 66.00 feet to a point;

Thence (4) N 26°51'59" E a distance of 698.56 feet to the POINT OF BEGINNING; containing 46,106 Sq. Ft., more or less.

Section 3. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further

amended by dedicating the following parcel to street purposes, to be named at a later date:

All that tract or parcel of land situated in the City of Rochester, County of Monroe, State of New York, and being more particularly bounded and described as follows:

Beginning at a point in the easterly right of way for Lake Avenue, said point being southerly as measured along said right of way, a distance of 983.53 feet from the southerly right of way for Beach Avenue:

Thence (1) S 18°08'55" E a distance of 14.14 feet to a point;

Thence (2) S 63°10'00" E a distance of 255.14 feet to a point;

Thence (3) N 71°51'00" E a distance of 22.63 feet to a point in the westerly right of way for the proposed new Street shown on Map #2, contained in Section 2 herein;

Thence (4) S 26°51'59" W along said westerly right of way a distance of 71.29 feet to a point in the northerly boundary line of lands now or formerly of the County of Monroe;

Thence (5) N 63°07'15" W along said northerly boundary line a distance of 110.22 feet to an angle point;

Thence (6) S 27°52'56" W along the westerly boundary line of lands now or formerly of the County of Monroe a distance of 10.81 feet to a point;

Thence (7) N 63°10'00" W a distance of 160.72 feet to a point;

Thence (8) S 71°51'05" W a distance of 14.15 feet to a point in the aforementioned easterly right of way for Lake Avenue;

Thence (9) N 26°52'09" E along said right of way a distance of 86.00 feet to the POINT OF BEGINNING, containing 17,596 Sq. Ft., more or less.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
May 14, 2002

To the Council:

The Public Safety, Services & The Arts Committee recommends for adoption the following entitled legislation:

Int. No. 138 - Authorizing A Grant Agreement For The Arts, Recreation & Tutoring Project And Amending The 2001-02 Budget

Int. No. 139 - Establishing \$50,000 As Maximum Compensation For A Professional Services Agreement For Fireworks

The following entitled legislation is being held in committee:

Int. No. 137 - Authorizing Agreements And Appropriating Funds For Human Services Projects

Respectfully submitted,
Benjamin L. Douglas
Robert J. Stevenson
Tony M. Thompson
Gladys Santiago
PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-137
Re: Arts, Recreation and Tutoring Project

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the Arts, Recreation and Tutoring Project. This legislation will:

1. Authorize the receipt of a grant of \$11,230 from the Rochester Area Community Foundation; and
2. Increase the 2001-02 budget of the Department of Parks, Recreation and Human Services by \$5,600 to reflect the amount to be expended during the current fiscal year.

The project is intended to provide creative cultural opportunities, leisure activities and educational assistance to youths, ages 10 to 17. The services are provided at recreation centers or on field trips.

The proposed grant will be used for the following purposes.

1. Tutoring - Currently, staff at the centers provide assistance with respect to homework assignments. This assistance will be supplemented with tutoring by teachers who participate in the Dial-A-Teacher program. The tutoring will be specifically directed towards preparation for state, advanced placement and final examinations.
2. Leadership Development - Older youth participating in the project will be encouraged to assume leadership roles and assist staff in art and cultural instruction.
3. Field Trips - The art and cultural instruction will be complemented with field trips to cultural institutions and artist studios.

The remaining amount of the grant will be included in the proposed 2002-03 budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-137
(Int. No. 138)

Authorizing A Grant Agreement For The Arts, Recreation & Tutoring Project And Amending The

2001-02 Budget

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

Section 1. The Mayor is hereby authorized to and enter into an agreement with the Rochester Area Community Foundation for funding for the Arts, Recreation & Tutoring Project.

Section 2. Ordinance No. 2001-215, the 2001-02 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 \$5,600, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-138
Re: Agreement - Young Explosives,
Fireworks Display

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement with Young Explosives, 4 Butternut Drive, for the provision of an aerial fireworks display on July 4, Independence Day. The maximum cost of this agreement will be \$50,000, which will be financed from the 2001-02 budget of the Department of Parks, Recreation and Human Services and the Rochester Events Network Trust Fund.

The City has provided a fireworks display to celebrate Independence Day for 25 years. However, because of the tragic events of September 11, the commemoration of the freedom and courage of Americans will be particularly important this year.

As a result, the annual fireworks display will be expanded significantly. It will be equivalent to the display provided to celebrate the millennium, which included approximately 6,200 special effects and 3,700 shells.

To finance the additional cost of the display, donations have been solicited from various local businesses. To date, \$24,000 has been received from:

- Bergmann Associates, Inc.
- Blitman & King
- Blue Cross/Blue Shield of Greater Rochester
- Centra Financial Group
- Citibank
- Clark Patterson Associates
- CP Ward, Inc.
- Independent Title Agency
- LeCesse Construction Company
- Manning & Napier Advisors, Inc.
- Metropolitan Funeral Chapels, Inc.
- Rel Comm, Inc.
- REMAX of New York, Inc.

Saphar & Associates, Inc.
Wegmans

The Entercom Radio System will simulcast the event on four stations.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-138
(Int. No. 139)

Establishing \$50,000 As 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 \$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 Young Explosives for a Fourth of July aerial fireworks display. Of said amount, \$7,000 shall be funded from the 2001-02 Budget of the Department of Parks, Recreation and Human Services and \$43,000 shall be funded from the Rochester Events Network.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Douglas moved to discharge Introductory No. 71 from committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 71 was introduced March 19, 2002, and appears in its original form with its transmittal letter on page 67 of the current Council Proceeding.

Attachment No. AB-52.

Councilmember Douglas moved to amend Introductory No. 71.

The motion was seconded by Councilmember Griswold.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - Councilmember Mains - 1.

Ordinance No. 2002-139
(Int. No. 71, As Amended)

Authorizing [An] Amendatory Agreements For The Operation Of The BlueCross Arena At The War Memorial And The Court/Exchange Parking Lot And For Premium Seat Marketing And Management

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 SMG, Inc. for the operation of the BlueCross Arena at the War Memorial. The amendatory agreement may provide, retroactive to January 1, 2001, that SMG, Inc. be required to pay 50% of the total annual utility costs. [The amendatory agreement may also provide, beginning on July 1, 2002, for an annual incentive payment to SMG, Inc. not to exceed \$75,000, based on increased ticket sales or utility cost reductions.] The Mayor is hereby further authorized to enter into an amendatory agreement with SMG, Inc. for the continued lease and operation of the Court/Exchange Parking Lot whereby SMG may increase parking rates commensurate with parking demand and retain 90% of the gross revenues above the current fee paid to the City of \$311,584, with the remaining 10% being paid to the War Memorial Fund.

Section 2. The Mayor is hereby further authorized to enter into an amendatory Premium Seat Marketing and Management Agreement with the Rochester Amerks, Inc. and SMG, Inc. to provide for a one time only ticket sales incentive payment to the Rochester Amerks, Inc. of \$85,000, plus \$.05 for each paid admission ticket sold for Rochester Amerks and Rochester Knighthawks games during the 2002/2003 season.

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

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

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - Councilmember Mains - 1.

Councilmember Douglas moved to discharge Introductory No. 72 from committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 72 was introduced March 19, 2002, and appears in its original form with its transmittal letter on page 67 of the current Council Proceeding.

Attachment No. AB-52.

Councilmember Douglas moved to amend Introductory No. 72.

The motion was seconded by Councilmember Griswold.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - Councilmember Mains - 1.

Ordinance No. 2002-140
(Int. No. 72, As Amended)

Amending The User Fee For The BlueCross Arena At The War Memorial

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

Section 1. The Council hereby approves the establishment of an amendatory user fee of \$1.25 to be applied immediately to all tickets with a face value of \$5.00 or more and a user fee of \$0.25 to be applied immediately to all tickets with a face value under \$5.00 for events and activities taking place at the BlueCross Arena at the War Memorial on or after July 1, 2002.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the collection of the user fee.

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.

Underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - Councilmember Mains - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 137
Re: Human Services Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for various human services projects.

<u>Organization</u>	<u>Amount</u>
<u>Project</u>	
Northeast Neighborhood Alliance Summer on the City Farm	\$48,900
YMCA Reidman Summer Science and Technology Camp	20,000
Cameron Community Ministries Northwest Youth Programs	32,000
Rochester Community Foundation Quad A for Kids	12,500

The cost of the agreements will be financed from the General Community Needs allocation of the 2001-02 Community Development Block Grant.

All of the projects are considered projects with matching funds and are therefore eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The first two agreements each represent the third year of funding, while the last two agreements respectively represent the second and first years of funding.

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 137

AUTHORIZING AGREEMENTS AND APPROPRIATING FUNDS FOR HUMAN SERVICES 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 organizations for human services projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Northeast Neighborhood Alliance Summer on the City Farm	\$48,900
YMCA Reidman Summer Science and Technology Camp	20,000
Cameron Community Ministries Northwest Youth Programs	32,000
Rochester Community Foundation Quad A for Kids	12,500

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$113,400, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2001-02 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.

Item held.

By Councilmember Mains
May 14, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

Int. No. 149 - Establishing Maximum Compensation For A Professional Services Agreement For Administration Of The General Liability Insurance Program

Int. No. 150 - Approving The Lease Of 1030 Jay Street

Int. No. 151 - Approving The 2002-03 Operating And Capital Budgets Of The Cultural Center Com-

mission

Int. No. 154 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

Int. No. 164 - Authorizing An Agreement For The Operation Of The Midtown Parking Garage

Int. No. 165 - Local Law Validating The New York State Empire Zone (Formerly Known As A New York State Economic Development Zone) And Revising The Boundaries Of That Zone

Int. No. 167 - Determining And Certifying Current Base Proportions, Current Percentages, And Base Percentages For The 2002 Assessment Roll

Int. No. 168 - Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2002 Assessment Roll

Int. No. 130 - 2001-02 Debt Resolution
Int. No. 131 - Amending Bond Ordinance No. 2000-128 Relating To Sewer Improvements As A Part Of The 2000 Milling And Resurfacing And Residential Street Improvement Programs To Reduce The Amount Authorized And Appropriated Therein

The Economic Development & Government Efficiency Committee recommends for consideration the following entitled legislation:

Int. No. 148 - Approving Apportionment Of Taxes And Charges

Int. No. 153 - Approving Change In Traffic Flow On Achilles Street From Liberty Pole Way To Stillson Street From One-Way Eastbound To One-Way Westbound

Int. No. 155 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

The following entitled legislation is being held in committee:

Int. No. 152 - Resolution Continuing The Tax-Exempt Policy For Privately Financed Parking Garages

Respectfully submitted,
Tim O. Mains
Brian F. Curran
Lois J. Giess (Voted on Intro. No. 153 through Intro. No. 131.)
Gladys Santiago
ECONOMIC DEVELOPMENT & GOVERNMENT EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-141
Re: Agreement - Gallagher Bassett Services, General Liability Insurance Program Administration

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Gallagher Bassett

in 30 new jobs.

The leases will have initial terms of 10 years with provision for renewal for three additional 10 year periods. The annual rents will be as follows:

Year	Amount
1-7	\$ 1.00
8	4,993.00
9-10	5,000.00

These rents were established by Midland Appraisal Services and reflect the need for environmental remediation of the property, which was acquired through tax foreclosure. The remediation will occur in conjunction with the expansion projects, at an estimated cost of \$35,000.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the proposed leases will not result in any negative effects. A negative declaration has been issued.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-53

Ordinance No. 2002-142
(Int. No. 150)

Approving The Lease Of 1030 Jay Street

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

Section 1. The Council hereby approves the lease of approximately one-half of the parcel at 1030 Jay Street to 1040 Jay Street Associates and approximately one-half of the parcel to Jay Hague Properties, LLC, each for a term of ten years with three ten-year renewal options. Rent shall be at the rate of \$1.00 for the first seven years, and a total of \$4,993 for year eight and \$5,000 for years nine and ten. Rent during option terms shall be increased by 10%. The tenants shall be responsible for environmental remediation on the parcel, site security, maintenance and a payment in lieu of real estate taxes.

Section 2. The lease 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. 2002-143
Re: 2002-03 Budgets - Cultural
Center Commission

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the 2002-03 operating and capital budgets of the Cultural Center Commission. This legislation will:

1. Approve the budgets proposed by the Commis-

sion for the period from July 1, 2002 through June 30, 2003.

2. Authorize the Commission to approve during this period the transfer of capital budget appropriations not exceeding \$10,000.

The proposed budgets were approved by the Commission on April 9. They have been reviewed by the Budget Bureau of the City and the Office of Management and Budget of Monroe County.

Approval of the budgets by the City Council (and County Legislature) is required by Chapter 613 of the Laws of 1979 of the State of New York. Delegation to the Commission of the authority to subsequently expend funds from the budgets was approved by the Council on September 9, 1980 and the Legislature on September 30, 1980.

The total amount of funds available to the Commission for use during 2002-03 is \$540,002.

Revenues	
Mortgage Income	\$ 28,334
Net Property Maintenance Fund	78,807
Less return of Mark IV's Block L Deposit	(10,000)
Unused Balances	
2001-02 Operating Budget	5,843
2001-02 Capital Budget	<u>437,018</u>
Total	\$540,002

The Commission has proposed that \$99,330 of this amount be appropriated for the 2002-03 operating budget and \$714,978 for the capital budget.

The proposed operating budget is \$10 more than the 2001-02 budget.

	2002-03	2001-02	Variance
Salaries	\$75,769	\$75,769	\$ 0
Employee Benefits	<u>14,152</u>	<u>14,142</u>	10
Personnel Services	\$89,921	\$89,911	\$10
Supplies and			
Equipment	250	250	0
Contractual Expense	8,659	8,659	0
Contingency	<u>500</u>	<u>500</u>	0
Total	\$99,330	\$99,320	\$10

The proposed capital budget indicates the general purpose for which the available funds are intended to be used. It does not represent actual commitments to specific projects. Any funds not utilized during 2002-03 will be reappropriated for the 2003-04 budget.

General Purpose	Amount
Streets/Open Space Maintenance	\$ 17,586
Development	391,651
Executive Design	25,035
Annual Audit	<u>6,400</u>
Total	\$440,672

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council on June 20, 2001 for the 2001-02 budget. The Commission has a comparable ability to approve the transfer of operating appropriations pursuant to a Council authorization of September 9, 1981.

The budgets will be considered by the Monroe County Legislature on June 11.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-54

Ordinance No. 2002-143
(Int. No. 151)

Approving The 2002-03 Operating And Capital Budgets Of The Cultural Center Commission

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

Section 1. The Council hereby approves the 2002-03 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 1 of 2002. The Council specifically authorizes the Cultural Center Commission to transfer funds within the Cultural Center Commission Capital Account in an amount not to exceed \$10,000 during the fiscal year. The Commissioner of Economic Development of the City of Rochester is further authorized to transfer unencumbered funds in the Operating Budget from one account to another in accordance with the financial and budgetary practices of the City of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1506
Re: Downtown Guides Program

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the Downtown Guides Program. This legislation will:

1. Approve the 2002-03 budget of the program and apportion the budget costs among the various properties within the District; and
2. Authorize an agreement with Downtown Special Services, Inc. for continued administration of the program.

The program was authorized by the City Council on March 15, 1994 and re-authorized on May 11, 1999. The guides walk regular routes within downtown and provide people with directions and information about downtown activities, events and attractions. They also report, via radio, any emergency situations.

The program is operated within the Inner Loop and in the High Falls, Frontier Field and Kodak office building areas. It is administered by a non-profit corporation, Downtown Special Services, Inc., which is directed by an 11-member board consisting of representatives from downtown businesses, the tourist industry and the City and County governments.

The costs of the program are apportioned among all non-homestead properties within the program or district boundaries, except those owned by the federal or state governments. The apportionment is based upon relative assessed valuation.

For 2002-03, the budget for the program will be

\$315,000. Of this amount, \$5,365 will be financed from interest earnings and unused assessments from 2001-02. After an addition of a reserve for delinquent accounts of 5.6%, total assessments will be \$319,943, which is \$7,288 less than the 2001-02 assessment.

If the proposed legislation is approved, the assessments for individual properties will be prepared and submitted to the Council for consideration. Property owners will be provided with an opportunity to review these assessments and to comment upon them at a public hearing.

A public hearing on the proposed legislation is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AB-55

Local Improvement Ordinance No. 1506
(Int. No. 154)

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

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

Section 1. The cost of the special work and services for the 2002-03 fiscal year for the Downtown Guides is established at \$319,915, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinance No. 1446.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown Guides Program. 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, 2002.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-144
Re: Agreement - Midtown Rochester
Parking, Midtown Parking Garage

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing a two year agreement with Midtown Rochester Parking LLC, 211 Midtown Plaza, for operation and management of the Midtown parking garage.

The Midtown garage contains 1,843 spaces on three levels. Traditionally, the garage, like other municipal garages, has been operated by private companies under agreements authorized by the City Council.

However, in 1999, the City assumed responsibility for operation of the garage because of the inability of Midtown Rochester, LLC, an affiliate of Arnold Industries, to develop an operating plan for Midtown Plaza, because of concern about the finances of the company, and because of a desire to avoid potential protracted litigation. As you are aware, such litigation, a bankruptcy proceeding, did indeed occur and was only recently concluded with assignment of the Midtown properties to Blackacre Capital, the mortgagor.

Upon conclusion of the bankruptcy proceedings, proposals for private operation of the garage were solicited from 21 organizations, in an attempt to return to the traditional manner of operation. No proposals were received, presumably because of the low occupancy of both the retail and office spaces of the plaza.

The City therefore negotiated with Midtown Rochester Parking, the entity that had been previously established to operate the garage, for management services. Under the proposed agreement...

1. Midtown Parking LLC will provide all personnel required for the operation of the garage, including cashiers, security guards and maintenance staff. It will also be responsible for all costs associated with materials and supplies, contractual services and insurance. The City will be responsible for electric cost and Downtown Guides/Enhancement charges.
2. Midtown will submit a monthly statement to the City indicating actual revenues and expenses and remit all operating profits.

Following is a comparison of projected operating profits from the garage under City operation during 2001-02 and Midtown management during 2002-03.

	2001-02 City Operation	2002-03 Private Management	Variance
Adjusted Gross Revenue	\$1,457,000	\$1,176,000	\$281,000
Operating Expense	<u>1,135,000</u>	<u>1,030,530</u>	<u>104,470</u>
Operating Profit	\$ 322,000	\$ 145,470	\$176,530

The variance in adjusted gross revenue is associated with additional projected vacancies in Midtown Plaza and the relocation of 180 monthly customers to garages that are closer to their work locations. The variance in operating expense is associated with personnel costs.

The City will receive \$145,470 annually and 100% of all revenues in excess of \$992,000 after sales tax.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-144
(Int. No. 164)

Authorizing An Agreement For The Operation Of The Midtown Parking Garage

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Midtown Rochester Parking, LLC for the operation of the Midtown Parking Garage for a term of two years. The agreement shall obligate Midtown Rochester Parking, LLC to pay to the City \$145,470 annually, plus all revenues in excess of \$992,000 (after deduction of sales taxes). Midtown Rochester Parking, LLC shall be responsible for paying all water consumption charges and Pure Waters capital charges/assessments, for providing all personnel required for operation of the garage, including cashiers, security guards and maintenance staff, and materials and supplies, contractual services and insurance. The City shall be responsible for Downtown Guides and Enhancement District charges, and for electric and heating costs.

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 Law No. 2
Re: NYS Empire Zone

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving a revised boundary description for the City's Empire Zone.

Under State law, municipalities may designate small geographic areas - up to two square miles or 1280 acres - in which special incentives may be provided to businesses that relocate to the areas or expand within them. These incentives include state tax credits and exemptions, reduced utility rates and, at the option of the municipalities, local sales tax exemptions.

The City's zone was established by the City Council on February 15, 1994. The boundaries of the zone were revised by the Council on October 14, 1994, July 27, 1997, December 19, 2000, May 15, 2001 and August 21, 2001. The present zone contains approximately 1209 acres.

In December of 2000, the City of Rochester amended the boundaries of the Empire Zone to include a 20.88 acre site within the Town of Henrietta to accommodate the Corning Inc expansion project. Recently, Corning Inc has closed their facility in the Town of Henrietta. As a result, the Town of Henrietta passed a resolution authorizing the removal of Corning Inc. from the Rochester Empire Zone. This will give the City 20.88 acres to designate for development projects within the city.

This proposed legislation will remove the 20.88 acres from the Empire Zone in the town of Henrietta and add the following project areas:

Center City

1. The Hyatt Hotel is projecting future investment of approximately \$6,995,900
2. Sibley Center is projecting \$30,000,000 of new investment and over 600 new jobs to be created and retention of 1115 jobs. This includes the Charter

One expansion of approximately \$3,500,000 of new investment.

- 3. Midtown is projecting \$10,000,000 of new investment, the creation of approximately 3000 new jobs and the retention of 1400. Additionally, the economic impact that the development of Midtown would bring to the entire downtown.
- 4. The Four Points Sheraton is projecting \$5,000,000 in new investment.
- 5. The Crown Plaza Rochester is projecting approximately \$1,765,500.
- 6. 130 East Avenue development could result in new investment of approximately \$8,000,000 and the creation and retention of up to 150 jobs

Special Projects

The Port of Rochester Project is projecting approximately \$20,000,000 in new investment with over 370 new jobs created. Approximately, \$78,000,000 in public improvements are underway or planned and a high speed ferry service is expected to be implemented between Rochester and Toronto, Canada within the next two years.

Neighborhood Commercial Development

- 1. West Main Street Commercial Revitalization - 115 new jobs and \$4,000,000 in new investment.
- 2. North Clinton Avenue Development is projecting over \$3,000,000 in new investment and 20-30 new jobs.

Industrial Development

- 1. JML Optical is projecting 25 new jobs, 85 retained, new equipment acquisition and a 20,000 square foot addition.
- 2. Rochester Bronze & Aluminum is projecting approximately \$2,000,000 in new investment and the creation of 30 new jobs.
- 3. Hickey Freeman is studying a potential rehabilitation of their existing facility on N. Clinton Avenue to make it more cost efficient. They now have 535 employees and there is a potential for new investment and job creation in addition to the retention of their existing jobs.

As a result of this legislation, the above projects will be added to the zone and 20.88 acres in the town of Henrietta will be removed. The total acreage being added to the Empire Zone totals approximately 69.01 acres bringing the total acreage to approximately 1258.06 acres.

The legal description of the revised Empire Zone boundaries is on file in the City Clerk's Office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-56

Local Law No. 2
(Int. No. 165)

Local Law Validating The New York State Empire Zone (Formerly Known As A New York State

Economic Development Zone) And Revising The Boundaries Of That Zone

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

Section 1. The New York State Empire Zone, as established in Ordinance No. 94-26, and subsequently amended by Ordinances No. 94-307, 97-273, 2000-414, 2001-135 and 2001-304, is hereby validated and ratified.

Section 2. The boundaries of the New York State Empire Zone are hereby amended by deleting the Corning, Inc. Empire Zone in the Town of Henrietta added in Ordinance No. 2000-414, and by adding new parcels so that the boundaries include all of the parcels set forth in the schedule on file with the City Clerk and incorporated herein.

Section 3. The City Council of the City of Rochester requests that the New York State Commissioner of Economic Development revise the boundaries of the City of Rochester Empire Zone as described in Section 2.

Section 4. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-145 And
Ordinance No. 2002-146
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 2001 data. The second is the calculation of the adjusted base proportions using 2001 and 2002 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 1, are as follows:

Homestead	.4101439
Non-Homestead	.5898561
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4103720
Non-Homestead	.5896280
Total	1.0000000

These 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%

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-57

Ordinance No. 2002-145
(Int. No. 167)

Determining And Certifying Current Base Proportions, Current Percentages, And Base Percentages For The 2002 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 2002 assessment roll as follows:

	Homestead Class	Non-Homestead Class
Current base proportions	41.01439%	58.98561%
Current percentage	59.4599%	40.5401%
Base percentage	52.0355%	47.9645%

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 by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Ordinance No. 2002-146
(Int. No. 168)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2002 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 2002 assessment roll as follows:

	Homestead Class	Non-Homestead Class
Adjusted base proportion	.4103720	.5896280
Taxable assessed value	2,802,698,471	1,910,568,947

Net change in assessed value from 2001 resulting from physical and quantity changes
-3,580,400 +19,495,959

Net change in assessed value from 2001 resulting from other than physical and quantity changes
-9,430,050 -14,393,000

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.

Introductory No. 130 was introduced April 16, 2002, and appears in its original form with its transmittal letter on page 109 of the current Council Proceedings.

Attachment No. AB-58

Resolution No. 2002-11
(Int. No. 130)

2001-02 Debt Resolution

Adopted unanimously.

Introductory No. 131 was introduced April 16, 2002, and appears in its original form with its transmittal letter on page 110 of the current Council Proceeding.

Attachment No. AB-58

Ordinance No. 2002-147
(Int. No. 131)

Amending Bond Ordinance No. 2000-128 Relating To Sewer Improvements As A Part Of The 2000 Milling And Resurfacing And Residential Street Improvement Programs To Reduce The Amount Authorized And Appropriated Therein

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-148
Re: Apportionment of Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the apportionment of taxes and charges for 40 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 2001-02. These taxes and charges, which total \$202,010.59, will be added to the new accounts established by the subdivision or combination of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July, 2002 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-59

Ordinance No. 2002-148
(Int. No. 148)

Approving Apportionment Of Taxes And Charges

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

Section 1. The Council hereby approves the apportionment of taxes and charges upon various parcels of land as certified by the Assessor of the City of Rochester pursuant to Section 6-78 of the Charter of the City of Rochester on April 17, 2002, in accordance with the list which is on file in the Office of the City Clerk.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-149 And
Resolution No. 2002-12
Re: Temple Building Development

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the renovation of the Temple Building. This legislation will:

1. Extend the tax incentive program for private parking garages; and
2. Approve a change in the direction of traffic on Achilles Street, from one- way eastbound to one-way westbound.

The Temple Building, at 14 Franklin Street, has 14 floors, six of which are currently occupied. The renovation project involves improvements to the retail space on the first floor, renovation of the other seven floors of the building as office space or residential units, and construction of a 70-80 space parking garage in the basement.

Tax Incentive Program

The tax incentive program for parking garages is designed to promote economic development in the center city and specifically to encourage a more intensive use of land without a significant commitment of City funds. The program reflects a recognition of the significant costs associated with the construction of parking garages by private organizations and the ability of most suburban jurisdictions to provide adequate amounts of land for alternative, less costly surface parking lots.

The program was initially approved by the City Council on October 15, 1985. It was modified on June 16, 1987, extended on February 18, 1992, and further modified and extended on December 17, 1996. It expired on December 31, 2000.

Since the program began, exemptions have been provided for the following parking garages.

<u>Year</u>	<u>Exemption</u>	<u>Taxable Assessment</u>
<u>Property</u>	<u>Parking Spaces</u>	
1986	\$2,600,000	\$ 280,000
Corporate Place	700	
1990	5,000,000	-0-
Clinton Square	390	
1997	835,000	1,415,000
Sheraton Four Points	400	

The exemption applies only to properties owned by the County of Monroe Industrial Development Agency and only to the assessed value of the improvements relating to the garage. It has a maximum duration of 20 years.

Extension of the program for an additional five years is recommended since there has been little change in the conditions upon which the program was based. Parking deficiencies continue to exist and the cost of construction of parking garages continues to be significant.

If the program is extended, the garage improvements in the Temple Building would be eligible for the exemption. Since the estimated assessed value of these improvements is \$225,000, the revenue loss associated with the exemption would be approximately \$9549, based on 2001-02 tax rates.

Traffic Direction Change

The proposed change in traffic direction is required to accommodate an exit from the planned underground garage. The change is supported by 100% of the property owners on Achilles Street.

The Traffic Control Board endorsed the change in direction on April 16. A public hearing on the change is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-60

Ordinance No. 2002-149
(Int. No. 153)

Approving Change In Traffic Flow On Achilles Street From Liberty Pole Way To Stillson Street From One-Way Eastbound To One-Way Westbound

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

Section 1. The Council hereby approves a change in direction of the traffic flow on Achilles Street, from Liberty Pole Way to Stillson Street, from one-way eastbound to one-way westbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Mains moved to discharge Introductory No. 152 from committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously. Councilmember Mains moved to amend Introductory No. 152.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Resolution No. 2002-12
(Int. No. 152, As Amended)

Resolution Continuing The Tax-Exempt Policy For Privately Financed Parking Garages

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

Section 1. Resolution No. 85-39, as amended by Resolutions No. 87-19, 92-12 and 96-35, provided for an in-lieu-of-tax payment policy for privately financed parking garages. The Council hereby determines that the downtown office market and the economics of parking garages are such that it is in the interest of the City to authorize continuation of this in-lieu-of-tax payment policy for a period extending through May 31, 2007, after which time the City shall review the strength of the downtown office, retail and housing markets, along with parking garage economics, to determine whether such special incentives continue to be necessary. In addition, for commercial office development, the City Council may require the garage to make spaces available to the public, after business hours and on weekends, for short term use.

Section 2. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1507
Re: 2002-03 Downtown Enhancement
District Budget

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation approving the 2002-03 budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the various properties within the District.

The District was originally authorized by the City Council on May 16, 1989 and was reauthorized on May 10, 1994 and May 11, 1999. It is designed to provide a special or enhanced level of care and maintenance in the Center City area.

Under the authorizing legislation, the annual budget for the district may not exceed the base (1989) amount "...increased annually, in a cumulative manner, by the Consumer Price Index..." unless a higher amount

is specifically recommended by the district advisory council.

The maximum permissible budget for 2002-03, based upon the 13 year cumulative increase in the CPI (44.3%) is \$577,200. The recommended budget is \$497,500 which is \$4,800 (1%) higher than the 2001-02 amount.

<u>Category of Expense</u>	<u>Proposed 2002-03</u>	<u>2001-02</u>	<u>Variance</u>
Salaries & Wages	\$334,600	\$321,500	\$13,100
Employee Benefits	55,300	53,900	1,400
Personal Services	389,900	375,400	14,500
Materials & Supplies	82,600	90,100	-7,500
Contractual Services	30,000	32,200	-2,200
Operating Expense	502,500	497,700	4,800
Less Operating Revenues	(15,000)	(15,000)	0
Required Assessments	487,500	482,700	4,800
Reserve for Uncollected Accounts	10,000	10,000	0
Total	\$497,500	\$492,700	\$4,800

The increase in salaries and wages reflects a contingency allocation for settlement with Local 1635 of the American Federation of State, County and Municipal Employees. This increase is partially offset by decreases in miscellaneous materials and motor equipment charges. The Enhancement District Committee approved the proposed budget by a vote of 6 to 0 on January 17.

The budget costs will continue to be allocated among the properties within the district in accordance with a two-factor, two-zone formula. With respect to factors, 50% will be allocated based upon the assessed valuation of a property, while 50% will be allocated based upon its gross area. With respect to zones, the allocation factors of properties directly on Main Street or with direct access to Main Street via the enclosed walkway system and within the primary district boundaries will be "weighed" at twice the factors of all other properties. All parking lots and garages, regardless of location, will be included in the latter category.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1507
(Int. No. 155)

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 2002-03 fiscal year for the Downtown Enhancement District is established at

\$497,500. Said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinance No. 1355 and Local Improvement Ordinance No. 1444.

Section 2. This ordinance shall take effect on July 1, 2002.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

The meeting was adjourned at 9:40 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
June 18, 2002

Present - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 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:

Bette Doyle - City Clerk's Office

*Elaine Fredericks - Library

*Walter P. Baker - DCD

*Michael J. Aceto - Fire

*Michael G. Iafrati - RPD

*Will not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Curran

RESOLVED, that the minutes of the Regular Meeting of May 14, 2002, 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:
Regular Public Auction - July 1, 2002. 3689-7.

The Director of Zoning submits Notices of Environmental Determination.
560 River Street. 3690-7
60 River Street. 3691-7
639, 643, 647, 649 & 653-655 Jefferson Ave. 3692-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By Councilmember Mains - Petition from city residents supporting commercial activity during festivals. Petition No. 1597

THE COUNCIL PRESIDENT - RECEIVED AND FILED.
PUBLIC HEARINGS

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

Authorizing Changes In The Pavement Width Of St. Paul Street And Malling Drive As A Part Of The St. Paul Street Improvement Project Int. No. 176 No speakers.

Authorizing Decreases In The Pavement Width Of Campbell Street And Wilder Street As A Part Of The Route I-490 Western Gateway Project Int. No. 177 Two speakers: Jeanette Hilliard and Catherine Rile.

Authorizing Decreases In The Pavement Width Of Henrietta Street As A Part Of The Henrietta Street Public Improvement Project Int. No. 178 No speakers.

Authorizing Changes In The Pavement Width Of Chili Avenue And Stanton Street As A Part Of The Chili Avenue Improvement Project Int. No. 180 Seven speakers: Dave Bonies, Bea Woodams, Mike Kenessa, Bonnie Kaltaia, Ken Archibald, Barbara Sullivan, and Gerald Serrat.

Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Rundel Park Public Improvement Project Int. No. 200 No speakers.

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project Int. No. 179 No speakers.

Changing The Zoning Classification Of 639, 643, 647, 649 And 653-655 Jefferson Avenue From R-2 Two-Family Residential To C-1 Neighborhood Commercial Int. No. 201 One speaker: Elliott Landsman.

Amending The Official Map By Dedication Of Cunningham Street Int. No. 204 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL:
Ladies and Gentlemen

Resolution No. 2002-13
Re: Home Rule Message - Genesee Valley Parkland Alienation

Transmitted herewith for your approval is a home rule resolution relating to legislation that currently is being considered by the New York Legislature. The legislation would authorize the parkland/open space alienation of a parcel within Genesee Valley Park. The alienation is required for the Brooks Landing development project, which will include an extended stay hotel and restaurant. The overall project will help to revitalize the Brooks/Genesee neighborhood commercial area and will offer a unique tourist opportunity along the NYS Erie Canal system.

The alienation will involve 150,573 square feet of the site, a total of 3.457 acres. The area includes both dedicated parklands within Genesee Valley Park (approx. 2.1 acres), as well as a portion of adjacent City owned vacant open space property, formerly a railroad right-of-way (approx. 1.4 acres).

The City will rededicate as City parkland, approximately .46 acres of the 2.1 acres of alienated dedicated parkland once the project site plan has been completed and approved. The rededicated parkland will be

located adjacent to the Genesee River for the entire length of the project development site. It will consist of a new public waterfront with enhanced public amenities, a new riverfront promenade, a new public boat landing and enhanced public access to the waterfront. The new waterfront developed within the rededicated parkland will connect to the existing river trail system. The resulting effective net total alienation will be approximately 3.0 acres for the project development site, including both actual dedicated parkland and City owned vacant property.

The appraised value of the 3.457 acres of land to be alienated, based on a \$35,000.00 per acre value, is \$120,995.00. The effective net total value of alienated parkland/open space after the approximate .46 acres is rededicated as City owned parkland for the new public waterfront is \$104,895.00, of which only \$73,500.00 is for the dedicated parkland portion.

To compensate for the alienation, the City will dedicate as parkland, an additional 19.5-acre parcel of City owned vacant land adjacent to Turning Point Park and the Genesee River. The appraised value of this 19.5-acre replacement parcel, based on a \$5,000.00 per acre value, is \$97,500.00. The extensive improvements to the public waterfront parkland at the rededicated portion of the Brooks Landing development site is additional compensation for the parkland alienation. Investments for these public parkland improvements are estimated to be approximately \$1,000,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Economic Vitality, Healthy Urban Neighborhoods, Tourism Destination, Quality Service

Attachment No. AB-61

Resolution No. 2002-13
(Int. No. 241)

Resolution For the Purpose Of A Home Rule Message Regarding State Legislation Relative To Discontinuing The Use Of Certain Lands As Park Lands

Concurring in the request by the Mayor of the City of Rochester to the Senate and Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to discontinuing the use of certain lands as park lands.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council hereby concurs in the request of William A. Johnson, Jr., Mayor of the City of Rochester, to the Senate and Assembly of the State of New York, constituting the New York State Legislature, that said Legislation enact the legislation forth in the following bill entitled:

AN ACT to authorize the City of Rochester to discontinue the use of certain lands as park lands

Being Senate Bill No. S.7320.

This resolution shall take effect immediately.

Adopted unanimously.

REPORTS OF STANDING COMMITTEES AND

ACTION THEREON

By Councilmember Stevenson
June 18, 2002

To the Council:

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

Int. No. 175 - Establishing Maximum Compensation For A Professional Services Agreement For Bridge And Structural Engineering Services

Int. No. 216 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Milling And Resurfacing And Street Improvement Programs

Int. No. 217 - Establishing \$80,000 As Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The Maple Street Improvement Project

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

Int. No. 176 - Authorizing Changes In The Pavement Width Of St. Paul Street And Malling Drive As A Part Of The St. Paul Street Improvement Project

Int. No. 177 - Authorizing Decreases In The Pavement Width Of Campbell Street And Wilder Street As A Part Of The Route I-490 Western Gateway Project

Int. No. 178 - Authorizing Decreases In The Pavement Width Of Henrietta Street As A Part Of The Henrietta Street Public Improvement Project

Int. No. 180 - Authorizing Changes In The Pavement Width Of Chili Avenue And Stanton Street As A Part Of The Chili Avenue Improvement Project

Int. No. 200 - Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Rundel Park Public Improvement Project

The following entitled legislation is being held in committee:

Int. No. 179 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project

Int. No. 215 - Authorizing Supplemental Agreements With Respect To The Broad Street Tunnel - East Approach/Erie Canal Aqueduct Project

Respectfully submitted,
Tony M. Thompson
Lois J. Giess
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:
Ordinance No. 2002-150
Re: Agreement - Bergmann Associates,

Bridge and Structural Engineering Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize a professional engineering service agreement with Bergmann Associates, 200 First Federal Plaza, 28 E. Main Street, for bridge and structural engineering services. The maximum cost of this agreement will be \$66,700. The agreement will be financed from both the 2001-02 operating budget, \$31,700, of the Department of Environmental Services and 2001-02 cash capital allocation, \$35,000, of DES.

The engineering services are related to the City's annual bridge inspection program. Under this program, the structural condition of the following facilities is examined yearly and any required maintenance is identified and scheduled.

	<u>Number</u>
Bridges	
City Responsibility	41
Shared Responsibility	19
Tunnels	<u>10</u>
Total	70

DES solicited proposals from four organizations. Bergmann Associates is recommended because of the qualifications of the firm and the personnel to be assigned to these services. Bergmann Associates has satisfactorily performed these services in the past.

The agreement will have an initial term of one year with provision for four yearly renewals for a maximum total of five years. The costs of the initial and subsequent renewals will be financed from the annual operating and capital budgets of the Department of Environmental Services. If the City requires structural engineering services subsequent to expiration of this agreement, proposals for such services will be solicited through a Request for Proposal process.

Under the proposed agreement, Bergmann Associates will provide bridge and tunnel inspections, miscellaneous structural investigations, design and construction reviews, contract preparation, resident project representation and general consultation services. Following is the estimated composition of the cost of these services:

Service	Five-Year Average Expended	Estimated 2001-02	Budget 2002-03
Bridge Inspections	\$ 6,900	\$ 7,000	\$ 7,000
Misc. Structural Investigations	4,695	3,000	3,200
Contract Preparation	16,930	15,000	15,000
Meetings and Adm. Function	7,725	5,000	5,000
Inventory/Database Management	1,600	1,000	1,000
Printing and Photography	960	500	500
Resident Project Representation	<u>24,470</u>	<u>35,000</u>	<u>35,000</u>
Totals	\$63,280	\$66,500	\$66,700

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-150
(Int. No. 175)

Establishing Maximum Compensation For A Professional Services Agreement For Bridge And Structural Engineering Services

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

Section 1. The sum of \$66,700, 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 Bergmann Associates for bridge and structural engineering services. The agreement shall have an initial term of one (1) year, and may provide for four (4) annual renewals. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Projects. Of said amount for the first year, \$31,700 shall be funded from the 2001-02 Budget of the Department of Environmental Services and \$35,000 shall be funded from the 2001-02 Cash Capital Allocation, with the amounts for subsequent years not to exceed the amounts set forth in the annual budgets for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-151
Re: Bonds - Street Improvement Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize the issuance of bonds totaling \$205,000 and appropriate the proceeds thereof to finance sewer improvements in the Street Improvement Program.

The request for street improvements bonding is consistent with the 2001-02 Capital Improvement Programs and supplements funding authorized by City Council on March 19. The amount to be authorized includes the following:

Category	Amount
City-Funded Arterials	
St. Paul Street (Avenue E to Norton Street)	\$ 53,000
Maple Street (Mt. Read Blvd. To Glide Street)	37,000
Milling and Resurfacing, Residential Street Rehabilitation, Street Planning and Design	<u>115,000</u>
Total	\$205,000

Construction of Maple Street is scheduled to begin in summer 2002 and be substantially complete in fall 2002. Construction of St. Paul Street is scheduled to begin in fall 2002 and be substantially complete in summer 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-151
(Int. No. 216)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City To Finance The Additional Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Milling And Resurfacing And Street Improvement Programs

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 construction and reconstruction of certain sewer improvements related to the 2002 Milling and Resurfacing and Street Improvement Programs in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$792,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$205,000 bonds of the City to finance said appropriation, together with the application of \$587,000 bonds previously appropriated in Ordinance No. 2002-53, 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 class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-152
Re: Agreement - Corneles Engineering,
Maple Street Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the Maple Street Improvement Project. This legislation will authorize an agreement with Corneles Engineering for resident project representation services at a maximum amount of \$80,000. The project consists of pavement reconstruction/rehabilitation, new granite curbs, concrete sidewalks in select areas, catch basins; water main, water services and hydrants; driveway aprons; new City owned street lighting arms and luminaires; new pavement markings and upgrades to the existing traffic signal system at Glide Street; tree plantings, topsoil and seed.

The preparation of the engineering design for this project, by Corneles Engineering, was authorized by City Council on August 21, 2001.

Bids for construction were received on June 4.

The cost of the categories of work for the project based upon the engineers estimate amount are as follows:

Category	Construction	Contingency	Total
	RPR		
Street Cash	\$450,000	\$45,000	\$540,000
Water Cash	225,000	25,000	
County Traffic	93,000	9,000	272,000
Sewer Bond	31,000	3,000	
Totals	\$799,000	\$82,000	\$961,000

The cost of the sewer improvements will be financed from a portion of the proceeds of a bond proposal which is being requested as a companion item. The cost of the traffic improvements will be financed from anticipated reimbursements from Monroe County.

Corneles Engineering was selected to perform resident project inspection services because of their familiarity with the project and the qualifications of the personnel to be assigned to the project. The resident project representation for the project will be funded from 2001-02 Street Cash, \$45,000; 2001-02 Water Cash, \$22,000; anticipated reimbursements from Monroe County, \$10,000; and from the sewer bond, \$3,000, for the Maple Street Project included in a separate item.

Construction is scheduled to begin in summer 2002, and be substantially completed in fall 2002.

Public informational meetings were held on February 27 and April 11. Copies of the minutes for the meetings are available in the City Clerk's Office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-62

Ordinance No. 2002-152
(Int. No. 217)

Establishing \$80,000 As Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The Maple Street Improvement Project

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 Corneles Engineering for resident project representation services for the Maple Street Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$77,000 shall be funded from the 2001-02 Cash Capital Allocation and \$3,000 shall be funded from a bond ordinance adopted for sewer

improvements.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 176
Re: St. Paul Street Improvement Project
(Avenue E to Norton Street)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the St. Paul Street Public Improvement Project. This legislation will authorize the following pavement width changes on St. Paul Street.

1. A taper on St. Paul Street from the existing pavement width of 50' to 42', starting 100' north of Avenue E and ending 260' north of Avenue E;
2. An increase on St. Paul Street of 4', from 38' to 42', from the latter point to Norton Street;
3. The removal of the recessed 8' wide parking area, starting 190' south of Norton Street to 230' south of Norton Street along the west side of St. Paul Street;
4. A recessed parking area 8' wide beginning 90' north of Saranac Street, northerly for a distance of 75' along the west side of St. Paul Street;
5. A decrease on Malling Drive of 2', from 24' to 22', beginning at St. Paul Street to 25' east of St. Paul Street; and
6. An increase on Malling Drive of 6', from 24' to 30', from the latter point to 115' east of St. Paul Street.

The project consists of pavement reconstruction, new granite curbs, concrete sidewalks, catch basin, pavement markings and driveway aprons; a new water main, services and hydrants; a new street lighting system and tree plantings, topsoil and seed.

The preparation of the engineering design for this project, by Fisher Associates, was authorized by City Council on August 21, 2001.

The traffic study performed for this street shows that, while not needed now, in the future it may be necessary to have two travel lanes in each direction. The proposed 42'-wide pavement width along St. Paul Street will make this possible. Until that time, parking will continue to be provided along the east side of the street.

The recessed parking lane will be used for drop off and pick up at the Rochester School for the Deaf. The recessed lane at the Rochester School for the Deaf will require a property acquisition for relocation of the sidewalk. Approval of the acquisition will be requested at a future Council meeting.

The pavement width changes at Malling Drive will provide for a recessed parking lane for an adjacent business. The pavement width change will be accommodated in the existing right-of-way.

Construction of the St. Paul Street improvements are

scheduled to begin in fall 2002 and be completed by summer 2003.

The estimated cost of construction, inspection and contingencies is \$1,194,000. The current estimate with shares is as follows:

<u>Share</u>	<u>Current Estimate</u>
Street	\$ 758,000
Water	325,000
Sewer (MH's & CB's)	53,000
Traffic	58,000
Total	<u>\$1,194,000</u>

The St. Paul Street Improvement project is in the 2000-01 Capital Improvement Program. The source of the funding for the street and water will be from planned debt identified in the 2000-01 Capital Improvement Program. The source of sewer funding will be from sewer debt being authorized and appropriated in a companion item. The source of funding for the traffic share will be from anticipated reimbursements from Monroe County.

A public informational meeting was held April 4. Minutes to these meetings are available in the City Clerk's office.

The Traffic Control Board endorsed the pavement width changes on May 21.

A public hearing on these changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Stevenson moved to return Introductory No. 176 to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 176

AUTHORIZING CHANGES IN THE PAVEMENT WIDTH OF ST. PAUL STREET AND MALLING DRIVE AS A PART OF THE ST. PAUL STREET 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 St. Paul Street and Malling Drive as a part of the St. Paul Street Improvement Project:

1. A taper on St. Paul Street from the existing pavement width of 50 feet to 42 feet, starting 100 feet north of Avenue E and ending 260 feet north of Avenue E; and,
2. A increase on St. Paul Street of 4 feet, from 38 feet to 42 feet, from the latter point to Norton Street; and,
3. The removal of the recessed 8 foot wide parking area, starting 190 feet south of Norton Street to 230 feet south of Norton Street along the west side of St. Paul Street; and,
4. A recessed parking area 8 feet wide beginning

90 feet north of Saranac Street, northerly for a distance of 75 feet along the west side of St. Paul Street; and,

5. A decrease on Malling Drive of 2 feet, from 24 feet to 22 feet, beginning at St. Paul Street to 25' east of St. Paul Street; and,
6. A increase on Malling Drive of 6 feet, from 24 feet to 30 feet, from the latter point to 115 feet east of St. Paul Street.

Section 2. Such changes and additional changes as a part of the St. Paul Street Improvement Project 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.

Held in committee.

TO THE COUNCIL
Ladies and Gentlemen

Ordinance No. 2002-153
Re: Route I-490 Western Gateway
Project/Erie Canal to Genesee
River Pavement Width Changes

R2010: Campaign 5 - Regional Partnership
And Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the New York State Department of Transportation Route I-490 Western Gateway Project. The legislation will authorize changes in pavement widths on city streets as follows:

- a. A narrowing along Campbell Street adjacent to the Ames Street intersection, from a variable existing width of 28'-6" to 36'-0", to a proposed width that varies from 27'-6" to 36'-0". The length of the pavement width transition is 177';
- b. A narrowing along Wilder Street adjacent to the Ames Street intersection, from a variable existing width of 24'-3" to 33'-10", to a proposed width that varies from 24'-3" to 30'-6". The length of pavement width transition is 180';
- c. A narrowing along Wilder Street, west of the Child Street intersection, from an existing width of 36'-0" to a proposed width of 28'-3". The length of pavement width transition is 426'; and
- d. A narrowing along Wilder Street, east of the Child Street intersection, from a variable existing width of 28'-3" to 35'-9", to a proposed width of 28'-3". The length of pavement transition is 180'.

The project which extends from the Erie Canal to the Genesee River includes full rehabilitation of I-490 eastbound/westbound, intersection improvements along Wilder Street and Campbell Street, where they intersect Child Street, Ames Street and Saxton Street, rehabilitation of 15 overhead bridges, replacement of the bridges over Mt. Read Boulevard, the CSX siding and Grape Street, and the replacement of the Troup-Howell Bridge with a steel arch. Other project features include drainage, lighting, pedestrian and bicycle, noise barrier, travel lane, landscape and aesthetic

improvements including public art.

The proposed changes in pavement width at Campbell and Ames Street will provide for the addition of a curb bump-out on the west side of the intersection; the changes at Wilder and Ames Street will provide for a curb bump-out on the east side of the intersection; and the changes on Wilder Street, west of the Child Street intersection will remove the exclusive left turn lane.

Construction of the Phase I improvements will begin this summer and it is anticipated it will be substantially completed in the fall of 2003. Phase I includes rehabilitation of the Ames Street, Child Street and Colvin Street Bridges over I-490, the noise barriers between Ames Street and Grape Street and the associated city street improvements.

A public hearing on the project was conducted by the NYSDOT on May 4, 1999. The Traffic Control Board endorsed the street width changes at the May 21 meeting.

A public hearing on the changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-63

Ordinance No. 2002-153
(Int. No. 177)

Authorizing Decreases In The Pavement Width Of Campbell Street And Wilder Street As A Part Of The Route I-490 Western Gateway Project

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

Section 1. The Council hereby approves the following decreases in the pavement width of Campbell Street and Wilder Street as a part of the Route I-490 Western Gateway Improvement Project:

- a. A narrowing along Campbell Street adjacent to the Ames Street intersection, from a variable existing width of 28'-6" to 36'-0"; to a proposed width that varies from 27'-6" to 36'-0". The length of the pavement width transition is 177 feet, and;
- b. A narrowing along Wilder Street adjacent to the Ames Street intersection, from a variable existing width of 24'-3" to 33'-10"; to a proposed width that varies from 24'-3" to 30'-6". The length of pavement width transition is 180 feet, and;
- c. A narrowing along Wilder Street, west of the Child Street intersection, from an existing width of 36'-0" to a proposed width of 28'-3". The length of pavement width transition is 426 feet, and;
- d. A narrowing along Wilder Street, east of the Child Street Intersection, from a variable existing width of 28'-3" to 35'-9"; to a proposed width of 28'-3". The length of pavement transition is 180 feet.

Section 2. Such changes and additional changes as a part of the Route I-490 Western Gateway Improvement Project 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. 2002-154
Re: Henrietta Street Public Improvement
Project (S. Goodman Street - Field
Street)

R2010: Campaign 7 - Quality Service
and Campaign 9 - Healthy
Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Henrietta Street Public Improvement Project. The legislation will authorize the following pavement width changes on Henrietta Street:

- 1. A narrowing of 4' from 24' to 20', beginning 140' east of Nelson to a point 360' east of Nelson Street, and
- 2. A narrowing of 4' from 24' to 20', beginning 210' west of Field Street to a point 410' west of Field Street.

These pavement width changes will be accomplished within the existing rights-of-way at the request of the residents. The purpose of these changes is to provide additional tree planting locations and for beautifications to the street. Additional right of way will be required in other areas of the project to accommodate the installation of sidewalks and sidewalk access ramps. The request for these additional acquisitions will be submitted at a later date.

Besides the pavement width change, the Henrietta Street project includes rehabilitation/reconstruction of the pavement, traffic signal upgrades, pavement markings, granite stone curbs, new water main and water services, new concrete sidewalks, and catch basins; new City-owned residential street lighting system (S. Goodman Street - Nelson Street); street trees, topsoil and seed.

The Henrietta Street Improvement Project is being designed by the City's Bureau of Architecture and Engineering Services of the Department of Environmental Services.

Construction of the Henrietta Street (S. Goodman Street - Field Street) project is scheduled to begin in the spring 2002 and be completed in summer 2003. The estimated construction cost of the project is \$854,600, including construction, inspection and contingencies.

Improvement	Amount
Street	\$546,900
Water	225,200
Sewer (C.B.'s & Manholes)	67,200
Traffic	15,300
Total	\$854,600

The cost of the street improvements will be financed from \$200,000 in 2000-2001 Cash Capital Allocations and \$346,900 in 2001-02 Street Bonds. Sewer improvements will be financed from 2000-01 Sewer

Bonds. The water improvements will be funded from 1999-00 Water Bonds. Traffic improvements will be financed from anticipated reimbursements from Monroe County.

A public informational meeting was held on March 20. Copies of the minutes of this meeting are available in the City Clerk's office. Additional meetings with the Henrietta Street Citizen's Advisory Group and the neighbors living between Nelson Street and Field Street were held on January 24, April 15, and April 24. Minutes of these meetings are also available in the City Clerk's office.

The proposed change in pavement widths were endorsed by the Traffic Control Board on May 7.

A public hearing on the proposed change is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-64

Ordinance No. 2002-154
(Int. No. 178)

Authorizing Decreases In The Pavement Width Of Henrietta Street As A Part Of The Henrietta Street Public Improvement Project

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

Section 1. The Council hereby approves a decrease of four feet in the pavement width of Henrietta Street, from 24 feet to 20 feet, from a point 140 feet east of Nelson Street to a point 360 feet east of Nelson Street; and a decrease of four feet in the pavement width of Henrietta Street, from 24 feet to 20 feet, from a point 210 feet west of Field Street to a point 410 feet west of Field Street, as a part of the Henrietta Street Public Improvement Project.

Section 2. Such changes and additional changes as a part of the Henrietta Street Public Improvement Project 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.

Council President Giess moved to delay vote on Introductory No. 180 until the end of the meeting.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Improvement Ordinance No. 1508
Re: Rundel Park Public Improvement
Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Rundel Park Public Improvement

Project. The legislation will:

1. Appropriate a total of \$35,100 from the Local Improvement Fund to finance the cost of installing certain street lighting enhancements, and authorize the subsequent assessment of this amount against the benefited properties, to replenish the fund; and
2. Authorize the establishment of a special assessment district for the 34 properties having frontage on Rundel Park to finance the incremental costs associated with the installation of the lighting enhancements.

The prior legislation which approved the pavement width changes was passed by City Council on April 16 and which Council revised on May 14.

The Rundel Park project includes replacement of curbs, driveway aprons and the lighting system, and landscaping.

The street lighting enhancement features includes the installation of concrete light poles and harp fixtures as an upgrade from the standard residential poles. Eighteen of the 34 property owners within the proposed special assessment district have signed a petition supporting the creation of a street lighting enhancement assessment district. These owners represent 54.4% of the frontage along Rundel Park between University Avenue and Upton Place.

The increased capital cost of installing the concrete poles and harp fixtures over a standard residential post top lighting system will be assessed against the owners of property fronting on Rundel Park between University Avenue and Upton Place on a front footage basis. The total incremental costs will be \$35,100. The frontage of the 34 parcels within the proposed Rundel Park enhancement district is 1,405.1 feet. Repayment of the incremental cost will occur over 15 years in equal, annual installments at a rate of 1% above the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessment. Each year's assessment will be included on the property's annual tax bill, with the first payment expected to appear on the 2003-04 tax bills.

Property Address	Front Footage	SBL No.
1 Rundel Park	40.1	121.35-01-028
3 Rundel Park	40	121.35-01-027
4 Rundel Park	40	121.35-01-029
5 Rundel Park	40	121.35-01-026
6 Rundel Park	40	121.35-01-030
7 Rundel Park	40	121.35-01-025
8 Rundel Park	40	121.35-01-031
9 Rundel Park	40	121.35-01-024
10 Rundel Park	40	121.35-01-032
11 Rundel Park	40	121.35-01-023
12 Rundel Park	40	121.35-01-033
13 Rundel Park	40	121.35-01-022
14 Rundel Park	40	121.35-01-034
15 Rundel Park	40	121.35-01-021
16 Rundel Park	40	121.35-01-035
17 Rundel Park	40	121.27-02-030
18 Rundel Park	40	121.35-01-036
19 Rundel Park	40	121.27-02-029
20 Rundel Park	40	121.35-01-037
21 Rundel Park	40	121.27-02-028
22 Rundel Park	40	121.28-03-026
23 Rundel Park	40	121.27-02-027
24 Rundel Park	40	121.28-03-027

25 Rundel Park	40	121.27-02-026
26 Rundel Park	40	121.28-03-028
27 Rundel Park	40	121.27-02-025
28 Rundel Park	40	121.28-03-029
29 Rundel Park	40	121.27-02-024
30 Rundel Park	40	121.28-03-030
31 Rundel Park	40	121.27-02-023
32 Rundel Park	40	121.28-03-031
33 Rundel Park	40	121.27-02-022
35-37 Rundel Park	40	121.27-02-021
36 Rundel Park	85	121.28-03-033.1

Construction of Rundel Park is scheduled to begin in the summer of 2002 and be substantially completed in the fall of 2002.

A public information meeting was held on August 22, 2000 and February 26, 2002. Minutes to these meetings have been previously forwarded. An additional meeting with the residents was held on April 17. Minutes to this meeting were also previously forwarded.

A public hearing on the establishment of the special street lighting enhancement district is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-65

Local Improvement Ordinance No. 1508
(Int. No. 200)

Local Improvement Ordinance - Upgrading Of Street Lighting As A Part Of The Rundel Park Public Improvement Project

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

Section 1. The Council hereby authorizes the upgrading of street lighting as a part of the Rundel Park Public Improvement Project. The upgrading shall consist of the installation of concrete light poles and harp fixtures.

Section 2. The special assessment district for the upgrading of street lighting as a part of the Rundel Park Public Improvement Project shall be as follows:

Property Address	Front Footage	SBL No.
1 Rundel Park	40.1	121.35-01-028
3 Rundel Park	40	121.35-01-027
4 Rundel Park	40	121.35-01-029
5 Rundel Park	40	121.35-01-026
6 Rundel Park	40	121.35-01-030
7 Rundel Park	40	121.35-01-025
8 Rundel Park	40	121.35-01-031
9 Rundel Park	40	121.35-01-024
10 Rundel Park	40	121.35-01-032
11 Rundel Park	40	121.35-01-023
12 Rundel Park	40	121.35-01-033
13 Rundel Park	40	121.35-01-022
14 Rundel Park	40	121.35-01-034
15 Rundel Park	40	121.35-01-021
16 Rundel Park	40	121.35-01-035
17 Rundel Park	40	121.27-02-030
18 Rundel Park	40	121.35-01-036
19 Rundel Park	40	121.27-02-029
20 Rundel Park	40	121.35-01-037
21 Rundel Park	40	121.27-02-028

22 Rundel Park	40	121.28-03-026
23 Rundel Park	40	121.27-02-027
24 Rundel Park	40	121.28-03-027
25 Rundel Park	40	121.27-02-026
26 Rundel Park	40	121.28-03-028
27 Rundel Park	40	121.27-02-025
28 Rundel Park	40	121.28-03-029
29 Rundel Park	40	121.27-02-024
30 Rundel Park	40	121.28-03-030
31 Rundel Park	40	121.27-02-023
32 Rundel Park	40	121.28-03-031
33 Rundel Park	40	121.27-02-022
35-37 Rundel Park	40	121.27-02-021
36 Rundel Park	85	121.28-03-033.1

Section 3. The Council hereby finds that the upgrading of the street lighting benefits each parcel of property within the district on the basis of each parcel's front footage along Rundel Park, and the costs of such upgrading shall be allocated among the parcels in the district on that basis.

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 \$35,100, plus interest at a rate 1% above the City's "latest borrowing rate" on the unpaid balance, shall be assessed on the parcels within the limits of the district of assessment described above, in the amounts set forth above. The Council hereby deems such parcels 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 on the annual tax bill for the parcels in 15 equal annual installments, commencing as determined by the Director of Finance.

Section 6. The total cost of said improvements and work, up to \$35,100, 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 179
Re: West Ridge Road Improvement
Project (Hanford Landing Road
to Veteran's Memorial Bridge)

R2010: Campaign 7 - Quality Service
and Campaign 9 - Healthy
Urban Neighborhoods

Transmitted herewith for your approval is legislation related to the West Ridge Road improvement project. This legislation will:

1. Authorize acquisition of 23 properties involved

in the W. Ridge Road improvement project;

2. Appropriate \$3,048,000 in anticipated reimbursements from the Federal Highway Administration to finance the Federal share of the costs for right of way acquisition, relocation and closing costs, and project administration; and
3. Appropriate \$762,000 in anticipated reimbursements from New York State to finance the State share of the costs for right of way acquisition, relocation and closing costs, and project administration.

This project involves the reconstruction of West Ridge Road, from Hanford Landing Road to the Veteran's Memorial Bridge. This reconstruction will include a significant realignment of West Ridge Road, beginning west of the Lake Avenue intersection to the Veteran's Memorial Bridge. The westbound and eastbound travel lanes of West Ridge Road between Lake Avenue and the Veteran's Memorial Bridge will be divided, creating a parkway like landscaped median transition zone in an effort to encourage reduced speeds of westbound vehicles leaving the expressway and entering the Maplewood Neighborhood.

The project also provides for a new two-way frontage road in front of the houses to remain on the south side of West Ridge Road between Ridgeway Avenue and Maplewood Drive and replacement of the existing pedestrian bridge over West Ridge Road near Maplewood Drive. Select replacement and adjustment of utilities, drainage improvements, signalized intersection upgrades, various landscaping, trail and sidewalk improvements will also be included in the project. It is a goal of this project to accommodate traffic in a safe and efficient manner while also addressing neighborhood concerns and initiatives and improving the pedestrian environment.

City Council authorized the City to enter into any necessary agreements with NYS Department of Transportation (NYSDOT) to participate in and administer the project on August 10, 1999. Federal and State appropriations and the original agreement with Bergmann Associates for preliminary engineering and design services for this project were authorized by City Council on April 18, 2000. City Council authorized agreements for appraisals of parcels to be acquired as part of the project on November 20, 2001. City Council authorized additional Federal and State appropriations and an amendatory agreement with Bergmann Associates on February 12. City Council authorized changes in pavement width on March 19.

Both full and partial property takings will be required to accommodate the realignment and new streets which are proposed. Full acquisition of 23 properties is now requested; partial acquisitions will be requested in a subsequent City Council agenda item. This will involve acquisition and demolition of 18 residential and two business structures on the north side of West Ridge Road between Lake Avenue and Maplewood Drive, and one residential and four business structures on the south side of West Ridge Road between the proposed relocated Minder Street and Lake Avenue. The properties are as follows:

Property Address	SBL#	Maximum Acquisition Amount
Reputed Owner	Type	
58 Lapham St.	090.44-1-37	\$ 50,000

Todd Cahill & Charles Hathaway	1 Family	
157 Lapham St. Linda M. Stiles	090.49-1-64 1 Family	40,000
2 W. Ridge Rd. Robert D. & Tillie Stevens	090.44-1-65 1 Family	85,000
6 W. Ridge Rd. John Bent & Beverly Hook	090.44-1-66 1 Family	50,000
10 W. Ridge Rd Dennis L.J. Coccia & Esther M. Muratore	090.44-1-67 Mixed Use	175,000
14 W. Ridge Rd Robert A. Walton	090.44-1-68.1 Mixed Use	97,000
16 W. Ridge Rd Donald J. Marcher	090.44-1-69.1 Mixed Use	166,000
18 & 20 W. Ridge Rd Diego & Lester M. Pascual	090.44-1-70 & 77.8 1 Family	65,000
24 W. Ridge Rd Boris Yefraimov	090.44-1-71 1 Family	60,000
26 & 28 W. Ridge Rd William H. & Kathy Lee Palermo	090.44-1-72 & 77.6 1 Family	69,000
30 & 32 W. Ridge Rd Martin W. Palmeri	090.44-1-77.5 1 Family	40,000
34 & 36 W. Ridge Rd & Thomas H. Christine Davis	090.44-1-74 & 77.18 2 Family	43,000
38 W. Ridge Rd Randall Hook	090.44-1-75 2 Family	50,000
42 W. Ridge Rd Ronald S. & Pamela A. Appleton	090.44-1-78.1 2 Family	45,000
46 & 48 W. Ridge Rd William H. & Kristen A. VandenBriel	090.44-1-77.13 & 79 Mixed Use	134,400
50 W. Ridge Rd Robert Cullen	090.44-1-80 1 Family	46,000
52-54 W. Ridge Rd Joan Kuhn & Eleanor Symigs	090.44-1-81.1 2 Family	62,000
56 & 56.5 W. Ridge Rd Beverly Hook	090.44-1-77.3 & 82 1 Family	60,000
58 W. Ridge Rd Arthur E. Caton & Reba Merchant	090.44-1-83.1 1 Family	39,000
95 W. Ridge Rd Missy, LLC	090.43-3-11 Comm.	115,000

99 W. Ridge Rd Kham Phan & Boualong Rajaphovmy	090.43-3-10 Comm.	136,000
101-111 W. Ridge Rd Irv Starr	090.43-3-09 Mixed Use	178,000
119 W. Ridge Rd Elizabeth Salathiel (leasehold) Ronald G. Statt (fee simple)	090.43-3-06 1 Family	25,700 9,300
Total		\$1,840,400

The acquisition amounts were established through independent appraisals prepared by Robert G. Pogel, SRPA, and Kevin Bruckner, MAI. The acquisition amount of \$35,000 for the property at 119 W. Ridge Road is being divided up between the tenant, Elizabeth Salathiel, and the owner, Ronald G. Statt, due to a life-use privilege that the tenant possesses.

The total cost of acquisition, relocation and closing costs for the full property takings will not exceed \$2,540,000 and will be funded through the anticipated State and Federal aid.

The total estimated cost of the full and partial property takings is as follows:

Expense	Full Takings			Partial Takings			Total		
Acquisition	\$1,840,400			\$600,000			\$2,440,400		
Relocation		600,000			0			600,000	
Closing Costs		99,600			35,000			134,600	
City Administration		381,000			95,300			476,300	
State Administration		127,000			31,800			158,800	
Total	\$3,048,000			\$762,100			\$3,810,100		

The Federal Highway Administration will fund 80% of the above costs, \$3,048,080, and New York State will fund 20%, \$762,020.

Costs for right-of-way acquisition, relocation, closing, and State administration expense will be financed from the appropriations above. Costs for City administration will be financed from the 2002-03 Operating Budget and reimbursed from the appropriations above.

The estimated cost of the project is \$16,843,000. Of the estimated cost of the project, \$10,754,000 will be financed by the Federal government and \$2,789,000 will be funded by the State. City financing of \$3,300,000 for certain betterments is contained in the 2001-02 through 2005-06 Capital Improvement Program.

A public informational meeting was held on May 28, 1999, by the City, in conjunction with the Maplewood Neighborhood Association and NYSDOT. Minutes of the meeting were previously submitted to City Council. Another public informational meeting was held on December 12, 2001. Minutes of that meeting were previously submitted to City Council. Two separate public informational meetings relating to noise walls were held on January 31. Minutes from those

meetings were previously submitted to City Council. The Traffic Control Board endorsed the changes in pavement width on February 19.

Project scoping and preliminary design will be completed this Spring. Final design will be completed in 2003. Under currently programmed Federal and State project funding, construction would begin in 2004 and be completed in 2005.

A public hearing regarding the property acquisitions is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 179

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF PARCELS FOR THE WEST RIDGE ROAD IMPROVEMENT PROJECT

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

Section 1. The Council hereby approves the acquisition of the following parcels for the construction and maintenance of municipal improvements as a part of the West Ridge Road Improvement Project as follows:

Property Address	SBL#	Reputed Owner	Type	Maximum Acquisition Amount
58 Lapham St.	090.44-1-37	Todd Cahill & Charles Hathaway	1 Family	\$ 50,000
157 Lapham St.	090.49-1-64	Linda M. Stiles	1 Family	40,000
2 W. Ridge Rd.	090.44-1-65	Robert D. & Tillie Stevens	1 Family	85,000
6 W. Ridge Rd.	090.44-1-66	John Bent & Beverly Hook	1 Family	50,000
10 W. Ridge Rd	090.44-1-67	Dennis L.J. Coccia & Esther M. Muratore	Mixed Use	175,000
14 W. Ridge Rd	090.44-1-68.1	Robert A. Walton	Mixed Use	97,000
16 W. Ridge Rd	090.44-1-69.1	Donald J. Marcher	Mixed Use	166,000
18 & 20 W. Ridge Rd	090.44-1-70 & 77.8	Diego & Lester M. Pascual	1 Family	65,000
24 W. Ridge Rd	090.44-1-71	Boris Yefraimov	1 Family	60,000
26 & 28 W. Ridge Rd	090.44-1-72 & 77.6	William H. & Kathy Lee Palermo	1 Family	69,000

30 & 32 W. Ridge Rd	090.44-1-77.5	Martin W. Palmeri	1 Family	40,000
34 & 36 W. Ridge Rd &	090.44-1-74 & 77.18	Thomas H. Christine Davis	2 Family	43,000
38 W. Ridge Rd	090.44-1-75	Randall Hook	2 Family	50,000
42 W. Ridge Rd	090.44-1-78.1	Ronald S. & Pamela A. Appleton	2 Family	45,000
46 & 48 W. Ridge Rd	090.44-1-77.13 & 79	William H. & Kristen A. VandenBrueel	Mixed Use	134,400
50 W. Ridge Rd	090.44-1-80	Robert Cullen	1 Family	46,000
52-54 W. Ridge Rd	090.44-1-81.1	Joan Kuhn & Eleanor Symigs	2 Family	62,000
56 & 56.5 W. Ridge Rd	090.44-1-77.3 & 82	Beverly Hook	1 Family	60,000
58 W. Ridge Rd	090.44-1-83.1	Arthur E. Caton & Reba Merchant	1 Family	39,000
95 W. Ridge Rd	090.43-3-11	Missy, LLC	Comm.	115,000
99 W. Ridge Rd	090.43-3-10	Kham Phanh & Boualong Rajaphovmy	Comm.	136,000
101-111 W. Ridge Rd	090.43-3-09	Irv Starr	Mixed Use	178,000
119 W. Ridge Rd	090.43-3-06	Elizabeth Salathiel (leasehold)	1 Family	25,700
		Ronald G. Statt (fee simple)		<u>9,300</u>
Total				\$1,840,400

Section 2. The acquisitions, relocation and closing costs shall obligate the City to pay an amount not to exceed \$2,540,000, and of said amount, or so much thereof as may be necessary, and \$635,000 in City and State administrative costs, \$3,048,000 is hereby appropriated from anticipated reimbursements from the Federal Government, and \$762,000 is hereby appropriated from anticipated reimbursements from New York State.

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

Section 4. This ordinance shall take effect immediately.

Held in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 215
Re: Broad Street Tunnel - East Approach /
Erie Canal Aqueduct Project

R2010: Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to the Broad Street Tunnel - East Approach/ Erie Canal Aqueduct Project. This legislature will:

1. Authorize the City to enter into a supplemental agreement with NYS Department of Transportation to participate and administer the project and;
2. Appropriate \$132,000 from anticipated reimbursements from the Federal government to finance the Federal share of the preliminary and final engineering phases of the project.

The project originally involved rehabilitation of the east approach tunnel and included replacement of the structural joint systems, sidewalk restoration, utility modifications, drainage improvements, structural modifications, repairs to the deck slabs, maintenance painting of the structural steel elements and improvements to the wearing surface. Right-of-way acquisition to provide for maintenance access to the Broad Street bridge and aqueduct is included as a component of the original project.

Due to the fact that the Historic Erie Canal Aqueduct is directly adjacent to and utilizes the east approach structure for access purposes, the potential to include an all-weather pedestrian passageway into the project was investigated. The concept of developing an all-weather pedestrian passageway within the Erie Canal Aqueduct has been studied for over 17 years and has received broad community support. The concept of an all-weather passageway within the Erie Canal Aqueduct has been included in the following comprehensive planning documents:

City's Vision 2000
Rochester 2010: The Renaissance Plan
Updated Local Water Front Revitalization Plan (LWRP)
Neighbors Building Neighborhoods Action Plan
Broad Street Aqueduct Reuse Feasibility Study (1994)
Broad Street Bridge Redevelopment Project (1985)

The original project is being expanded to include the construction of an all-weather pedestrian passageway, inside the northern portion of the historic Broad Street Aqueduct (a.k.a. The Erie Canal Aqueduct). It is proposed that this passageway will extend from the Broad Street Tunnel on the west side of the Genesee River through the interior of the Aqueduct and into Rochester Gas and Electric Corporation's Historic Substation No.6. This substation houses the original wheel pits that served Harvey Ely's Paper Mill (circa 1825). The original Johnson-Seymore Raceway (circa 1820) still carries water over the wheel pits and through the building itself. It is envisioned that these wheel pits and the Johnson-Seymore Raceway will be opened up for public viewing for the first time in over a century.

The proposed passageway will connect the City's Riverside Convention Center to the Blue Cross Blue Shield Arena at the War Memorial and have several

direct street and terrace connections. This passageway will allow safe, all-weather, and convenient pedestrian and bicycle traffic between these two important public facilities and offer attractive views of the Genesee River over which the former Erie Canal Aqueduct traverses. Integral street and pedestrian connections will be investigated and where feasible, added to the project. Potential street linkages will be explored in detail at the War Memorial Terrace, Aqueduct Street and various other street / river level connecting points.

This project will serve to enhance downtown's attraction to visitors and residents. It is proposed that museum-quality exhibit space be developed under the east approach. The proposed exhibit space would be reserved for use by area canal and transportation museums /associations/advocates and offer tourist's a true destination center within the Center City district. Preliminary discussions have occurred with area museums, whereas several of them offered support and a preliminary commitment to museum quality space within the confines of the Historic Erie Canal Aqueduct.

In addition to the above description, several key elements identified for inclusion in the beginning phases of the project are listed below:

A pedestrian walkway would traverse the aqueduct using half of the structure's width. This would allow for views of the interior as well as views of downtown through the structure's arches. Interpretive exhibits would be installed along the walkway. This will remain open so as not to exclude usage as a transportation corridor or development space.

The undeveloped corridor would be reserved for future uses, including retail or transit.

Connections to the skyway system would be made through the Convention Center (via an existing RG&E building) and through the Rundel and Bausch and Lomb Library buildings.

During the preliminary scoping phase of the project, the potential for a permanent underground maintenance linkage was investigated. Right-of-way acquisition to provide for maintenance access to the Broad Street bridge and aqueduct is envisioned as a component of this project.

The removal of the north terrace to the Rundel Library provides numerous direct benefits related to completing street linkages, developing riverfront viewing space and allowing streetscape connections to both the aqueduct passageway and the museum exhibit space. Removal of the northern terrace will be fully evaluated as part of this project and if feasible, incorporated as part of this project.

City Council authorized the City to enter into any necessary agreements with NYS Department of Transportation to participate in and administer the project on January 20, 2000. The supplemental agreement is for professional design services relating to new construction of an enclosed pedestrian promenade within the historic 1837 Erie Canal Aqueduct. Requests for consultant services will begin in the fall of 2002.

The estimated cost of the project is \$4,750,438. Of this amount, \$3,798,350 (80%) will be financed by the Federal government. Of the non-federal cost, \$507,750 will be from the State under the Marchiselli Aid Program and financing for the remaining

\$444,338 will be financed by the City. \$169,250 of the City's local match is included in the current CIP. The remaining \$273,088 is proposed to be funded by \$32,000 in current 2001-02 cash capital allocations to the Department of Environmental Services and \$241,088 from the proposed 2002-03 Capital Improvement Program.

	Total	Federal	State	City
PE & Design	\$ 514,000	\$ 409,200	\$ 52,500	\$ 52,300
ROW Incidentals	140,000	112,000	21,000	7,000
ROW Acquisition	560,000	448,000	84,000	28,000
Construction, RPR & Contingency	3,536,438	2,829,150	350,250	357,038
Totals	\$4,750,438	\$3,798,350	\$507,750	\$444,338

Design of the project is scheduled to be started in the spring of 2003. Construction is expected to start in spring 2005 and be completed by spring 2007.

Partial federal funding for this project is derived from a federal discretionary program known under TEA-21 legislation as the Transportation, Community Systems and Preservation Program. This program has an obligation period of one year meaning that all agreements must be fully executed by this September or federal funding is rescinded.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 215

AUTHORIZING SUPPLEMENTAL AGREEMENTS WITH RESPECT TO THE BROAD STREET TUNNEL - EAST APPROACH/ERIE CANAL AQUEDUCT PROJECT

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

Section 1. The Mayor is hereby authorized to enter into necessary supplemental agreements with the New York State Department of Transportation to participate in and administer the Broad Street Tunnel - East Approach/Erie Canal Aqueduct Project. To fund the preliminary and final engineering phases of this project, the sum of \$132,000 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration.

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.

Held in Committee.

By Councilmember Douglas
June 18, 2002

To the Council:

The Public Safety, Services & the Arts Committee recommends for adoption the following entitled legislation:

Int. No. 181 - Authorizing An Agreement For

Neighborhood Center Improvements

Int. No. 206 - Authorizing An Agreement For The Rochester Fatherhood Resource Initiative Project

Int. No. 137 - Authorizing Agreements And Appropriating Funds For Human Services, As Amended

The following entitled legislation is being held in committee:

Int. No. 205 - Authorizing An Agreement For The Quad A For Kids Development Project

Respectfully submitted,
Tony M. Thompson
Lois J. Giess
PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen

Ordinance No. 2002-155
Re: Agreement - UNCGR Foundation,
United Neighborhood Center Plan

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the United Neighborhood Centers of Greater Rochester Foundation, Inc., P.O. Box 41086, Rochester, New York, for the provision of supplemental financial support for its comprehensive improvement program. The Maximum cost of this agreement will be \$300,000, which will be financed from the Improving Housing Stock-Property Conditions Allocation of the 2002-03 Consolidated Community Development Program.

The United Neighborhood Centers of Greater Rochester (UNCGR) was established in 1982 to coordinate services and operations of the various neighborhood centers in Rochester. In 1991, UNCGR conducted a study of the needs of the people served by each center and the capacity of the centers to address these needs. As a result of this study, the renovation, expansion or relocation of various centers was planned.

The UNCGR Foundation was established in 1992 to raise funds necessary to implement the improvement plan and to encourage administrative efficiencies among the centers. Since then the Foundation has raised a total \$16,969,400, all of which has been invested within the city of Rochester. The City has pledged a total of \$1.4 million toward this total to date. Of this commitment, \$300,000 remains to be paid. The Foundation is requesting payment of the \$300,000 at this time.

Throughout the life of the UNCGR Foundation, the combined operating, fundraising and overhead costs have totaled only 10% of total expenditures. To date, the Foundation has completed the following projects:

Lewis Street Center (Freddie Thomas & Ontario Street)	\$ 2,561,800
Eastside Community Center	2,701,900
Charles Settlement House	4,170,000
Baden Street Settlement House	47,000
SWAN/Southwest Community Center	1,663,200
Montgomery Neighborhood Center	26,400

Shared Services Unit and Agency
 Consolidation 1,097,040
 \$12,267,340

(Genesee Settlement House and Eastside Community Center have merged into Community Place and Lewis Street Center is completing the process of joining the merger)

To date, the City has provided allocations totaling \$1,100,000:

<u>Date</u>	<u>Center/House</u>	<u>Amount</u>
June 28, 1994	Eastside	\$ 166,700
May 9, 1995	Charles	166,700
November 19, 1996	Charles	132,600
March 17, 1998	Southwest Community Center	166,700
February 16, 1999	Genesee/Lewis Street	300,800
February 5, 2002	Lewis	<u>166,500</u>
Total		\$1,100,000

The proposed appropriation of \$300,000 will be applied toward the relocation of Genesee Settlement House (now merged with Community Place). The project will increase the space available for recreation services as well as collaborative space with Community Place by replacing the building adjacent to the gymnasium. The Bureau of Parks and Recreation will be making additional site improvements as well. All necessary approvals for this project have been secured and completion of construction is projected to be in the latter half of 2002.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AB-73

Ordinance No. 2002-155
 (Int. No. 181)

Authorizing An Agreement For Neighborhood Center 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 United Neighborhood Centers of Greater Rochester Foundation, Inc. to administer funds for the relocation of Genesee Settlement House (now merged with Community Place).

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 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. 2002-156 And
 Introductory No. 205
 Re: Human Services Programs

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for human services projects:

<u>Organization</u>	<u>Project</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative, Inc.	Rochester Fatherhood Resource Initiative Project	\$25,000
Rochester Area Community Foundation	Quad A for Kids Development Project	50,000

The cost of both projects will be financed from the General Community Needs allocation of the Year 28 Community Development Block Grant. Both projects are in the first year of CDBG funding and are classified as a project with matching funds.

Project descriptions and budgets are attached.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AB-74

Ordinance No. 2002-156
 (Int. No. 206)

Authorizing An Agreement For The Rochester Fatherhood Resource Initiative 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 Rochester Fatherhood Resource Initiative, Inc. for the Rochester Fatherhood Resource Initiative Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 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.

Introductory No. 205

AUTHORIZING AN AGREEMENT FOR THE

QUAD A FOR KIDS DEVELOPMENT 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 Rochester Area Community Foundation for the Quad A For Kids Development Project.

Section 2. The agreement shall obligate the City of Rochester 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 General Community Needs Allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Held in committee.

Introductory No. 137 was introduced May 14, 2002, and appears in its original form with its transmittal letter on page 135 of the current Council Proceeding.

Attachment No. AB-75

Ordinance No. 2002-157
(Int. No. 137, As Amended)

Authorizing Agreements And Appropriating Funds For Human Services 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 organizations for human services projects in amounts not to exceed the following:

Organization Project	Amount
[Northeast Neighborhood Alliance Summer On The City Farm	\$48,900]
YMCA Reidman Summer Science and Technology Camp	20,000
Cameron Community Ministries Northwest Youth Programs	32,000
[Rochester Community Foundation Quad A For Kids	12,500]

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$[113,400] 52,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2001-02 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Norwood
June 18, 2002

To the Council:

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

Int. No. 182 - Authorizing The Sale Of Real Estate

Int. No. 183 - Authorizing The Sale Of Real Estate Along Route 15A

Int. No. 184 - Authorizing A Lease Agreement With Tim Tompkins For The Continued Lease Of Space By The Downtown Police Section

Int. No. 185 - Authorizing A Lease Agreement With Joseph D. DeGeorge For The Continued Lease Of Space For The Area E NET Office

Int. No. 186 - Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

Int. No. 187 - Authorizing An Agreement For The Asset Control Area Partnership (ACAP) Program

Int. No. 188 - Authorizing Agreements Relating To The Graffiti Control Program

Int. No. 189 - Authorizing Agreements With The Enterprise Foundation For Housing Services

Int. No. 190 - Appropriation Of Funds And Authorizing Agreements For The Home Purchase Assistance Program

Int. No. 191 - Authorizing An Agreement With The Housing Council In The Monroe County Area, Inc. For The Continued Provision Of Mortgage Services - \$257,360

Int. No. 192 - Authorizing Agreements For Landlord And Tenant Services - \$163,000

Int. No. 193 - Authorizing An Agreement For Housing Development Support - \$125,000

Int. No. 194 - Authorizing An Agreement For The Homeownership Initiative Program - \$85,000

Int. No. 195 - Authorizing An Agreement For The Home Store

Int. No. 196 - Authorizing An Agreement With Neighborhood Housing Services

Int. No. 197 - Authorizing A Loan Agreement For The NEBCA Rental Project

Int. No. 198 - Authorizing An Amendatory Agreement With Action For A Better Community, Inc. For Continued Administration Of The Joint Energy

Conservation Program - \$90,000

Int. No. 199 - Authorizing Agreements With Neighborhood Organizations For Administration Of The Residential Assistance Program - \$1,310,000

Int. No. 202 - Authorizing Agreements For The Development Of Affordable Housing

Int. No. 203 - Appropriating Funds And Authorizing Agreements For CHDO Operating Assistance

Int. No. 211 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Zoning Ordinance And Map Revision Project

Int. No. 212 - Amending The Municipal Code With Respect To The Issuance Of Immediate Tickets For Commercial Activities Conducted In Violation Of The Zoning Ordinance

Int. No. 213 - Authorizing An Application And Agreements Relating To The Emergency Shelter Grant Program And Amending Ordinance No. 2000-169

Int. No. 214 - Amending Ordinances No. 2002-38 And 2002-39, Relating To The Near Westside Rental Project

Int. No. 238 - Amending Ordinance No. 99-349 Relating To Participation In The Asset Control Area Partnership (ACAP) Program

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

Int. No. 201 - Changing The Zoning Classification Of 639, 643, 647, 649 And 653-655 Jefferson Avenue From R-2 Two-Family Residential To C-1 Neighborhood Commercial

Int. No. 204 - Amending The Official Map By Dedication Of Cunningham Street

Respectfully submitted,
Wade S. Norwood
Lois J. Giess
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-158, 2002-159, 2002-160, And 2002-161
Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of eight properties and the lease of two properties.

Sales

The first three properties to be sold - 120 Ambrose Street, 292 Curlew Street, and 422 First Street - are single family structures included in the Tenant Ownership Program. The purchasers will be required to rehabilitate the structures within 18 months of the

conditional closing and to occupy them for a minimum of seven years.

The next property - 473 Jefferson Avenue - is a vacant lot that was included in the public auction of September 24. The property will be fenced and landscaped and combined with the purchaser's adjacent property.

The next property - 82 Garfield Street - is a single family structure that will be rehabilitated and resold by the Rochester Housing Development Fund Corporation to an owner occupant.

The next two properties - the south and north halves of 141 Warner Street - are considered unbuildable because of their combined narrow width (38'). They will be sold for \$1.00 to the owners of the adjacent properties and combined with those properties.

The last property to be sold, a 1200 square foot parcel adjacent to Route 15A south of the Hamlet of Hemlock, will be used by the Hemlock Sanitary Sewer District for the construction of a sewer pump station. The sale price was established by an independent appraiser, Robert Pogel.

Leases

The first lease involves the continued use by the Downtown Patrol Section of 9900 square feet of space at 107-113 Liberty Pole Way. The cost of the one-year lease, \$82,800, will be financed from the 2002-03 budget of the Police Department.

The cost of the proposed lease is \$1200 more than the cost of the present lease. The increase in cost reflects the cost of electrical work in men's and women's locker rooms requested by the Police Department.

The Downtown section has leased this space since 1985. The most recent lease agreement was authorized by the City Council on May 13, 1997.

The second lease involves the continued use by the Area E NET office of 1,700 square feet of space at 212 Webster Avenue. The annual cost of the lease, \$11,900, will be financed from NET's budget.

The cost of the proposed lease is \$100 more than the cost of the present lease, which was authorized by the Council on March 18, 1997.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-66

Ordinance No. 2002-158
(Int. No. 182)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcels of real estate through the tenant ownership program:

<u>Address</u>	<u>Price</u>
<u>S.B.L.#</u>	<u>Purchaser</u>
120 Ambrose St.	\$20,000
105.67-1-33	Anthony Davis

292 Curlew St.	10,000
105.24-2-41	Anita Perry
422 First St.	6,500
106.35-2-46	Suzanne Parker

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

Address	Price
S.B.L.#	Purchaser
473 Jefferson Ave.	\$50
120.59-2-27	Jefferson Avenue Baptist Church*

* Josephine Green, Priscilla Walter, L.C. Green

Section 3. The Council hereby further approves the sale of the following parcel of improved property by negotiated sale:

Address	Price
S.B.L.#	Purchaser
82 Garfield St.	\$10,000
120.47-2-79	Rochester Housing Development Fund Corporation*

*Officers: Jean A. Lowe, Raphael E. Cestero, Kevin V. Recchia, Robert Barrows

Section 4. The Council hereby further approves the sale of the following parcels of unbuildable vacant land by negotiated sale:

Address	Sq. Ft.	Purchaser
S.B.L.#		
NH 141 Warner St.	2,280	Stuart C. & Mary Rose Gardner
SH 141 Warner St.	2,280	Clifton Seaman
Pt. of 105.57-1-18		

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-159 (Int. No. 183)

Authorizing The Sale Of Real Estate Along Route 15A

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

Section 1. The Council hereby approves the sale of a City-owned parcel of land approximately 30 feet by 40 feet in size located on the west side of Route 15A, south of the Hamlet of Hemlock, to the Town of Livonia, Hamlet of Hemlock Sanitary Sewer District, for the sum of \$900.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-160 (Int. No. 184)

Authorizing A Lease Agreement With Tim Tompkins For The Continued Lease Of Space By The Downtown Police Section

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 Tim Tompkins for the continued lease of approximately 9,900 square feet of space at 107- 113 Liberty Pole Way to be used by the Downtown Police Section of the Rochester Police Department. The agreement shall extend for a term of one year, with one additional one-year renewal option.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$6,900 in monthly rent. Said amounts shall be funded from the Police Department Operating 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.

Ordinance No. 2002-161 (Int. No. 185)

Authorizing A Lease Agreement With Joseph D. DeGeorge For The Continued Lease Of Space For The Area E NET Office

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 Joseph D. DeGeorge for the continued lease of space at 212 Webster Avenue to be used for the Area E NET Office. The agreement shall extend for a term of one year, with one additional one-year renewal option.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$11,900 in annual rent. Said amounts shall be funded from the NET Operating 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.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-162
Re: Agreement - Greater Rochester Housing Partnership, Operating Support

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Housing Partnership Inc., 183 E. Main Street, for continued financing of its operation. The maximum cost of this agreement is \$85,000, which will be financed from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant.

GRHP was established in 1991 to promote affordable housing throughout Monroe County by encouraging private investment, soliciting contributions and seeking federal and state funding. The City has provided funds to finance GRHP's administrative costs since its inception.

To date, \$1,648,000 has been allocated for this purpose. The most recent allocation was authorized by the City Council on June 19, 2001.

Following is a summary of GRHP's accomplishments between July, 2001 and March 2002:

- 1. Acquisition/Rehabilitation
 - Goal: Have capacity to provide financing, property management services and technical assistance for at least 22 houses through the HOME program.
 - Status: Management services provided for 22 houses.
- 2. Single-Family/New Construction
 - Goal: Provide at least \$600,000 in construction financing to developers of new single-family houses.
 - Status: \$1,440,000 provided for 24 new homes.
- 3. Rental Projects
 - Goal: Provide direct construction loans.
 - Status: \$500,000 provided for 20 units on scattered sites.
 - Goal: Continue management of the Low Income Tax Credit Fund.
 - Status: Provided investment of \$586,000 for Vermont Manor, located at 1305 Culver Road, to redevelop property into 16 affordable rental units.

Under the proposed agreement, GRHP will continue these activities during 2002-03.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-162
(Int. No. 186)

Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

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

Section 1. The Mayor is hereby authorized to enter

into an agreement with the Greater Rochester Housing Partnership, Inc. for continued housing services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$85,000, 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 2002-03 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:

Int. No. 2002-163
Re: Rochester Housing Development Fund Corporation

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation regarding the Rochester Housing Development Fund Corporation (RHDFC). This legislation will:

Appropriate the sum of \$175,000 from the Housing Stock and General Property Conditions allocation of the 2002-03 CDBG for use by the RHDFC to fund the operations thereof and authorize an agreement with the RHDFC for this purpose.

The RHDFC facilitates the City's participation in the Asset Control Area Partnership (ACAP) program of the U. S. Department of Housing and Urban Development, which was authorized by City Council on September 15, 1999. Under the terms of the agreement with HUD, the City is obliged to purchase FHA-foreclosed properties with one to four units in eleven zip code areas.

Since then, 832 properties have been purchased by the City through this agreement. Under the terms of the agreement, the City resells 65% of the acquired homes to owner-occupants through three programs:

- 1. Homeownership Investment Program (HIP),
- 2. Officer Next Door and Teacher Next Door programs; and
- 3. Home Rochester program.

The first two programs facilitate the direct sale of properties. The third program promotes the sale of properties to approved developers that rehabilitate and resell the properties to income-eligible owner-occupants.

The mission of the RHDFC is to assist the City in its implementation of this third program component of the ACAP agreement with HUD. Though the ACAP Program is currently on hold, it is expected that the program will be operational again by November 1, 2002. The RHDFC currently holds title to 39 properties. There are an additional 35 properties that are in the RHDFC's pipeline which will maintain activity from July to November 2002.

The RHDFC, a non-profit organization, operates in partnership with the City, Enterprise Foundation, Greater Rochester Housing Partnership (GRHP), Chase Manhattan Bank, Community Preservation Corporation (CPC), and the United Way/Martin Luther King Memorial Housing Fund. The RHDFC Board of Directors is comprised of representatives from each participating entity which invests in a capital loan pool to fund the RHDFC's development activities. The RHDFC is administered by the GRHP.

The specific responsibilities of the RHDFC are as follows:

1. Acquire properties from the City and hold title to properties throughout the rehabilitation and marketing period;
2. Assign properties to participating developers;
3. Produce a standardized construction scope and specification for each property;
4. Provide financial packaging;
5. Obtain and monitor subsidy to reduce the homebuyer's purchase price;
6. Monitor construction and sales processes; and
7. Provide services and technical assistance to enhance the capacity of less experienced, non-profit developers.

The RHDFC Board is responsible for approving construction loans for the rehabilitation of properties by the participating developers. To the extent feasible, properties are aggregated into geographic clusters for assignment to selected developers, which will receive a development fee equal of \$4,000. To date, 6 properties have been rehabilitated and sold to income-eligible homebuyers; an additional 15 are under contract with buyers.

The RHDFC oversees the rehabilitation of the properties. The costs of administration will be financed from the proposed CDBG appropriation. Property management services are provided by Proway Management Corporation, which currently manages all the properties acquired by the City under the ACAP Program.

Upon completion of rehabilitation, the properties will be listed on the Greater Rochester Association of Realtors' Multiple Listing Service by the Home Store, which will receive a commission of 1% for each listed property that is sold. NHS of Rochester provides homeownership education, pre- and post-purchase counseling. The Home Store also provides income certification and pre-qualifying for various subsidy programs and works with the GRHP and the Department of Community Development (DCD) to obtain subsidies for income-eligible prospective homeowners.

The RHDFC will also provide technical assistance to developers, as needed. In the event that RHDFC expertise is needed, the developer fee received by the non-profit will be pro-rated with the RHDFC.

Households with incomes of up to 120% of median income will be eligible to purchase homes. The combination of available subsidies from the City and State of New York will enable low- and moderate-income households earning as low as 40% of the area median to realize homeownership.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-163
(Int. No. 187)

Authorizing An Agreement For The Asset Control Area Partnership (ACAP) Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for continued assistance in the operation of the Asset Control Area Partnership (ACAP) Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$175,000, 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 2002-03 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. 2002-164
Re: Neighborhood Graffiti Control Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Neighborhood Graffiti Control Program. This legislation will:

1. Appropriate \$100,000 from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Block Grant to finance continuation of the program; and
2. Authorize any required agreements or amendatory agreements to administer the program.

The graffiti control program, which was initiated in 1992, is designed to assist neighborhood residents and businesses in reducing the incidence and extent of graffiti. To date, \$2,248,364 has been appropriated to 14 neighborhood organizations, the City School District, Monroe County and the Department of Environmental Services to finance anti-graffiti activities.

The most recent appropriations were approved by the City Council on June 28, 2001. A summary of the total appropriations provided to all participant organizations and the unused balances of these appropriations is attached.

Since its inception, the combined efforts of the Neighborhood Graffiti Control Programs have resulted in the removal of graffiti from 8,667 properties. Of this

number, a total of 914 properties benefited from the program during the 12-month period from May, 2001 through April, 2002, as compared to 1,119 properties from the prior 12-month period. It should be noted that these numbers exclude the approximately 300 removals accomplished annually by the Department of Environmental Services using their "Defacer-Eraser" graffiti mobiles.

The proposed legislation provides the following appropriations to continue Neighborhood Graffiti Control Programs:

<u>Organization</u>	<u>Amount</u>
Marketview Heights Association South Marketview	\$ 10,000
North East Area Development Sector 8	45,000
Northwest Community Services Brown-Square Dutchtown Edgerton Lyell-Otis Susan B. Anthony	30,000
South East Area Coalition South East Quadrant (except for South Wedge)	10,000
Southwest Area Neighborhood Association Genesee-Jefferson	5,000
Total	\$100,000

The following organizations have sufficient funds from prior allocations to continue their programs into this forthcoming fiscal year: CONEA, Group 14621, Montgomery Neighborhood Center, and NEBCA.

The agreement with North East Area Development (NEAD) is structured to fund either graffiti removal or the maintenance of vacant private or vacant City-owned properties in Sector 8, subject to demand. For private properties under the agreement's vacant property maintenance component, the usual property code violation notification process is used. When a violation occurs at a private property, a Notice and Order is sent to the owner. If the necessary abatement does not occur, a work order is sent to NEAD.

For City-owned lots, NEAD provides mowing, trimming and trash removal services in accordance with a specified schedule. To date, NEAD has serviced a total of 1,112 vacant properties from allocations totaling \$150,515. The most recent appropriation specific to this component was approved by City Council on June 28, 2001.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-67

Ordinance No. 2002-164
(Int. No. 188)

Authorizing Agreements Relating To The Graffiti Control 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 or amendatory agreements with the following neighborhood organizations in amounts

not to exceed the following for funding as part of the Graffiti Control Program:

<u>Organization</u>	<u>Amount</u>
Marketview Heights Association South Marketview	\$ 10,000
North East Area Development Sector 8	45,000
Northwest Community Services Brown-Square Dutchtown Edgerton Lyell-Otis Susan B. Anthony	30,000
South East Area Coalition South East Quadrant (except for South Wedge)	10,000
Southwest Area Neighborhood Association Genesee-Jefferson	5,000
Total	\$100,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and Property Conditions Allocation of the 2002-03 Consolidated 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. 2002-165
Re: Agreement - The Enterprise Foundation,
Housing Development

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing two agreements with the Enterprise Foundation for the continued provision of technical assistance relating to housing and community development activities. The maximum cost of this agreement will be \$100,000, which will be financed from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant.

Enterprise, which was established in 1982 by philanthropists James and Patricia Rouse, is a national non-profit housing and community development organization. Its mission is to assist people in obtaining affordable housing and jobs.

Enterprise established an office in Rochester in 1997. In conjunction with the City, Citibank, Daisy Marquis Jones Foundation, United Way of Greater Rochester, and JP Morgan Chase Bank, it formed the Rochester Community Development Collaborative.

The RCDC has received commitments of \$4.3 million in grants and loans for operating assistance and capital awards to community development corporations. Enterprise has provided a total of \$225,000 in grants

to each of the following:

- 1. North East Neighborhood Alliance
- 2. Ibero-American Development Corporation
- 3. NCS Development Corporation (formerly Northwest Community Services)
- 4. North East Area Development, Inc.

Under the first proposed agreement, Enterprise will provide the following services:

- 1. Continue to administer the RCDC program and provide technical assistance to the four aforementioned agencies; and
- 2. Provide technical assistance to:
 - a. Rochester Housing Development Fund Corporation,
 - b. Non-profit housing developers that are involved with projects in conjunction with the RHDFC; and
 - c. City of Rochester

Under the second proposed agreement, Enterprise will also provide technical assistance to the South West Development Council, a collaborative consisting of:

- 1. Eagle Area Community Development Corporation,
- 2. Sector 4 Community Development Corporation,
- 3. Frederick Douglass Community Development Corporation,
- 4. South West Area Development Corporation.

The City and Enterprise have each committed \$25,000 a year for two years to fund this effort; funding for the first year was authorized by City Council on January 15, 2002 for the period September 1, 2001 to August 31, 2002.

Enterprise will:

- 1. Assist SWDC to identify development opportunities in the southwest area of the city;
- 2. Develop detailed work plans for each development opportunity that is identified, including:
 - a. Preparation of a feasibility analysis and financial plan,
 - b. Identification of possible funding sources,
 - c. Creation of "partnerships" among local financial institutions to provide the necessary funds.
- 3. Facilitate relationships among local partners and the development team; and
- 4. Manage the development process, including:
 - a. Land assemblage,
 - b. Construction management, and
 - c. Financial "packaging".

- 5. Commit one full-time staff person to the SWDC project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-165
(Int. No. 189)

Authorizing Agreements With The Enterprise Foundation For Housing Services

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

Section 1. The Mayor is hereby authorized to enter into agreements with The Enterprise Foundation for technical assistance relating to housing and community development activities.

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliating agencies.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-166
Re: Home Purchase Assistance Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Home Purchase Assistance Program. This legislation will:

- 1. Appropriate \$350,000 from the 2002-03 HOME allocation to provide funds for the program; and
- 2. Authorize any necessary agreements.

The Home Purchase Assistance Program, which was established by the City Council in 1996, provides financial assistance to low- and moderate-income persons who qualify for mortgages but do not have sufficient funds for a down payment or closing costs. To be eligible for assistance, a person must be a prospective owner-occupant of a one- or two-family house, satisfy the income qualifications of the HOME program and participate in home buyer training.

Financial assistance consists of loans of up to \$3,000. A loan is forgiven if the recipient continues to reside in the house and the property is not sold for five years.

To date, \$2,143,800 has been appropriated for the program. \$2,063,890 of this amount has been expended or committed for 727 home buyers. An additional \$79,910 was used to finance administrative expenses during the first year the Home Purchase Assistance Program was implemented.

It is projected that the proposed appropriation will provide assistance to 100 additional households.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-166
(Int. No. 190)

Appropriation Of Funds And Authorizing Agreements For The Home Purchase Assistance Program

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

Section 1. The sum of \$350,000, or so much thereof as may be necessary, is hereby appropriated from 2002-03 HOME Program Funds to fund the Home Purchase Assistance Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Home Purchase Assistance Program.

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.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-167
Re: Agreement - Housing Council in
The Monroe County Area, Inc.,
Mortgage Default Resolution

R2010: Campaign 9 - Healthy
Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Housing Council in the Monroe County Area, Inc., 183 East Main Street, for the continued provision of mortgage default resolution services. The maximum cost of the agreement will be \$257,360, which will be financed from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant.

The Housing Council has provided mortgage default resolution services since 1975 and has administered the mortgage relief grants since 1990. The current agreement for provision of these services was authorized by the City Council on June 19, 2001.

Following is a summary of the Housing Council's performance through April, 2002.

	9 Month Planned	9 Month Actual
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Counseling Cases	136	166
Mortgage Relief Grants	13	13

During this period, 99% of the cases resulted in the prevention of foreclosures. Resolutions included reinstatement, sale or refinancing.

The proposed agreement will provide for continuation of these services during 2002-03. Of the total cost of the agreement, \$25,000 will be budgeted for mortgage relief grants.

The maximum grant is \$2,500. The grant is secured with a five-year lien against the property. If the property is sold or rented during this period, repayment of the grant is required.

The grants are intended "... to prevent mortgage foreclosure in cases of emergency when a home owner stands a reasonable chance of resuming monthly payments". To be eligible for a grant, a person must:

1. Own a one- or two-family house and reside in it.
2. Have a family income within the guidelines specified for the Section 8 program.
3. Be confronted with financial difficulties and a potential mortgage default because of circumstances beyond the control of the family, such as unemployment or unforeseen medical expenses.
4. Be able to reasonably demonstrate that these financial difficulties are likely to be temporary.
5. Participate in the mortgage default counseling and resolution process provided by the Housing Council.

The counseling and resolution process includes household budget and income analyses and negotiation with mortgage lenders and other parties such as HUD/FHA to arrive at appropriate resolutions. Possible resolutions include, refinancing, negotiated repayments and use of grants for eligible clients.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-167
(Int. No. 191)

Authorizing An Agreement With The Housing Council In The Monroe County Area, Inc. For The Continued Provision Of Mortgage Services - \$257,360

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continued provision of mortgage default resolution services and counseling and continued administration of the Mortgage Default Resolution Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$257,360,

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 2002-03 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. 2002-168
Re: Agreements - Landlord and Tenant Services

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for the continued provision of various services to landlords and tenants:

<u>Organization</u>	<u>Amount</u>
Housing Council in the Monroe County Area	\$70,000
Legal Aid Society	70,000
Monroe County Legal Assistance Corporation	23,000

The cost of these agreements will be financed from the Housing Stock and General Property Conditions/Landlord Tenant Services allocation of the 2001-02 and 2002-03 Community Development Block Grants.

According to the 2000 census, there are approximately 89,000 occupied housing units in the city. Of this number, approximately 60% are rental units.

For several years, the City has sponsored various programs designed to enhance awareness of landlords and tenants of their respective responsibilities, encourage improved property maintenance and reduce vacancies and evictions. The aforementioned agencies have provided these programs under periodic agreements; the most recent agreements were authorized by the City Council on June 19, 2001.

A summary of the performance of each agency is attached. Following are their planned services for 2002-03.

<u>Organization</u>	<u>Program</u>	<u>Services</u>
Housing Council	Landlord/Tenant Services	Landlord training classes
		One-on-one counseling
		Telephone hotline service
Legal Aid Society	Owner-Tenant Mediation	Housing Court advocacy
		Mediation services
		Community workshops

MCLAC
Low Income Tenant Legal Services
Housing Court representation
Integrated case management
Eviction counseling

Sincerely,
William A. Johnson, Jr.
Mayor

Attachment No. AB-68

Ordinance No. 2002-168
(Int. No. 192)

Authorizing Agreements For Landlord And Tenant Services - \$163,000

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for Landlord and Tenant Services:

<u>Organization</u>	<u>Amount</u>
Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society	70,000
Monroe County Legal Assistance Corporation	23,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$163,000, and of said amount, or so much thereof as may be necessary, \$3,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program and \$160,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 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. 2002-169 And
Ordinance No. 2002-170
Re: Agreements - Housing Development

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for the continued provision of housing development services.

<u>Organization</u>	<u>Amount</u>
Housing Opportunities, Inc.	\$125,000
Urban League of Rochester Economic Development Corporation	85,000
	<u>\$210,000</u>

The costs of these agreements will be financed from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant and from the Community Housing Development Organization allocation of the 2002 HOME Program.

For several years, under periodic agreements, HOP and ULREDC have provided various housing development services in support of the City's housing policies and initiatives. The most recent agreements were authorized by the City Council on June 19, 2001. Following is a summary of their performance under those agreements.

	Goal	Actual
HOP		
HOME Rochester houses rehabilitated	4	8
Rental units developed	85	85
Tenants served (rental units)	300	300
Projects planned/researched	4	3
ULREDC		
HOME Rochester houses rehabilitated	12	12
New houses constructed	15	24
Rental units developed	6	6
Rental units managed	30	36
Projects planned/researched	2	5

Activities proposed for 2002-03 include the following:

HOP

1. HOME Rochester - Rehabilitate four structures.
2. New Single-Family Construction - Construct four new homes through targeted new construction in the City.
3. Rental Development - Develop a minimum of 51 rental units.
4. Technical Assistance - Provide technical assistance to other non-profit housing developers as necessary.
5. Property Management - Continue to manage HOP rental properties, which currently total 300 units.
6. Projects Planned/Researched - Continue planning/research for a minimum of two projects.

ULREDC

1. HOME Rochester - Rehabilitate 15 structures.
2. New Single-Family Construction - Construct seven new homes and seek funding to develop one additional project.
3. Rental Development - Develop a minimum of 10 rental units and seek funding to develop at least one additional project.
4. Homeownership - Continue to provide technical assistance to the Home Store.
5. Property Management - Continue to manage

ULREDC rental properties, which currently contains 36 units.

These agreements represent 21% of HOP's total budget of \$575,000 and 12% of ULREDC's total budget of \$735,900.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-169
(Int. No. 193)

Authorizing An Agreement For Housing Development Support - \$125,000

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Housing Opportunities, Inc., for development and management of housing units for low-income families and housing technical assistance.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$125,000, and of said amount, or so much thereof as may be necessary, \$115,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program and \$10,000 is hereby appropriated from 2002 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. 2002-170
(Int. No. 194)

Authorizing An Agreement For The Homeownership Initiative Program - \$85,000

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the Homeownership Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$85,000, 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 2002-03 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. 2002-171
 Re: Agreement - Urban League of
 Rochester Economic Development
 Corporation, Home Store

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Urban League of Rochester Economic Development Corporation, 304 Andrews Street, for continued operation of the Home Store. The maximum cost of this agreement will be \$265,000, which will be financed from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant.

The Home Store, which opened in February, 1994, provides a central and accessible location at which prospective home buyers can obtain information, financial counseling and assistance, pre- and post-purchase counseling relating to home ownership.

The Urban League has operated the Home Store since its inception. The most recent agreement for such operation was authorized by the City Council on June 20, 2000.

Following is a summary of the performance of the Urban League under this agreement through April 30, 2001 and the projected performance for 2002-03:

Service	2001-02 Planned	2001-02 Actual	2002-03 Projected
Home Rochester/Rehabilitation Programs Cases	60	41	60
Home Expo/New Construction Cases	51	24	24
Home Purchase Assistance Program Cases	133	116	133
HIP Sales	85	67	85
Homestead Lottery	15	12	15
Phone screening and referral	5,000	4,424	5,000
Seminars:			
Number	40	48	40
Participants	2,000	1,850	2,000

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2002-171
 (Int. No. 195)

Authorizing An Agreement For The Home Store

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued operation of the Home Store.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$265,000, 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 2002-03 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. 2002-172
 Re: Agreement - Neighborhood Housing
 Services, Housing Program
 Agreements

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with Neighborhood Housing Services of Rochester, 570 South Avenue, for continued operation of the Revolving Loan Fund Program and the continued provision of home buyer education services. The total cost of these agreements will be \$150,000, which will be financed from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant.

The loan program was initiated in the Edgerton neighborhood area in 1980, expanded to the primary target area in 1988, and made available city-wide in 1995. It is designed to permit homeowners with an excessive debt-to-income ratio, inadequate credit or employment history to obtain a rehabilitation loan.

NHS has administered the program since its inception. The most recent agreement for such administration was authorized by the City Council on July 17, 2001.

From July 1, 2001 to May 6, 2002, 32 loans totaling \$178,585 were made. These loans leveraged an additional \$211,092 in grant funds.

Under the first proposed agreement, NHS will originate 40 new rehabilitation loans during 2002-03 for an administrative fee of \$75,000. NHS will be responsible for:

1. Promoting the program;
2. For each loan: determining the eligibility of the property owners, inspecting the property, estimating the costs of rehabilitation, reviewing insurance needs, providing financial counseling, arranging loan packaging, preparing work specification, soliciting bids, providing construction management and servicing the loan;
3. Selling approved loans on the secondary market, if appropriate;
4. Resolving delinquencies through counseling, restructuring, or the collection of liens; and
5. Administering the program and soliciting additional funds for it.

Under the second proposed agreement, NHS will

continue to provide homebuyer education to purchasers who receive financial assistance under the Home Expo, Home Rochester, and Home Purchase Assistance Programs.

<u>Pre-purchase</u>	
Training Focus: Fast Track to Home Ownership, 8 hours	
No. of sessions planned 2002-03	12
No. of sessions 2001-02	12
No. of households participating through May 6	381
Projected no. of households 2002-03	400

<u>Pre-purchase</u>	
Training Focus: Homebuyers Club, 16 hours (eight sessions)	
No. of sessions planned 2002-03	6
No. of sessions 2001-02	6
No. of households participating through May 6	99
Projected no. of households 2002-03	100

<u>Post-purchase</u>	
Training Focus: Making Your House Your Home, 3 hours	
No. of sessions planned 2002-03	4
No. of sessions 2001-02	4
No. of households participating through May 6	84
Projected no. of households 2002-03	160

<u>Post-purchase</u>	
Training Focus: Best on the Block-Spring, 3 hours	
No. of sessions planned 2002-03	2
No. of sessions 2001-02	2
No. of households participating through May 6	70
Projected no. of households 2002-03	125

<u>Post-purchase</u>	
Training Focus: Best on the Block-Fall, 3 hours	
No. of sessions planned 2002-03	2
No. of sessions 2001-02	2
No. of households participating through May 6	73
Projected no. of households 2002-03	125

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-172
(Int. No. 196)

Authorizing An Agreement With Neighborhood Housing Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Neighborhood Housing Services of Rochester for the continued operation and capitalization of the Revolving Loan Fund Program and the continued provision of home buyer education.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$150,000, 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 2002-03 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. 2002-173
Re: Agreement - North East Block Club Alliance, Rental Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation which will authorize an agreement with the North East Block Club Alliance for an affordable rental project at 1505 Clifford Avenue. The proposed agreement will be in an amount not to exceed \$30,000 and will be funded from the 1999-00 City Development Fund.

NEBCA acquired 1505 Clifford Avenue from the City in July 2001 through the Asset Control Area Partnership Program for \$7,108. The property was originally constructed as mixed-use building, with commercial space on the ground floor and living units above, which had been converted to three residential units at the time of the HUD/FHA foreclosure. The property is located adjacent to NEBCA's existing office/residential building at 1499 Clifford Avenue.

NEBCA has deconverted the first floor apartment and expanded their offices into that space. The two second floor apartments have been renovated and NEBCA has proposed to offer and manage them as affordable rental units. Both apartments are one-bedroom units and rent for \$350 per month.

NEBCA has requested permanent financing from the City for the residential costs of the project. Acquisition and construction financing was secured through Citibank and involved the refinancing of their existing office/residential building. The project had a total cost of \$43,150, with the residential rehabilitation portion costing \$30,675.

The proposed terms of the City's loan are (1) fully amortized principal and interest and (2) 1% interest, with a ten-year term.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-173
(Int. No. 197)

Authorizing A Loan Agreement For The NEBCA 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 North East Block Club Alliance (NEBCA) whereby the City shall provide an amount not to exceed \$30,000 to finance the costs of affordable rental units at 1505 Clifford Avenue. The funding shall be provided as a 10 year loan at a 1%

interest rate. Said amount shall be funded from the 1999-2000 City Development Fund.

Section 2. The loan 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. 2002-174
Re: Agreement - ABC, Joint Energy
Conservation Program

R2010: Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Action for a Better Community, Inc., 550 E. Main Street, for continued administration of a Joint Energy Conservation Program. The maximum cost of this amendment will be \$90,000, which will be financed from the Improving Housing Stock and Property Conditions allocation of the 2002-03 Community Development Block Grant.

Since 1978, ABC has administered an energy conservation program through grants from the NYS Division of Economic Opportunity. Under this program, grants, in the amount of \$1,500 per unit, were provided for physical improvements that reduce energy consumption. Since then, these state grants have been increased to a maximum of \$4,000 for households whose annual incomes do not exceed 50% of median. Each year, approximately 350 property owners benefit from the state resources.

In 1994, the City began providing supplemental matching funds for the program, permitting the per property grant to be increased from what was a \$1,500 state grant to a combined grant of \$3,000. The City's share would be applied toward households with incomes of up to 80% of median versus the 50% of median income for state funding. The most recent agreement for such supplemental funding was authorized by the City Council on June 19, 2001.

To be eligible for participation for the City's supplement, an applicant has to be:

- 1. An owner-occupant whose household income falls below 80% of median, or
- 2. An investor-owner who ...
 - a. Rents the unit(s) to tenants who meet the guidelines,
 - b. Agrees not to increase the rent rate for at least two years, and
 - c. Contributes a minimum of 38.5% to the cost of the improvements.

This year, it is recommended that the City's supplemental funding be increased from \$1,500 to an amount not to exceed \$3,000 per property to provide expanded assistance to households with between 50% to 80% of median income. The adjustment in funding will also conform more closely with eligibility ranges and dollar amounts offered through other City-funded

programs. Households assisted with City funds, whose incomes fall below 50% of median, will be matched by state resources up to a combined maximum of \$4,000.

Use of the CDBG portion of the grant is limited to the following types of improvements:

- 1. Window replacement,
- 2. Furnace replacement,
- 3. Hot water tank replacement,
- 4. Attic and wall insulation, and
- 5. Miscellaneous repairs.

To date, CDBG grants totaling \$457,209 have been expended toward repairs to 618 properties. An additional \$38,524 has been provided for administrative costs.

ABC's administration of the program includes the preparation and review of grant applications, assessment of the repair needs and coordination of the work. In addition, it includes the conduct of a minimum of two energy conservation workshops per year.

Under the proposed amendment, the supplemental program will be continued for another year. The CDBG allocation will provide for a minimum of 55 grants and administrative costs of \$7,500.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-174
(Int. No. 198)

Authorizing An Amendatory Agreement With Action For A Better Community, Inc. For Continued Administration Of The Joint Energy Conservation Program - \$90,000

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 Action for a Better Community, Inc. for continued administration of the Joint Energy Conservation Program.

Section 2. The amendatory agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,000, 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 2002-03 Consolidated Community Development Program.

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. 2002-175
Re: Residential Assistance Program

R2010: Campaign 9 - Healthy Urban

Neighborhoods

Transmitted herewith for your approval is legislation relating to the 2002-03 Residential Assistance Program in various neighborhoods. This legislation will:

1. Appropriate \$1,310,000 from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant to finance the program; and
2. Authorize agreements or amendatory agreements with 10 neighborhood organizations to provide for administration of the program.

The Residential Assistance Program consists of the Special Materials Grant, Home Security and Emergency Repair Grant program components. In the past, these components provide grants of up to \$3,500 to assist low-income owner-occupants in making emergency repairs and the purchase of materials for exterior repairs and home security. In the future, an additional \$1,000 will be provided for the removal of lead paint.

Since their inception, these program components have been administrated by various neighborhood organizations. The most recent agreements for such administration were authorized by the City Council on June 19, 2001.

A summary of the grants provided under these agreements is attached. The proposed legislation will provide the funds required for continuation of the grant programs during 2002-03.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-69

Ordinance No. 2002-175
(Int. No. 199)

Authorizing Agreements With Neighborhood Organizations For Administration Of The Residential Assistance Program - \$1,310,000

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 or the following amounts are allocated for the administration of the Residential Assistance Program:

<u>Administering Agency</u>	<u>Amount</u>
<u>Neighborhoods</u>	
Charles Settlement House Charlotte Maplewood	\$125,000
Coalition of North East Associations Upper Falls	100,000
Group 14621 Community Association 14621 Neighborhood	100,000
Marketview Heights Association South Marketview Heights	100,000
Montgomery Neighborhood Center	170,000

Bullshead Cornhill Genesee-Jefferson Mayors Heights 19th Ward Plymouth-Exchange Southeast Dutchtown	
North East Area Development Beechwood Browncroft Culver-Winton Homestead Heights Northland Lyceum	175,000
North East Block Club Alliance North Marketview Heights	130,000
Northwest Community Services Brown Square Edgerton Lyell-Otis North Dutchtown Southwest Dutchtown Susan B. Anthony	205,000
South East Area Coalition Atlantic-University Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe	130,000
South Wedge Planning Committee South Wedge	75,000
Total	\$1,310,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$1,310,000, 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 2002-03 Consolidated 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. 2002-176 And
Ordinance No. 2002-177
Re: Agreements - Community Housing
Development Organizations

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with those non-profit organizations that have been designated as Community Housing Development Organizations. The total maximum cost of the agreements will be \$587,600 for the

development of affordable housing and \$195,800 for assistance with operating costs, which will be financed from the 2002 HOME program.

Ordinance No. 2002-177
(Int. No. 203)

Under the federal regulations for the HOME program, at least 15% of a municipality's annual allocation must be used for development of affordable housing by non-profit agencies that are designated as CHDOs. The City is also permitted to appropriate an additional 5% of its allocation to assist CHDOs with their operating costs.

Under the proposed agreements, the operating funds will be provided to finance the costs of any of the 12 organizations that are currently designated as CHDOs. The funds will be distributed based on need, capacity and performance.

Since the inception of the HOME program in 1992, the City Council has designated 16 organizations as CHDOs, 12 of which are currently active.

To date, a total of \$5,013,352 has been appropriated by the Council for CHDO projects involving 169 housing units.

These funds will be used to assist income-eligible home buyers purchase renovated vacant homes through the HOME Rochester program. It is estimated that approximately 30 buyers will be assisted through the proposed appropriation. The average subsidy is expected to be approximately \$30,000.

The rehabilitated properties are marketed through the HOME Store to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre-and post-purchase home buyer education classes. A residency period of 10 years is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-70

Ordinance No. 2002-176
(Int. No. 202)

Authorizing Agreements For The Development Of Affordable Housing

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 Community Housing Development Organizations (CHDO's) for the development of affordable housing under the HOME Program. The agreements shall obligate the City to pay amounts not to exceed the sums appropriated for this purpose.

Section 2. There is hereby appropriated from 2002 HOME Program Funds the sum of \$587,600, or so much thereof as may be necessary, to fund the development of affordable housing under the 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.

Appropriating Funds And Authorizing Agreements For CHDO Operating Assistance

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

Section 1. There is hereby appropriated from the 2002 Home Program funds the sum of \$195,800, or so much thereof as may be necessary, to fund the operating expenses of designated Community Housing Development Organizations (CHDO's).

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary with designated CHDO's 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. 2002-178
Re: Amendment - Peter J. Smith,
Comprehensive Zoning Ordinance
And Map Revision Agreement

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation to amend the agreement with Peter J. Smith to provide consulting and technical assistance in the revision of the zoning ordinance. The original agreement was approved by City Council on October 23, 2001.

In light of the imminent departure of the Director of Zoning on June 7 and an extended public comment period, an increase of \$16,000 is necessary to maintain the level of service in the Division of Zoning for the completion of the Zoning Ordinance and Map Revision Project. The following activities will be supported by this amendment: additional public meetings, presentations, responses to comments, staff and board training and compilation of documents. The increase amount will be funded from the 2001-02 and 2002-03 operating budgets of the Department of Community Development.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-178
(Int. No. 211)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Zoning Ordinance And Map Revision Project

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 an amendatory profes-

sional services agreement between the City and Peter J. Smith & Company for completion of the Zoning Ordinance and Map Revision Project. Of said amount, \$2,000 shall be funded from the 2001-02 Budget of the Department of Community Development and \$14,000 shall be funded from the 2002-03 Budget of the Department of Community Development.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies And Gentlemen:

Ordinance No. 2002-179
Re: Code Amendment - Commercial
Activity Enforcement

Transmitted herewith for your approval is an amendment to Section 52-5 of the Municipal Code. This section of the Code allows for additional enforcement of the Zoning Ordinance by adding the issuance of immediate tickets to the current requirement of a notice and order for commercial activities conducted in violation of the Zoning Code. It was enacted in January, 2000, and is targeted at commercial vendors, especially those operating outside the regulations at, or in the vicinity of, major festivals.

The current law calls for the issuance of immediate tickets for such commercial activities. Since its adoption, six properties have been involved in the issuance of tickets: one at the Lilac Festival and five at Corn Hill in the 2000 season, and one at the Lilac Festival in 2001. No tickets have been issued at the Park Avenue Festival.

When City Council adopted this legislation, an exception was included for the sale by residents of home made foods and drinks, with certain size restrictions on the scope of the vending. The proposed amendment would extend that exception to licensed solicitors at their own residences located on streets immediately surrounding a festival site during the period of the festival. It seems unfair to forbid residents who are already licensed to engage in commercial activity from doing so on their own properties at a time when their street has been transformed to a temporary commercial zone.

Campaign Six, Economic Vitality of *Renaissance 2010* commits the City to "develop a business and financial environment that: encourages businesses and individuals to build on our rich entrepreneurial spirit." The insignificance of the number of violations would indicate that there is no need to continue a ticket system for minor entrepreneurial efforts. As such, this segment of the Code is contrary to both the letter and spirit of the Renaissance Plan and I urge this modification.

Respectfully submitted,
Tim O. Mains
Councilmember At Large

Ordinance No. 2002-179
(Int. No. 212)

Amending The Municipal Code With Respect To The Issuance Of Immediate Tickets For Commercial Activities Conducted In Violation Of The Zoning Ordinance

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. Section 52-5 of the Municipal Code, Procedure for enforcement, as amended, is hereby further amended by amending the final sentence of subsection A(1) thereof to read in its entirety as follows:

Notwithstanding the requirements for a notice and order established in this section and elsewhere in this Municipal Code, immediate tickets may be issued for commercial activities conducted in violation of the Zoning Ordinance, except that immediate tickets shall not be issued for sales of personal used items being conducted in accordance with the provisions of Section 96-7A of the Municipal Code, or for the sale of homemade food or drinks at a residence by the owner or occupant thereof provided that a commercial vending unit may not be used and the aggregate size of any table or tables or other display, preparation and storage areas shall not exceed four feet (4') wide by eight feet (8') long, or for sales by licensed solicitors at their own residences located on a street designated as a festival site, during the period of a festival.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-180
Re: Application And Agreements -
Emergency Shelter Grant Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing the following:

1. Application to and agreement with the U.S. Department of Housing and Urban Development for receipt of a grant of \$412,000 under the Emergency Shelter Grant Program; and
2. Agreements with various organizations for the use of these funds for the operation of 32 projects.

The federal Homeless Assistance Act provides assistance to local governments for the renovation and operation of emergency shelter facilities. Since inception of the program, the City has received grants totaling \$4,520,350.

The most recent allocation of these funds was approved by the City Council on May 15, 2001. This allocation was used for 29 projects.

In January, proposals were solicited by advertisement for the 2002 program. Thirty-five proposals, with costs totaling \$1,122,890, were received from 29 organizations.

These proposals were evaluated by the staff from the Department of Parks, Recreation and Human Services and community representatives. The evaluation criteria included:

1. Compliance with applicable federal guidelines;
2. Provision by the program of facilities or services

- to underserved populations;
- 3. Provision of services that address identified needs; and
- 4. The ability to expend or encumber all project funds within 12 months.

Based upon these evaluations and the limited amount of amount funds, allocations for 32 projects are recommended. Descriptions of the projects are attached.

The three projects for which allocations are not presently recommended are:

- Housing Opportunities, Inc.
- Monroe County Legal Assistance Corporation
- Providence Housing Development Corp.

The 2002 grant amount is \$1,000 less than the 2001 amount.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-180
(Int. No. 213)

Authorizing An Application And Agreements Relating To The Emergency Shelter Grant Program And Amending Ordinance No. 2000-169

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 United States Department of Housing and Urban Development for funding under the Emergency Shelter Grant Program.

Section 2. The Mayor is hereby further authorized to enter into agreements with the following organizations in the following amounts, or the following amounts are allocated, for projects under the Emergency Shelter Grant Program:

Organization	Amount
Alternatives for Battered Women	\$23,000
Baden Street Settlement	10,000
Blessed Sacrament	12,692
Cameron Community Ministries	5,500
Catherine McAuley Housing/Families First	14,000
Catherine McAuley Housing/Melita House	13,000
Catholic Charities	12,500
Catholic Family Center/Francis Center	18,000
Catholic Family Center/Women's Place	30,000
Catholic Family Center/Emergency Services	12,500
Catholic Family Center/Sanctuary House	10,000
The Center	16,000
The Community Place	12,000
Cephas Attica	3,000
Dimitri House	18,000
Grace Urban Ministries/Mary Magdalene House	14,000
The Health Association	14,000
Hillside Children's Center	7,000
Housing Council/Homeless Prevention Program	7,000
Housing Council/School 17 Project	20,223
Oxford House	4,000
Spiritus Christi/Jennifer House	10,000

St. Martins Place	8,985
St. Mary's Church	48,000
Sojourner House	23,000
Southeast Ecumenical Ministry	2,000
Togetherness in Love Community	7,000
Veteran's Outreach Center	17,000
Volunteers of America	10,000
Volunteers of America	7,000
Wilson Commencement Park	22,000
YWCA	5,000

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$436,400, and said amount, and \$20,600 for administrative expenses, or so much thereof as may be necessary, is hereby appropriated from Emergency Shelter Grant Funds.

Section 4. Ordinance No. 2000-169, relating to the Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated for St. Mary's Church by the amount of \$45,000, which amount is reappropriated herein. The Mayor is authorized to enter into an amendatory agreement to implement this reduction.

Section 5. The application 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Mains, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

Councilmember Douglas abstained vote because he is an employee of one of the affiliating agencies.

Councilmember Griswold abstained vote because she is an employee of one of the affiliating agencies.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-181
Re: Amendment - Near Westside Rental Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Near Westside Rental Project.

This project was approved at the meeting of February 12, 2000 and amended at the meeting of May 14, 2000. An additional amendment has been requested to allow deferral of the interest payment if the project's operating income does not exceed 115% of debt service. Deferred amounts would be payable at the end of the term. The Mayor will be further authorized to adjust terms of the loans consistent with legal requirements for tax credits and the project. A companion amendment to the RURA item is also requested.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-181

(Int. No. 214)

Amending Ordinances No. 2002-38 And 2002-39, Relating To The Near Westside Rental Project

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

Section 1. Ordinance No. 2002-38, as amended by Ordinance No. 2002-117, relating to the sale of real estate and a loan agreement for the Near Westside Rental Project, is hereby amended by adding the following new sentences to Section 3 thereof:

In any twelve-month period in which the Project's net income does not exceed 115% of debt service, the Borrower may defer the 1% interest payment due for such twelve-month period. Any such interest payment deferred and not paid during the term of this loan, shall be due and payable at the end of the loan term.

Section 2. The Mayor is further authorized to adjust the interest rate and other terms and conditions of the loans authorized for the Near Westside Rental Project in Ordinances No. 2002-38 and 2002-39, as amended, in order to conform to legal requirements for tax credits and for the Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-182
Re: Asset Control Area Partnership Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Asset Control Area Partnership Program (ACAP). Participation in ACAP was initially approved by the Council on April 15, 1997, and continued on September 15, 1999 and April 16, 2002.

This legislation will authorize the City to purchase homes through the HUD Discount Sales Programs to Local Governments. Under this program, properties will be purchased at a 30% discount using sale proceeds from the ACAP Program. The properties will then be sold pursuant to HUD's program guidelines either directly to income-qualified owner-occupants or to non-profit developers for rehabilitation and sale through the Home Rochester Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-182
(Int. No. 238)

Amending Ordinance No. 99-349 Relating To Participation In The Asset Control Area Partnership (ACAP) Program

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

Section 1. Ordinance No. 99-349, relating to

agreement for participation in the Asset Control Area Partnership (ACAP) Program of the United States Department of Housing and Urban Development (HUD), is hereby amended to further authorize the City to purchase FHA foreclosed properties through the HUD Discount Sales Programs to Local Governments, using sale proceeds from the ACAP Program, and to resell those properties without further Council approval to eligible purchasers through the Home Rochester Program.

Section 2. The Mayor is authorized to enter into such agreements or amendatory agreements as may be necessary to effectuate this purpose.

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 CITY COUNCIL:
Ladies and Gentlemen:
Ordinance No. 2002-183
Re: Zoning Map Amendment

R2010: Campaign 6 - Economic Vitality and Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the zoning map by rezoning the five properties at 639,643, 647, 649, and 653-655 Jefferson Avenue from R-2 Two-Family Residential to C-1 Neighborhood Commercial.

The subject area is currently opposite a portion of the C-2 Community Commercial District of Jefferson Avenue and also a C-1 Neighborhood District on the even-numbered side of the street (east side). The five subject properties are currently vacant residential land.

The rezoning is requested by Willie J. Lightfoot, Jr., who will be purchasing these properties from the City. Once purchased, the owner proposes to redevelop the area with a commercial establishment that will provide a take-out restaurant, barbershop with training for apprentice barbers, the new office for the S.W.A.N. community office, and two apartments on the second floor. Site plan review will be required for this project under the current zoning ordinance per Section 115-86C.

The consultant hired by the City to rewrite the zoning ordinance and redraw the zoning map has recommended that the subject properties 639, 643, 647, 649, & 653-655 Jefferson Avenue, and the properties at 611-633 Jefferson Avenue be designated as (a new) C-1 Neighborhood Commercial District.

The City Planning Commission held an informational meeting on the proposed rezoning on May 13. The Commission recommended approval by a vote of 7-0-0.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law, the Director of Zoning, as lead agency, has determined that the proposed action will not result in any significant effects and a negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-71

Ordinance No. 2002-183
(Int. No. 201)

Changing The Zoning Classification Of 639, 643, 647, 649 And 653-655 Jefferson Avenue From R-2 Two-Family Residential To C-1 Neighborhood Commercial

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by changing the zoning classification of the following described property, constituting 639, 643, 647, 649 and 653-655 Jefferson Avenue, from R-2 Two-Family Residential to C-1 Neighborhood Commercial District:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York known and described as follows:

Beginning at the point of intersection of the centerline of Columbia Avenue with its intersection of the centerline of Jefferson Avenue;

Thence 1) Westerly along the centerline of Columbia Avenue approximately 164 feet more or less to the southerly extension of the westerly line of Lots 6, 7, 8 and 9 as shown on a map of the Snyder and Stone Subdivision filed in the Monroe County Clerk's Office in Liber 5 of maps at page 83;

Thence 2) Northerly along said extension and the westerly line of said Lots 9, 8, 7, and 6 a distance of 190 feet more or less to the northerly line of Lot 6;

Thence 3) Easterly along the northerly line of said Lot 6 and its easterly extension a distance of 164 feet more or less to the centerline of Jefferson Avenue;

Thence 4) Southerly along the centerline of Jefferson Avenue a distance of 190 feet more or less to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE CITY COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-184
Re: Dedication of Public Right-of-Way
And Naming Of Cunningham Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map by dedicating as public

right-of-way the street developed in conjunction with the Anthony Square Project and its naming as Cunningham Street. The historical significance of the name is associated with Cunningham Carriage Works which was a competitor with the Ford Motor Company at the beginning of the twentieth century. Housing Opportunities developed with 39 rental units at the site and through the City's Home Expo Program 23 single-family homes were developed. Subdivision approval for the project was granted in 1998.

The City Planning Commission held an informational hearing on May 13. The Commission recommended approval of the abandonment by a vote of 7-0-0.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposed action will not result in any significant adverse environmental impacts and negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AB-72

Ordinance No. 2002-184
(Int. No. 204)

Amending The Official Map By Dedication Of Cunningham Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following parcel to street purposes and naming said parcel Cunningham Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point on the northerly line of Troup Street (60 feet wide) at a point 187.14 feet easterly from the easterly line of Reynolds Street (50 feet wide);

Thence 1) N 00° 42' 29" W a distance of 171.89 feet to a point of curvature;

Thence 2) North and east along a curve to the right with a radius of 60 feet, a delta of 80° 12' 58" and a distance of 84.00 feet to a point of compound curvature;

Thence 3) Continuing easterly along a curve to the right with a radius of 1460.40 feet, a delta of 10° 41' 06" a distance of 272.35 feet to a point of compound curvature;

Thence 4) Easterly and southerly curving to the right with a radius of 60 feet, a delta of 89° 05' 57" a distance of 93.31 feet to a point;

Thence 5) S 0° 42' 29" E a distance of 189.91 feet to the northerly line of Troup

Street;

- Thence 6) S 88° 57' 50" W along the northerly line of Troup Street a distance of 50.00 feet to a point;
- Thence 7) N 00° 42' 29" W a distance of 185.26 feet to a point of curvature;
- Thence 8) Northerly and westerly and curving to the left with a radius of 15.00 feet, a delta of 89° 18' 04" a distance of 23.38 feet to a point of compound curvature;
- Thence 9) Continuing westerly along a curve to the left with a radius of 1410.40 feet, a delta of 10° 18' 36" a distance of 253.79 feet to point of compound curvature;
- Thence 10) Westerly and southerly and curving to the left with a radius of 15.00 feet, a delta of 80° 23' 19" a distance of 21.05 feet to a point;
- Thence 11) S 0° 42' 29" E a distance of 167.38 feet to the northerly line of Troup Street;
- Thence 12) S 88° 57' 50" W a distance of 50.00 feet to the point or place of beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
June 18, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

Int. No. 207 - Local Law Amending The City Charter With Respect To Political Activity By Firefighters

Int. No. 208 - Local Law Amending The City Charter With Respect To Inspections

Int. No. 209 - Approving Business Programs

Int. No. 210 - Resolution Approving Appointments To The Rochester Economic Development Corporation (REDCO)

Int. No. 237 - Authorizing Agreements For The Lease Of City Properties For Wireless Transmission Sites

Int. No. 239 - Establishing \$[30,000]15,000 As Maximum Compensation For A Professional Services Agreement For The Employee Assistance Program, As Amended

The Economic Development & Government Efficiency Committee recommends for consideration the following entitled legislation:

Int. No. 218A - Amending The 2002-03 Budget Of

The City Of Rochester in Regard To Service Hours For The Community Library - \$35,000

Int. No. 218B - Resolution Of Budgetary Intent - Park Security ATVs - \$9,600

Int. No. 218C - Amending The 2002-03 Budget Of The City Of Rochester To Reduce The Revenue Estimates And Cash Capital Allocation In The Parking Fund - \$210,000

Int. No. 218D - Amending The 2002-03 Budget Of The City Of Rochester In Regard To The Restoration Of Funds For Downtown Activities - \$10,000

Int. No. 218E - Amending The 2002-03 Budget Of The City Of Rochester In Regard To An Annual 2010: The Renaissance Plan Community Convocation - \$5,000

Int. No. 219A - Amending The 2002-03 Budget Of The City School District In Regard To Operations

Int. No. 219B - Amending The 2002-03 Budget Of The City School District In Regard To Cash Capital And Debt Service

Int. No. 218 - Adoption Of The Budget Estimates For Municipal Purposes For The 2002-03 Fiscal Year, And Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees, As Amended

Int. No. 219 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2002 And Expiring June 30, 2003, And Appropriation Of Sums Set Forth Therein, As Amended

Int. No. 220 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2002 and Expiring June 20, 2003

Int. No. 221 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2002 And Expiring June 30, 2003

Int. No. 222 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2002 And Expiring June 30, 2003

Int. No. 223 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2002 And Expiring June 30, 2003

Int. No. 224 - Resolution Approving The 2002-03 Debt Limit For General Municipal Purposes

Int. No. 225 - Local Law Amending The City Charter With Respect To The Allocation Of Funding Between The City And The City School District

Int. No. 226 - Local Law Amending The City Charter With Respect To The Submission Of The Annual Budget Estimate

Int. No. 227 - Amending The Municipal Code With Respect To Fees For Permits From The City Engineer, As Amended

Int. No. 228 - Amending The Municipal Code With Respect To Fees For Permits From The Fire Chief, As Amended

Int. No. 229 - Amending The Municipal Code With

Respect To Fees, As Amended

Int. No. 230 - Amending The Municipal Code With Respect To Refuse Fees

Int. No. 231 - Amending The Municipal Code With Respect To Electrical Inspections

Int. No. 232 - Amending The Municipal Code With Respect To The Charge For Dishonored Checks

Int. No. 233 - Amending The Municipal Code With Respect To Sidewalk Cafes

Int. No. 234 - Amending The Municipal Code With Respect To Fees For Parking Garages, As Amended

Int. No. 240 - Local Law Amending The Amount For Cash Capital Required In The 2002-03 And 2003-04 Budgets Of The City School District, As Amended

The following entitled legislation failed in committee:

Int. No. 235 - Amending The Municipal Code With Respect To Changing The Name Of The Fire Department

Int. No. 236 - Local Law Amending The City Charter With Respect To Changing The Name Of The Fire Department

Respectfully submitted,
Tim O. Mains

Brian F. Curran (Did not vote on Intro. Nos. 207, 208, 209, 210, and 237. Voted against Intro. Nos. 218A, 218B, 218C, 218D, and 218E.)

Nancy K. Griswold (Did not vote on Intro. Nos. 207, 208, 209, 210, and 237.)

Lois J. Giess

Gladys Santiago (Voted on Intro. Nos. 207, 208, 209, 210, 237, and 239.)

ECONOMIC DEVELOPMENT & GOVERNMENT EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 3
Re: Political Activity by Firefighters

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation to delete Section 8B-8 of the City Charter, Political activity prohibited. This section prohibits a firefighter from being a member of or delegate to a political convention, soliciting a person to vote or attempting to influence a voter. The City Charter formerly contained similar restrictions with respect to police officers, but these provisions were repealed in 1981. The restrictions on political activity of firefighters currently extend beyond restrictions on other City employees. While the State Election Law places further restrictions on political activity by police officers, most City employees are covered by restrictions found in the Civil Service Law. These provisions generally prohibit persons from using their position for political gain or from taking certain actions based on political opinions or affiliations.

The Law Department has reviewed the various laws and determined that firefighters should be subject to the same rules as other City employees except police

officers. Firefighters will be allowed to take part in political activities where a conflict of interest is not created.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 3
(Int. No. 207)

Local Law Amending The City Charter With Respect To Political Activity By Firefighters

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by repealing Section 8B-8 of the City Charter, Political activity prohibited.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 4
Re: Warrants For Inspections

R2010: Campaign 3 - Health, Safety, and Responsibility and Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the City Charter with respect to inspections for code compliance purposes. Many Sections of the Municipal Code require an inspection before a person may obtain a license, permit, certificate or other form of approval in order to use a premises for a specific purpose. Examples are certificates of occupancy and use, and amusement or entertainment center licenses.

Recently, two city landlords commenced a declaratory judgment action against Section 90-25 of the Municipal Code, which relates to certificates of occupancy. The landlords claimed that the Code violates the Fourth Amendment because it requires them to consent to searches of their property in order to obtain the certificate. The City has prevailed in this action because inspection requirements in the City Charter and Code authorize the Commissioner of Community Development to obtain a search warrant when one is constitutionally required. In order to prevent similar challenges against other Code provisions, the Law Department has recommended that a general provision be added to the City Charter to specify that an inspection requirement in the Code does not require or imply that an applicant must consent to that inspection. If the applicant does not give consent, the issuing authority shall obtain an administrative search warrant.

Respectfully submitted,
William A. Johnson, Jr.

Mayor

Local Law No. 4
(Int. No. 208)

Local Law Amending The City Charter With Respect To Inspections

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 1-9:

Section 1-9. Inspections for code compliance.

No local law or ordinance of the City shall be construed to require a person to consent to an inspection of a premises in order to determine compliance with applicable code provisions. When applying for a license, permit, certificate or other City approval, a person shall have the right to decline to consent to an inspection, and the issuing authority is authorized to apply for an administrative search warrant to conduct the necessary inspections.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-185
Re: Business Programs

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to various business programs. This legislation will:

1. Appropriate a total of \$1,931,000 for the programs from the Economic Stability allocation of the 2002-03 Community Development Block Grant, and
2. Authorize any agreements required to implement the programs.

Business Assistance Program (\$127,000)

The program strengthens operators' skills through technical assistance provided by various consultants in the areas of accounting, tax review, advertising, business procedures, store design, computer training, web page design, graphic design and visual merchandising. A matching grant assists businesses with the implementation of recommendations by the consultants.

Business Association Support (\$92,000)

The Business Association Support Program will provide funds to business associations for organizational, advertising, promotional and clean-up activities. It is projected that assistance will be provided to 12

organizations.

Commercial Exterior Improvement Program (\$48,000)

This activity provides matching grants of up to \$25,000 for commercial buildings in the targeted, distressed N. Clinton Avenue commercial district. Funds are also provided for security cameras along selected commercial areas. A City Development Fund appropriation of \$150,000 for the grants was included in the 2002-03 Consolidated Community Development Plan that was approved by City Council on May 14.

The proposed appropriation will finance the costs of continued provision of architectural services for the programs.

Following is a summary of activity under the agreements during 2001-02:

Organization	Projects	Payments
Mossien Associates	5	\$ 6,562.50
Pardi Partnership	10	20,100.00
Pospula Associates	6	18,215.21

This year, the City will enter into new agreements only with Pardi and Pospula.

Commercial Loan Fund (\$356,000)

The program provides loans of \$10,000 to \$500,000 to assist private sector job creation and retention for new or expanding commercial businesses located in the low- and moderate-income areas. Proceeds will generally be used for working capital, equipment and owner-occupied real estate.

To date, loans totaling \$1,709,324 have been provided to 15 companies, resulting in the creation or retention of 393 jobs. The balance of the loan fund is \$580,229.

Entertainment District Support (\$60,000)

This activity provides organizational, promotional and advertising support for four entertainment areas: St. Paul Quarter, East End, High Falls and the Upper East End. \$59,000 has been expended this program year in the four entertainment districts.

High Technology (\$15,000)

HTR is a non-profit organization designed to develop and implement a coordinated strategy for the creation and/or expansion of high technology industries in the Rochester area. They provide technical assistance, venture capital forums and training sessions. Besides the CDBG appropriation from the City, the organization is financed by the Chamber of Commerce, Monroe County, area colleges and universities and the major local utilities, among others.

The annual budget for the organization is about \$200,000. The proposed City appropriation is the same as the current amount.

Industrial Loan Fund (\$750,000)

The fund provides below market rate loans to large and small industries. The proceeds of the loans may be used for the purchase of machinery and equip-

ment. The fund will also be used for real estate loans involving acquisitions, additions or improvements. An equity investment is required. The loan will be converted to a grant in cases where the business meets predetermined job generation goals. Six businesses will be assisted.

To date, \$5,178,100 has been appropriated for the program. Loans totaling \$3,751,500 have been provided to 25 companies, resulting in the creation or retention of 2,300 jobs. The balance of the fund is \$1,426,600.

Neighbors Shopping Neighborhoods (\$68,000)

The program is designed to increase the patronage of City businesses and services. It has two parts. The first consists of a city-wide shopping guide, television and radio buy and major presence in the *Democrat & Chronicle* and *City* newspapers. The second part will provide advertising matching grants of up to \$5,000 for all eligible businesses in low- and moderate-income areas. Four thousand businesses will be assisted.

Section 108 Loan/Loss Reserve (\$350,000)

Under the Section 108 Loan Program, loans are provided to industrial and commercial businesses for facility expansion, renovation, equipment, acquisition and working capital. For any loan, the funds are provided by the federal government through the City.

As a condition of the loan, the City is contingently liable for repayment of the loan in the event of default by the businesses. A loan reserve account has been established for this purpose. To date, loans totaling approximately \$43.1 million have been provided to 70 businesses. Disbursements from the reserve account have totaled \$2,185,600 for loan defaults by 15 businesses.

Technical Assistance Services (\$35,000)

This funds the annual agreement for the provision of services such as training for staff, technical assistance in the structuring of financing plans for development projects, advocacy services in the securing of state and federal grants, and assistance in the identification of alternative funding sources. Twenty-four businesses will be assisted.

West Main Street Commercial Revitalization (\$30,000)

This new initiative provides matching grants of up to \$25,000 for commercial buildings in the targeted, distressed commercial district between Canal and Madison Street. \$200,000 is also available through City Development Funds. Fifteen businesses will be assisted.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-185
(Int. No. 209)

Approving Business Programs

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

Section 1. There is hereby appropriated from the Economic Stability Allocation of the 2002-03 Community Development Program the sum of \$1,931,000,

or so much thereof as may be necessary, to fund the following programs in the following amounts:

Industrial Loan Fund	\$750,000
108 Reserve	350,000
High Technology of Rochester	15,000
Commercial Loan Fund	356,000
Commercial Exterior Improvement Program	48,000
Entertainment District Support Program	60,000
Business Association Support Program	92,000
Business Assistance Program	127,000
Neighbors Shopping Neighborhoods	68,000
Technical Assistance Services	35,000
West Main Street Commercial Revitalization	30,000

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the programs authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-14
Re: Appointments - REDCO

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of 20 persons as members of the Rochester Economic Development Corporation.

Under its by-laws, REDCO has 25 members. Of this number, the following five officials are ex-officio members:

- Mayor
- City Council President
- Commissioner of Economic Development
- Assistant Commissioner of Economic Development
- Director of Finance

The appointments of 18 other members were confirmed by the City Council on June 20, 2000.

There currently are two vacancies. James Costanza and Maurice Zauderer will be appointed to fill these vacancies. Resumes are on file in the City Clerk's Office.

The term of all of the members will extend through June 30, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2002-14
(Int. No. 210)

Resolution Approving Appointments To The Rochester Economic Development Corporation (REDCO)

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

Section 1. The Council hereby approves the appointment of the following members of the Rochester Economic Development Corporation for terms which shall expire on June 30, 2004:

Argust, Thomas
Commissioner
Department of Community Development
City of Rochester

Carlson, Jeffrey
Deputy Mayor, City of Rochester

Costanza, James
Vice President, Costanza Enterprises

Dubnik, Steve
CEO - Choice One Communications Inc.

Hanson, Karen Noble
Director of Finance
Episcopal Diocese of Rochester

Jones, Barbara J.
Vice President & Region Manager
Community Investment
Chase Manhattan Bank

Kessler, Irving L.
Attorney, Underberg & Kessler, LLP

Leach, John
Vice President, Commercial Loans
First National Bank of Rochester

LeChase, Wayne
President & CEO, Raymond LeChase, Inc.

Mains, Tim O.
City Councilmember, City of Rochester

Miller, Dana
Manager, Information Systems, Xerox Corporation

Mueller, Richard
Administrative Vice President, M&T Bank

O'Heaney, Joseph
Chief Executive Officer, DeRidder, Inc.

Pettengill, Ronald
Retired President, Carpenters Local Union

Richards, Thomas S.
Chairman, President & CEO
Rochester Gas & Electric

Scott, Ruth
Chief Executive Officer, Scott Associates

Serrano, Emilio
Retired President & Chief Executive Officer
Ibero American Investors Corp.

Stephens, Sandra
Program Manager for St. Mary's Health Reach
St. Mary's Hospital

Vasquez, Julio
President & CEO, Ibero American Action League

Zauderer, Maurice
President & CEO, Vaccinex, Inc.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-186
Re: Agreement - Hunt FM Technologies,
Site Management Services/Wireless
Transmission Sites

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation which will authorize a professional services agreement with Hunt FM Technologies (HFMT) to market specific City-owned properties to the wireless communication industry. HFMT has approached the City with a plan to serve as the City's broker to market City-owned parcels to meet the ever-increasing need of wireless transmission coverage. HFMT has established a credible working relationship with the major wireless carriers and their need indicates the search for wireless transmission sites continues.

HFMT is a local firm with its offices in the High Falls District. For the past ten years, HFMT has been active in the development of wireless transmission sites and has established over 600 locations. Their most current successful brokerage effort was with the Monroe County Water Authority (MCWA) in being awarded the contract to market MCWA parcels. In working with wireless carriers, they have been mindful of the needs of the community in developing transmission antenna solutions that are appropriate for the area. This includes the stealth appearance of the structures.

The City proposes to engage HFMT in an exclusive professional services agreement to market eligible City parcels for a period of five years. During this time, HFMT will serve as a real estate broker and meet with wireless carriers to show the parcels in conjunction with potential lease agreements with the City.

Under separate authority, the City will enter into lease agreements with wireless carriers entailing specific location requirements, if necessary. Keeping with industry standards, lease agreements will extend for a period of ten years. HFMT, under the terms of its proposed agreement, will receive a commission of 15% of each monthly fee paid to the City by a wireless carrier. Although the agreement with HFMT extends for a term of five years prior to renewal and/or re-negotiation, HFMT will be guaranteed its commission rate for 10 years on those active leases developed during the initial five years. The HFMT commission(s) will continue for the life of the City lease(s) or until cancellation of the lease(s) by the City. For purposes of illustration, a typical wireless lease averages a \$1,500 monthly rent, totaling \$18,000 annually, netting the City \$15,300.

The City will provide a listing of all eligible parcels to HFMT for marketing purposes. No parcels of an historic preservation district or park category will be approved. All leases developed will adhere to current City Zoning Code restrictions. The City will retain the final authority to approve or discontinue any leases proposed for wireless communication purposes.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-76

Ordinance No. 2002-186
(Int. No. 237)

Authorizing Agreements For The Lease Of City Properties For Wireless Transmission Sites

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 FM Resources, Inc., d/b/a Hunt FM Technologies (HFMT) for the marketing of City owned properties as wireless transmission sites for a period of five years. The City shall provide HFMT with a listing of all eligible parcels and shall retain final authority to approve, disapprove or terminate any lease. The Council hereby further approves the lease for the placement of wireless transmission facilities, with rent at market rates, of any eligible City owned parcel. The use of such sites shall be subject to compliance with all applicable zoning provisions.

Section 2. The marketing agreement shall obligate the City to pay to HFMT a commission of 15% of each monthly rental fee paid to the City by a wireless carrier for a site procured by HFMT, for ten years or until the expiration or termination of the lease for the site, whichever is earlier.

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. 2002-187
Re: Agreement - Health Association,
Employee Assistance Program

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Health Association of Rochester and Monroe County, Inc., 1 Mt. Hope Avenue, for continuation of the Employee Assistance Program. The maximum cost of the agreement will be \$30,000, which will be financed from the 2002-03 budget for Undistributed Expenses.

The program, which was initiated in 1978, is designed to provide professional assistance to employees whose job performance is affected by causes and illnesses such as legal, financial and marital problems, emotional instability, alcoholism and drug addiction. All City employees and their families - except public safety employees, for whom there are separate programs - are eligible for participation.

The Health Association has operated the program since its inception. The most recent agreement for such operation was authorized by the City Council on May 15, 2001.

During 2000-01, the program served 133 employees or family members. A total of 39 people were referred to other agencies or individuals.

Following is a summary of the types of problems that were encountered:

Emotional/Psychological	41%
Job/Career Concerns	19
Marital	31
Alcohol/Drugs	9
Total	100%

Under the proposed agreement, the Health Association will continue to provide motivation counseling and referral services to eligible employees, as appropriate, and to conduct training programs for City supervisory personnel, as required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-187
(Int. No. 239, As Amended)

Establishing \$[30,000] 15,000 As Maximum Compensation For A 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 \$[30,000] 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 Health Association of Rochester and Monroe County, Inc. for the continuation of the Employee Assistance Program for six months. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-188
Re: Budget Amendment -
Library Hours - \$35,000

Transmitted herewith for your approval is an amendment to the Proposed 2002-03 Budget transferring \$35,000 from the Contingency Account to the Library to restore a portion of the hours that have been cut back at the branches of the Community Library.

Rochester 2010: The Renaissance Plan enjoins the City to "promote, enhance and protect our city's ...educational resources", and "to deliver quality services, programs and information to all our citizens in a timely manner." In the 21st century, the availability of Community Library resources is necessary for the intellectual competence of young people, the employability skills of adult residents and the delivery of technology education to the economically disadvantaged.

The harsh realities of the current fiscal climate have made reductions in all departments, including the Library, inevitable. However, given the central place the Library holds in building our community's future,

and in a clear statement about its importance to the education of all of our citizens, we believe it is crucial to restore some of these cuts. While it is not possible to restore all of the reduced hours, this amendment will allow the restoration of a total of 12 hours per week, allocated among the community libraries as explained on the attached sheet.

Respectfully submitted,
Gladys Santiago
Vice President
Tony M. Thompson
Councilmember
South District

Attachment No. AB-77

Ordinance No. 2002-188
(Int. No. 218A)

Amending The 2002-03 Budget Of The City Of Rochester In Regard To Service Hours For The Community Library - \$35,000

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

Section 1. The Proposed 2002-03 Budget of the City of Rochester is hereby amended by transferring \$35,000 from the Contingency Account to the Library to restore a portion of the planned reduction in service hours.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-15
Re: Resolution of Budgetary Intent -
Park Security - \$9,600

Transmitted herewith for your approval is a resolution of budgetary intent regarding park security. Because of the fiscal constraints facing the City, the Park Patrol (which was established in 1991) is slated to be eliminated in the 2002-03 Proposed Budget, resulting in savings of \$71,600. Since its inception, Council has provided unanimous support for the program because of our strong belief in the importance of keeping our parks safe and secure.

Hard financial times often result in creative efficiencies. In that spirit, this legislation proposes that the City purchase two ATVs for PAC-TAC to provide enhanced security in the parks. The estimated cost of the vehicles is \$9,600. The purchase of the ATVs, in conjunction with similar ATVs used by the Police Department, will allow a measure of increased security in the parks with a minimal one-time capital expenditure. The funds would be transferred from the Trails activity within the Cash Capital allocation to the Facilities and Equipment activity for this purpose.

Rochester 2010: The Renaissance Plan pledges to "support our citizens taking responsibility for helping to improve the health, safety and welfare of themselves and those around them; developing and maintaining safe, clean, attractive neighborhoods that are free from public disorder and nuisances...." We

believe this resolution, with its use of volunteers and its purpose of ensuring adequate security in our public parks, adheres to the tenets of 2010 and responsibly addresses the City's budget constraints with a creative and effective solution.

Respectfully submitted,
Robert J. Stevenson
Councilmember
Northwest District
Tony M. Thompson
Councilmember
South District

Resolution No. 2002-15
(Int. No. 218B)

Resolution of Budgetary Intent - Park Security ATVs - \$9,600

WHEREAS, the City created the Park Patrol eleven years ago and has funded it consistently during that period, and

WHEREAS, during this time, the Park Patrol has advised park users of applicable rules and regulations and enforced them as necessary, as well as provided information to users about the historical, cultural and environmental features of the park, and

WHEREAS, the City government is, of necessity, reducing some services to produce a balanced budget, and

WHEREAS, among the campaigns of *Rochester 2010: The Renaissance Plan* is Health, Safety, and Responsibility, and

WHEREAS, PAC-TAC volunteers successfully disrupt and discourage illegal activities, thereby heightening the security and safety of the community, and

WHEREAS, the Council values the City parks as places for recreation and important assets to our "City in a Forest",

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

Section 1. In the Cash Capital allocation of the 2002-03 Proposed Budget, it is the intent of City Council that \$9,600 be transferred from the Trails activity to the Facilities and Equipment activity for the acquisition of two ATVs for PAC-TAC or other appropriate citizen volunteer use to enhance safety and security in our parks.

Section 2. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-189
Re: Budget Amendment -
Parking Rate Reduction

Transmitted herewith for your approval is an amendment to Int. 234 that would reduce the proposed rate increases in the City's parking garages and would amend the Proposed 2002-03 Budget by reducing the Cash Capital expenditures on the garages by \$210,000

to offset the anticipated revenue loss.

As you know, the Proposed Budget includes the assumption of substantially increased rates in the parking garages, and Int. 234 actually enacts those new rates. The proposed increases are tiered to reflect the demand at the various garages. The monthly rate increases range from no increase at the least used facilities, to \$5-7 increases at the next level of usage, to \$10 at those facilities in highest demand.

Since the increases were proposed, Council has received letters from 26 individual Center City businesses and building owners, indicating alarm at the magnitude of the proposed increases, and expressing fear about the possible loss of businesses to suburban office parks.

The last time the City raised the general monthly parking rates was in 1991. Since that time, we have responded to the requests of the downtown business interests to avoid such increases because of the competitive disadvantage at which it would place them. While we have been able to honor that request for eleven years, we recognize the fact that the Parking Fund is at the limit of its ability to do so.

However, it is our belief that the current proposed increases are overly burdensome to be imposed at one time. Our proposal would make more modest increases to mitigate this impact, and would reduce some general maintenance at the garages to offset the lost revenue. It is clear, however, that such reductions cannot be continued indefinitely, and that further increases may well be necessary in the future.

The current rates, those proposed in the budget, and the amended rates are:

Garage	Current	Proposed	Amended
Court Street	\$67	\$77	\$72
Crossroads	67	74	70
High Falls	59	59	59
Midtown	69	79	74
Mortimer	67	67	67
Sister Cities	67	72	70
South Avenue	67	77	72
Washington Square	67	77	72

The proposed rate increases for daily parking would not be affected by this amendment. While we believe it is both prudent and appropriate to make these reductions to respond to the concerns of our downtown constituents, we must nevertheless point out that we cannot allow ourselves to be put in a position that would require that the General Fund - that is, the property taxpayer - be required to subsidize the users of our parking garages. We will be looking forward to regular reports from the Economic Development Department on the usage of the garages and the general state of the Parking Fund to ensure that such will not be the case.

Respectfully submitted,
 Lois J. Giess
 President
 Benjamin L. Douglas
 Councilmember
 Northeast District

Ordinance No. 2002-189
 (Int. No. 218C)

Amending The 2002-03 Budget Of The City of Rochester To Reduce The Revenue Estimates And Cash Capital Allocation In The Parking Fund

- \$210,000

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

Section 1. The Proposed 2002-03 Budget of the City of Rochester is hereby amended by reducing the revenue estimates to the Parking Fund by \$210,000 and reducing the Cash Capital allocation for the Parking Fund by the same amount

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL:
 Ladies and Gentlemen:

Ordinance No. 2002-190
 Re: Budget Amendment -
 Restoration of Downtown
 Activities - \$10,000

Transmitted herewith for your approval is an amendment to the Proposed 2002-03 Budget that would transfer \$10,000 from Contingency to the Department of Parks, Recreation and Human Services for restoration of activities that would increase the appeal and vitality of downtown. The funding would pay for two initiatives: the introduction of "Buskers" and activities to offset the loss of the Downtown Market.

The "Busker" concept was included in the Center City NBN Plan by Sector 5. It involves small stipends for Eastman students, who would play/perform at various locations throughout the Center City and could also receive donations from citizens. It is in many ways a throwback to the street entertainers of prior eras. The introduction of these street performers should add substantially to the vigor and interest of our urban street life, and should further the image of Rochester as a center of the arts.

The second initiative would provide three Friday lunchtime concerts at Washington Square Park to offset the loss of the Downtown Market. As you are aware, that Market has closed as a result of a lack of interested vendors. Washington Square is a heavily used part of our Center City, and adding the noon-time concerts would be one way to increase public enjoyment of that beautiful space. It is anticipated that food vendors will also be available as a further attraction to the park.

Respectfully submitted,
 Nancy K. Griswold
 Councilmember at Large
 Benjamin L. Douglas
 Councilmember
 Northeast District

Ordinance No. 2002-190
 (Int. No. 218D)

Amending The 2002-03 Budget Of The City Of Rochester In Regard To The Restoration Of Funds For Downtown Activities - \$10,000

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

Section 1. The Proposed 2002-03 Budget of the City of Rochester is hereby amended by transferring \$10,000 from Contingency to the Budget of the Parks, Recreation & Human Services Department to fund Downtown entertainment activities.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-191
Re: Budget Amendment -
Convocation for 2010: *The Renaissance Plan* - \$5,000

Transmitted herewith for your approval is an amendment to the Proposed 2002-03 Budget that would transfer \$5,000 from Contingency to the Administration (Office of Special Projects) to fund the establishment of an annual Convocation to review the progress of 2010: *The Renaissance Plan*. Each year, Council and members of the community will review this document, celebrating its successes, noting its progress and offering ideas for improvement.

As you are aware, City Council adopted the Renaissance Plan in April, 1999. Since that time, committees have been formed to guide the implementation of each of the eleven campaigns. While those committees meet regularly, there are no regular opportunities for the kind of collaboration and cross-fertilization of ideas that could be generated by larger annual meetings.

Based on the information that was gathered at the special Budget hearing that Council held on the progress of 2010: *The Renaissance Plan*, it is our belief that such an annual convocation would be a great benefit to the community and would speed implementation of this vital document.

Respectfully submitted,
Gladys Santiago Robert J. Stevenson
Vice President Councilmember
 Northwest District

Ordinance No. 2002-191
(Int. No. 218E)

Amending The 2002-03 Budget Of The City Of Rochester In Regard To An Annual 2010: *The Renaissance Plan* Community Convocation - \$5,000

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

Section 1. The Proposed 2002-03 Budget of the City of Rochester is hereby amended by transferring \$5,000 from Contingency to the Budget of the Administration to fund an annual community convocation to review the progress of 2010: *The Renaissance Plan*.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-192
Re: Budget Amendment - City
School District - \$1,200,000

Transmitted herewith for your approval is an amendment to the Proposed 2002-2003 Budget of the City School District that would reduce the Revenue and Expenditure estimates by \$1.2 million to reflect the provision of direct services to the District by the City in that amount.

As you are well aware, the Proposed 2002-03 City Budget included a reduction of \$1.2 million in the City's annual allocation to the District. To offset this reduction, the Mayor set aside an equal allocation in the Undistributed account to provide that amount of non-classroom services to the District in lieu of cash. The Mayor's stated intention was to move the previously fruitless discussions on consolidations forward to a productive resolution.

The Budget submitted to Council by the Board of Education, however, assumed that \$1.2 million as a revenue and did not assume any reduction in their expense line. As a result, it is necessary either to amend the City's Proposed Budget to transfer that amount to the District or to amend the District's Budget to bring it in line with what we believe to be a realistic and productive proposal. It is critical to note that this action will not require any additional reductions in the District's planned programs.

City and District staff have been working diligently to negotiate various possible non-classroom services that the City can assume and provide for the District with a budgeted cost of at least \$1.2 million. It is anticipated that, while there will be significant technical details to be worked out, these negotiations will reach a conclusion prior to the opening of schools in September.

This creative and forward-looking effort will, we believe, yield positive benefits to both the District and to the City taxpayers, allowing the District to focus on educating children while allowing the City to deliver high-quality services in areas in which we have greater expertise or capacity. It is a clear indication of the depth of the City's commitment to our schools and our children.

Respectfully submitted, Tim O. Mains
Wade S. Norwood Councilmember-
Councilmember- at-Large
at-Large

Ordinance No. 2002-192
(Int. No. 219A)

Amending The 2002-03 Budget Of The City School District In Regard To Operations

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

Section 1. The Proposed 2002-03 Budget of the

City School District is hereby amended by reducing the Revenue and Expense estimates for Operations by \$1,200,000 to account for the services to be provided by the City to the District in that amount.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-193
Re: Budget Amendment - City School
District - \$2,616,547

Transmitted herewith for your approval is an amendment to the Proposed 2002-2003 Budget of the City School District to transfer \$2,616,547 from Cash Capital to Debt Service.

As you know, the Board of Education's Proposed Budget assumed that Council would authorize the refinancing of the non-aidable portion of the District's outstanding debt, providing a substantial reduction of \$3,351,147 in their Debt Service expense for 2002-03. However, approving this action would result in a long-term increase of \$11 million in interest costs to the taxpayer.

Rather than this approach, it is recommended that the Council authorize a reduction in the mandatory \$10 million Cash Capital expenditure that the City has imposed on the District; separate legislation (Int. 240) has been introduced to effect that change. The resulting shift of the Cash Capital funds from that allocation to the Debt Service allocation would have no impact on any school program.

Further, since the District's Budget was submitted, it has been learned that some of the other interest expenses that are included in that Budget are higher than necessary. A review by both the City and the District financial staffs has indicated that recent State legislation will result in greater reimbursement of bond expenses that, combined with revised rate assumptions on the RANs will reduce other Debt Service costs by a total of \$734,600. The required adjustments therefore are:

Budgeted Debt Service expense	\$21,576,584
Less: Revised State reimbursement	(734,600)
Adjusted Debt Service	\$20,841,984

The difference between the original projected gap and the benefit assumed by the District for the debt refinancing therefore is:

Benefit assumed by refinancing (gap)	\$3,351,147
Less: Revised State reimbursement:	(734,600)
Revised potential gap	\$2,616,547

The proposed transfer of Cash Capital to Debt Service will fully address this shortfall and will permit the District's programming to remain intact. However, it will obviously result in a reduction in the amount to be spent on the building renovation program. It is proposed that City Council consider raising the District's Debt Limit by this amount to allow that program to remain on schedule. The additional interest costs for such borrowing would be approximately \$1 million, substantially less than the \$11 million required by the alternative approach.

The resolution of this complex issue required the cooperation of the City Administration, the Board of Education, and the District management with the City Council. This action demonstrates the ability of all parties to work together in the interest of all the citizens of our community.

Respectfully submitted,
Tim O. Mains, Chair Brian F. Curran
Economic Development Councilmember-at-
& Government Efficiency Large
Committee

Ordinance No. 2002-193
(Int. No. 219B)

Amending The 2002-03 Budget Of The City School District In Regard To Cash Capital And Debt Service

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

Section 1. The Proposed 2002-03 Budget of the City School District is hereby amended by transferring \$2,616,547 from Cash Capital to Debt Service.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-194, 2002-196,
2002-197, 2002-198, Local Improvement
Ordinance No. 1509, Resolution No. 2002-16,
Local Law No. 5, Local Law No. 6,
Ordinance Nos. 2002-199 2002-200,
2002-201, 2002-202, 2002-203, 2002-204,
2002-205, 2002-206, Introductory No. 235,
And Introductory No. 236
Re: 2002-03 Budget

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the 2002-03 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City;
2. Authorize the tax levies required to finance appropriations for the City and City School District;
3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Merchants/Winton open space district

- f. Downtown Guide District, and
- g. Downtown Enhancement District
- 5. Confirm the addition to the tax roll of various assessments, fees and unpaid charges;
- 6. Approve the 2002-03 debt authorization limit for general municipal purposes;
- 7. Authorize an increase in residential refuse rates;
- 8. Authorize parking rate increases;
- 9. Amend the City Code to provide for electrical inspections to be conducted by the Department of Community Development;
- 10. Amend the City Code to change various other fees and charges;
- 11. Amend the City Charter to provide \$126,100,000 in support to the City School District and to provide that the annual budget shall be submitted to Council not later than 32 days prior to the last regularly scheduled June Council meeting; and
- 12. Amend the City Charter and Code to change the name of the Fire Department to the Fire & Rescue Department.

The 2002-03 proposed budget of the City was submitted to City Council on May 17. The proposed legislation is based upon this budget which provides for:

- 1. Total City appropriations of \$349,006,300 as follows:

	Proposed 2002-03	2001-02	Change Amount	%
City	\$349,006,300		\$5,564,300	
1.62		\$343,442,000		

Total City revenue estimates of \$308,127,997 as follows:

	Proposed 2002-03	2001-02	Change Amount	%
City	\$308,127,997		\$ 4,827,969	
1.59		\$303,300,028		

- 2. Total tax levies of \$142,402,200 for the City and City School District as follows:

	Proposed 2002-03	2001-02	Change Amount	%
Tax Revenue	\$134,570,079		\$5,263,489	
4.07		\$129,306,590		
Tax Reserve	7,832,121		306,311	
4.07		7,525,810		
Tax Levy	\$142,402,200		\$1,195,000	
4.07		\$136,832,400		

- 3. Total appropriations for the Local Works fund of \$11,742,200 and total assessments of \$11,857,100.

	Proposed 2002-03	2001-02	Change Amount	%
Street Cleaning	\$ 2,556,342	\$ 2,849,217	-\$292,875	-10.28
Sidewalk Repair	905,000	881,334	23,666	2.69
Roadway Plowing	6,746,536	7,040,680	-294,143	-4.18
Sidewalk Plowing	1,534,322	1,124,469	409,853	36.45
Total	\$11,742,200	\$11,895,700	-\$153,499	-1.29

- 4. The budgets for the Public Market and street malls were approved on March 19, 2002. The budgets for the lighting and sidewalk and open space districts were approved by City Council on April 16, 2002. The budgets for neighborhood parking lots and Downtown Guides and Downtown Enhancement Districts were approved on May 14, 2002. The assessments required for the various programs consist of the following:

	Proposed 2002-03	2001-02	Change Amount	%
Street Malls	84,484	76,091	8,395	
11.03				
Parking Lots	55,900	71,389	-15,489	-21.70
Public Market	27,326	26,861	465	1.73
Lighting and Sidewalk Districts	35,348	34,752	596	1.72
Open Space District	3,220	3,220	0	0.00
Downtown Guides	319,915	327,231	-7,316	-2.24
Downtown Enhancement	497,500	492,700	4,800	0.97

- 5. The proposed additions to the tax roll consist of the following charges:

	Proposed 2002-03	2001-02	Change Amount	%
Delinquent Refuse Charges	\$ 538,837	\$ 511,571	27,266	5.33
Delinquent Water Charges	5,199,283	5,096,051	103,232	2.03
Code Enforcement Charges	33,819	30,747	3,072	

9.99			
Supplemental and Omitted			
Taxes	193,072	151,503	41,569
27.44			
Local Improvement Assessments			
	115,943	117,312	-1,369
-1.17			
Encroachments			
	5,450	5,520	-75
-1.36			
Rehabilitation/Demolition Charges	100,884	153,980	-53,096
-34.48			
Code Violations			
	1,579,901	2,018,498	-438,998
-21.73			

6. A limit of \$16,671,800 is established as the amount of direct or non-self supporting debt that may be issued by the City for general municipal purposes during the fiscal year 2002-2003.

The limit for general municipal purposes is equivalent to the amount of direct or tax-supported debt principal that will be redeemed during 2002-2003. Thus, adherence to the limit will ensure that the total amount of direct indebtedness will not increase during the year. The redemption amount is calculated so as not to include repayments attributable to projects approved as exceptions to the limit (e.g. new Public Safety Building) or for directly attributable revenue (e.g. Library Foundation Reimbursement).

	Capital Improvement Program	Debt Redemption	Variance
Total Debt	\$24,058,000	\$24,669,200	
Less Self-Supporting Debt	<u>7,165,000</u>	<u>7,997,400</u>	
Direct Debt	\$16,893,000	\$16,671,800	\$ 221,200

The programmed debt in the CIP is \$221,200 (1.3%) greater than the permissible total for FY 2002-2003. The difference will be made up through the timing of projects, refined cost estimates or reductions as necessary.

Legislation pertaining to the rollover of debt authorization from prior years will take place during FY 2003 when a proper estimate can be made.

Details of the programs supported by this debt authorization can be found in the Proposed Capital Improvement program submitted to City Council on April 23, 2002.

7. A refuse rate increase of 12% per year for one, two, and three family residences is proposed to balance the Refuse Fund and help pay for replacement of the curb-side toters. The proposed increase is expected to result in a net increase of

\$1,575,200 in residential collection revenue.

8. Parking rate increases, which will vary by garage, increase revenue by \$421,600 and are necessary for capital renovations to maintain the garages.

9. Electrical inspections are currently referred to independent electrical inspection agencies licensed by the City. The Department of Community Development will now perform this inspection work.

10. Fee revisions will result in incremental revenues of approximately \$203,200 to the following departments:

City Clerk	\$137,700
Environmental Services	30,100
Fire & Rescue	<u>35,400</u>
Total	\$203,200

The City School District Budget will be transmitted at a later date due to its late arrival in my office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-194
(Int. No. 218, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2002-03 Fiscal Year, And 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, 2002 to June 30, 2003, providing for the expenditure of \$[349,006,300] 348,796,300, 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 2002-03 are hereby authorized to be expended and the sum of \$[349,006,300] 348,796,300 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 Administration		\$1,346,400
	[9,597,900]	<u>9,602,900</u>
Community Development		5,592,200
Economic Development		3,291,700
Environmental Services		67,186,600
Finance		7,089,300
Law		1,778,400
Library	[11,014,800]	<u>11,049,800</u>
Parks, Recreation and Human Services	[17,502,300]	<u>17,512,300</u>
Emergency Communications		7,687,400
Police		55,764,400
Fire [& Rescue]		37,800,400
Undistributed Expenses		60,451,400
Contingency		7,651,700
Cash Capital	[20,636,000]	<u>20,426,000</u>
Debt Service		34,615,400
Sub-total	[349,006,300]	<u>348,796,300</u>
Tax Reserve		2,379,160
Total	\$[351,385,460]	<u>351,175,460</u>

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 2002-03 is hereby fixed and determined at \$[308,127,997] 307,917,997 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2002-03 providing for the raising of taxation on real estate for municipal purposes of the sum of \$43,257,463 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 2002-03.

Section 6. This ordinance shall take effect on July 1, 2002.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

Ordinance No. 2002-196
(Int. No. 220)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2002 And Expiring June 30, 2003

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

Section 1. The sum of \$43,257,463, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2002 and expiring June 30, 2003 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, 2002 and expiring June 30, 2003.

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, 2002 and expiring June 30, 2003.

Section 3. This ordinance shall take effect on July 1, 2002.

Passed unanimously.

Ordinance No. 2002-197
(Int. No. 221)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2002 And Expiring June 30, 2003

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

Section 1. The sum of \$99,144,737, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2002 and expiring June 30, 2003 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, 2002 and expiring June 30, 2003.

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, 2002 and expiring June 30, 2003.

Section 3. This ordinance shall take effect on July 1, 2002.

Passed unanimously.

Ordinance No. 2002-198
(Int. No. 222)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2002 And Expiring June 30, 2003

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, 2002 and expiring June 30, 2003, are hereby in all respects confirmed:

Street and Lot Cleaning	\$2,581,356.00
Roadway Snow Removal	6,812,553.00
Sidewalk Snow Removal	1,549,335.00
Hazardous Sidewalk Repair	913,856.00
Delinquent Refuse	538,837.12
Delinquent Water Charges	5,199,283.24
Supplemental Taxes	192,536.76
Omitted Taxes	535.51
Street Malls	76,098.00
Arnold Park Monuments	8,387.75
Parking Lots	55,900.00
Code Enforcements	33,818.50
Code Violations	1,579,901.00
Local Improvements	115,943.13
Downtown Enhancement	497,500.00
Public Market Plowing	5,055.69
Public Market Security	22,270.32
Encroachment Fees	5,450.00
Rehabilitation Charges	100,883.74
Downtown Guides	319,915.00
Lyell Avenue I	2,105.41
Lyell Avenue II	2,310.36
Wilson Boulevard	523.85
Blossom Road Lights	609.42
Merchants/Winton Open Space	3,219.60
Monroe Avenue I	7,166.90
Monroe Avenue II	9,560.38
Norton Street Urban Renewal	4,121.09
Cascade Historic	5,044.20
Lake Avenue	3,906.08

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Local Improvement Ordinance No. 1509
(Int. No. 223)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1,

2002 And Expiring June 30, 2003

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, 2002 to June 30, 2003; (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 benefited 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, 2002 to June 30, 2003:

- 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 2002-03 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 2002-03 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, 2002 shall be \$11,857,100 consisting of \$2,581,356 for street and lot cleaning, \$913,856 for sidewalk repair, \$6,812,553 for roadway snow removal and \$1,549,335 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, 2002 and June 30, 2003, 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, 2002 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, 2002.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Resolution No. 2002-16
(Int. No. 224)

Resolution Approving The 2002-03 Debt Limit For General Municipal Purposes

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

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 2002-03 to \$16,671,800 for general municipal purposes.

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.

This resolution shall take effect immediately.

Adopted unanimously.

Local Law No. 5
(Int. No. 225)

Local Law Amending The City Charter With Respect To The Allocation Of Funding Between The City And The City School District

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 A of Section 3-9.1, Allocation of funding and debt-incurring power between the City and City School District, to read in its entirety as follows:

- A. The City shall provide to the City School District the sum of \$126,100,000.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Local Law No. 6
(Int. No. 226)

Local Law Amending The City Charter With Respect To The Submission Of The Annual Budget Estimate

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 second sentence of the first paragraph of Section 3-9, Annual budget estimate, to read in its entirety as follows:

No later than thirty-two (32) calendar days prior to the last regularly scheduled City Council meeting of June in each year, the Mayor shall submit to the Council a budget estimate for the ensuing fiscal year.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Councilmember Mains moved to amend Introductory No. 227.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2002-199
(Int. No. 227, As Amended)

Amending The Municipal Code With Respect

To Fees For Permits From The City Engineer

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

Section 1. Section 104-57 of the Municipal Code, relating to fees for permits from the City Engineer, as amended, is hereby further amended by amending subsections A and B thereof to read in their entirety as follows:

- A. Applications for permits required by this chapter for the following activities or objects shall be made in writing to the City Engineer, shall contain such information as the City Engineer may require and shall be accompanied by the following fees. Where a permit from the City Engineer is required and no other fee is specified herein, the fee shall be \$50.

Activity or Object	Code Section	Fee	Length of Permit
Anode protection work	104-13	\$5 per location outside pavement	
Street construction	104-15	\$5.30 per linear foot	
Sidewalk construction or repair	104-15	\$25 for each street along which sidewalk runs	
New residential driveways (defined as any driveway accommodating 3 cars or fewer on a parcel used for residential purposes only)	104-25	\$110	
New commercial driveways (any driveway not included as a residential driveway as defined above)	104-25	\$385	
Enlargement of existing driveways (per linear foot)	104-25	\$25	
Extended maintenance fee, reconstructed street excavation	104-20	50 square feet or less \$280 51 to 100 square feet \$825 101 to 150 square feet \$1,650 Over 150 square feet \$2,750	
Trenches less than 50 feet in length		Based on square feet as above	
Trenches greater than 50 feet in length		\$825, plus \$8.80 per linear foot	
Extended maintenance fee, resurfaced street excavation			

104-20		
50 square feet or less	\$140	
51 to 100 square feet	\$440	
101 to 150 square feet	\$770	
Over 150 square feet	\$1,540	
Trenches less than 50 feet in length	Based on square feet as above	
Trenches greater than 50 feet in length	\$440, plus \$7.70 per linear foot	
Street reconstruction cost sharing		
104-27		
Heavy-duty pavement	\$5.00 per square foot	
Medium-duty pavement	\$3.50 per square foot	
Light-duty pavement	\$2.50 per square foot	
Fixed projection (architectural character)		
104-33	\$150	
Entrance details		
104-33	\$[25] 50	
Architectural details		
104-33	\$40	
Balconies and fire escapes		
104-33	\$150	
Marquees		
104-33	\$40	
Awnings		
104-33	\$50	5 years
Flagpoles		
104-33	\$30	
Light fixtures		
104-33	\$30	
Signs		
104-33	\$40	
Storm enclosures		
104-33	\$40	6 months
Sidewalk cafes		
104-33	\$60	[6] 8 months
[Building materials		
104-24	\$20	1 day
	\$200	1 month]
Moving a building		
104-23	\$50 per move	
Street obstruction		
104-24	\$30	1 day
	\$275	1 month
Resurfacing existing driveway		
104-13	\$35 per driveway	Annual
	\$220	
Utility pole installation		

104-13	\$55	
Interference with survey monument		
104-22	\$300 per occurrence	
Excavations		
104-13		
50 square feet or less	\$90	
51 to 100 square feet	\$200	
101 to 150 square feet	\$385	
Over 150 square feet		\$800
Trenches less than 50 feet in length	Based on square feet as above	
Trenches greater than 50 feet in length	\$250, plus \$0.80 per linear foot	
Banners		
104-33	\$35	1 month
Bridges		
104-33	\$100 initially; \$25 thereafter	1 year 1 year
Footings		
104-34	\$50	
Foundation walls		
104-34	\$50	
Vaults and areaways		
104-34		
100 square feet or less	\$50 initially; \$25 thereafter	1 year 1 year
101 to 500 square feet	\$100 initially; \$50 thereafter	1 year 1 year
Over 500 square feet	\$150 initially; \$75 thereafter	1 year 1 year
Tunnels		
104-34	\$110 initially; \$30 thereafter	1 year 1 year
[Vehicles in the right of way		
104-33	\$60	1 day
	\$1,000	1 year]
B. Utility companies and other companies performing work in the city may pay an annual maintenance fee of \$1,100 per company which shall include the fees for all work other than work requiring excavation in city rights-of-way.		
Section 2. Section 111-78 of the Municipal Code, relating to oversized and overweight vehicles, as amended, is hereby further amended by deleting the words and numbers "two hundred dollars (\$200.)," where they are contained therein and by inserting in their place the words and numbers "two hundred fifty dollars (\$250.)," by deleting the words and numbers "seven hundred fifty dollars (\$750.)," where they are contained therein and by inserting in their place the words and numbers "one thousand dollars (\$1,000.)," and by deleting the words and numbers "fifty dollars (\$50.)," where they are contained therein and by inserting in their place the words and numbers "sixty		

dollars (\$60.)”.

Section 3. This ordinance shall take effect on July 1, 2002.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-200
(Int. No. 228, As Amended)

Amending The Municipal Code With Respect To Fees For Permits From The Fire Chief

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

Section 1. Section 54-12 of the Municipal Code, relating to fees for permits from the Fire Chief, as amended, is hereby further amended by amending subsections B, C and D thereof to read in their entirety as follows:

- B. Permits shall be required for the operation and/or maintenance of the following activities. Such permits shall be issued annually, and the annual fees for such permits shall be as follows:
- (1) Tire recapping or rebuilding plant: one hundred thirty dollars (\$130.).
 - (2) Automobile wrecking yard, junkyard or waste material handling plant: one hundred thirty dollars (\$130.).
 - (3) Nitrate motion-picture film stored, kept or had on hand in quantities greater than twenty-five (25) pounds [about five thousand (5,000) feet of thirty-five-millimeter film]: one hundred thirty dollars (\$130.).
 - (4) Cellulose nitrate plastics (pyroxylin) stored or handled in quantities greater than twenty-five (25) pounds by jobbers, wholesalers and retailers: one hundred thirty dollars (\$130.).
 - (5) Cellulose nitrate plastics (pyroxylin) manufactured into products or used in the manufacture or assembly of other articles: one hundred thirty dollars (\$130.).
 - (6) Combustible fibers stored or handled in quantities exceeding one hundred (100) cubic feet: sixty dollars (\$60.).
 - (7) Dry-cleaning plants:
 - (a) Class I system, liquids having a flash point below one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)]: prohibited.
 - (b) Class II system, liquids having a flash point at or above one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)] and below one hundred forty degrees Fahrenheit (140° F.) [sixty degrees Celsius (60° C.)]: one hundred thirty dollars (\$130.).
 - (c) Class IIIA system, liquids having a flash point at or above one hundred forty degrees Fahrenheit (140° F.) [sixty degrees Celsius (60° C.)] and below two hundred degrees Fahrenheit (200° F.) [ninety-three and four-tenths degrees Celsius (93.4° C.)]: one hundred thirty dollars (\$130.).
 - (d) Class IIIB system, liquids having a flash point at or above two hundred degrees Fahrenheit (200° F.) [ninety-three and four-tenths degrees Celsius (93.4° C.)]: one hundred dollars (\$100.).
 - (e) Class IV system, liquids classified as nonflammable: eighty dollars (\$80.).
 - (8) Dust-producing operation: one hundred dollars (\$100.).
 - (9) Explosives or blasting agents manufactured, possessed, stored or sold or otherwise handling or disposing of these compounds: one hundred thirty dollars (\$130.).
 - (a) Transportation of explosives or blasting agents, per vehicle: sixty dollars (\$60.).
 - (10) “Liquid,” which shall mean, for the purpose of this section, any material which has a fluidity greater than that of three hundred (300) penetration asphalt when tested in accordance with Test for Penetration for Bituminous Materials ASTM D-5-73. When not otherwise identified, the term “liquid” shall mean both flammable and combustible liquids.
 - (a) “Flammable liquid” shall mean a liquid having a flash point below one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)] and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)] and shall be known as a “Class I liquid”.
 - [1] Class IA shall include those having flash points below seventy-three degrees Fahrenheit (73° F.) [twenty-two and eight-tenths degrees Celsius (22.8° C.)] and having a boiling point below one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)].
 - [2] Class IB shall include those having flash points below seventy-three degrees Fahrenheit (73° F.) [twenty-two and eight-tenths degrees Celsius (22.8° C.)] and having a boiling point

- at or above one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)].
- [3] Class IC shall include those having flash points at or above seventy-three degrees Fahrenheit (73° F.) [twenty-two and eight-tenths degrees Celsius (22.8° C.)] and below one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)].
- (b) "Combustible liquid" shall mean a liquid having a flash point at or above one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)].
- [1] Class II liquids shall include those having flash points at or above one hundred degrees Fahrenheit (100° F.) [thirty-seven and eight-tenths degrees Celsius (37.8° C.)] and below one hundred forty degrees Fahrenheit (140° F.) [sixty degrees Celsius (60° C.)].
- [2] Class IIIA liquids shall include those having flash points at or above one hundred forty degrees Fahrenheit (140° F.) [sixty degrees Celsius (60° C.)] and below two hundred degrees Fahrenheit (200° F.) [ninety-three and four-tenths degrees Celsius (93.4° C.)].
- [3] Class IIIB liquids shall include those having flash points at or above two hundred degrees Fahrenheit (200° F.) [ninety-three and four-tenths degrees Celsius (93.4° C.)].
- (c) Flammable liquids and combustible liquids, Class II, stored, handled or used (not otherwise covered under Chapter 77, Oil Burners, or gasoline service stations and bulk plants):
- [1] Storage in any building of more than six (6) gallons of flammable liquid or more than twenty-five (25) gallons of combustible liquid (Class II): sixty dollars (\$60.).
- [2] Storage outside of a building of more than ten (10) gallons of flammable liquid or more than sixty (60) gallons of combustible liquid (Class II and Class III): sixty dollars (\$60.).
- [3] Paints, oils and varnishes stored more than thirty (30) days: sixty dollars (\$60.).
- (d) Flammable liquids storage and combustible liquids, Class II, storage in stationary tanks, including bulk plants (not otherwise covered in gasoline service stations, and Chapter 77, Oil Burners, of the Municipal Code):
- [1] First fifty thousand (50,000) gallons: sixty dollars (\$60.).
- [2] Second fifty thousand (50,000) gallons: sixty dollars (\$60.).
- [3] Third and fourth fifty thousand (50,000) gallons (each): sixty dollars (\$60.).
- [4] Each additional one hundred thousand (100,000) gallons or fraction thereof: sixty dollars (\$60.).
- [5] Each dispensing unit: thirty dollars (\$30.).
- (e) Flammable liquids and combustible liquids, Class II, manufactured, processed, blended or refined: one hundred thirty dollars (\$130.).
- (f) Flammable liquids and combustible liquids, Class II, stored in drums for the purpose of manufacture, storage or sale:
- [1] Maximum of ten (10) drums: sixty dollars (\$60.).
- [2] Exceeding ten (10) drums: one hundred thirty dollars (\$130.).
- (g) ~~Flammable liquids and combustible liquids, Class II, transported in tank vehicles as a business operation (per vehicle): sixty dollars (\$60.).~~
- (h) Spraying or dipping operations using more than one (1) gallon of flammable or combustible liquids in any one (1) working day: sixty dollars (\$60.).
- (11) Fumigation room, vault or chamber using a toxic or flammable fumigant: one hundred dollars (\$100.).
- (12) Hazardous chemical storage or handling:
- (a) More than two thousand (2,000) cubic feet of flammable compressed gas: one hundred thirty dollars (\$130.).
- (b) More than six thousand (6,000) cubic feet of nonflammable compressed gas: one hundred dollars (\$100.).
- (c) More than fifty-five (55) gallons of corrosive liquids: sixty dollars (\$60.).
- (d) More than fifty (50) pounds of oxidizing materials: sixty dollars (\$60.).
- (e) More than ten (10) pounds of organic peroxides: sixty dollars (\$60.).

- (f) More than fifty (50) pounds of nitromethane: sixty dollars (\$60.).
- (g) More than one thousand (1,000) pounds of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures: one hundred thirty dollars (\$130.).
- (h) Any amount of highly toxic material: sixty dollars (\$60.).
- (i) Any amount of poisonous gas: sixty dollars (\$60.).
- (j) More than one (1) microcurie of radium (not contained in a sealed source): sixty dollars (\$60.).
- (k) More than one (1) millicurie of radium or other radioactive material (in sealed source): sixty dollars (\$60.).
- (l) Any amount of radioactive material for which a license from the United States Nuclear Regulatory Commission is required: sixty dollars (\$60.).
- (13) Lumber storage in excess of one hundred thousand (100,000) board feet: one hundred thirty dollars (\$130.).
- (14) Magnesium or similar materials being melted, cast, heat-treated, machined or ground in quantities of more than ten (10) pounds per working day: one hundred thirty dollars (\$130.).
- (15) Matches:
- (a) Manufacture of: one hundred thirty dollars (\$130.).
- (b) Storage in excess of twenty-five (25) cases: sixty dollars (\$60.).
- (16) Each oven (industrial or commercial baking and drying) operation: sixty dollars (\$60.), ~~except pizza ovens, forty dollars (\$40.).~~
- (17) Combustible material storage in excess of two thousand five hundred (2,500) cubic feet gross volume: eighty dollars (\$80.).
- (18) Acetylene and other flammable gas usage in connection with welding or cutting: sixty dollars (\$60.).
- (19) Calcium carbide storage in excess of two hundred (200) pounds: one hundred thirty dollars (\$130.).
- (20) Acetylene generator with carbide capacity exceeding five (5) pounds: one hundred thirty dollars (\$130.).
- (21) Liquefied petroleum gas containers of any capacity installed, handled or used in all buildings, structures or properties (except residential) where more than twenty (20) people congregate: sixty dollars (\$60.).
- (22) Liquefied petroleum gas containers of over one thousand (1,000) gallons water capacity installed in other locations: sixty dollars (\$60.).
- (23) Gasoline service stations:
- (a) Each ten thousand (10,000) gallons, or part thereof, of storage capacity: sixty dollars (\$60.).
- (b) Each dispensing unit: twenty dollars (\$20.).
- (24) Private plants:
- (a) Each ten thousand (10,000) gallons, or part thereof, of storage capacity: sixty dollars (\$60.).
- (b) Each dispensing unit: twenty dollars (\$20.).
- (25) Central stations: no fee.
- C. Permits shall be required for the following activities and fees shall be as follows:
- (1) Setting off or discharging explosives [per job, not to exceed one (1) year per permit]: one hundred thirty dollars (\$130.).
- (2) Delivering explosives or blasting agents to a terminal between the hours of sunset and sunrise (per delivery): sixty dollars (\$60.).
- (3) Fumigation or thermal insecticidal fogging (per building): one hundred thirty dollars (\$130.) for commercial buildings and thirty dollars (\$30.) for residential buildings.
- (4) Bowling pin refinishing, involving use of flammable liquids or materials [per fifty (50) pins]: sixty dollars (\$60.).
- (5) Bowling alley resurfacing operations, involving use of flammable liquids or materials (per alley): thirty dollars (\$30.).
- (6) Any roof repair or replacement using any form of heat-generating equipment or process (per job): sixty dollars (\$60.).
- D. Certificates shall be required for the performance of the following activities. Such certificates shall be issued annually, and the annual fees shall be as follows:
- (1) For the certificate of fitness required by all persons storing, transporting, setting off or discharging explosives:
- (a) Examination fee: thirty dollars (\$30.).
- (b) Original certificate: one hundred dollars (\$100.).
- (c) Renewal of certificate: sixty dollars (\$60.).

- (2) Pump and tank installation, removal, alteration or repair:
 - (a) Examination fee: thirty dollars (\$30.).
 - (b) Original certificate: one hundred dollars (\$100.).
 - (c) Renewal of certificate: sixty dollars (\$60.).
- (3) Installing, charging, filling, maintaining, recharging, refilling, repairing and testing rechargeable fire extinguishers:
 - (a) Examination fee: thirty dollars (\$30.).
 - (b) Original license: eighty dollars (\$80.).
 - (c) Renewal of license: fifty dollars (\$50.).
 - (d) Apprentice permit: fifty dollars (\$50.).
 - (e) Certificate of registration: one hundred ten dollars (\$110).
 - (f) Hydrostatic testing: fifty dollars (\$50.).

Section 2. This ordinance shall take effect on July 1, 2002.

Material with strikeout deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-201
(Int. No. 229, As Amended)

Amending The Municipal Code With Respect To Fees

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

Section 1. Section 27-5 of the Municipal Code, relating to alarm user permits and fees, as amended, is hereby further amended by amending subsection B(3) and subsection E(1)(a) thereof by deleting the words and numbers "five dollars (\$5.);" where they are contained therein and by inserting in their place the words and numbers "ten dollars (\$10)".

Section 2. Section 29-5 of the Municipal Code, relating to fees for amusement center licenses, as amended, is hereby further amended by deleting the words and numbers "two hundred twenty-five dollars (\$225.);" where they are contained in subsection A(1) thereof and by inserting in their place the words and numbers "two hundred fifty dollars (\$250.);". Section 29-5 of the Municipal Code is hereby further amended by amending subsection B by repealing the first sentence thereof.

Section 3. Section 29-11 of the Municipal Code, relating to fees for amusement game licenses, as amended, is hereby further amended by deleting the words and numbers "twenty-five dollars (\$25.);" where they are contained in subsection A thereof and by inserting in their place the words and numbers "fifty dollars (\$50.);".

Section 4. Section 29-16 of the Municipal Code, relating to fees for entertainment center licenses, as amended, is hereby further amended by deleting the words and numbers "two hundred twenty-five dollars (\$225.);" where they are contained in subsection A(1) thereof and by inserting in their place the words and numbers "three hundred twenty-five dollars (\$325.);", and by amending the chart contained in subsection A(2) thereof to read in its entirety as follows:

Floor Space (square feet)	Annual Fee
Not exceeding 2,400	\$325.00
Over 2,400	375.00

Section 29-16 of the Municipal Code is hereby further amended by amending subsection B by repealing the first sentence thereof.

Section 5. Section 29-21 of the Municipal Code, relating to fees for billiard room licenses, as amended, is hereby further amended by deleting the words and numbers "two hundred twenty-five dollars (\$225.);" where they are contained in subsection A thereof and by inserting in their place the words and numbers "two hundred fifty dollars (\$250.);". Section 29-21 of the Municipal Code is hereby further amended by amending subsection B by repealing the first sentence thereof.

Section [5] 6. Section 32-4 of the Municipal Code, relating to fees for auctioneer licenses, as amended, is hereby further amended by deleting the words and numbers "one hundred twenty-five dollars (\$125.);" where they are contained therein and by inserting in their place the words and numbers "one hundred seventy-five dollars (\$175.);".

Section [6] 7. Section 62-3 of the Municipal Code, relating to fees for commercial travelers and solicitors licenses, as amended, is hereby further amended by deleting the words and numbers "one hundred fifty dollars (\$150.);" where they are contained in subsection A(2) thereof and by inserting in their place the words and numbers "two hundred dollars (\$200.);", and by deleting the words and numbers "three hundred dollars (\$300.);" where they are contained in subsection A(2) thereof and by inserting in their place the words and numbers "six hundred dollars (\$600.);", and by deleting the words and numbers "fifteen dollars (\$15.);" where they are contained in subsection A(3) thereof and by inserting in their place the words and numbers "twenty dollars (\$20.);". Section 62-4 of the Municipal Code, relating to insurance for commercial travelers and solicitors licenses, as amended, is hereby further amended by adding thereto after the first sentence the following new sentence:

At the time of application, applicants shall provide proof of insurance that extends for the entire license period.

Section [7] 8. Section 80-3 of the Municipal Code, relating to fees for pawnbrokers licenses, as amended, is hereby further amended by deleting the words and numbers "two hundred fifty dollars (\$250.);" where they are contained therein and by inserting in their place the words and numbers "five hundred dollars (\$500.);".

Section [8] 9. Section 96-4 of the Municipal Code, relating to fees for secondhand dealers licenses, as amended, is hereby further amended by deleting the words and numbers "seventy-five dollars (\$75.);"

where they are contained therein and by inserting in their place the words and numbers "one hundred fifty dollars (\$150.)".

Section [9] 10. Section 98-11 of the Municipal Code, relating to fees for sexually oriented business [manager and employee] licenses, [as amended,] is hereby [further] amended by amending the chart contained in subsection A thereof to read in its entirety as follows:

Floor Space (square feet)	Annual Fee
Not exceeding 2,400	\$325.00
Over 2,400	375.00

Section 98-11 of the Municipal Code is hereby further amended by deleting the fee of "\$20" where it is contained in subsection B therein and by inserting in its place the words and numbers "thirty dollars (\$30.)", and by deleting the words ", of which \$5. shall constitute a nonrefundable application fee" where they appear at the end of subsection B, [fee of "\$5" where it is contained therein and by inserting in its place the words and numbers "ten dollars (\$10.)".] Section 98-11 of the Municipal Code is hereby further amended by repealing subsection D thereof.

Section [10] 11. Section 108-3 of the Municipal Code, relating to applications for hack plates, as amended, is hereby further amended by deleting the words and numbers "one dollar and fifty cents (\$1.50)" where they are contained in subsection A thereof and by inserting in their place the words and numbers "ten dollars (\$10.) annually".

Section [11] 12. Section 108-6 of the Municipal Code, relating to replacement hack plates, as amended, is hereby further amended by deleting the words and numbers "fifteen dollars (\$15.)" where they are contained therein and by inserting in their place the words and numbers "fifty dollars (\$50.)".

Section [12] 13. Section 108-17 of the Municipal Code, relating to taxicab driver's licenses, as amended, is hereby further amended by deleting the words and numbers "ten dollars (\$10.)" where they are contained in subsection C thereof and by inserting in their place the words and numbers "twenty-five dollars (\$25.)". Section 108-18 of the Municipal Code, relating to applications for taxicab driver's licenses, as amended, is hereby further amended by repealing the first two sentences of subsection B thereof.

Section [13] 14. Section [108-32] 108-22 of the Municipal Code, relating to [fees for limousine plates] livery licenses, as amended, is hereby further amended by deleting the words and numbers "seventy-five dollars (\$75.)" where they are contained therein and by inserting in their place the words and numbers "two hundred dollars (\$200.)", and by deleting the words and numbers "forty dollars (\$40.)" where they are contained therein and by inserting in their place the words and numbers "one hundred dollars (\$100.)".

Section [14] 15. Section 108A-5 of the Municipal Code, relating to fees for towing company licenses, as amended, is hereby further amended by deleting the words and numbers "fifty dollars (\$50.)" where they are contained therein and by inserting in their place the words and numbers "one hundred dollars (\$100.)". Section 108A-5 of the Municipal Code is hereby further amended by repealing the second sentence thereof.

Section [15] 16. Section 13A-6 of the Municipal Code, relating judicial review of Municipal Code Violations Bureau determinations and the fee therefor, as amended, is hereby further amended by [deleting] repealing the final sentence thereof.

Section [16] 17. Section 34-2 of the Municipal Code, Registration of bicycles, is hereby repealed.

Section [17] 18. This ordinance shall take effect on July 1, 2002.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-202
(Int. No. 230)

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	\$270.00
2	540.00
3	599.00

Section 2. This ordinance shall take effect on July 1, 2002.

Passed unanimously.

Ordinance No. 2002-203
(Int. No. 231)

Amending The Municipal Code With Respect To Electrical Inspections

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

Section 1. Section 39-221 of the Municipal Code, relating to fees for building permits, as amended, is hereby further amended by adding the following new fees to the end of the chart contained in subsection G thereof:

Electrical Inspections:

Residential		
New Dwelling Unit with service		\$ 150 + \$75 per each additional unit
Renovation/Addition		
Less than or equal to 200 sq. ft.		70
Greater than 200 sq. ft.		100
Commercial		
New construction less than or equal to 3000 sq. ft.		300
New construction greater than		

per	3000 sq. ft.	300 + .05
		sq. ft. over
		3000
	Alterations/Renovations less than or equal to 3000 sq. ft.	250
per	Alterations/Renovations greater than 3000 sq. ft.	250 + .05
		sq. ft. over
		3000

(All above listed fees do not include service installation)

Alarm System	70
A/C or Heat Pump	70
Elevator/Escalator	70
Fuel Dispensing Unit	70

New Service installation or upgrade less than or equal to 200 amps each	70 + 35 per each panel box
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New Service installation or upgrade greater than 200 amps each	110 + 35 per each panel box
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Other	70
Pool/Hot Tub Wiring	70
Reinspection Fee	50
Service Restoration	70
Service Upgrade	70
Signs	70
Temporary Service Installation	70

Section 2. This ordinance shall take effect on July 1, 2002.

Passed unanimously.

Ordinance No. 2002-204
(Int. No. 232)

Amending The Municipal Code With Respect To The Charge For Dishonored Checks

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

Section 1. Section 8-23 of the Municipal Code, Dishonored Checks, is hereby amended to read in its entirety as follows:

Section 8-23. Dishonored checks and payments.

For each check or other tendered payment submitted for payment of any tax, charge, fee, penalty or other sum owed to the city, which has been dishonored, a charge of twenty dollars (\$20.) shall be imposed.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-205
(Int. No. 233)

Amending The Municipal Code With Respect To Sidewalk Cafes

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. Section 104-33 of the Municipal Code, Above-surface encroachments, as amended, is hereby further amended by amending the first full sentence after the heading "Sidewalk cafes" of subsection B(10) thereof by deleting the date "May 1" and inserting in its place the date "April 1", and by deleting the date "November 1" and by inserting in its place the date "November 30".

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-206
(Int. No. 234, As Amended)

Amending The Municipal Code With Respect To Fees For Parking Garages

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

Section 1. Section 111-119 of the Municipal Code, relating to fees and hours of operation of parking garages, as amended, is hereby further amended as follows:

a. Subsection A(4), relating to the maximum daily charge, is hereby amended to read in its entirety as follows:

(4) Maximum daily charge. The maximum amount chargeable per entry to a garage for parking during any calendar day, including overnight, daytime and evening parking, shall be as follows:

- (a) Mortimer Street Garage and High Falls Garage: \$4.95.
- (b) Genesee Crossroads Garage and Sister Cities Garage: \$5.35.
- (c) Washington Square Garage and South Avenue Garage: \$5.70.
- (d) Midtown Garage and Court Street Garage: \$6.35.

b. Subsections A(6)(a)-(f), relating to the monthly rates, as amended, are hereby further amended and replaced by the following new subsections A(6)(a)-(h), and the current subsections A(6)(g) and (h) are hereby relettered as subsections A(6)(i) and (j) respectively:

- (a) Washington Square Garage: \$[77] 72 for parking in the north lot and in the general area of the garage, \$40 for parking in the rooftop area of the garage, \$92 for parking in the premium area of the garage, and \$54 for parking in the south lot.
- (b) Mortimer Street Garage: \$67.
- (c) Genesee Crossroads Garage: \$[74] 70.
- (d) South Avenue Garage: \$[77] 72 [, and \$35 for residential parking in compliance with rules and regulations established by the Municipal Parking Coordinator].
- (e) Midtown Garage: \$[79] 74.

- (f) High Falls Garage: \$59.
- (g) Court Street Garage: \$[77] 72 for parking in the general area, \$40 for parking in the rooftop area, \$92 for parking in the premium area, and \$115 for parking in the reserved area.
- (h) Sister Cities Garage: \$[72] 70 for parking in the general area and \$86 for parking in the premium area.

Section 2. Section 111-118 of the Municipal Code, relating to the establishment and designation of parking garages, as amended, is hereby further amended by deleting subsection C thereof, relating to the Clinton Avenue Garage. Section 111-119 of the Municipal Code is hereby further amended by deleting the reference to the "Clinton Avenue Garage" in subsection A(2)(a) thereof.

Section 3. Chapter 111 of the Municipal Code, Vehicle and Traffic, as amended, is hereby further amended by deleting the title "Municipal Parking Coordinator" where it is contained therein and by inserting in its place the title "Manager of Municipal Parking."

Section 4. This ordinance shall take effect on July 1, 2002.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 235

AMENDING THE MUNICIPAL CODE WITH RESPECT TO CHANGING THE NAME OF THE FIRE DEPARTMENT

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

Section 1. The Municipal Code, as amended, is hereby further amended by deleting the words "Fire Department" in each place that they appear therein and by inserting in their place the words "Fire & Rescue Department".

Section 2. This ordinance shall take effect immediately.

Failed in committee.

Introductory No. 236

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO CHANGING THE NAME OF THE FIRE DEPARTMENT

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by deleting the words "Fire Department" in each place that they appear therein and by inserting in their place the words "Fire & Rescue Department".

Section 2. This local law shall take effect immediately.

Failed in committee.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-195
Re: 2002-03 Budget of the Rochester City School District

Transmitted herewith is legislation for your consideration regarding the appropriations and revenue estimates for the Rochester City School District for the 2002-03 Fiscal Year.

I earlier this month submitted to the City Council a legislative package regarding the 2002-03 budget of the City. It is customary that this package include the budget of the Rochester City School District. It was not possible to include those items at that time due to the timing of the submission of budget materials to the City administration by the Board of Education.

The timing of the District's submission of budget materials has seriously compromised the ability of the Administration to undertake the thorough review that is warranted in any year, but is so especially needed in this year. Regardless, even given the cursory review that was possible, I must advise you that the City School District has submitted a budget document that raises as many questions as it answers. It is seriously flawed, and I cannot with confidence indicate that it is a realistic revenue or spending plan for the forthcoming year. It is for that reason that I am presenting this for your consideration, rather than recommending it for your approval.

The enclosed legislation includes the revenues and appropriations as presented to me by the School District. In presenting this information to you, I am fulfilling my duty on this matter. However, I must also indicate that two elements of the District's budget should be addressed in any actions that you take. First, the District has assumed revenue from the City of \$127,300,000. As you know, this is inconsistent with the recommendation that I included in the proposed 2002-03 City budget for a transfer of \$126,100,000 to the District. I would encourage the Council to consider an amendment that would adjust both revenue and expense so as to reconcile to the funding level that I have recommended. This reconciliation could be accomplished by (1) reducing the revenue estimate by eliminating the \$1,200,000 "Additional City Aid" estimate, and (2) reducing the Operating expense estimate by an identical amount.

It must be emphasized that this action would have no impact upon the District's services, given the \$1,200,000 allocation that I have recommended in the Undistributed portion of the proposed 2002-03 City budget for "Services to the City School District". Intense discussions are presently underway between District and City staff to identify specific services and expenses that will be shed by the District and undertaken by the City on behalf of the District so as to realize this hold-harmless provision.

The second adjustment that I urge you to consider is an increase in the debt service estimates presented by the District. As you also know, the District has assumed that the City would refinance all outstanding building debt, inclusive of the non-aidable as well as the State-aidable portion. This, too, was contrary to the advice provided by the City Administration. While we fully understand the District's desire for relief in the 2002-03 fiscal year, we cannot ignore the long-term impact that acceding to their desire would cause, namely, the imposition of an unnecessary \$11,000,000 of interest

expense over the life of the refinanced bonds. An amendment that increases debt service by \$3,351,147 over the estimate provided by the District would be appropriate. This increase could be accommodated by a commensurate reduction in the estimate for Cash Capital. This Cash Capital reduction would require a Charter Amendment relative to the minimum level of expenditure, and I have submitted a Message of Necessity in support of legislation to be introduced by the Council President Giess and Economic Development and Government Efficiency Committee Chair Mains to effect that change.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

R2010: Educational Excellence

Ordinance No. 2002-195
(Int. No. 219, As Amended)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2002 And Expiring June 30, 2003, 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, 2002 to June 30, 2003, providing for the expenditure of \$[497,399,626] 496,199,626, 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 2002-03 are hereby authorized to be expended and the sum of \$[497,399,626] 496,199,626 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$[464,993,912]	<u>463,793,912</u>
Cash Capital	[10,829,130]	<u>8,212,583</u>
Debt Service	[21,576,584]	<u>24,193,131</u>
Subtotal	\$[497,399,626]	<u>496,199,626</u>
Tax Reserve		5,452,961
Total	\$[502,852,587]	<u>501,652,587</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 2002-03 is hereby fixed and determined at \$[403,707,850] 402,507,850 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2002-03 providing for the raising of taxation on real estate for school purposes of the sum of \$99,144,737 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2002.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 7

Re: Charter Amendment - City School District Cash Capital

Transmitted herewith for your approval is legislation to amend § 3-9.1 of the City Charter, reducing the requirement that the City School District include a minimum expenditure of \$10,000,000 in Cash Capital. The proposed reduction of \$3,350,000, would result in a Cash Capital allocation of \$6,650,000 for 2002-03.

As you are aware, when developing their Proposed 2002-03 Budget, the District assumed that City Council would be willing to authorize a refinancing of the non-aidable share of the District's debt. Including that assumption in the Proposed 2002-03 Budget reduced the projected Debt Service by \$3,350,000. As a result, if Council takes no action, the District will be left with a \$3,350,000 shortfall in their budget, and will be required to make additional reductions to a budget that has already absorbed significant cuts.

We are neither anxious to force more cuts on a seriously strapped District budget nor to make the bonding adjustment the District has assumed because of its long-term \$11 million impact. Instead, it is proposed that goal be achieved through a different method. The City would create a two-year phased reduction of the District's Cash Capital requirement in the City Charter. The requirement would be reduced to \$6,650,000 for 2002-03, increased to \$8,325,000 in 2003-04, and returned to \$10,000,000 in 2004-05. Reductions in the Cash Capital availability would be offset by appropriate temporary comparable increases in the District's debt limit to allow vital capital projects to move ahead.

This action accomplishes the District's goal of realizing a savings of \$3,350,000 in expense in the coming year, keeps the impact of long-term debt more controlled, and further demonstrates the City's commitment to the education of our children.

Respectfully submitted,
Lois J. Giess Tim O. Mains, Chair
President Economic Development &
 Government Efficiency
 Committee

Local Law No. 7
(Int. No. 240, As Amended)

Local Law Amending The Amount For Cash Capital Required In The 2002-03 And 2003-04 Budgets Of The City School District

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

Section 1. Notwithstanding the amount for cash capital required in the annual budget of the City School District in Subsection D(2) of Section 3-9.1 of the City Charter, Allocation of funding and debt-incurring power between the City and City School District, the 2002-03 Budget of the City School District shall contain an amount for cash capital of not less than \$[6,650,000] 7,383,453 and the 2003-04 Budget of the City School District shall contain an amount for cash capital of not less than \$[8,325,000] 8,700,000.

Section 2. This local law shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-207

Re: Chili Avenue Improvement Project
(Canal Bridge to W. Main Street)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the Chili Avenue Improvement Project. This legislation will authorize the following changes in pavement width on Chili Avenue:

1. Taper from the existing 42' to 38' from 400' east of Cairn Street to 500' east of Cairn Street;
2. Narrow from the existing 42' to 38' from the latter point to Genesee Park Boulevard;
3. A gradual taper from 38' to 33', beginning at Genesee Park Boulevard to 425' east of Genesee Park Boulevard;
4. Narrow from the existing 42' to 33', beginning at the latter point to Kenwood Avenue;
5. Widening from 36' to 38', beginning at the latter point to West Avenue;
6. Install recessed parking area along Chili Avenue at the following locations:
 - a. North side beginning 50' west of Gardiner Avenue westerly for 220';
 - b. South side beginning 100' west of Thurston Road westerly for 140';
 - c. South side beginning 65' east of Thurston Road easterly for 700';
 - d. North side beginning 50' east of Fillmore Street easterly for 220';
 - e. North side beginning 80' east of Hobart Street easterly for 160';
 - f. South side beginning 40' east of Post Avenue, easterly for 160';
 - g. North side beginning 80' east of Lozier Street easterly for 180'; and
7. Install a recessed parking area for school bus loading along the east side of Stanton Street, beginning 40' north of Chili Avenue to 200' north of Chili Avenue.
8. Install a recessed parking area along the east side of Turner Street, beginning 25' south of Chili Avenue to 120' south of Chili Avenue.

The preparation of the engineering plan and design for this project, by Goodkind & O'Dea, Inc., was authorized by City Council on July 17, 2001. The City Council authorized participation in the project on March 21, 2000.

The proposed pavement width modifications will provide 8' wide on-street parking on the north side of Chili Avenue in the residential areas adjacent to a 11' travel lane and a 14' wide travel lane along the south side. In the commercial areas an 8' parking lane with an 11' travel lane will be provided in each direction. Additional turning lanes are also proposed at the signalized intersections of Genesee Park Boulevard and Thurston Road/Gardiner Avenue.

Recessed parking areas will provide on-street parking for businesses located between Salina Street and Post Avenue along both sides of Chili Avenue. Recessed parking areas in front of School No.44 will provide for drop off and pick up at the schools.

The proposed pavement width modifications will be installed within the existing right of way. Additional property acquisitions or easements may be required to install the proposed sidewalks and sidewalk access ramps.

Besides the proposed pavement width changes, the project includes pavement reconstruction, new stone curbing, new concrete sidewalks, driveway apron replacements, hydrant and water service upgrades and partial water main replacement, drainage improvements, street lighting upgrades, pavement markings and signalized intersection improvements, and landscaping improvements.

The Chili Avenue Project is a Federal/State aid project which will be administered (designed, constructed, and inspected) by the City. The estimated cost of the project is \$6,870,000 which is provided for in the 2002-03 Capital Improvement Program. Of this amount, \$4,568,000 will be financed by the Federal government. New York State will finance a \$857,000 portion of the non-Federal share under the Marchiselli Aid Program. The City will finance the remaining non-Federal share and betterments with General and Water debt.

Construction of the project is anticipated to begin in 2003 and be completed in 2004.

A public informational meeting was held on April 29. Copies of the minutes of this meeting will be forwarded when available.

The Traffic Control Board endorsed the proposed changes in pavement widths on May 21.

A public hearing on these changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-78

Council President Giess moved to have Introductory No. 180 moved out of committee.

The motion was seconded by Councilmember Norwood.

The motion was adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Steven-

son, Thompson - 8

Nays - Councilmember Curran - 1.

Ordinance No. 2002-207
(Int. No. 180)

Authorizing Changes In The Pavement Width Of Chili Avenue, Turner Street And Stanton Street As A Part Of The Chili Avenue 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 Chili Avenue as a part of the Chili Avenue Improvement Project:

1. Taper from the existing 42' to 38' from 400' east of Cairn Street to 500' east of Cairn Street; and
2. Narrow from the existing 42' to 38' from the latter point to Genesee Park Boulevard; and
3. A gradual taper from 38' to 33', beginning at Genesee Park Boulevard to 425' east of Genesee Park Boulevard; and
4. Narrow from the existing 42' to 33', beginning at the latter point to Kenwood Avenue; and
5. Widening from 36' to 38', beginning at the latter point to West Avenue; and
6. Install recessed parking area along Chili Avenue at the following locations:
 - a. North side beginning 50' west of Gardiner Avenue westerly for 220'; and
 - b. South side beginning 100' west of Thurston Road westerly for 140'; and
 - c. South side beginning 65' east of Thurston Road easterly for 700'; and
 - d. North side beginning 50' east of Fillmore Street easterly for 220'; and
 - e. North side beginning 80' east of Hobart Street easterly for 160'; and
 - f. South side beginning 40' east of Post Avenue, easterly for 160'; and
 - g. North side beginning 80' east of Lozier Street easterly for 180'; and

Section 2. The Council hereby further approves the installation of a recessed parking area for school bus loading along the east side of Stanton Street, beginning 40' north of Chili Avenue to 200' north of Chili Avenue.

Section 3. The Council hereby further approves the installation of a recessed parking area along the east side of Turner Street, beginning 25' south of Chili Avenue to 120' south of Chili Avenue.

Section 4. Such changes and additional changes as a part of the Chili Avenue Improvement Project shall be made in accordance 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 by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8

Nays - Councilmember Curran - 1.

The meeting was adjourned at 9:50 P.M.

CAROLEE A. CONKLIN
City Clerk

SPECIAL COUNCIL MEETING
June 27, 2002

Present - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Absent - Councilmember Douglas - 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.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

Resolution No. 2002-17
(Int. No. 243)

Resolution For the Purpose Of A Home Rule Message Regarding State Legislation Relative To Discontinuing The Use Of Certain Lands As Park Lands

Concurring in the request by the Mayor of the City of Rochester to the Senate and Assembly of the State of New York pursuant to Article IX of the New York State Constitution to enact into law certain legislation in relation to discontinuing the use of certain lands as park lands.

BE IT RESOLVED, by the City Council of the City of Rochester that said Council hereby concurs in the request of William A. Johnson, Jr., Mayor of the City of Rochester, to the Senate and Assembly of the State of New York, constituting the New York State Legislature, that said Legislation enact the legislation forth in the following bill entitled:

AN ACT to authorize the City of Rochester to discontinue the use of certain lands as park lands

Being Senate Bill No. S.7320A and Assembly Bill No. A.11867A.

This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

Councilmember Norwood abstained vote because he is an employee of the Assembly.

The meeting was adjourned at 5:36 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
July 23, 2002

Present - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Stevenson, Thompson - 7.

Absent - Councilmembers Mains, Santiago - 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:

Dept. of Environmental Services

Vivian Moultrie

Dept. of Finance

*Patricia A. Passe

Fire Department

Michael J. Aceto

C. Thomas Elliott

Library

*Joseph Schwan

Dept. of Parks, Recreation & Human Services

Richard F. Allen

*Richard Yochum

Police Department

*Peter Walsh

*Sharon Williams

*Will not attend meeting.

Alan Lewis, Sr., Mayor of Corning, thanked Mayor Johnson and other members of the City staff for discussing Rochester's Comprehensive Plan with the City of Corning.

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. 3693-7

Quarterly Reports:

Claims Reports. 3694-7

Professional Service Agreements. 3695-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project Int. No. 179 One speaker: George Stam.

Authorizing An Increase In The Pavement Width Of St. Jacob Street As A Part Of The Curb Replacement Program Int. No. 251 No speakers.

Approving The Sale By The Rochester Urban Renewal Agency To Baden Street Settlement Of Rochester, Inc. Of 476-500 North Clinton Avenue, Also Known As Parcel Z-2 In The Upper Falls Urban Renewal Project, NYR-188 Int. No. 260 No speakers.

Approving The Acquisition By Condemnation Of A Parcel For The Atlantic/Woodstock Housing Project Int. No. 266 One speaker: Thomas Argust.

Amending Ordinance No. 2001-401 Relating To The Sale Of Real Estate In The 14621 Industrial Park Int. No. 275 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Stevenson
July 23, 2002

To the Council:

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

Int. No. 244 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 245 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$871,300 Bonds Of Said City, In Addition To \$258,700 Bonds Previously Authorized Therefor, To Finance The Reconstruction Of Various Water Mains Related To The 2002 Water Main Extension And Improvement Program In The City

Int. No. 246 - Establishing Maximum Compensation For A Professional Services Agreement For Consulting Services For The Bureau Of Equipment Services

Int. No. 247 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training And Consulting Services

Int. No. 248 - Authorizing Agreements With Respect To The Mt. Read Boulevard Bridge Rehabilitation Project And Amending The 2002-03 Budget

Int. No. 249 - Establishing Maximum Compensation For Professional Services Agreements For Construction Resident Project Representation Services

Int. No. 250 - Authorizing Applications And Agreements For Grant Funds

Int. No. 276 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For Appraisal Services For The West Ridge Road Improvement Project

Int. No. 277 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$110,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Reconstruction Of The Elmwood Avenue Bridge Within The City

Int. No. 278 - Establishing Maximum Compensation For Agreements For The Elmwood Avenue Bridge Rehabilitation Project And Appropriating Funds

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

Int. No. 251 - Authorizing An Increase In The Pavement Width Of St. Jacob Street As A Part Of The Curb Replacement Program

Int. No. 215 - Authorizing Supplemental Agreements With Respect To The Broad Street Tunnel - East Approach/Erie Canal Aqueduct Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 215)
Tony M. Thompson
Lois J. Giess (Did not vote on Int. No. 248)

Gladys Santiago
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-208
Re: City Code Amendment -
Wholesale Water Rate

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rate for the Lima Water Districts 1 and 2.

The present wholesale rate was established by the City Council on June 19, 2001. Currently, it applies to wholesale water sales to Lima Water Districts 1 and 2 and the Town of West Bloomfield. In the past twelve months, sales totaled about 150,000,000 gallons, a 13% increase in usage from 2001. Lima Water Districts 1 and 2 usage comprises about 59% of this total.

An increase of \$0.03 per 1,000 gallons is proposed, raising the wholesale water rate from \$1.15 to \$1.18 per 1,000 gallons. This 2.83% proposed increase in the rate is consistent with the increase in the Consumer Price Index for calendar year 2001. It is expected to result in annual incremental revenue of about \$2,700.

Future rate adjustments to the wholesale rate will be based upon changes in the Consumer Price Index. Rate changes are expected to be proposed on an annual basis for Lima and biannually for West Bloomfield. The proposed rate increase will go into effect on September 1.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-208
(Int. No. 244)

Amending The Municipal Code With Respect To Wholesale Water Rates

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

Section 1. Section 23-37 of the Municipal Code, relating to water fees, as amended, is hereby further amended by amending subsection F(9) thereof to read in its entirety as follows:

- (9) Wholesale rate: \$1.15 per 1,000 gallons, except that effective September 1, 2002 the rate for the Lima Water Districts 1 and 2 shall be \$1.18 per 1,000 gallons.

Section 2. This ordinance shall take effect on September 1, 2002.

Passed unanimously.
TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-209
Re: Bond Water Main Extensions and

Improvements Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$871,300 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 within the City's 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 the following locations:

Location	From	To
Almira Street	Lowell Avenue	Oakman Street
La Force Street	N. Clinton Avenue	Remington Street
Leavenworth Street	Glenwood Avenue	Ravine Avenue
Mead Street	N. Clinton Avenue	Remington Street
Rugby Avenue	Arnett Boulevard	Chili Avenue
St. Paul Street	Inner Loop	Upper Falls Blvd.

These improvements which comprise approximately 1.2 miles of mains are designed to improve water pressure and flow for regular consumption and fire protection.

Bids for the improvements were received July 1. The work will be performed by Gordon J. Phillips, Inc. at a maximum cost of \$1,030,107, which is approximately \$56,000 less than the engineering estimate; an additional \$99,893 (10%) will be provided for contingencies. Of the total cost, \$67,392 will be financed from the unencumbered balance of the bond issue authorized by Council on June 20, 2000 and \$191,308 will be financed from the unencumbered balance of the bond issue authorized by Council on April 17, 2001.

The improvements are scheduled to begin in August and be completed by June 2003. Project inspection will be performed by Water and Lighting personnel.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-79

Ordinance No. 2002-209
(Int. No. 245)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$871,300 Bonds Of Said City, In Addition To \$258,700 Bonds Previously Authorized Therefor, To Finance The Reconstruction Of Various Water Mains Related To The 2002 Water Main Extension And Improvement Program In The City

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2002 Water Main Extension and Improvement Program in the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,130,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$871,300 bonds of the City in addition to \$67,392 bonds previously authorized in Ordinance No. 2000-178 and \$191,308 bonds previously authorized in Ordinance No. 2001-96 to finance said aggregate 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. The estimated maximum cost of the Projects stated in Ordinances No. 2000-178 and 2001-96 are hereby amended by the provisions hereof.

Section 2. Bonds of the City in the principal amount of \$871,300 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 \$871,300. 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2002-210
Re: Agreement - Kathy C. Merrill,
Consultant Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an agreement with Kathy C. Merrill for the provision of consulting services for the Department of Environmental Services (DES). The maximum cost of the agreement is \$19,000, which will be funded from the 2001-02 budget of the Department of Environmental Services

Currently the Bureau of Equipment Services in DES is nearing completion of the implementation phase of a new fleet management information system and is preparing to implement a performance measurement system.

Ms. Merrill is a performance measurement consultant with expertise in the fleet and automotive fields, as well as other types of public and private organizations. Her tasks will include the following:

- 1. Review current performance scorecard measures, documents and performance reports.

- 2. Document process work flow and value chain.
- 3. Review current process flow with key staff members.
- 4. Identify process flow improvements.
- 5. Rework process map to capture improvements.
- 6. Compare current performance measures to improved process flow diagram.
- 7. Create new measures, if necessary, and determine key measures to track performance.
- 8. Conduct one-day workshop to review new process map and correlating measures.
- 9. Work with City staff and fleet management software vendor to develop operating scorecard report.
- 10. Document processes and measures, both in hard copy and electronically.

The final product will be an operating scorecard report that will use the data from the fleet management system to provide reports on key performance measures.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-210
(Int. No. 246)

Establishing Maximum Compensation For A Professional Services Agreement For Consulting Services For The Bureau Of Equipment Services

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

Section 1. The sum of \$19,000, 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 Kathy C. Merrill for consulting services for the Bureau of Equipment Services of the Department of Environmental Services. Said amount shall be funded from the 2001-02 Budget of the Department of Environmental Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentleman:

Ordinance No. 2002-211
Re: Amendatory Agreement with
J.W. Consultant

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with J.W. Consultant (principal: Jacqueline Cooper), 221 Weldon Street, Rochester, NY 14611 for continued assistance in the development of communications and team building skills among Department of Environmental Services (DES) employees. The maximum cost of the

amendatory agreement will be \$4,500, which will be financed from the FY02 DES operating budget.

J.W. Consultant has provided training and assistance to DES since 2001 under periodic agreements. The most recent agreement for communications and team building skills was for \$9,800, and thus not subject to authorization by City Council. It was executed in January, 2002. The proposed amendment of \$4,500 would increase this amount to \$14,300.

Under this agreement, J.W. Consultant has provided the following services:

Phase I: Contracting meeting and data collection

1. Met with department leaders to define the purpose and goals of the team building sessions.
2. Assisted leaders in developing communication with the team on why the sessions are critical to employee satisfaction and business results.
3. Session with team to share purpose, goals and obtain support. Emphasize the connection to employee responsibility and accountability for helping the department reach important goals. Determine what the team does well in working together and what they can do better.

Phase II: Path forward/action plans

1. Facilitated meetings to establish priorities for improvement and measures of success.
2. Facilitated sessions to identify strengths and opportunities to improve teamwork and business results.
3. Assisted with the implementation of improvements.

Under the proposed amendatory agreement, J.W. Consultant will...

Phase III:

1. Assist the team with the elimination of barriers to effectively implementing their solutions.
2. Facilitate meetings with employees to evaluate progress of their implementation plans for improving their team effectiveness. Assist them with necessary modifications to ensure the solutions will be sustained.
3. Meet with a newly transferred staff person to assist with her transition and adjustment in her new office. Brief employee on the team effectiveness consulting steps and office staff progress. Obtain her input on the team effectiveness solutions and obtain support of the office staff implementation plans. Meet with the full team to confirm team agreements.
4. Meet with leaders to coach the transition and adjustment of transferred employee.
5. Provide feedback to leaders on the coaching each employee needs to perform their best work.
6. Meet with Director of Bureau, Unit Managers

and Office Supervisor to assist them in developing a more integrated approach between the office staff and the internal groups they support to better serve city residents.

The hourly fee will continue to be \$200.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-211
(Int. No. 247)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training And Consulting Services

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 J.W. Consultant for training and consulting services for the Department of Environmental Services. Said amount shall be funded from the 2001-02 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. 2002-212
Re: Bridge Rehabilitation Project -
Mt. Read Boulevard

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the rehabilitation of an Eastman Kodak Company owned bridge on Mt. Read Boulevard. This legislation will:

1. Authorize the City to enter into any necessary agreements with New York State Department of Transportation (NYSDOT) to participate in and administer the project;
2. Authorize the City to enter into any necessary agreements with Eastman Kodak Company (Kodak) for the financial reimbursement of the betterment construction share and administration costs of the project;
3. Appropriate \$150,000 from anticipated reimbursements from Kodak to fund the betterment construction share and administrative costs relating to the project; and
4. Amend the 2002-03 City budget to increase the revenue estimates and appropriations to the Cash Capital allocation by \$150,000 to reflect these funds.

The existing bridge was constructed in two phases. In 1947, Kodak built the original structure carrying what is now West Outer Drive over the Kodak property. This structure was widened in 1954 by NYSDOT to carry Mt. Read Boulevard over Kodak property.

In its current configuration, the bridge is wholly separated by expansion joints that divide the structure in two. The west half, carrying West Outer Drive, is wholly owned by Kodak and is maintained by both the City and Kodak. The City has maintenance responsibility for the roadway items on West Outer Drive. Kodak has maintenance responsibility for the adjacent retaining walls and the bridge structure. Ownership and maintenance requirements for the West Outer Drive portion of the bridge were formalized in an agreement between Kodak and the City dated April 10, 1946.

The east half of the structure, carrying Mt. Read Boulevard, is wholly owned and maintained by NYS-DOT, which it has maintenance responsibility for the entire east half of the bridge, including the roadway and the structure.

Based on the complexities associated with rehabilitating a bridge over both vehicular and railroad traffic, NYSDOT has asked the City to act as a funding intermediary on behalf of Kodak.

The project includes a new structural deck system, modifications to the existing concrete abutments, and new curbs, sidewalks, and bridge railing. To expedite the project, the City will partner with NYSDOT and act as the funding agency for the betterment share of the construction phase. The estimated total construction cost of the project is \$2,275,000. Of this amount, \$1,820,000 will be funded by the Federal government and \$328,500 will be funded by the State. The remaining share is estimated to be \$126,500, which will be provided by Kodak, along with \$23,500 for the City's administrative costs. No City funding will be used for this project.

The costs associated with this project are as follows:

	Federal	State	Private	Total
Design	\$ 210,000	\$ 52,500	\$ 0	\$ 262,500
Construction	1,400,000	240,000	126,500	1,766,500
Inspection	210,000	36,000	0	246,000
Total	\$1,820,000	\$328,500	\$126,500	\$2,275,000

Design is tentatively scheduled to be completed in 2003. Construction is expected to commence in Spring 2003 and be completed in Fall 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-80

Ordinance No. 2002-212
(Int. No. 248)

Authorizing Agreements With Respect To The Mt. Read Boulevard Bridge Rehabilitation Project And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into necessary agreements with the New York State Department of Transportation to participate in and administer the Mt. Read Boulevard Bridge Rehabilitation Project.

tion Project.

Section 2. The Mayor is hereby authorized to enter into necessary agreements with the Eastman Kodak Company for funding for the Mt. Read Boulevard Bridge Rehabilitation Project and necessary authorization to enter on to Kodak property to make improvements.

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

Section 4. Ordinance No. 2002-194, the 2002-03 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 anticipated reimbursements from the Eastman Kodak Company.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-213
Re: Agreements - Resident Project
Representation Services

R2010: Campaign 7 - Quality Service

Transmitted herein for your approval is legislation to authorize professional services agreements with the following firms for resident project representation services:

Firm Address	Amount
Fisher Associates 135 Calkins Road Rochester, New York 14623	\$ 60,000
Passero Associates 100 Liberty Pole Way Rochester, New York 14604	60,000
Total	\$120,000

The total cost of the agreements will be \$120,000, which will be financed from the 1998-99, 1999-00 and 2000-01 Cash Capital allocation of the Department of Environmental Services.

Typically, resident project representation or inspection services for construction projects are provided by either City personnel or private consultants on a project-by-project basis. However, during peak periods of the summer construction season, sufficient City personnel are not available to inspect all of the City projects. To address this problem, DES utilizes general or temporary resident project representation services. The proposed agreements are intended to expedite such consultant assignments. This will facilitate project management and completion by providing greater flexibility with respect to the assignment of both City personnel and private consultants.

The current agreements were authorized by City Council on July 17, 2001. The agreement with Corneles Engineers was initially made with SEA Engineers, who subsequently transferred ownership

to Corneles Engineers. The following is a summary of the use of these agreements for resident project representation services:

<u>Firm</u>	<u>Assignments</u>	<u>Total Fees</u>
Bergmann Associates	Curb Replacements, 2001 and 2002	\$91,950
Fisher Associates	Central Avenue and Kenwood Avenue Projects	59,446
FRA Engineering P.C.	Lower Falls Trail, Meigs/Gregory Hill, and Kenwood Avenue Projects	12,076
Corneles Engineers	Residential Curb Ramps, 2002	1,874

The recommended firms were selected based upon demonstrated skill and expertise, past performance and availability of personnel. Under the terms of the proposed agreements, resident project representation services will be provided at specified hourly rates for a variety of projects as required by DES. These rates are as follows:

<u>Firm</u>	<u>Hourly Rate Range</u>
Fisher Associates	\$14.64/hr. - \$31.28/hr.
Passero Associates	\$14.50/hr. - \$25.50/hr.

The assignment of projects between the two firms will be based upon their special skills, expertise and availability of personnel. The total cost of all assignments to either firm under the proposed agreements will not exceed \$60,000 during the two-year term of these agreements.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-213
(Int. No. 249)

Establishing Maximum Compensation For Professional Services Agreements For Construction Resident Project Representation Services

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

Section 1. The sum of \$60,000 each, or so much thereof as may be necessary, is hereby established as the compensation to be paid for professional services agreements between the City and Passero Associates and Fisher Associates for construction resident project representation services for two years. The agreements 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 amounts, \$48,000 shall be funded from 1998-99 Cash Capital Allocation, \$36,000 shall be funded from 1999-2000 Cash Capital Allocation and \$36,000 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. 2002-214
Re: New York State Program Grants

- R2010: Campaign 4 - Environmental Stewardship
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 10 - Center City
Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation authorizing applications and agreements for the following grants:

1. New York State Department of State, in accordance with the provisions of the Local Waterfront Revitalization Program, for
 - a. Genesee River Trail Signage Project (\$100,000);
 - b. Design and Construction of South Wedge Landing Project (\$250,000).
2. New York State Office of Parks, Recreation and Historic Preservation, in accordance with the provisions of the Heritage Area Program, for the Triphammer Water Turbine Excavation Project (\$100,000).
3. New York State Office of Parks, Recreation and Historic Preservation, in accordance with the provisions of the Historic Preservation Program, for
 - a. Repairs to Historic City Hall (\$500,000);
 - b. Environmental Work and Study and Design of Interpretative Space and Exhibits for the Historic Erie Canal Aqueduct (\$200,000).
4. New York State Office of Parks, Recreation and Historic Preservation, in accordance with the provisions of the Parks Program, for the Rehabilitation of Manhattan Square Park (\$1,000,000).

The Trail Signage project has been underway for two years; the City Hall project was begun last year and is scheduled for further work in 2003-04 through 2005-06. Each of the other projects is currently in the developmental stages.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-81

Ordinance No. 2002-214
(Int. No. 250)

Authorizing Applications And Agreements For Grant Funds

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Department of State under the Local Waterfront Revitalization Program for funding for a Genesee River Trail Signage Project.

Section 2. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the New York State Department of State under the Local Waterfront Revitalization Program for funding for design and construction of a South Wedge Landing Project.

Section 3. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation under the Heritage Area Program for funding for a Triphammer Water Turbine Excavation Project.

Section 4. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding under the Historic Preservation Program for repairs to the historic City Hall.

Section 5. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding under the Historic Preservation Program for environmental work and the study and design of interpretive space and exhibits for the historic Erie Canal Aqueduct.

Section 6. The Mayor is hereby further authorized to submit an application to and enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for funding under the Parks Program for the rehabilitation of Manhattan Square Park.

Section 7. The applications and agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 8. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-215
Re: West Ridge Road Improvement Project
(Hanford Landing Road to Veteran's Memorial Bridge)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval are two amendatory agreements for additional appraisal services relating to partial takings for the West Ridge Road Improvement Project.

Organization	Amount
Bruckner, Tillet, Rossi, Cahill and Legrett 1151 Pittsford-Victor Road	\$7,500
Pogel, Schubmehl, Rogachefsky and Ferrara 2509 Browncroft Boulevard	4,500

The cost for the amendatory agreements will be funded from Federal Highway Administration and State funds appropriated for this project in April, 2000.

As you are aware, this project involves the reconstruction of West Ridge Road, from Hanford Landing Road to the Veteran's Memorial Bridge, including a significant realignment of West Ridge Road, from just west of the Lake Avenue intersection to the bridge. It will also provide for a new two-way frontage road in front of the houses to remain on the south side of West Ridge Road between Ridgeway Avenue and Maplewood Drive, and replacement of the existing pedestrian bridge over West Ridge Road near Maplewood Drive. The estimated cost of the project is \$16,843,000, which will be financed as follows:

Federal	\$10,754,000
State	2,789,000
City	3,300,000
Total	\$16,843,000

The realignments and new frontage road require the acquisition of 23 full parcels; in November, 2001, Council authorized agreements with the two appraisal firms to establish values on these parcels. City Council is currently considering Int. 179, authorizing the acquisition of these parcels. In addition, there are portions of 15 parcels that will be required to complete the project. Additional appraisal services will therefore be required to establish the value of those partial acquisitions. Upon completion of the appraisals, legislation will be submitted to Council to authorize the required partial acquisitions. If the proposed legislation is approved, the maximum compensation for the two firms will increase to \$22,500 and \$14,500, respectively.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-215
(Int. No. 276)

Establishing Maximum Compensation For Amendatory Professional Services Agreements For Appraisal Services For The West Ridge Road Improvement Project

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 Bruckner, Tillet, Rossi, Cahill and Legrett for appraisal reports for the acquisition of parcels for the West Ridge Road Improvement Project. Said amount shall be funded from the appropriations made in Ordinance No. 2000-111.

Section 2. 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 Pogel, Schubmehl, Rogachefsky and Ferrara for appraisal reports for the acquisition of parcels for the West Ridge Road Improvement Project. Said amount shall be funded from the appropriations made in Ordinance No. 2000-111.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2002-216 And
Ordinance No. 2002-217
Re: Elmwood Avenue Bridge
Rehabilitation Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the Elmwood Avenue Bridge Rehabilitation Project. This legislation will:

1. Appropriate \$1,765,620 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the Federal share of the project;
2. Appropriate \$168,000 from anticipated reimbursements from the State of New York to finance the State's share of the project;
3. Authorize the issuance of bonds totaling \$110,000 and appropriate the proceeds thereof to finance the local share of the bridge improvements; and
4. Authorize an amendatory agreement with Dewberry-Goodkind, Inc., for additional engineering design services for the project at a maximum cost of \$68,000 so that the maximum authorized amount of the agreement will increase from \$199,000 to \$267,000; and
5. Authorize an agreement with Dewberry-Goodkind, Inc., for resident project representation services, at a maximum cost of \$175,000.

On January 18, 2000, City Council authorized an agreement with New York State Department of Transportation (NYSDOT) for City participation and administration of the project. The project involves rehabilitation of the bridge and includes replacement of the structural joint systems, curb repairs, installation of pedestrian lighting fixtures, sidewalk restoration, drainage modifications, maintenance painting of the structural steel elements, and seismic retrofit of the bearings. The project also includes landscape plantings and improvements to the Genesee Riverway Trail on the east bank of the river. The University of Rochester has agreed to donate a permanent easement to the City to accommodate installation of the trail improvements and to provide for public access. City Council authorized acceptance of the donation on January 15.

Design of the project, by Dewberry-Goodkind, Inc., was authorized by City Council on January 16 and August 21, 2001.

During the preliminary and final design phases of the project, it was determined that additional structural analysis, traffic signal modifications and trail improvements need to be evaluated and incorporated into project. The FHWA and NYSDOT have agreed that based on the importance and continuity of these modifications that they should be evaluated and, where feasible, undertaken.

The proposed amendatory agreement with Dewberry-Goodkind, Inc. will provide for the additional engineering services required for design of traffic signal modifications, trail improvements, structural analysis, and landscaping amenities.

The cost breakdown for the supplemental design is

shown below:

	Federal	State	City	Total
Preliminary Engineering and Final Design	\$54,400	\$10,200	\$3,400	\$68,000

The Federal share of the amendatory design agreement will be financed from the above appropriations (\$54,400). The non-Federal share, New York State and City, will be financed from the above appropriations from the New York State Marcheselli Aid Program (\$10,200) and 2001-02 Cash Capital (\$3,400).

Bids for construction were received on July 1. The work will be performed by C. P. Ward, Inc. at a cost of \$1,837,149. An additional \$109,793 will be allocated for contingencies.

The local share of the construction costs will be financed from the proposed bond, 2001-02 Cash Capital and from anticipated traffic reimbursements from Monroe County. The City is eligible to receive up to \$152,850 in additional reimbursements toward the local share from the New York State Marcheselli Aid program pending state legislative approval, which would increase the state share of construction to \$320,850.

Share	Additional Design Construction	Inspection Administration	Contingency	Total
Federal	\$54,400	\$140,000	\$ 80,500	\$1,469,720
State	10,200	26,250	0	131,550
Subtotal	64,600	166,250	80,500	1,601,270
Local				
City Bond	0	8,750	13,953	87,297
2002 Cash Capital	3,400	0	15,090	144,022
County Traffic	0	0	250	4,560
Local Subtotal	3,400	8,750	29,293	235,879
Total	\$68,000	\$175,000	\$109,793	\$1,837,149

Dewberry-Goodkind, Inc. will provide resident project representation services because of the firm's familiarity with the project and the quality of the team assigned to the project. The cost of the agreement will be financed from the proposed Federal (\$140,000) and State (\$26,250) appropriations and the proposed bond (\$8,750).

Construction of the project is scheduled to begin this Summer and be substantially completed by Summer 2003.

Two public informational meetings were held for this project: November 15, 2001 and May 13. Copies of the minutes of these meetings are attached. As is typical, an additional public informational meeting

will be held prior to the start of construction.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-82

Ordinance No. 2002-216
(Int. No. 277)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$110,000 Bonds Of Said City To Finance The Cost Of Planning And Implementing Reconstruction Of The Elmwood Avenue 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 planning and implementing the reconstruction of the Elmwood Avenue Bridge within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,148,192. The plan of financing includes the issuance of \$110,000 bonds of the City, and said amount is hereby appropriated therefor, together with \$169,172 in current City funds, grants of \$1,711,220 in Federal Highway Administration funds appropriated at this City Council meeting and \$157,800 in New York State funds appropriated at this City Council meeting, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$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 \$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 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 forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment

of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Ordinance No. 2002-217
(Int. No. 278)

Establishing Maximum Compensation For Agreements For The Elmwood Avenue Bridge Rehabilitation Project And Appropriating Funds

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 between the City and Dewberry-Goodkind,

Inc. for resident project representation services related to the Elmwood Avenue Bridge Rehabilitation Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$8,750 shall be funded from a bond ordinance adopted for bridge improvements, \$140,000 shall be funded from the appropriation made in Section 3 hereof and \$26,250 shall be funded from the appropriation made in Section 4 hereof.

Section 2. The sum of \$68,000, 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 additional engineering design services for the Elmwood Avenue Bridge Rehabilitation Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$3,400 shall be funded from the 2001-02 Cash Capital Allocation, \$54,400 shall be funded from the appropriation made in Section 3 hereof and \$10,200 shall be funded from the appropriation made in Section 4 hereof .

Section 3. The sum of \$1,765,620, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the Elmwood Avenue Bridge Rehabilitation Project.

Section 4. The sum of \$168,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the State of New York to fund the Elmwood Avenue Bridge Rehabilitation Project.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-218
Re: Pavement Width Change -
St. Jacob Street

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a 4' increase in the pavement width of St. Jacob Street, from 24' to 28', beginning 400' west of Carter Street to Carter Street.

The improvements are being designed by City staff and include the installation of new curbs and catch basins, restoration of driveway aprons and replacement of sidewalks, as needed. The proposed pavement width changes will facilitate the loading and unloading of school buses.

Construction of the improvements is scheduled to begin this Summer and to be completed this Fall.

A public informational meeting for St. Jacob Street was held on March 26. The minutes of the meeting are attached.

The Traffic Control Board endorsed the proposed geometric changes on June 18.

A public hearing on these proposed changes is required.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AB-83

Ordinance No. 2002-218
(Int. No. 251)

Authorizing An Increase In The Pavement Width Of St. Jacob Street As A Part Of The Curb Replacement Program

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

Section 1. The Council hereby approves an increase of 4 feet in the pavement width of St. Jacob Street, from 24 feet to 28 feet, from approximately 400 feet west of Carter Street to Carter Street, as a part of the Curb Replacement Program.

Section 2. Such change and additional changes as a part of the Curb Replacement Program 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.

Introductory No. 215 was introduced June 18, 2002, and appears in its original form with its transmittal letter on page 157 of the current Council Proceeding.

Attachment No. AB-84

Ordinance No. 2002-219
(Int. No. 215)

Authorizing Supplemental Agreements With Respect To The Broad Street Tunnel - East Approach/Erie Canal Aqueduct Project

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Norwood, Stevenson, Thompson - 6.

Nays - Councilmember Curran - 1.

By Councilmember Douglas
July 23, 2002

To the Council:

The Public Safety, Services & The Arts Committee recommends for adoption the following entitled legislation:

Int. No. 252 - Authorizing An Agreement For The Families And Friends Of Murdered Children And Victims Of Violence Project

Int. No. 253 - Authorizing Agreements For Human Services Projects

Int. No. 254 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2002-03 Budget

Int. No. 255 - Authorizing An Agreement For Carter Street Recreation Center Improvements

Int. No. 256 - Amending Ordinance No. 97-417 Relating To Firefighter Training

Int. No. 257 - Establishing \$7,317 As Maximum Compensation For An Amendatory Professional Services Agreement For Video Production Classes

Int. No. 258 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Negotiations Services

Respectfully submitted,
Benjamin L. Douglas
Robert J. Stevenson
Tony M. Thompson
Lois J. Giess
Gladys Santiago
PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-220 And
Ordinance No. 2002-221
Re: Agreements - Human Services Programs

R2010: Campaign 2 - Educational
Excellence and Campaign 3 -
Health, Safety, and Responsibility

Transmitted herewith for your approval is legislation authorizing four agreements and one amendment with the following organizations for human services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Agreements:	
Jewish Family Service of Rochester VolunTeens	\$20,000
Rochester General Hospital Health Care Youth Apprenticeship Prep Program	13,618
United Way Services Corporation Community Profile	20,000
YMCA Teen City	25,000
Amendment:	
The Community Place of Greater Rochester Families and Friends of Murdered Children and Victims of Violence - Transitional	30,000

VolunTeens and Health Care Youth Apprenticeship Prep will receive first year Community Development Block Grant (CDBG) funding. These agreements will be financed from the General Community Needs allocation of the 2002-03 CDBG.

The Community Profile project is in its fourth year of CDBG funding, and Teen City is in its second year. These agreements will be financed from the General Community Needs allocation of the 2001-02 CDBG.

The Health Care Youth Apprenticeship Prep Program, Community Profile, and Teen City are Projects With Matching Funds. VolunTeens is a Project Without Matching Funds. Projects with matching funds are eligible for five years of funding. Projects Without Matching Funds are eligible for three years of funding.

The Project Information forms and budgets are attached.

The proposed amendment will provide for a contract extension with The Community Place of Greater Rochester for the Families and Friends of Murdered Children and Victims of Violence project. The agreement for this project was authorized by Council by Ordinance 2001-166 on June 19, 2001. The initial contract amount was \$96,800, and the contract was scheduled to expire on July 31; the proposed amendment will increase that amount by \$30,000, for a new maximum amount of \$126,800, and the extended contract will expire on December 31. The project will provide the specified services indicated in the current contract, applied equivocally over the contract extension time period. This extension covers a transition period for the project from CDBG funding to new funding, allowing the project to continue while staff and resources are dedicated to fundraising efforts. Support funding resources are expected by the time this extension expires, and some funding is in the process of being secured at this time. Documentation of the fundraising efforts will be added as a contract component.

The source of the funding for the contract extension is the Emergency Transitional line of the General Community Needs category of the 2001-02 CDBG.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-85

Ordinance No. 2002-220
(Int. No. 252)

Authorizing An Agreement For The Families And Friends Of Murdered Children And Victims Of Violence 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 Families and Friends of Murdered Children and Victims of Violence, Inc for the Families and Friends of Murdered Children and Victims of Violence Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2001-02 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.

Ordinance No. 2002-221

(Int. No. 253)

Authorizing Agreements For Human Services 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 organizations for human services projects in amounts not to exceed the following:

<u>Organization Project</u>	<u>Amount</u>
Jewish Family Service of Rochester VolunTeens	\$20,000
Rochester General Hospital Health Care Youth Apprenticeship Prep Program	13,618
United Way Services Corporation Community Profile	20,000
YMCA Teen City	25,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$78,618, and of said amount, or so much thereof as may be necessary, \$45,000 is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program and \$33,618 is hereby appropriated from the General Community Needs Allocation of the 2002-03 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. 2002-222
Re: Clarissa Street Reunion

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation relating to the production of the Clarissa Street Reunion. This legislation will:

1. Authorize agreements with the following organizations:
 - a. NYS Office of Parks, Recreation and Historic Preservation, for the receipt of a grant of up to \$10,000, and
 - b. Clarissa Street Reunion committee for use of these funds; and
2. Amend the 2002-03 budget of the Department of Parks, Recreation and Human Services to reflect the receipt of the grant.

The Clarissa Street Reunion has taken place annu-

ally for the past seven years. This nostalgic reunion combines families, friends, food, and festivities in a one-day extravaganza that attracts thousands of people to the old neighborhood. Parades, food, and music on three stages spread along the six blocks of the festival, lure former residents back "home".

The total estimated cost of the festival is \$19,000. Funding for the proposed grant was included in the 2002-03 New York State budget through the efforts of Assemblyman David Gantt. The remaining funds will be raised privately by the Reunion Committee.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-222
(Int. No. 254)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2002-03 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 Parks, Recreation and Historic Preservation or Natural Heritage Trust for funding for the Clarissa Street Reunion.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Clarissa Street Reunion Committee for the Clarissa Street Reunion.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services.

Section 4. Ordinance No. 2002-194, the 2002-03 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 \$10,000, which amount is hereby appropriated from funds to be received from the State of New York for the Clarissa Street Reunion.

Section 5. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-223
Re: Agreement - UNCGR, Carter Street
Recreation Center

R2010: Campaign 7 - Quality Service
and Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with United Neighborhood Centers of Greater Rochester (UNCGR) for the installation of air conditioning and water supply connections at Carter Street Recreation Center.

UNCGR is renovating and expanding the Carter Street Recreation Center in order to relocate Genesee Settlement House as part of the consolidation with Community Place of Greater Rochester. The City has retained control of the existing gym and plans to have it air conditioned since the new building will also be air conditioned. Additionally, a water play area will be installed as part of the City's site improvements.

The water supply connections required for the water play area need to be installed as part of the new building construction/plumbing. The air conditioning and the water connections can be installed at a significantly reduced price by being completed as part of the Recreation Center renovations.

The water improvements, \$35,000, will be funded from a bond ordinance appropriated for the Carter Street playground improvements. The air conditioning, \$10,000, will be funded from 2001-02 Cash Capital.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-223
(Int. No. 255)

Authorizing An Agreement For Carter Street Recreation Center 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 United Neighborhood Centers of Greater Rochester Foundation, Inc. for improvements to the Carter Street Recreation Center.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$45,000, and of said amount, or so much thereof as may be necessary, \$35,000 shall be funded from Bond Ordinance No. 2001-416 and \$10,000 shall be funded from the 2001-02 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. 2002-224
Re: Technical Amendment to MCC
Firefighter Training Agreement

R2010: Campaign 3 - Health, Safety,
and Responsibility

Transmitted herewith for your approval is legislation amending the authorization for the City's annual agreement with Monroe Community College (MCC) for the provision of certain training to members of the Fire Department.

City Council authorized the agreement in November, 1997. That authorization erroneously specified that

MCC would reimburse the City for "tuition and fees" paid by the City. Additionally, the ordinance specified that training would be provided to firefighter recruits. It was the intent and has been the practice that MCC would reimburse the City for tuition only. Also, as detailed in the proposed 2002-03 budget, MCC's training will be expanded to provide in-service training to fire officers and firefighters, as well as to firefighter recruits. The proposed legislation would delete the erroneous reference to fee reimbursements and include reference to training of fire officers, firefighters, and firefighter recruits.

The City payment / MCC reimbursement arrangement is critical to the generation of full-time equivalent students (FTEs) for MCC. FTEs, in turn, generate additional State Aid for MCC, which will reduce the City's subsidy payments for the Public Safety Training Facility.

The Fire Department intends to continue the training process with MCC in 2002-03. Tuition shall be \$1,250 per FTE, and fees, \$10 per person. The total payments by the City to MCC in 2002-03 shall not exceed \$510,000. The City shall receive reimbursements of \$433,700.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-224
(Int. No. 256)

Amending Ordinance No. 97-417 Relating To Firefighter Training

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

Section 1. Ordinance No. 97-417, relating to an agreement with Monroe Community College for the training of firefighter recruits, is hereby amended by deleting the requirement for reimbursement of fees found in Section 2 thereof and by including all firefighter training.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-225
Re: Good Grades Pay Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Utchat Vision (Principal: Clifford Collier) for video production services for the Good Grades Pay Program in an amount not to exceed \$7,317.

The cost of this agreement will be financed from the 2001-02 budget of the Department of Parks, Recreation and Human Services. This request was included in the Good Grades Pay Program transmittal submitted for the April 16 Council meeting, but the authorization was inadvertently omitted from the legislation.

Under the proposed agreement, Utchat will:

- 1. Provide a five-week workshop, three times

a week, in which a minimum of 12 students produce a 15-20 minute video on job readiness, and

- 2. Publicly present the video at the awards ceremony.

If the proposed amendatory agreement is approved, the total cost of the agreement with Utchat will increase to \$14,247.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-225
(Int. No. 257)

Establishing \$7,317 As Maximum Compensation For An Amendatory Professional Services Agreement For Video Production Classes

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

Section 1. The sum of \$7,317, 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 Utchat Vision for video production classes for the Good Grades Pay Program. Said amount shall be funded from the 2001-02 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-226
Re: Amendment to Professional Services Agreement for Labor Relations Services

R2010: Campaign 7: Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Daniel Wissman for representation of the City's interests in the binding arbitration process with the Rochester Police Locust Club, Inc. for the establishment of a successor to the expired labor agreement with the Locust Club.

The City initiated a contract with Mr. Wissman in December, 2001, for services related to the arbitration. City Council twice subsequently authorized amendments to the contract that raised the compensation level above the initial \$10,000 amount to its current maximum level of \$55,000. The authorization requested would increase this amount by \$6,500, to a new maximum level of \$61,500; the source of funds is the 2002-03 Undistributed Account. Mr. Wissman's hourly rate of \$75.00 remains unchanged.

The amendment is necessary because the amount of time required for preparation, hearings and testimony, and executive session meetings has been greater than anticipated. The amendment will provide for approximately 80 additional hours, plus miscellaneous expenses, and is anticipated to be sufficient to conclude the arbitration process. A final arbitration award covering fiscal years 2001-02 and 2002-03 is anticipated by the end of July, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-226
(Int. No. 258)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Negotiations Services

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

Section 1. The sum of \$6,500, 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 Daniel Wissman for labor negotiations services. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Douglas moved to discharge Introductory 137A out of Committee of The Whole.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Ordinance No. 2002-227
(Int. No. 137A)

Authorizing An Agreement For The Summer On The City Farm 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 Northeast Neighborhood Alliance for the Summer on the City Farm Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$48,900, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Norwood
July 23, 2002

To the Council:

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

Int. No. 242 - Authorizing Amendatory 2000-01 And 2002-03 Community Development Program

Plans And Authorizing Agreements For The Champion Streets Program

Int. No. 259 - Authorizing The Sale Of Real Estate

Int. No. 261 - Amending Ordinances Relating To The Sale Of Real Estate

Int. No. 262 - Approving The Acquisition Of A Parcel For The Home Expo Challenged Street Project

Int. No. 263 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$65,750 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property Within The City's Home Expo/Challenged Street Project

Int. No. 264 - Amending The Municipal Code With Respect To Real Estate

Int. No. 265 - Approving Use Of 977-983 North Goodman Street By The City School District

Int. No. 279 - Resolution Approving A Reappointment To The Rochester Preservation Board

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

Int. No. 260 - Approving The Sale By The Rochester Urban Renewal Agency To Baden Street Settlement Of Rochester, Inc. Of 476-500 North Clinton Avenue, Also Known As Parcel Z-2 In The Upper Falls Urban Renewal Project, NYR-188

Int. No. 266 - Approving The Acquisition By Condemnation Of A Parcel For The Atlantic/Woodstock Housing Project

Respectfully submitted,
Benjamin L. Douglas
Nancy K. Griswold
Lois J. Giess
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-228
Re: Champion Streets Program

R 2010: Healthy Urban Neighborhoods,
Involved Citizens

Transmitted herewith for your approval is legislation regarding the Champion Streets program. The legislation will transfer a total of \$130,000 from the 2001-02 and 2002-03 Community Development Block Grants to fund the program and authorize any necessary agreements to operate it.

As you will recall, last June, City Council amended the Proposed 2001-02 Budget to provide \$50,000 to create the Champion Streets program. The program started from Mayor Johnson's focus on the "crescent", where many of the City's problems are concentrated. As a complement to the City's intensive efforts within the "crescent", this new approach attempts to restrict its spread. It appears that there are numerous streets

on the edge of the "crescent" that are basically stable, but which suffer from declining real estate values and may erode to allow the expansion of the "crescent". Council believes that the strategic application of a limited amount of City funds could help stabilize such streets and improve both the perception and the reality of life on those streets.

Working from this premise, during the past year, City staff and the Council created the outlines of the program and identified the streets that would be eligible. It was determined that the project would have two separate components, one for the public areas and one for the private areas. In the public areas, rehabilitation of the tree lawn, spot curb replacement, tree trimming and planting, and improved street lighting will be part of the mix. The funds appropriated in this legislation can be used for these purposes.

In the private areas, repairs to the obvious early indicators of deterioration, such as porch steps and railings, driveway aprons, motion-detector or dusk-to-dawn lighting, and other minor but important repairs will be carried out. The CDBG funds will be used for this purpose, and will be administered through, and use the guidelines of, the Residential Assistance Program (RAP).

The streets selected for the program are Henrietta Street, Hobart Street, Michigan Street, and Mohawk Street. Staff from NET and DCD conducted surveys of these streets to ascertain on a property-by-property basis what exterior improvements were necessary and what improvements to the public right of way were necessary and possible within current funding limits.

The attached sheet summarizes the potential demand on each street. As you will note, the costs of the program, including compliance with Title X (lead abatement) requirements, is estimated at \$265,000. Since the Champion Streets needs would consume so much of the four neighborhoods' RAP allocations, it is recommended that this additional \$130,000 be provided to absorb half of those costs, leaving funds available for other eligible neighborhood residents. In regard to the public right-of-way portion of the program, staff from DES and DPRHS (Forestry) developed recommendations for improvements to each of the streets, using the \$50,000 allocated last June to leverage other existing City funds. In the case of Henrietta Street, there was already a schedule for a full reconstruction of that street in the CIP; Council authorized the pavement width changes for that project on June 18. On the other streets, tree plantings and tree-lawn improvements will be a part of the program.

NET staff will work with the four neighborhoods to coordinate the effort to involve as many residents as possible and to maximize private investment in the program. An evaluation will be undertaken one year after the improvements have been completed to determine whether the objectives of the program - stabilizing the streets and preventing expansion of the deterioration found in the "crescent" - have been achieved.

Respectfully submitted,
Lois J. Giess
President
Wade S. Norwood
Councilmember-at-Large

Nancy K. Griswold
Councilmember-at-Large

Attachment No. AB-86

Ordinance No. 2002-228
(Int. No. 242)

**Authorizing Amendatory 2000-01 And 2002-03
Community Development Program Plans And Au-
thorizing Agreements For The Champion Streets
Program**

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

Section 1. The Council hereby approves an amendment to the 2000-01 Community Development Program Plan whereby the sum of \$98,800 shall be transferred from the Other Programs Account of the Other Programs Allocation to a new account in the Improving the Housing Stock and General Property Conditions Allocation for the Champion Streets Program.

Section 2. The Council hereby further approves an amendment to the 2002-03 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the sum of \$31,200 shall be transferred from the Neighborhood Capital Improvements Account to a new account for the Champion Streets Program.

Section 3. The Mayor is hereby further authorized to enter into such agreements as may be necessary to implement the Champion Streets Program.

Section 4. The agreements shall obligate the City to pay an amount not to exceed \$130,000, and of said amount, or so much thereof as may be necessary, \$98,800 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2000-01 Community Development Program and \$31,200 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program.

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 Nos. 2002-229,
2002-230, 2002-231, 2002-232,
And 2002-235

Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the following real estate transactions:

1. Sale of twenty properties,
2. Amendment of three prior sales, and
3. Acquisition of one parcel.

Sales

The first property is a portion of a vacant lot that is being sold to the adjoining owner. The purchase price was established by the Director of Real Estate.

The next nine properties are single family structures that were sold at the April 10 Owner Occupant Public Auction. The purchasers will be required to rehabilitate the properties within eighteen months of the conditional closing, and to occupy the homes for a minimum of three years.

The next nine properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The parcels are considered unbuildable due to their size or narrow width.

The last property is a 1.4 acre parcel of vacant land owned by the Rochester Urban Renewal Agency that was sold at a Request for Proposal Sale on May 19, 2000. The purchaser, Baden Street Settlement of Rochester, Inc., proposes to construct a 16,000 sq. ft. day care center with a total project cost of \$1,750,000. The center will employ 32 staff members, serving 135 children who range in age from infancy to six years. The City and the purchaser are currently negotiating the method of environmental remediation of the site. Under the terms of the sale, the purchaser reserves the right to cancel the transaction if the cost of environmental remediation exceeds \$18,000. The construction phase is anticipated to last 14 months. Although Baden Street Settlement is a tax-exempt organization, they have agreed to waive that status on this property for a period of five years. They have also agreed not to transfer title to this property to a tax-exempt organization during that period. Both of these items are required to conform with City policy.

Amendments

The first proposed amendment is to Ordinance No. 2001-171, which authorized the sale of the east half of 663 Bay Street to the Rochester Housing Authority, and the west half of 663 Bay Street to Bill and Martha Manor. The Division of Real Estate is requesting that the ordinance be amended to authorize the sale of the entire parcel to the Rochester Housing Authority. The sale of the west half of 663 Bay Street to Bill and Martha Manor was canceled as a result of their installation of a fence without the appropriate permit and site plan review, and their refusal to remove or legalize the fence.

The next proposed amendment is to Ordinance No. 2000-117, which authorized the sale of 35 Harvest Street to Curtis Davis, Donna Brown, Debora Purdue, and Donnell Jackson. In the interim, Mr. Jackson has died, so it is necessary to replace his name with the name of Donna Brown as administrator of his estate.

The final proposed amendment is to Ordinance No. 2000-401, authorizing the sale of a portion of 283-87 Bay Street to Salvador Del Toro. Mr. Del Toro owns the adjacent property, 293-95 Bay Street, jointly with Mirta Del Toro. In order that the combination of the lots can proceed efficiently, it is necessary to add Ms. Del Toro's name to the lot that the City is conveying.

Acquisition

The proposed acquisition by negotiation of a single family house located at 45-51 Webster Avenue is required for the Home Expo Challenged Street Project. The property is a legal single-family house that is in deteriorated condition. The purchase price of \$32,000 was established through an independent appraisal prepared by Robert G. Pogel, SRPA. The total acquisition amount, including relocation, demolition and closing costs, will not exceed \$65,750 and will be funded from

a bond ordinance adopted for this purpose.

A public hearing is required on the sale of the urban renewal parcel.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-87

Ordinance No. 2002-229
(Int. No. 259)

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:

Address S.B.L.#	Sq. Ft. Price	Purchaser
Pt. of 25 Grand Ave. Pt. of 106.68-2-25	1920 \$50	John Weber

Section 2. The Council further approves the sale of the following parcels of improved property by owner occupant auction:

Address S.B.L.#	Price	Purchaser
232 Carter St. 091.82-2-70	\$ 3,100	Lisa A. Taggart
25 Hollywood St. 090.47-1-21.1	17,200	Michaela Pacurar
244 Lexington Ave. 105.26-1-21	8,700	Jerry Stewart
531 Maple St. 120.34-1-9.3	9,100	Timothy Cooke
26 Petrossi Dr. 106.27-1-17	12,100	Norma Torres
10 Polaris St. 105.37-1-8	40,000	Darryl Smith
109 Ravenwood Ave. 120.80-1-14	17,200	Rachel M. Ngo-Oum
158 Sixth St. 106.52-2-77	9,000	Zanrose O'Neil
23 Wright St. 120.34-1-57	2,400	Delia Ortiz

Section 3. The Council further approves the negotiated sale of the following parcels of unbuildable vacant land:

Address S.B.L.#	Sq. Ft.	Purchaser
EH 984-986 Avenue D Pt. of 091.81-2-42	1964+/-	Jacqueline Longchamps
WH 984-986 Avenue D Pt. of 091.81-2-42	1964+/-	Jose Capiel
31 Joseph Pl. 091.79-3-30	4088.5	Jessie J. & Hollister Jones
169 Melville St. 107.54-3-1	610+/-	Cherri A. Hawkins
NH 411-413 Murray St. Pt. of 105.57-3-11	2056+/-	Anthony Fasilli
20 Reed Pk. 106.41-2-40	3756+/-	Brenda Craven
NH 654 Seward St.	2271+/-	

Pt. of 135.27-2-66 SH 654 Seward St.	Manuel & Zettie Green 2271+/-
Pt. of 135.27-2-66 153 Shelter St.	Anne L. Chase Proudfire 5896+/-
120.83-1-12	James J. Jones, Jr.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-230
(Int. No. 261, As Amended)

Amending Ordinances Relating To The Sale Of Real Estate

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

Section 1. [Ordinance No. 2001-171, relating to the sale of real estate, is hereby amended by authorizing the sale of the entire parcel at 663 Bay Street, SBL# 107.45-1-19, previously approved in Section 1 thereof, to the Rochester Housing Authority, instead of the east half to the Rochester Housing Authority and the west half to Bill & Martha Manor.

Section 2.] Ordinance No. 2000-117, relating to the sale of real estate, is hereby amended by authorizing the sale of the parcel at 35 Harvest Street, SBL# 106.43-4-20, previously approved in Section 3 thereof, to Curtis Davis, Donna Brown, Debora Perdue and Donna Brown as administrator of the estate of Donnell Jackson.

Section [3] 2. Ordinance No. 2000-401, relating to the sale of real estate, is hereby amended by authorizing the sale of part of the parcel at 283-287 Bay Street, SBL# 106.51-2-03, previously approved in Section 4 thereof, to Salvador Del Toro and Mirta Del Toro.

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

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-231
(Int. No. 262)

Approving The Acquisition Of A Parcel For The Home Expo Challenged Street 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 parcel as a part of the Home Expo Challenged Street Project:

Address	SBL#	Amount
Reputed Owner	Type	
45-51 Webster Ave. Eric & Maria Orr	106.680-02-081.1 1 Family	\$32,000

Section 2. The acquisition, demolition and closing costs shall obligate the City to pay an amount not to exceed \$65,750, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

Section 3. City taxes and other current year charges against said parcel 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 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-232
(Int. No. 263)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$65,750 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On Designated Parcels Of Real Property Within The City's Home Expo/Challenged Street 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 the "City"), is hereby authorized to finance the costs of a portion of the City's Home Expo/Challenged Street Project (the "Project"), consisting of the acquisition of the blighted property at 45-51 Webster Avenue. Existing improvements on said property are to be ultimately demolished by the City. The estimated maximum cost of the specific object or purpose authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$65,750, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$65,750 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. The City has previously authorized (Ordinance No. 2002-72) funds to acquire and demolish other properties and improvements within the Project boundaries.

Section 2. Bonds of the City in the principal amount of \$65,750 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 \$65,750. 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.21 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Stevenson, Thompson - 7.

Nays - None - 0.

Ordinance No. 2002-235
(Int. No. 260)

**Approving The Sale By The Rochester Urban
Renewal Agency To Baden Street Settlement Of
Rochester, Inc. Of 476-500 North Clinton Avenue,
Also Known As Parcel Z-2 In The Upper Falls
Urban Renewal Project, NYR-188**

WHEREAS, the Rochester Urban Renewal Agency (hereinafter called "Agency") has received a proposal from the Baden Street Settlement of Rochester, Inc. (hereinafter called "Redeveloper"), for the purchase of 476-500 North Clinton Avenue, also known as Parcel Z-2 in the Upper Falls Urban Renewal Project, NYR-188 for construction of a day care center; and

WHEREAS, a disposition price of \$27,000 for said parcel has been established; and

WHEREAS, the City Council, pursuant to Article 15 of the General Municipal Law, has held a public hearing on July 23, 2002 to consider the proposed disposition of said parcel by the Agency; and

WHEREAS, it was determined:

1. That the Agency has designated the Redeveloper in accordance with its rules, criteria and procedures as a qualified and eligible sponsor;
2. That the use of said parcel by the Redeveloper and the terms of the disposition of said parcel are satisfactory.
3. That disposition of said land by negotiation is the appropriate method making the land available for redevelopment.
4. That the Redeveloper possesses the qualifications and financial resources necessary to purchase and develop the parcels in accordance with the Urban Renewal Plan and is a qualified and eligible sponsor, and the Redeveloper's Statement for Public Disclosure is satisfactory.
5. That the proposed disposition price is a satisfactory price and not less than the fair value for the parcel for use in accordance with the Urban Renewal Plan;
6. That the proposed disposition 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 sale of said Parcel and conditions established for redevelopment are satisfactory.

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

Section 1. The Council hereby approves the designation of the Redeveloper by the Agency as the Redeveloper of said Parcel and approves said Redeveloper as a qualified and eligible sponsor to purchase and redevelop the Parcel.

Section 2. The Council hereby approves the method and disposition of said Parcel by the Agency to said Redeveloper. The Redeveloper may cancel the sale if the cost of environmental remediation exceeds \$18,000.

Section 3. The Council hereby authorizes the disposition of said parcel by the Agency for the proposed price 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-233
Re: City Code Amendment - Sale of
Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the City Code to implement improved guidelines in three areas for the sale of real estate.

Section 21-6, Sale of real property by negotiated sale, currently provides that the Director of Real Estate may forego an independent appraisal for property with an estimated value of \$500 or less. This legislation will increase that limit to \$1,000 or less in order to eliminate the need for a professional independent appraisal of property having only a nominal value.

Section 21-7 pertaining to Owner-occupant sales, shall be amended to include a provision for income guidelines to ensure that purchasers have sufficient means to adequately meet the expenses of homeownership.

Revisions to Section 21-10, pertaining to Sales to Former Owners, will accomplish two things: it will grant the City discretionary rights to withhold the property from sale if it is not in the best interest of the City to sell. Secondly, the revisions strengthen the City's ability to reject such a sale when there is a history of failure to abide by City Codes, evidence of illegal activity, or noncompliance with grant or loan agreements or demolition hearings.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-88

Ordinance No. 2002-233
(Int. No. 264)

**Amending The Municipal Code With Respect
To Real Estate**

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

Section 1. Section 21-6 of the Municipal Code, Sale by negotiated sale, is hereby amended by amending subsection B thereof by deleting the words and numbers "less than five hundred dollars (\$500.00)" where they are contained therein and by inserting in their place the words and numbers "one thousand dollars (\$1,000.00) or less". Said subsection is hereby further amended by deleting the sentence: "The valuation of the comparable sales cannot be over one (1) year old."

Section 2. Section 21-7 of the Municipal Code, Sales to owner-occupants, is hereby amended to read

in its entirety as follows:

§ 21-7. Sales to owner-occupants.

The Director of Real Estate may sell parcels of real property to owner-occupants through various owner-occupant programs, including but not limited to the owner-occupant lottery, the owner-occupant auction and the Tenant Ownership Program. Owner-occupant purchasers shall not own other residential property, and must meet the income guidelines established by the Director of Real Estate. The sale price for real property sold at an owner-occupant lottery shall be one dollar (\$1.). The sale price for real property sold at an owner-occupant auction shall be established through an open competitive bidding process. The sale price for real property sold through the Tenant Ownership Program shall be established by a professional independent appraisal. All owner-occupant purchasers shall occupy the purchased property after the date of issuance of a certificate of occupancy for a minimum period of time as established by the Director of Real Estate, provided that the minimum period shall be not less than three (3) years if no city funding is used in the purchase and not less than five (5) years if any city funding is used. Failure to comply with the terms and conditions of the sale agreements shall result in forfeiture of the deposit fee, and the purchaser shall be prohibited from purchasing other city property for a term of three (3) years. Processing of owner-occupant sales shall proceed in the same manner as with a sale by public auction.

Section 3. Section 21-10 of the Municipal Code, Sales to former owners, is hereby amended to read in its entirety as follows:

§ 21-10. Sales to former owners.

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-234
Re: Exclusive Use Agreement

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement between the City and the Rochester City School District for the exclusive use of a property located at 977-983 N. Goodman Street. The property is a vacant two story nine unit brick apartment building built in 1910. The City acquired this property through tax foreclosure in November, 2001. The property is assessed at \$112,000. The agreement will permit the school district to use and occupy the premises, which is adjacent to Nathaniel Hawthorne School #25, for additional playground space provided that the School District incurs the cost of demolition of the building currently located on the premises and site restoration. Should the school ever be abandoned, this exclusive use agreement will terminate. However, currently, there are no plans to abandon the school.

At a meeting held on May 16, the Rochester City School Board of Education authorized the School District to enter into an agreement with the City for this purpose.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-89

Ordinance No. 2002-234
(Int. No. 265)

Approving Use Of 977-983 North Goodman Street By The City School District

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

Section 1. The Council hereby approves the use of the parcel at 977-983 North Goodman Street by the City School District for additional playground space for the Nathaniel Hawthorne School #25, as long as the school is still in use. The City School District shall demolish the building on the site and restore the site.

Section 2. The Mayor is hereby authorized to enter into an agreement with the City School District for the use of this parcel.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentleman:

Resolution No. 2002-18
Re: Reappointment - Rochester
Preservation Board

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation confirming the reappointment of Peter Romeo, 309 Canterbury Road, to the Rochester Preservation Board.

Mr. Romeo's original appointment was confirmed by the City Council in March, 1998. The following is a summary of his attendance since his appointment:

Meetings	Meetings Attended
50	43

The term of Mr. Romeo will extend through July 31, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2002-18
(Int. No. 279)

Resolution Approving A Reappointment 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 reappointment of Peter Romeo, 309 Canterbury Road, to the Rochester Preservation Board for a term which shall expire on July 31, 2005.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 266
Re: Acquisition - Part of 116 Akron Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition, by negotiation or condemnation, of part of 116 Akron Street as required for the Atlantic/Woodstock Housing Project.

The acquisition amount of \$4,000 was established through an independent appraisal prepared by Robert G. Pogel, SRPA. The total cost of the acquisition, including closing costs, will not exceed \$7,000 and will be funded through the 2001-2002 Cash Capital Allocation for Land Acquisition and Demolition.

The acquisition of this property through negotiation only was previously authorized by City Council on December 18, 2001 pursuant to Ordinance No. 2001-420. However, some title issues arose that are preventing the transfer of title. The use of the condemnation option will permit resolution of those

issues and allow the project to proceed.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to have Introductory No. 266 return to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 266

APPROVING THE ACQUISITION BY CONDEMNATION OF A PARCEL FOR THE ATLANTIC/WOODSTOCK HOUSING PROJECT

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

Section 1. The Corporation Counsel is authorized to commence condemnation proceedings to acquire part of 116 Akron Street, currently owned by James & Mary Y. Simmons, previously authorized for acquisition by Ordinance No. 2001-420, as a part of the Atlantic/Woodstock Housing Project.

Section 2. This ordinance shall take effect immediately.

Held in committee.
By Councilmember Mains
July 23, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

Int. No. 267 - Cancellation Of Taxes And Charges

Int. No. 268 - Authorizing An Agreement For The Access To Jobs Project

Int. No. 269 - Authorizing Execution Of An Agreement Of Cooperation Pursuant To Section 37[1](aa) Of The Public Housing Law Of New York State And Approving The Issuance Of Bonds For The Unity Health System/Genesee Campus Project By The Village Of East Rochester Housing Authority In Order For The Interest On The Bonds To Qualify For Exemption From Federal Income Taxation, As Amended

Int. No. 270 - Authorizing An Agreement With Greater Rochester Enterprise - \$250,000

Int. No. 271 - Authorizing An Amendatory Agreement With Rural Metro Medical Services For The Continued Provision Of Emergency Ambulance Services

Int. No. 272 - Authorizing Section 108 Loan Agreements For The Sibley Building Project

Int. No. 273 - Authorizing The Sale Of Real Estate In The Erie Canal Industrial Park

Int. No. 274 - Amending The Municipal Code With Respect To Fees For Parking Garages And Fire Per-

mits And Parking Permits For Handicapped Persons And Amending The 2002-03 Budget, As Amended

The Economic Development & Government Efficiency Committee recommends for consideration the following entitled legislation:

Int. No. 275 - Amending Ordinance No. 2001-401 Relating To The Sale Of Real Estate In The 14621 Industrial Park

Respectfully submitted,
 Brian F. Curran
 Nancy K. Griswold
 Lois J. Giess
 Gladys Santiago
 ECONOMIC DEVELOPMENT & GOVERNMENT EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
 Ladies and Gentlemen:

Ordinance No. 2002-236
 Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$1,500.00.

The entire amount relates to one property that had code violation charges added to the 2002 City and School tax bill. The code violation charge was attributed to the former owner.

If this cancellation is approved, total cancellations thus far for 2001-02 will be \$345,502.79.

	<u>Accounts</u>	<u>Amounts</u>
City Council	31	\$284,834.13
Administrative	213	
<u>60,668.66</u>		
Total	244	\$345,502.79

These cancellations represent .173% of the tax receivables as of July 1, 2001.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2002-236
 (Int. No. 267)

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 City taxes and charges:

- a. Upon investigation, code violation charges were attributable to the former owner.

<u>S.B.L.#</u>	<u>Address</u>	<u>Amount Canceled</u>
<u>Class</u>	<u>Tax Year</u>	
106.520-0002-057	123 Seventh St.	\$1,500.00
H	2002	

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. 2002-237
 Re: Access to Jobs

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester-Genesee Regional Transportation Authority (RGRTA) to partially finance the costs of Access-to-Jobs. The maximum cost of this agreement is \$75,000, which will be financed through the Undistributed allocation of the 2001-02 budget.

Access to Jobs is a transportation program that fills in the voids in the existing services that do not always meet the needs of employees and their employers. The contractor will operate four routes to suburban job locations during the contract period. The bus routes will enhance employment opportunities by providing City residents with service to Webster, Penfield/East Rochester/Perinton, Henrietta, and Eastview Mall, where late night and weekend access to many entry-level jobs is unavailable. One bus will be assigned to each area.

The program was first authorized by City Council in August, 1999 and was reauthorized in March, 2001.

It is estimated that 3,200 riders per month will utilize the routes to gain affordable employment based mobility choices which would be otherwise unavailable to them. Off-peak and weekend operation will be provided during 623 hours per month and will cover 12,615 miles per month.

RGRTA will provide the City with the number of trips made and the number of passengers who used this service.

The total cost of this project is \$600,000. It will be financed as follows:

City of Rochester	\$ 75,000
Monroe County	75,000
RGRTA	150,000
FTA Grant	300,000

The City's share is unchanged from the prior agreement.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AB-90

Ordinance No. 2002-237
 (Int. No. 268)

Authorizing An Agreement For The Access To Jobs 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 Rochester-Genesee Regional Transportation Authority for the Access to Jobs Project.

Section 2. The agreement shall obligate the City of Rochester 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 2001-02 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. 2002-238
Re: Agreement - East Rochester Housing Authority, St. Mary's Hospital, Genesee Street Campus Refinancing

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an agreement with the Village of East Rochester Housing Authority (ERHA). The provisions of the agreement will include the approval by the City of the issuance of bonds by the Authority to refinance certain capital costs incurred by St. Mary's Hospital in connection with the reconstruction, renovation and equipping of the skilled nursing, rehabilitation and long-term psychiatric facilities located at St. Mary's Hospital's Genesee Street Campus in Rochester.

The agreement and approval are required by section 37(1)(aa) of the NYS Public Housing Law. The approval will permit the Authority to issue tax exempt mortgage revenue bonds that are insured by the Federal Housing Administration.

The proceeds of the bonds will refinance existing debt of up to \$23,000,000 to reduce interest costs.

By approving issuance of the bonds, the City will assume no liability for payment of principal or interest on the bonds. City Council authorized a similar agreement in August, 2001, to enable ERHA financing of projects at Valley Manor and Kirkhaven Nursing Homes.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-238
(Int. No. 269, As Amended)

Authorizing Execution Of An Agreement Of Cooperation Pursuant To Section 37(1)(aa) Of The Public Housing Law Of New York State And Approving The Issuance Of Bonds For The Unity Health System/Genesee Campus Project By The Village Of East Rochester Housing Authority In Order For The Interest On The Bonds To Qualify

For Exemption From Federal Income Taxation

WHEREAS, Unity Health System (the "Institution"), a not-for-profit corporation organized under the laws of the State of New York having its offices at 1555 Long Pond Road, Rochester, New York proposes to refinance the capital costs incurred in connection with the reconstruction, renovation and equipping of the skilled nursing, rehabilitation and long-term psychiatric facilities located at the Genesee Street Campus of The Rochester St. Mary's Hospital of the Sisters of Charity (St. Mary's Hospital) at 89 Genesee Street, Rochester New York (the "Project"). The Project is owned by [St. Mary's Hospital and operated by Park Ridge Hospital, both of which are controlled subsidiaries of the Institution] the Institution or one of its controlled affiliated entities and operated by Park Ridge Hospital, a controlled subsidiary of the Institution; and

WHEREAS, the Institution has advised the City that the refinancing of the Project would be facilitated by the issuance of tax-exempt and taxable Revenue Bonds, Series 2002 (Unity Health System/Genesee Campus Project) (the "Bonds") by the Village of East Rochester Housing Authority (the "Authority") 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 City hereby determines 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 \$23,000,000 Revenue Bonds, Series 2002 (Unity Health System/Genesee Campus Project) for

the purpose of refinancing the cost of reconstructing, renovating and equipping the Project.

Section 3. This Ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-239
Re: Greater Rochester Enterprise

Transmitted herewith for your approval is legislation authorizing an agreement with Greater Rochester Enterprise (GRE) for five-year support of its important economic development efforts. The cost of the agreement will be \$50,000 per year; the source of funds will be the Fund for the City's Future.

As you know, GRE was formed in 2001 by a coalition of local business leaders "to market the Rochester area as a competitive, high-profile region for business development and growth". Key partners have been identified to lead the following activities:

- Business attraction and external marketing
- Business retention and expansion
- Marketing to attract and retain talent
- Regional data and information
- Regional product improvement agenda
- Workforce development
- International business development
- Business incubators
- Small business development
- Tourism and conventions

The core responsibility of GRE itself will be to develop the strategy and implement the marketing campaign. For these efforts, a five-year budget of \$14 million has been developed; a copy of that budget is attached. The organization will be governed by a Board of Directors that will include major investors in the GRE; a smaller Executive Committee will be composed of representatives of City, County, IMC, Chamber of Commerce, and other lead investors. An organizational chart is also attached.

The City has made a major commitment to the whole concept of marketing the Rochester area. In 1997, the City first engaged Cognitive Marketing to assist with the development of a "brand" identity for Rochester. Subsequently, the Make Time for LifeSM theme was developed and successfully test marketed by Roper Starch Worldwide. The campaign has not been implemented because of a lack of funding and the absence of a community-wide effort to coalesce behind it. Should GRE wish to use this in its marketing efforts, the City would be willing to assign the rights to them.

Because of the City Council's long commitment to the marketing and development of the community, Mayor Johnson has requested that President Giess serve as the City's representative on the Board and Executive Committee of GRE.

Respectfully submitted,
Lois J. Giess Brian F. Curran
President Councilmember-at-Large

Ordinance No. 2002-239
(Int. No. 270)

Authorizing An Agreement With Greater Rochester Enterprise - \$250,000

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 Greater Rochester Enterprise to support its economic development efforts to promote and market the Rochester region.

Section 2. The sum of \$250,000, to be paid at \$50,000 per year for a period of five years is hereby appropriated from the Fund for the City's Future to fund this agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-240
Re: Agreement - Rural Metro Medical Services, Emergency Ambulance Services

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Rural Metro Medical Services, 177 University Avenue, for the continued provision of emergency ambulance service requested by the City.

A municipality is authorized to provide ambulance service under section 122-b of the NYS General Municipal Law. Historically, the City has provided such service through agreements with private companies.

The current agreement with Rural Metro was approved by City Council on August 20, 1996. Amendatory agreements, extending the term through June 30, 2002, were approved by Council on October 17, 2000, January 16, April 26, July 17, and October 23, 2001, and February 12.

The proposed additional amendatory agreement will further extend the term to September 30.

Responses to request for proposal for providing ambulance services have been received. The proposals are in the process of being reviewed and a proposal for a new contract will be submitted to City Council in August.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-240
(Int. No. 271)

Authorizing An Amendatory Agreement With Rural Metro Medical Services For The Continued Provision Of Emergency Ambulance Services

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with Rural Metro Medical Services for the continued provision of emer-

gency ambulance services as requested by the City, or when the City receives a request for ambulance services from a third person, and standby services at emergency scenes and special events, through September 30, 2002.

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. 2002-241
Re: Section 108 Loan - Rochwil Associates

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing new loan agreements with the U.S. Department of Housing and Urban Development to refinance a \$4,000,000 HUD Section 108 Loan that matures on August 1. The loan recipient is Rochwil Associates.

Under the Section 108 loan program, loans are provided to industrial and commercial business for facility expansion or renovation, equipment acquisition or working capital. The loans have a maximum term of 20 years and interest rates equivalent to federal borrowing rates plus an administrative fee.

For any loan, the funds are provided by the federal government through a loan to the municipality which then loans the funds to the applicable business. The municipality is therefore directly liable for repayment of the loan in the event of default by the business.

On August 13, 1991, the Council authorized a Section 108 loan of \$4,000,000 to Rochwil Associates. The proceeds of the loan were used to assist in the financing of the redevelopment of the Sibley Building.

The Section 108 loan closed in 1992 and had a ten-year term, with repayment terms of semi-annual interest-only payments and a \$4,000,000 principal balloon payment due on August 1. The loan is secured by a second collateral mortgage on the Sibley Building.

Rochwil Associates is currently unable to repay the \$4,000,000 balloon payment. The City has been in negotiations with Rochwil Associates concerning a restructuring of the loan.

In order to meet the August 1 repayment obligation to HUD, the City has received approval from HUD to refinance the loan. The refinanced loan will be for a term of ten years. Repayment terms will consist of :

1. Semi-annual payments of interest (at a fixed rate to be set at the August 8 HUD public offering) and
2. Annual principal payments in:
 - a. years 1-9: nine annual principal payments of \$100,000
 - b. year 10: one principal payment of \$3,100,000.

The loan will continue to be secured by a second collateral mortgage on the Sibley Building.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-241
(Int. No. 272)

Authorizing Section 108 Loan Agreements For The Sibley 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 new Section 108 Loan Agreements with the United States Department of Housing and Urban Development for refinancing of the Section 108 Loan for the Sibley Building Project. The loan shall be for a term of ten years. Interest shall be at a fixed rate to be set at a HUD public offering and interest payments shall be made semi-annually. Principal shall be repaid in annual payments of \$100,000 for years one through nine, with the remainder due in a single payment at the end of year ten. The loan shall be secured by the existing second collateral mortgage on the Sibley Building.

Section 2. The sum of \$4,000,000, or so much thereof as may be necessary, is hereby appropriated from the Section 108 funds to be received pursuant to the agreement authorized in Section 1 to fund the refinancing.

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. 2002-242
Re: Erie Canal Industrial Park

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the sale of property in the Erie Canal Industrial Park. This legislation will authorize the sale of a 4,400 sq. ft. parcel (.10 acre) at 524 Oak Street, in the Erie Canal Industrial Park to the Christ Temple Apostolic Faith Church, Inc. for \$4,500. The price of the land is based on an appraisal that was performed by Robert G. Pogel, SRPA. The appraisal established a value of \$45,000 per acre.

Christ Temple Apostolic Faith Church, Inc. (Pastor Clarence J. Turner), is located at 766 W. Broad Street and has been in existence since 1977; there are approximately 150 members. The building is a designated landmark. The church currently has parking for 22 cars. The additional space would provide 12 new parking spaces. The work to increase the number of parking spaces is proposed to begin in July, with completion by September. The church has agreed to pay property taxes on the subject property.

The sale of this small parcel of land should not detract

from the City's ability to market the remainder of the Erie Canal Industrial Park parcel.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-91

Ordinance No. 2002-242
(Int. No. 273)

Authorizing The Sale Of Real Estate In The Erie Canal Industrial Park

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

Section 1. The Council hereby approves the sale of 524 Oak Street, SBL# 105.76-1-57, in the Erie Canal Industrial Park to Christ Temple Apostolic Faith Church, Inc., for the sum of \$4,500.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-243
Re: Technical Amendments

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval are technical amendments to three ordinances that were adopted as part of the 2002-03 Budget package.

In Ord. No. 2002-194, Adoption Of The Budget Estimates For Municipal Purposes For The 2002-03 Fiscal Year, a typographical error lists the Contingency appropriation as \$7,651,700. The correct amount is \$7,601,700.

In Ord. No. 2002-200 Amending The Municipal Code With Respect To Fees For Permits From The Fire Chief, four technical changes are required to Section 54-12 B as follows:

- (10)(c)[1]: add Class III
- (10)(e): add Class III
- (10)(f): add Class III
- (22). This paragraph should be deleted since containers of any capacity are covered in paragraph (21).

Finally, Ord. No. 2002-206 Amending The Municipal Code With Respect To Fees For Parking Garages was amended by City Council to reduce the proposed increases by approximately one-half. In preparing the legislation to effect those changes to the monthly parking rates, reductions to the proposed increases for Premium Parking rates in three garages were inadvertently omitted. In order to make these rate increases conform to those approved by Council, the following adjustments will be required:

Garage Rate	Approved Rate	Revised
Washington Square	\$92	\$86
Court Street	92	86

Sisters Cities 86 83

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-92

Ordinance No. 2002-243
(Int. No. 274, As Amended)

Amending The Municipal Code With Respect To Fees For Parking Garages And Fire Permits And Parking Permits For Handicapped Persons And Amending The 2002-03 Budget

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

Section 1. Section 111-119 of the Municipal Code, relating to fees and hours of operation of parking garages, as amended by Ordinance No. 2002-206, is hereby further amended as follows, effective on August 1, 2002:

- a. Subsection A(6)(a), relating to the monthly rates for the Washington Square Garage, is hereby further amended by deleting the words and numbers "\$92 for parking in the premium area of the garage" where they are contained therein and by inserting in their place the words and numbers "\$86 for parking in the reserved area of the garage".
- b. Subsection A(6)(g), relating to the monthly rates for the Court Street Garage, is hereby further amended by changing the fee for parking in the premium area from "\$92" to "\$86".
- c. Subsection A(6)(h), relating to the monthly rates for the Sister Cities Garage, is hereby further amended by changing the fee for parking in the premium area from "\$86" to "\$83".

Section 2. Section 54-12 of the Municipal Code, relating to fees for permits from the Fire Chief, as amended by Ordinance No. 2002-200, is hereby further amended by amending subsection B thereof by adding the words "and Class III" after the words "Class II" where they appear in subsections B(10)(c), (10)(c)[1], (10)(e) and (10)(f). Subsection B is hereby further amended by deleting subsection B(22) and by renumbering subsections B(23)-(25) as subsections B(22)-(24) respectively.

Section 3. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by changing the appropriation for Contingency in Section 2 from \$7,651,700 to \$7,601,700.

Section 4. Section 111-76 of the Municipal Code, relating to parking for handicapped persons, is hereby amended by adding to the end of subsection A thereof the following new sentence:

There shall be a fee of two dollars (\$2.) for replacement of a handicapped parking permit.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-244
Re: 14621 Industrial Park - Excel
Development LLC

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legisla-
tion relating to a development project in the 14621
Industrial Park. This legislation will:

1. Amend Ord. No. 2001-401 to change the legal
name of the developer to Excel Development
LLC; and
2. Approve the sale by the Rochester Urban
Renewal Agency of 1.324 acres of land in the
Norton Street Urban Renewal District, desig-
nated as 80 Excel Drive, to Excel Development
LLC for \$26,480.

All other terms and conditions contained in Ord. No.
2001-401 will remain unchanged.

A public hearing on the land sale is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-244
(Int. No. 275)

Amending Ordinance No. 2001-401 Relating To
The Sale Of Real Estate In The 14621 Industrial
Park

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

Section 1. Ordinance No. 2001-401, relating to
the sale of real estate in the 14621 Industrial Park,
is hereby amended by authorizing the sale of the
parcels to Excel Development LLC instead of to
Excel Realty LLC.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

The meeting was adjourned at 8:47 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
August 20, 2002

Present - President Giess, Councilmembers Cur-
ran, Douglas, Griswold, Mains, Norwood, Santiago,
Stevenson, Thompson - 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:

Library

*Joyce W. Becker

Department of Environmental Services

Charles A. Williams

Fire Department

*Vincent D. Burroughs

*Casey P. Quinn

Ronald Shilo

John D. Warney

Finance

*Vicki Patterson

*Will not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Griswold

RESOLVED, that the minutes of the Public Hearing
of June 12, 2002, Regular Meeting of June 18, 2002,
Special Meeting of June 27, 2002, and the Regular
Meeting of July 23, 2002, 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. 3696-7.
 - Designation of a Parking Station - Public Safety Building. 3697-7.
 - Request for Proposal Sale - September 20, 2002. 3698-7

PUBLIC HEARINGS

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

Approving The Acquisition Of Parcels For The Fulton Avenue Redevelopment Project By Negotiation Or Condemnation Int. No. 311 One speaker: Rod Cox-Cooper.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Stevenson August 20, 2002

To the Council:

The Parks, Public works and the Environment Committee recommends for adoption the following entitled legislation:

Int. No. 280 - Authorizing Acceptance Of A Grant For Water System Records And Amending The 2002-03 Budget

Int. No. 281 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$235,000 Bonds Of Said City To Finance The Cost Of Phase I Of The Construction Of A Cathodic Protection System For City Water Supply Conduits

Int. No. 282 - Accepting Easements For Utilities As A Part Of The Curb Replacement Program, As Amended

Int. No. 307 - Authorizing A Loan Agreement To Supplement A Loan Reserve For The Fast Ferry

Int. No. 176 - Authorizing Changes In The Pavement Width Of St. Paul Street [And Malling Drive] As A Part Of The St. Paul Street Improvement Project, As Amended

The following entitled legislation is being held in committee:

Int. No. 283 - Authorizing License Agreements For Pay Telephones

Respectfully submitted, Robert J. Stevenson Brian F. Curran Tony M. Thompson Gladys Santiago PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2002-245 Re: New York State Grant - Water Records Preservation Project

R2010: Campaign 3 - Health, Safety And Responsibility Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation to authorize an agreement with the New York State Archival Records Administration (SARA) for receipt and use of a grant of \$35,000 that will enable the City to inventory and microfilm thousands of active maps and plans of the water system. The legislation will also amend the 2002-03 budget of the Department of Environmental Services (Water Fund) to reflect receipt of this grant.

For the past 126 years, the Bureau of Water & Lighting had been and continues to be responsible for providing water to thousands of customers. Tens of thousands of the Bureau's original documents are still being actively used. These documents detail the 675 miles of water mains and conduits within the system. Most documents are originals, with no copies or backups in existence.

In September 2001, the Council authorized an agreement with the Center for Governmental Research, Inc. (CGR) for the preparation of a disaster recovery plan for City records using a similar SARA grant. That report, produced under the direction of the City Clerk (who is the City's Records Officer), identified and prioritized areas in greatest need of attention. Last year, funds were provided to address the pressing needs of records of the City's cemeteries. The next priority item on the list was the Water Bureau records.

The grant funds will be used to inventory, microfilm, scan and/or transfer the maps and plans to CD's. The Water Records Preservation Project is expected to begin this summer and to be completed by June 2003.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2002-245 (Int. No. 280)

Authorizing Acceptance Of A Grant For Water System Records And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to submit a grant acceptance form with the New York State Archives for funding to inventory and microfilm maps and plans of the water system.

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

Section 3. Ordinance No. 2002-194, the 2002-03 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 \$35,000, which amount is hereby appropriated from the grant authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-246
Re: Bond - Conduit Modernization Project

- R2010: Campaign 3 - Health, Safety, and Responsibility
- Campaign 4 - Environmental Stewardship
- Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation relating to the Conduit Modernization Project. This legislation will authorize the issuance of bonds totaling \$235,000 and appropriate the proceeds thereof to finance the construction of the first phase of a conduit cathodic protection system.

The project involves the construction of an impressed current cathodic protection system for a one mile segment of Conduits 2 and 3, north of Gray Road in the Towns of Lima and West Bloomfield. This system is expected to halt corrosion and extend the useful life of the conduits along this segment of the water system.

The source of Rochester's water is Hemlock and Canadice Lakes. The water is conveyed through three conduits, each approximately 30 miles in length. In order to maintain this water supply, a study was recently conducted to determine the condition of the conduits and to recommend a course of action. Based on this study's recommendations, certain sections of the conduits that are in fairly good condition but exposed to corrosion will receive cathodic protection by impressed current, while other more deteriorated sections will be replaced. On June 19, 2001, Council approved an agreement with Corr-Tech Engineering to design a cathodic protection system and the provision of resident project representation services during installation. The Conduit Modernization Program is a multi-million dollar program that is expected to be phased in over the next 13 to 20 years.

Bids for construction of this first phase of the cathodic protection program were received on July 25, 2002. The work will be performed by C. P. Ward, Inc., at a cost of \$186,500. An additional \$48,500 will be allocated for contingencies.

Construction of this first phase is expected to begin in September and be completed by December 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-93

Ordinance No. 2002-246
(Int. No. 281)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$235,000 Bonds Of Said City To Finance The Cost Of Phase I Of The Construction Of A Cathodic Protection System For City Water Supply Conduits

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 Phase I of the construction of a cathodic protection system for City water supply conduits (the "Project"). The estimated maximum cost of said specific object or purpose described herein (and constituting only a portion of the master development plan), including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be approximately \$235,000. The plan of financing includes the issuance of \$235,000 bonds of the City, and said amount is hereby appropriated therefor, 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 Section 11.00a.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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2002-247
Re: Curb Replacement Program -
Merchants-Winton Area

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Curb Replacement Program in the Merchants-Winton area. The legislation will:

- 1. Authorize acceptance of four temporary construction easements for the City to install utilities for the project; and
- 2. Authorize acceptance of the donation of four permanent easements for utility purposes.

In planning the current Curb Replacement Program for this area, the Department of Environmental Services has identified several areas that require easements to permit construction of the new curbs and access to existing utilities. The owners of the affected properties have agreed to donate easements to the City for both construction and utility purposes. Letters from each property owner, indicating their willingness to donate an easement for the construction of a drainage pipe from the cul-de-sac to New York State's Route 590 ditch, are on file in the City Clerk's Office.

The easements are as follows:

<u>Address</u>	<u>Owner</u>
----------------	--------------

234 Elm Drive	David & Alice DeGaugh
237 Elm Drive	Paula Kirchgessner
176 Berwick Road	David Hummel & Karen Dickinson
105 Lanark Crescent	Olga Watkins

The project includes: installation of new curbs and catch basins, drainage improvements, restoration of driveway aprons; and replacement of sidewalks, as needed. The improvements were designed by FRA Engineering pursuant to an agreement authorized by City Council on November 20, 2001. City Council subsequently authorized the required pavement width changes on March 19, 2002.

A public informational meeting for Merchants/Winton Area Residential Curb Replacement Project was held on February 27, 2002. Minutes from this meeting were previously submitted to Council. Construction of these improvements is scheduled to begin in the fall of 2002 and be completed by the end of 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-94

Ordinance No. 2002-247
(Int. No. 282, As Amended)

Accepting Easements For Utilities As A Part Of The Curb Replacement Program

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

Section 1. The Council hereby accepts temporary construction easements and permanent easements for utility purposes over portions of the following parcels as a part of the Curb Replacement Program:

SBL#	Address Reputed Owner
107.75-2-83	234 Elm Drive David & Alice DeGaugh
107.83-2-14	176 Berwick Road David Hummel & Karen Dickinson
107.83-2-50	105 Lanark Crescent Noel St. John & Olga Watkins
<u>107.75-2-84</u>	<u>237 Elm Drive</u> <u>Paula Kirchgessner</u>

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-248
Re: Fast Ferry Loan

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to the proposed Rochester to Toronto High Speed Ferry Service. This legislation will authorize a loan agreement in the amount of \$1,300,000 to Canadian American Transportation Systems, LLC (CATS).

The source of funds is the unexpended balance of the Urban Renewal Trust Fund.

On September 19, 2001, City Council authorized the City to execute a License, Lease and Management Agreement, with CATS that grants CATS exclusive right to operate a high speed ferry service between Rochester and Toronto, Ontario. The agreement further defines the terms and conditions for the lease and management of terminal facilities in the Port of Rochester and securing \$20 million of public credit enhancements required for CATS to order the ferry vessel. The potential funding sources for the public credit enhancements include various agencies of NY State, the US government, the Province of Ontario and the Canadian federal governments.

To date, NY State has pledged \$10 million to the fast ferry project. Several high-level meetings have been held with Canadian Federal, Provincial and City officials to discuss participation. Potential Canadian funding agencies include Transport Canada, the Ministry of Tourism, and Revenue Canada. Negotiations to secure these commitments are continuing. Canadian officials have indicated that financial participation would be strengthened by an endorsement of the project by the recently created Toronto Waterfront Revitalization Corporation (TWRC). The TWRC is in the process of completing their land use and business plans, which will be presented to the City of Toronto, Province of Ontario and Canadian federal governments early this fall.

The City and CATS have endeavored to complete financing requirements to enable a purchase contract for the ferry vessel. The vessel order remains a requirement to expend the Federal funds secured by the City, through the efforts of Congresswoman Louise Slaughter, for terminal facilities in the Port of Rochester. Along with the \$1.3 million loan, CATS has worked with the first mortgage lender, ABN AMBRO, and the Australian Export Finance and Insurance Corporation (EFIC), and has committed additional private funds to enable the project to move toward fruition.

The loan commitment documents define the terms and conditions of the loan, as well as the required security to be provided by CATS. The principal conditions of the loan include:

- 1) the loan will be primarily secured by an interest in the fast ferry vessel to be purchased by CATS, as well as by assignment of any payments made by the various involved Canadian governmental agencies, or any additional commitments made by NY State or the US government;
- 2) the loan proceeds will be disbursed upon delivery of the fast ferry to the Port of Rochester;
- 3) the loan proceeds will be used to supplement the loan reserve required by the mortgage lender, ABN AMBRO;
- 4) the term of the loan will be ten years and repayment will be in the form of a single "balloon" payment at that time; the interest rate will be 1.72%, equal to the amount the City is currently earning on the funds;
- 5) The loan is committed with the understanding that the funds will enable CATS to create 16 professional and administrative jobs and 145 service, maintenance, and crew jobs (full-time equivalents) at the terminal and on the ferry

vessel. Annual reports will be required to ensure compliance with the job-creation commitments.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-248
(Int. No. 307)

Authorizing A Loan Agreement To Supplement A Loan Reserve For The Fast Ferry

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 Canadian American Transportation Systems, LLC (CATS) to supplement the loan reserve necessary for the purchase of a high speed ferry for service between Rochester and Toronto. The loan shall be for a term not to exceed 10 years, and shall be repaid with interest at the rate of 1.72% at the end of the term. The loan shall be secured by an interest in the ferry vessel and assignment of payments to CATS by Canadian governmental agencies or any additional funding from the New York State or United States governments. The loan proceeds shall be disbursed upon delivery of the fast ferry to the Port of Rochester. CATS shall be required to submit annual reports to the City to ensure compliance with job creation commitments made as a condition of the loan agreement.

Section 2. The loan agreement shall obligate the City of Rochester to pay an amount not to exceed \$1,300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the unreserved balance of the Urban Renewal Trust Fund.

Section 3. The loan 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.

Introductory No. 176 was introduced June 18, 2002, and appears in its original form with its transmittal letter on page 149 of the current Council Proceeding.

Attachment No. AB - 95

Ordinance No. 2002-249
(Int. No. 176, As Amended)

Authorizing Changes In The Pavement Width Of St. Paul Street [And Malling Drive] As A Part Of The St. Paul Street 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 St. Paul Street [and Malling Drive] as a part of the St. Paul Street Improvement Project:

1. A taper on St. Paul Street from the existing pavement width of 50 feet to 42 feet, starting 100 feet north of Avenue E and ending 260 feet north of Avenue E; and,

2. An increase on St. Paul Street of 4 feet, from 38 feet to 42 feet, from the latter point to Norton Street; and,
3. The removal of the recessed 8 foot wide parking area, starting 190 feet south of Norton Street to 230 feet south of Norton Street along the west side of St. Paul Street; and,
4. A recessed parking area 8 feet wide beginning 90 feet north of Saranac Street, northerly for a distance of 75 feet along the west side of St. Paul Street; and,]
- [5. A decrease on Malling Drive of 2 feet, from 24 feet to 22 feet, beginning at St. Paul Street to 25' east of St. Paul Street; and,]
- [6. An increase on Malling Drive of 6 feet, from 24 feet to 30 feet, from the latter point to 115 feet east of St. Paul Street.]

Section 2. Such changes and additional changes as a part of the St. Paul Street Improvement Project shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 283
Re: License Agreements - Pay Telephones

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing five-year license agreements with telecommunications providers for the placement of pay telephones in the public right-of-way and on public property.

The City entered into an agreement for pay telephone fees with Rochester Telephone Corporation (the predecessor to Frontier Corporation) in December, 1993. Under the terms of that agreement, which expired on December 31, 1999, Frontier has paid to the City quarterly fees according to the following schedule:

Gross Revenue	Percentage Paid to City
Less than \$299.99	0%
\$300.00 - \$599.99	13%
\$600.00 - \$899.99	18%
\$900.00 and above	24%

The City realizes approximately \$6,088 in revenue annually from that agreement.

Since that time, other telecommunications providers have entered the pay telephone business; fees for those companies have been charged that are identical to these charged to Frontier. As a result, the development of a broadly applicable policy became necessary. After reviewing the current state of the law in this field, the proposed license policy was developed.

The proposed agreements would require that telecommunications providers:

1. Obtain a permit for the placement of pay telephones in the right-of-way or on public property;
2. Maintain pay telephones in accordance with standards relating to appearance, placement, and operation;
3. Provide and update a listing of locations of pay telephones; and
4. Pay to the City on a quarterly basis a percentage of revenues collected from each telephone according to the following schedule:

Gross Revenue	Percentage Paid to City
Less than \$300.00	8%
\$300.00 - \$599.99	12%
\$600.00 - \$899.99	16%
\$900.00 and above	18%

It is estimated that there are currently 144 pay telephones in the right-of-way or on public property, which would yield \$10,107 in revenue annually from the proposed agreements.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 283

AUTHORIZING LICENSE AGREEMENTS FOR PAY TELEPHONES

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

Section 1. The Mayor is hereby authorized to enter into license agreements with telecommunications providers for the placement of pay telephones in the right of way and on public property for terms not to exceed five years. The providers shall be required to obtain a permit from the City; maintain the telephones in accordance with standards relating to appearance, placement and operation; provide and update a listing of the locations of pay telephones; and pay to the City on a quarterly basis a percentage of revenues collected from each telephone according to the following schedule:

Revenue	Percentage Paid To City
Less than \$300.00	8%
\$300.00-\$599.99	12%
\$600.00-\$899.99	16%
\$900.00 and above	18%

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

Section 3. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Douglas
August 20, 2002

To the Council:

The Public Safety, Services & the Arts Committee

recommends for adoption the following entitled legislation:

Int. No. 284 - Authorizing Agreements For Human Services Projects

Int. No. 285 - Authorizing An Agreement For The Communi-Tech Project

Int. No. 286 - Establishing \$13,500 As Maximum Annual Compensation For A Professional Services Agreement For Continued Operation Of A Competitive Swimming Program For Youth

Int. No. 287 - Amending The 2002-03 Budget Of The Rochester Police Department

Int. No. 288 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

Int. No. 289 - Authorizing An Agreement With Respect To Underage Tobacco Enforcement And Amending The 2002-03 Budget

Int. No. 290 - Establishing \$108,800 As Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 291 - Authorizing An Agreement For The Rochester Safe Start Project And Amending The 2002-03 Budget

Int. No. 292 - Authorizing Agreements For A Truancy Reduction And Counseling Program And Amending The 2002-03 Budget

Int. No. 293 - Authorizing Extension Of An Agreement For Towing Services

Int. No. 308 - Amending The 2002-03 Budget For The Pathways To Peace Program

Int. No. 313 - Authorizing An Agreement For Rochester Area Community Foundation

Respectfully submitted, Benjamin L. Douglas, Robert J. Stevenson, Tony M. Thompson, Gladys Santiago, PUBLIC SAFETY, SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL: Ladies and Gentlemen:

Ordinance No. 2002-250 Re: Agreements - Human Services Projects

R2010: Campaign 1 - Involved Citizens, Campaign 2 - Educational Excellence, Campaign 3 - Health Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for human services projects:

Organization Amount Project

Baden Street Settlement, Inc. \$35,000 Metro Council on Teen Potential

YMCA of Greater Rochester 25,000 Teens on Track

Grace Urban Ministries 20,000 Shalom Family Life Center

Rochester Step-Off Educational Foundation, Inc 62,000 Rochester Step-Off Expansion Project

The above projects are all considered projects with matching funds and are eligible for up to five years of CDBG funding under the human services funding guidelines approved by the City Council in June, 1981. The proposed agreements represent the first year of funding for the Metro Council on Teen Potential, the third year of funding for Teens on Track, the fourth year of funding for Shalom Family Life Center, and the fifth year of funding for the Rochester Step-Off Expansion Project.

The cost of the agreements will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

Project descriptions, assessments, and budgets are attached.

Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. AB-96

Ordinance No. 2002-250 (Int. No. 284)

Authorizing Agreements For Human Services 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 organizations for Human Services Projects in amounts not to exceed the following:

Table with 2 columns: Organization/Project and Amount. Rows include Baden Street Settlement, Inc. (\$35,000), YMCA of Greater Rochester (25,000), Grace Urban Ministries (20,000), Rochester Step-Off Educational Foundation, Inc (62,000).

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$142,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 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. 2002-251
Re: Agreement - Human Services Project

R2010: Campaign 2 - Educational Excellence
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the following human services project:

Organization: The Academy for Career Development
Project: Communi-Tech
Amount: \$90,400

Communi-Tech is a program approach designed to bridge the digital divide that exists between the world of information technology and the ability to access, learn, and find work in this area. Supported by a \$100,000 equipment grant to the City of Rochester from 3COM Corporation, Communi-Tech is overseen by a collaboration of members of the Bureau of Human Services, the Bureau of Recreation, Science Linkages in the Community, Inc., and the Academy for Career Development.

There are two main objectives of the Communi-Tech project. The first is to create a virtual wide area Remote Diagnostic Network (RDN) among fifty community-based organizations, health and human service centers, city information centers, and vocational education institutions. Using high tech portals to link community technical centers with professional level technical support services and resources, the RDN will enable technical problems/questions to be resolved in real time for significant cost savings and greatly improved service delivery capabilities. Sites will eventually serve approximately 15,000 people. Communi-Tech will expand in the third year of operation to serve the Rochester City School District and rural and urban communities in Western New York State.

The second main objective is to establish the Information Technology (IT) Community Apprenticeship program to provide low-income residents with education and advancement in computer/technical training programs (IT courses, maundering, and real-word IT work experience). Apprentices will come from the neighborhoods and community locations that are served by the RDN, and will provide Technical Support Services back to their community through the work apprenticeship. These apprentices will be role models for others interested in advancing their technology education.

The above project is considered a project with matching funds and is eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The proposed agreement represents the first year of CDBG funding. The cost of the agreement will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AB-97

Ordinance No. 2002-251
(Int. No. 285)

Authorizing An Agreement For The Communi-Tech 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 Academy for Career Development for the Communi-Tech Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,400, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 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. 2002-252
Re: Rochester Recreation Swim Team -
Competitive Swimming Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Recreation Swim Team (RRST) for continued operation of a competitive swimming program for youth. The maximum annual cost of the agreement is \$13,500, which will be funded from the 2002-03 and future budgets of the Department of Parks, Recreation and Human Services.

The program serves youth between the ages of 6 and 19 years, regardless of skill level. The team operates at the Adams Street Recreation Center and Genesee Valley Park pools and competes in the McDonald's of Rochester Swim League, Niagara District U.S.S. Invitational and Junior Olympics. RRST has operated the City's competitive swimming program since 1984. The current three-year agreement for such operation was authorized by the City Council on June 18, 1999.

Participation in the program is limited to 120 youths, with preference provided to City residents. Following is a summary of participation during the past three years:

Swimmers	1999-2000	2000-2001	2001-2002
Total	57	54	46
City residents	31	34	35
Minorities	8	6	6

Under the proposed agreement, RRST will continue to be responsible for 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 for participant is as follows:

City resident	\$275
Non-City resident	375

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 will absorb the balance of the costs. During the current season, 12 scholarships were provided.

The agreement will have an initial term of one year with provision for renewal for two additional one-year periods. The annual cost of the agreement is the same as that of the current agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-252
(Int. No. 286)

Establishing \$13,500 As Maximum Annual Compensation For A Professional Services Agreement For Continued Operation Of 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 Rochester Recreation Swim Team for continued operation of a competitive swimming program for youth for a term of one year, with two additional one-year renewal options. Said amount shall be funded from each of the 2002-03, 2003-04, and 2004-05 Budgets of the Department of Parks, Recreation and Human Services, contingent upon approval of said budgets and renewal of the agreement.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-253
Re: Weed & Seed Appropriation
R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing the appropriation of \$50,000 of Weed and Seed grant funds and amending the 2002-03 Budget to reflect that appropriation.

The Weed & Seed program, which was established in 1996, is designed to support both anti-crime efforts and projects that prevent crime by improving neighborhood conditions. The grants are administered by the Executive Office of Weed & Seed (EOWS) of the US Department of Justice, and are used for a

variety of criminal interdiction and crime prevention purposes.

The Police will target their efforts for enforcement and interdiction activities to combat illegal drugs and violence in the northeast and southwest target areas of the City. The proposed appropriation will provide the department with \$25,000 for enforcement overtime and \$25,000 for confidential evidence funds.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-98

Ordinance No. 2002-253
(Int. No. 287)

Amending The 2002-03 Budget Of The Rochester Police Department

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

Section 1. Ordinance No. 2002-194, the 2002-03 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 \$50,000, which amount is hereby appropriated from Weed & Seed Grant Program Funds to fund enforcement and interdiction activities and confidential evidence funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-254
Re: Humane Society Veterinary Services

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Humane Society of Rochester and Monroe County for the continued provision of veterinary services to the Animal Services Center. The maximum cost of this agreement is \$108,000, which will be funded from 2002-03 Budget of the Police Department.

As a result of amendments to Agriculture and Markets Law mandating spaying and neutering of shelter animals, the Animal Services center has begun sterilizing nearly all dogs and cats adopted from the shelter. This increase in surgeries translates to a dramatic increase in veterinary expenses; however, the increased adoption revenue generated at the shelter is expected to offset the majority of that expense. The proposed agreement will provide for an extension of the existing agreement with the Humane Society through June 30, 2003, including provision for the increased volume of pre-adoption spay/neuter surgeries, and some modest increases to unit costs. A summary of expenditures to date is attached.

The current agreement was authorized by City Council on June 28, 2001, and allowed for an additional one-year extension; however, the total amount authorized, \$42,000 per year, was based on the volume of services that were provided prior to the changes in state law.

This amendment will augment the prior appropriation and will allow the sterilization activities to continue through the coming year. Provision for this funding was included in the 2002-03 Budget of the Police Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-99

Ordinance No. 2002-254
(Int. No. 288)

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 \$108,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the Humane Society of Rochester and Monroe County for the continued provision of veterinary services for the Animal Control Shelter. Said amount shall be funded from the 2002-03 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-255
Re: Underage Tobacco Enforcement Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Monroe County Department of Health for renewed funding under the Underage Tobacco Enforcement Program of the New York State Department of Health. The funding, in the amount of \$24,000, will allow the Police Department to conduct inspections of licensed tobacco outlets in the City of Rochester. The legislation will also amend the 2002-03 Budget of the Police Department to reflect receipt of the grant.

As you will recall, there are approximately 500 locations within the city that are licensed to sell tobacco products. At some of these locations, tobacco products are sold to persons under the age of 18, which is a violation of Section 260.20 of the NYS Penal law.

Since 1998, the Monroe County Department of Health has financed the costs of special enforcement efforts of the Police Department in relation to this section of the law. These efforts involve the recruitment of underage youth who attempt to purchase tobacco products from various locations.

If the youth is successful in purchasing such products, police officers inspect the premises to ensure that it is properly licensed and notify the seller that a violation has occurred. The violation is also reported to the Department of Health and the NYS Department of

Taxation and Finance.

Following is a summary of the performance of the program in 2000-01:

Details	10
Locations Inspected	222
Arrests	51

The inspections under the new agreement will continue to measure compliance with the age restrictions on tobacco sales in the same manner. The grant funds will be used to compensate underage purchasers and to pay overtime and fringe benefits to police officers who conduct the details. The agreement will fund approximately 200 compliance checks during the period July 1, 2002 through June 30, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-100

Ordinance No. 2002-255
(Int. No. 289)

Authorizing An Agreement With Respect To Underage Tobacco Enforcement And Amending The 2002-03 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 Department of Health for funding for an Underage Tobacco Enforcement Program.

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

Section 3. Ordinance No. 2002-194, the 2002-03 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 \$24,000, which amount is hereby appropriated from funds to be received through the agreement authorized in Section 1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-256
Re: Agreement - Center for Dispute Settlement, Inc., Citizen Review Process

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Center for Dispute Settlement, Inc. (CDS), 300 State Street, for the provision of services related to the citizens complaint review process of the Police Department. The maximum cost of the agreement will be \$108,800, which will be financed from the 2002-03 budget of the department.

CDS has provided services related to the review

process for many years. Since 1977, it has trained citizens for assignment as panelists to the Civilian Review Board or its predecessor, the Complaint Investigation Committee, and to the Section 75 (of the Civil Service Law) Hearing Board. Since 1985, it has provided an alternate location to the Public Safety Building for the receipt of citizen complaints, and a complaint conciliation process.

The most recent agreement for this purpose was authorized by City Council on August 21, 2001. Under the proposed agreement, CDS will continue to provide these services during 2002-03.

The renewal agreement covers the period July 1, 2002 through June 30, 2003. The cost of the agreement is 15% less than the current agreement, reflecting the City's budgetary constraints and a trend of decreased usage of the services. The annual report of CDS is available for review in the Office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-256
(Int. No. 290)

Establishing \$108,800 As 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 \$108,800, 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 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 2002-03 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-257
Re: Agreement - Safe Start Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Children's Institute (formerly Primary Mental Health Project, Inc.) for the receipt and use of a grant of \$79,167 under the Rochester Safe Start project.

The Safe Start Initiative is a five-year demonstration project to expand existing partnerships among service providers to prevent and reduce the impact of family and community violence on young children and their families.

Monroe County is one of nine sites in the nation competitively selected in 1999 and 2000 to develop the Safe Start comprehensive system. Other sites

include: Baltimore, Maryland; Bridgeport, Connecticut; Chatham County, North Carolina; Chicago, Illinois; Pinellas County, Florida; San Francisco, California; Spokane, Washington; and Washington County, Maine.

With the Monroe County Health Department as lead agency and the Children's Institute as co-applicant, Rochester Safe Start is the recipient of funding from the U.S. Department of Justice, Office of Justice Programs and the Office of Juvenile Justice and Delinquency Prevention.

The funding provided through this grant will support one full-time Counseling Specialist for the period April 1, 2002 through October 31, 2003 in the Rochester Police Department (RPD) to work in collaboration with the SAFE Kids program. The latter program is a joint program of the RPD, the Society for the Protection and Care of Children (SPCC) and Rochester Safe Start.

Under the provisions of the agreement, the RPD Family Crisis Intervention Team (FACIT) staff will respond to family conflict situations and assist police officers and child protective workers in crisis intervention and counseling and will have lead responsibility for referring families with a child under the age of seven to SAFE Kids. The Counseling Specialist funded by this program will serve as the primary link between the various agencies.

The proposed legislation will also amend the 2002-03 Budget by \$51,500 to reflect receipt of this grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-257
(Int. No. 291)

Authorizing An Agreement For The Rochester Safe Start Project And Amending The 2002-03 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 Children's Institute for the receipt of funds for the Rochester Safe Start Project.

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

Section 3. Ordinance No. 2002-194, the 2002-03 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 \$42,100 and to Undistributed Expense by the sum of \$9,400, which amounts are hereby appropriated from funds to be received 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. 2002-258
Re: Truancy Program Grant

R2010: Campaign 3 - Health, Safety, and Responsibility

Transmitted herewith for your approval is legislation authorizing amendatory agreements with:

1. Research Foundation of the State University of New York at Buffalo (UB) for the receipt and use of funds totaling \$21,296, and
2. Revelation Sovocational Program, Inc., for partial reimbursement of the counseling and related services provided through the TRAC-ASSIST program.

The Foundation is a direct recipient of federal pass-through funds administered by the NYS Department of Education. In 2000-01 the City received \$89,220 as a sub-recipient of a portion of the total award designated for academic research and professional services related to truant youth. The funds were used to provide intervention and counseling services to children who are truant from Rochester City schools, following their apprehension and subsequent clearance from the Truancy Reduction and Assessment Center (TRAC).

The additional funding authorized by this legislation will reimburse a portion of the costs of continuing these services during the 2001-02 school year. During that period, Revelation Sovocational provided after-school mentoring classes to 84 students, peer mediation instruction to 24 students, tutoring to five students, and case management follow-up to 18 students. Council authorized the original agreements for these services on May 15, 2001.

The proposed legislation will also amend the 2002-03 budget of the Police Department to reflect the receipt and use of these funds.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-258
(Int. No. 292)

Authorizing Agreements For A Truancy Reduction And Counseling Program And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the Research Foundation of the State University of New York at Buffalo for funding for a Rochester Police Department Truancy Reduction and Counseling Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Revelation Sovocational Program, Inc. for services as a part of the Rochester Police Department Truancy Reduction and Counseling Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$21,296, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Rochester Police Department.

Section 4. Ordinance No. 2002-194, the 2002-03 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 \$21,300, which amount is hereby appropriated from funds to be received through the agreement authorized in Section 1.

Section 5. The agreements shall contain such 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. 2002-259
Re: Amendatory Agreement - Towing of Heavy Equipment

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Joe Benson's Service for the provision of towing services for illegally parked, damaged, disabled, recovered stolen or abandoned heavy equipment (trucks, tractor trailers, and other vehicles with a G.V.W. of 26,000 lbs. or greater). Under this agreement Benson's would also continue to provide in-pound towing services to the Rochester Police Department Auto Pound, on a rotating basis with the City's four other towing contractors.

The current agreement with Benson's was approved by City Council on September 15, 1999.

During calendar year 2001, the City of Rochester authorized the towing of 10,894 vehicles to the Police Auto Pound. Of those vehicles towed, 32 were heavy equipment towed by Benson's. The total cost of these services (including in-pound towing) during 2001 was \$14,461. For the first six months of 2002, 20 vehicles were towed by Benson's, at a cost of \$6,100. It is estimated that for the entire year, 30-40 vehicles will be towed at a cost of approximately \$15,000.

The proposed amendatory agreement will be for a period of three years. The cost for 2002-03 will be \$15,000; the source of funds is the 2002-03 and future budgets of the Police Department. The Rate Schedule and Charges for Service will be adjusted to reflect changes in the Consumer Price Index and published semi-annually by the Director of Finance.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-259
(Int. No. 293)

Authorizing Extension Of An Agreement For Towing Services

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

Section 1. The Mayor is hereby authorized to enter into the extension of an agreement with Joe Benson's Service for the continued provision of towing services for heavy equipment and in-pound towing services for an additional term not to exceed three years, through August 31, 2005.

Section 2. The agreement shall obligate the City to pay the established fees for such services, as such fees may be adjusted by the Director of Finance. Such 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. 2002-260
Re: Budget Amendment - Pathways to Peace

R2010: Campaign: 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending the 2002-03 Budget by appropriating revenue of \$41,100 from a U.S. Department of Justice Weed and Seed Grant and increasing expense appropriations of the Administration (Mayor's Office/ Pathways to Peace Program) (\$32,800) and Undistributed (\$8,300). The funds will be used for the salary and fringe benefits of a Youth Intervention Specialist-Bilingual in the Pathways program.

The Pathways to Peace Program was established in 1998 as part of the Youth Violence Initiative. The program provides for Youth Intervention Specialists to form relationships with violent and/or gang affiliated youth in order to provide the referrals to services that provide structured nonviolent alternatives to violent behavior.

At present five Youth Intervention Specialists reach approximately 550 targeted youth per year. Previously, one of the Youth Intervention Specialists was Spanish-speaking, but when that individual left, since there was no bilingual requirement for the job title, the position was filled by an individual who was not bilingual. Since Spanish speaking youth are the second largest Pathways to Peace population, it is crucial that there be at least one Spanish-speaking staff member at all times. The creation of the bilingual position will ensure this availability and will make it possible to increase the effectiveness of outreach to this segment of the population.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-260
(Int. No. 308)

Amending The 2002-03 Budget For The Pathways To Peace Program

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

Section 1. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Mayor's Office by the sum of \$32,800 and to Undistributed Expense by the sum of

\$8,300, which amounts are hereby appropriated from Weed & Seed Grant Program Funds to fund a Youth Intervention Specialist-Bilingual in the Pathways to Peace Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-261
Re: Agreement - Human Services Project

R2010: Campaign 2 - Educational Excellence
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an agreement with the following human services project:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Area Community Foundation Quad A For Kids Development	\$12,500

The above project is considered a project with matching funds and is eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The proposed agreement represents the first year of CDBG funding.

The cost of the agreement will be financed from the General Community Needs allocation of the Year 28 Community Development Block Grant.

The Project Information form is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-101

Ordinance No. 2002-261
(Int. No. 313)

Authorizing An Agreement For Rochester Area Community Foundation

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 the Quad A For Kids Development Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$12,500, and of said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Block Grant.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Norwood
August 20, 2002

To the Council:

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

Int. No. 294 - Authorizing The Sale Of Real Estate

Int. No. 295 - Amending Ordinance No. 99-255 Relating To The Sale Of Real Estate

Int. No. 296 - Authorizing A Lease Agreement For The Area A NET Office

Int. No. 297 - Approving The Acquisition Of 80-100 Charlotte Street As A Part Of The East End Project, As Amended

Int. No. 297A - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$413,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On A Designated Parcel Of Real Property Within The City's East End Development Project

Int. No. 298 - Appropriating Funds And Authorizing An Agreement For Housing Assistance

Int. No. 299 - Authorizing An Agreement For A Float Loan For An Interest Reserve Fund For The Rental Rehabilitation Program

Int. No. 300 - Authorizing An Agreement For The Real Estate Marketing Initiative

Int. No. 301 - Authorizing An Agreement For The Housing Mobility Program And Amending Ordinance No. 2000-259

Int. No. 302 - Designating Parcels For Urban Renewal To Be Known As The Brooks Landing Urban Renewal District

Int. No. 303 - Determinations And Findings Relating To The Acquisition Of A Property As Part Of The Atlantic/Woodstock Development Project

Int. No. 266 - Approving The Acquisition By Condemnation Of A Parcel For The Atlantic/Woodstock Housing Project

Int. No. 309 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Brooks Landing Revitalization Project

Int. No. 309A - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Planning And Designing The Brooks Landing Public Waterfront Improvement Project In The City Of Rochester

Int. No. 312 - Resolution Approving Appointment To The Rochester Preservation Board

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

Int. No. 311 - Approving The Acquisition Of Parcels For The Fulton Avenue Redevelopment Project By Negotiation Or Condemnation

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Gladys Santiago
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-262 and
Ordinance No. 2002-263
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of three properties and amending a prior sale.

Sales

The first two properties are structures that were sold at the June 3, 2002 RFP sale. The property at 63 Argyle Street is currently a four-unit structure that will be deconverted to a two-family structure. It is being purchased by a father and son who will live in the two units. The property at 24 Gardiner Park is a single family structure that will be rehabilitated as a single family. The property also will be owner occupied.

The last property is a portion of an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable because of inadequate front footage. The remaining portion of the lot will be combined with an adjoining City-owned vacant lot.

Amendment

On July 13, 1999, Council authorized the sale of 266 Campbell Street to Bernard Perry subsequent to a public auction. The purchase offer to the City contained the names of Mr. Perry and Felicia Simms; however, Ms. Simms' name was inadvertently omitted from the original legislation. The proposed amendment will correct the oversight.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-102

Ordinance No. 2002-262
(Int. No. 294)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcels of improved property through the request for proposal sale:

Address	SBL#	Price
Purchaser		

63 Argyle St.	122.45-1-43	\$130,000
Stephen DiGennaro & Stephen DiGennaro, II		
24 Gardiner Pk.	121.33-1-81	25,000
Monica Devine & Casey Haley		

Section 2. The Council hereby further approves the sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>SBL#</u>	<u>Sq. Ft.</u>
<u>Purchaser</u>		
Part of 194 Cady St. Yvonne D. Rice	120.59-1-56	2,267±

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-263
(Int. No. 295)

Amending Ordinance No. 99-255 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 99-255, relating to the sale of real estate, is hereby amended by authorizing the sale of 266 Campbell Street, as approved in Section 1 thereof, to Bernard Perry and Felicia Simms, instead of to Bernard Perry.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL:
Ladies & Gentlemen:

Ordinance No. 2002-264
Re: Lease - 1494 Dewey Avenue,
NET Area A Office

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing a lease agreement between the City and Zhicheng Li for office space at 1494 Dewey Avenue. The new lease will be for a term of one year at an annual rental rate of \$16,000. The source of funds is the 2002-03 and future budgets of NET.

The Dewey Avenue location has been used as the Area A NET office for the past five years. Both the staff and the neighborhood are satisfied with the location.

Independent Real Estate Appraiser, Robert G. Pogel, SRPA, has reviewed the lease and is of the opinion that the rental amount, which is the same as the current lease amount, is reflective of the current market

for this property.

The proposed legislation will also authorize a renewal option for an additional one-year term at the same rental amount.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-264
(Int. No. 296)

Authorizing A Lease Agreement For The Area A NET Office

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 Zhicheng Li for the continued lease of space at 1494 Dewey Avenue to be used for the Area A NET Office. The agreement shall extend for a term of one year, with one additional one-year renewal option.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$16,000 in annual rent. Said amounts shall be funded from the NET Operating 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.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-265 And
Ordinance No. 2002-266
Re: East End Acquisition - Charlotte
Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition, through negotiation, of a property located at 80-100 Charlotte Street as part of the East End Development Project. The property contains a two-story office building with an attached one-story warehouse building formerly used by Vanderlinde Electric. The proposed acquisition amount is \$550,000; the current assessment for the property is \$488,000.

The acquisition amount has been determined through an appraisal prepared by independent appraiser, Robert G. Pogel, SRPA with no account taken of environmental or geo-technical conditions. After the necessary property inspections and testing have been completed, the appraiser will prepare a final appraisal report. Preliminary remediation estimates are in the range of \$150,000. When the final estimate is completed, the appraiser will adjust his valuation estimate to reflect any necessary reduction in value that is appropriate. The Director of Real Estate will be given authorization to negotiate a sale at the final appraised value, and to formally approve the final appraisal.

The total acquisition price, including demolition

costs, environmental remediation costs, and closing costs will not exceed \$790,000 and will be funded in the following manner; \$728,000 from the 2001-02 Cash Capital Allocation for Acquisitions and \$62,000 from the 2002-03 Cash Capital Allocation for Acquisitions.

When the acquisition is completed the structures will be demolished and the vacant land will be combined with the adjacent City owned vacant land at 14-58 Charlotte Street and be developed into market rate housing units.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-107

Ordinance No. 2002-265
(Int. No. 297, As Amended)

Approving The Acquisition Of 80-100 Charlotte Street As A Part Of The East End Project

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

Section 1. The Council hereby approves the acquisition of 80-100 Charlotte Street, SBL #106.81-02-047.1 from Charlotte Associates for the maximum amount of \$550,000, or a lesser amount as may result from an assessment of environmental and geotechnical conditions, as a part of the East End Development Project. The Director of Real Estate is authorized to approve a final appraisal after environmental and geotechnical conditions have been assessed, and to acquire the property for the final appraised value.

Section 2. The acquisition, closing costs, demolition and remediation expenses shall obligate the City to pay an amount not to exceed \$790,000, and of said amount, or so much thereof as may be necessary, ~~[\$728,000]~~ 315,000 shall be funded from the 2001-02 Cash Capital Allocation, [and] \$62,000 shall be funded from the 2002-03 Cash Capital Allocation and \$413,000 shall be funded from a bond ordinance adopted for this purpose.

Section 3. City taxes and other current-year charges against said parcel 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 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-266
(Int. No. 297A)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$413,000 Bonds Of Said City To Finance The Costs Of The Acquisition And Demolition Of Improvements On A Designated Parcel Of Real Property Within The City's East End 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 the "City"), is hereby authorized to finance the costs of a portion of the City's East End Development Project (the "Project"), consisting of the acquisition of the blighted property at 80-100 Charlotte Street. Existing improvements on said property are to be ultimately demolished by the City and environmental conditions remediated. The estimated maximum cost of the specific object or purpose authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$790,000. The plan of financing includes the issuance of \$413,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$377,000 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 \$413,000 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 \$413,000. 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.21 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 by the following vote:
Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:
Ordinance No. 2002-267
Re: Neighborhood Housing Project -
Flower City Habitat for Humanity

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to housing development by Flower City Habitat for Humanity. This legislation will:

- 1. Appropriate \$80,000 for the provision of infrastructure subsidies to income-eligible buyers and \$15,000 to capitalize a development reserve account; and
- 2. Authorize an agreement with Flower City Habitat for Humanity.

The \$80,000 and \$15,000 will be financed, respectively, from the 2002 HOME Program and the 1998-99 City Development Fund. The reserve account will permit Habitat to fund unforeseen development costs.

Habitat will construct a total of ten (10) homes through to the summer of 2003. The locations include the seven (7) City-owned lots on Fulton and Rauber

Streets plus an additional three (3) sites to be identified at a later date.

The houses will be sold to families selected by a Habitat committee. To be eligible for selection, a family must meet the following criteria:

- 1. No member receiving public assistance,
- 2. Annual income within 60% of the median family income,
- 3. Currently residing in substandard rental housing, and
- 4. The ability to finance housing costs of \$425 a month plus utilities.

Each family must contribute 500 hours of "sweat equity" in building their house or the house of someone else, or contribute an equal amount of service at a neighborhood association or settlement house. The families also must attend 7 workshops on home ownership.

The purchasers will be required to reside in the houses for a minimum of 5 years or repay the subsidies. The repayment amount declines 20% during each year of the 5-year residency period.

The houses will be sold for approximately \$54,000 and \$64,000 for three- and four-bedroom houses respectively. Habitat will provide a 20-year mortgage with an interest rate of 0%.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-267
(Int. No. 298)

Appropriating Funds And Authorizing An Agreement For Housing Assistance

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

Section 1. There is hereby appropriated from 2002 Home Program Funds the sum of \$80,000, or so much thereof as may be necessary, to fund infrastructure subsidies for income-eligible home buyers, and the sum of \$15,000, or so much thereof as may be necessary, shall be funded from the 1998-99 City Development Fund to capitalize a development reserve account.

Section 2. The Mayor is hereby authorized to enter into an agreement with Flower City Habitat for Humanity for a housing development reserve account and to provide the subsidies.

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. 2002-268
Re: RHDFC - Rental Rehab Interest

Reserve Fund

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation to create an interest reserve fund for use by the Rochester Housing Development Fund Corporation (RHDFC) in establishing a rental rehabilitation program. The legislation will authorize a City Development Fund float loan with the RHDFC and/or the Community Preservation Corporation (CPC) in the amount of \$200,000.

As you know, the RHDFC was created last year to serve as means of transferring and financing the rehabilitation of homes that the City acquired from HUD under the Asset Control Area Program (ACAP). The RHDFC was initially capitalized at \$9 million through investments by a number of local partners. Those funds were expressly designated for the Home Rochester program, which utilizes non-profit developers to renovate the homes for resale to owner-occupants.

Under our ACAP agreement with HUD, the City was obligated to acquire properties with up to four units. It has always been acknowledged that not all of these properties would prove to be suitable for homeownership. In establishing the RHDFC, we enlisted CPC's participation to expressly seek out sources of funding that could be used to finance the renovation of properties that were suitable as affordable rental units. CPC has been successful in securing a \$1 million grant award for this purpose from the US Treasury Department's Community Development Financial Institutions (CDFI) grant program.

RHDFC partners believe that it is important to establish an adequately capitalized financing source to fund a rental rehabilitation program. CPC will dedicate the CDFI grant for this purpose and has also made a commitment to fund a \$4.5 million line of credit with the RHDFC to finance the acquisition and renovation of ACAP properties, as well as other suitable tax foreclosed properties. Both the Enterprise Foundation (\$1.5 million) and the Greater Rochester Housing Partnership (\$0.5 million) have agreed to participate in funding the line of credit. The proposed City funded interest reserve will serve as an inducement for lenders to participate.

The rental rehabilitation program will utilize non-profit developers to redevelop, own and manage these affordable rental properties. The RHDFC will hold title during construction; once fully renovated, the properties would be purchased by limited partnership corporations established by the non-profit developers. Said developers will seek federal Low Income Housing Tax Credits (LIHTC) as a primary source of financing. The proposed \$4.5 million line of credit, \$1 million CDFI grant, NYS funding, and City rental assistance funds will be used to complete the financing for this important undertaking.

The first such projects to be undertaken have been proposed by Housing Opportunities, Inc. and Providence Housing Development Corporation. HOP is seeking to develop a 21-unit project (9 separate properties) at a cost of \$2.17 million. Providence proposes a 20-unit project (9 separate properties) at a cost of \$1.99 million. Both organizations have LIHTC project applications pending with the State of New York.

The RHDFC offers an appropriate means of returning these vacant multi-unit properties to long term productive use. The City will be relieved of owner-

ship and the renovated properties will provide good quality affordable housing for low-income renter households.

The \$200,000 City Development Fund float loan will be non-interest bearing, will have a term of 33 months, and will be repaid from the sales proceeds of the renovated properties.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-268
(Int. No. 299)

Authorizing An Agreement For A Float Loan For An Interest Reserve Fund For The Rental 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 a float loan agreement with the Rochester Housing Development Fund Corporation and/or the Community Preservation Corporation for an interest reserve fund for the Rental Rehabilitation Program. The loan shall be for a term not to exceed 33 months, and shall be repaid without interest at the end of the term.

Section 2. The loan agreement shall obligate the City of Rochester to pay an amount not to exceed \$200,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 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. 2002-269
Re: Agreement - Landmark Society,
Real Estate Marketing Initiative

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the promotion of city living. This legislation will authorize an amendatory agreement with the Landmark Society of Western New York, Inc., for continuation of the Real Estate Marketing Initiative at a maximum cost of \$90,000. The source of funds is the Housing Stock and General Property Conditions allocation of the 2002-2003 Community Development Block Grant.

The Marketing Initiative, begun in 1998, is designed to encourage more people to consider purchasing city homes, to assist real estate agents to list and sell properties in the city, to assist neighborhood associations in developing relationships with the real estate community, and to promote the historic qualities and unique character of city neighborhoods and homes. The program is administered by the Landmark Society with the assistance of the Greater Rochester Association of Realtors.

The most recent agreement for such administration was authorized by the City Council on June 19, 2001. Under this agreement, during the past year:

1. The Home Room, which contains informational materials and displays about city living and a multiple listing service computer, was visited by 130 persons;
2. The Home Room web site contains listings by neighborhood. During the month of April 2002, the site averaged 389 visitor sessions per day or an impressive 11,692 visits for the month. The average visit was 21 minutes;
3. The "Marketing Historic Houses Successfully" training class, which provides 15 hours of instruction, was completed by 52 real estate agents. To date, this brings the total number of agents benefiting from the classes to 242;
4. City neighborhoods were featured in five editions of the Landmark Society's newsletter; and
5. A presentation on city living was made to corporate relocation personnel.

Under the proposed agreement, the Landmark Society will:

1. Continue to operate the Home Room;
2. Expand and link the web site to other relevant web sites;
3. Continue to provide two classes of real estate agent training approved by the NYS Department of State for credit for the Realtor Continuing Education Program;
4. Continue the Home Work column of City newspaper. In addition, the Home Work column has been added to the Home Room web page, which includes a section on homebuying;
5. Increase radio and television advertisements; and
6. Continue to support "City Living Sundays".

The cost of the proposed agreement is \$5,000 more than the cost of the present agreement. This increase in cost would allow the Landmark Society to expand its advertising opportunities and to provide a supplement of up to \$2,000 for salaries and additional staff time as required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-269
(Int. No. 300)

Authorizing An Agreement For The Real Estate Marketing Initiative

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. to continue the real estate marketing initiative.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$90,000, 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 2002-03 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. 2002-270
Re: Agreement - Wilson Commencement
Park Housing Mobility Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the continuation of services for the Housing Mobility Program. This legislation will:

1. Authorize an agreement with Wilson Commencement Park, 251 Joseph Avenue, in an amount not to exceed \$35,000;
2. Appropriate \$3,990 from the Improve the Housing Stock and General Property Conditions allocation (Fair Housing Activities) of the 2001-02 Community Development Block Grant; and
3. Reappropriate \$31,010 from unexpended prior authorizations for Fair Housing activities from the 1998 HOME program for this purpose.

The Housing Mobility Program implements one of the strategies identified in the Community Choice Action Plan, developed by the City, County, Towns of Greece and Irondequoit and the Rochester Housing Authority. The City's development of the plan was authorized by City Council on February 20, 1996. The plan involves 80 strategies to address impediments to fair housing in the county. A summary of these strategies and their implementation status is included in the 2002-03 Consolidated Community Development Program, approved by City Council on May 14.

The goal of the Housing Mobility Program is to demonstrate that comprehensive support services fostering self-sufficiency and upward mobility, combined with meaningful information about housing options and qualifications for relocation, will produce an increase in the number of families desiring to move from a poverty impacted area to an area of lower-poverty concentration.

The Housing Mobility Program was initiated for a two-year demonstration period in January 2000. A summary of program performance is attached. City Council initially authorized an agreement for this program on October 12, 1999 and authorized a six-month extension agreement on April 16, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-103

Ordinance No. 2002-270
(Int. No. 301)

Authorizing An Agreement For The Housing Mobility Program And Amending Ordinance No. 2000-259

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 Wilson Commencement Park for the continuation of the Housing Mobility Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$35,000, and of said amount, or so much thereof as may be necessary, \$31,010 shall be funded from the appropriation made in Section 3 of Ordinance No. 98-359, and \$3,990 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2001-02 Community Development Program.

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

Section 4. Ordinance No. 2000-259, relating to an agreement with the Monroe County Legal Assistance Corporation for the Fair Housing Enforcement Project, is hereby amended by reducing the amount authorized therein by the sum \$31,010, which amount is reauthorized herein. The Mayor is hereby authorized to enter into an amendatory agreement to implement this reduction.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-271
Re: Urban Renewal District Designation -
Brooks Landing Revitalization Area

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation designating the Brooks Landing Revitalization Area as an Urban Renewal District.

This area is generally bounded...

on the East by the Genesee River (south of Brooks Avenue), and by the west property line of Plymouth Gardens (north of Brooks Avenue);

on the West by the rear lines of properties along Genesee Street (south of Brooks Avenue to 1010 Genesee Street), then by Genesee Street to the Brooks/Genesee intersection, and then by the rear lines of properties along Genesee Street from 973 to 909 (north of Brooks Avenue);

on the North by the south property lines of 905 and 900 Genesee Street;

on the South by a boundary line just north and east of Grandview Terrace.

The attached map illustrates the project boundaries.

The proposed designation is intended to facilitate the redevelopment of the Brooks Landing area which has been planned jointly by the City and the neighborhoods of Sector 4. The original concept of this redevelopment was first articulated in the South River Corridor Plan, adopted by City Council in December, 1986. The current conditions within the project area are presented in a condition analysis report prepared by FJF Architects in June, 2002. A copy of the report is available for review in the Office of the City Clerk.

The district would be composed of 9 acres including the following existing uses: 6 commercial properties; 6 mixed-use properties; 4 residential properties; 2 commercial parking lots; 3 privately owned vacant lots; 5 City-owned vacant lots; a portion of City-owned public services/bridge property (pedestrian bridge landing), and a portion of City-owned parkland. City Council approved a Home Rule Message on June 27, concurring in the request that the section of park land within the project area be alienated; to date, the State Legislature has not acted upon this request.

Many of the structures within the proposed district are in deteriorated condition. There are numerous vacant lots that have resulted from the demolition of structures. These conditions constitute sufficient evidence to define the area as "sub-standard", satisfying requirements for its designation as an Urban Renewal District. The NBN Sector 4 Committee supports this designation.

If the designation is approved, a formal plan for the district will be developed. The plan is expected to include the subdivision into various development parcels; approval of such a plan by the Planning Commission and the Council is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-104

Ordinance No. 2002-271
(Int. No. 302)

Designating Parcels For Urban Renewal To Be Known As The Brooks Landing Urban Renewal District

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

Section 1. The Council hereby finds and declares that the area in the City of Rochester hereinafter described, generally bounded on the east (south of Brooks Avenue) by the Genesee River and (north of Brooks Avenue) by the west property line of Plymouth Gardens, on the west (south of Brooks Avenue) by rear property lines of properties along Genesee Street (up to 1010 Genesee Street) and Genesee Street up to the Brooks/Genesee intersection, and the rear property line of 973 Genesee St. (southwest corner of intersection), (north of Brooks Avenue) by the rear property lines of properties on the west side of Genesee Street, on the north by properties just south of Barton Street and on the south by a boundary line just north and to the east of Grandview Terrace, is substandard and

unsanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the Brooks Landing Urban Renewal District. Said area is described as follows:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and described as follows:

Beginning at a point in the centerline of Genesee Street at it's intersection of the westerly extension of the northerly line of Agnew Place as shown on a subdivision map of Agnew Park as filed in the Monroe County Clerk's Office in Liber 30 of maps at page 18;

- Thence 1) Easterly along said extension and the northerly line of Agnew Place and the northerly line of Lot 4 of said subdivision a distance of 236 feet more or less to the westerly line of lands formerly owned by the Penn Central Corporation and deeded to the City of Rochester as per a deed recorded in the Monroe County Clerk's Office in Liber 6614 of deeds at page 158;
- Thence 2) Northerly along the westerly line of lands owned by the City of Rochester as per the aforementioned deed a distance of 50.6 feet more or less to the northwest corner of parcel 135.35-01-20 as shown on the current City of Rochester Tax Map and described in the aforementioned deed;
- Thence 3) Easterly along the northerly line of said parcel 135.35-01-20 and it's easterly extension a distance of 113 feet more or less to the easterly line of lands now owned by the City of Rochester as per a deed recorded in the Monroe County Clerk's Office in Liber 6656 of deeds at page 212;
- Thence 4) Southerly along the said various courses of the easterly line of lands of the City of Rochester to the northerly line of Brooks Avenue;
- Thence 5) Easterly along the northerly line of Brooks Avenue and it's easterly extension a distance of 227 feet more or less to the bank of the Genesee River;
- Thence 6) Southerly along the bank of the Genesee River a distance of 880 feet more or less to a point;
- Thence 7) S 89° 57' 53" W a distance of 198 feet more or less to the easterly line of lands owned now or formerly by Esau and Albert Miller as per a deed filed in the Monroe County Clerk's Office on January 16, 1968 and filed in Liber 3874 of deeds at page 589;
- Thence 8) N 5° 16' 24" E along the easterly line of said Miller lands which is also the westerly line of lands owned now or formerly by the City of Rochester a distance of 38.94 feet to an angle point;
- Thence 9) N 00° 39' 44" W along the westerly line of lands owned now or formerly by the City of Rochester a distance of 63.98 feet to a point;
- Thence 10) N 00° 02' 07" W and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 133.94 feet to a point;
- Thence 11) N 00° 23' 56" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 65.97 feet to a point;
- Thence 12) N 00° 03' 26" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 61.97 feet to a point;
- Thence 13) N 01° 36' 07" E and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 70 feet to a point;
- Thence 14) N 00° 02' 07" W and continuing along the westerly line of lands owned now or formerly by the City of Rochester a distance of 67.97 feet more or less to the southeast corner of Lot 2 of a subdivision map of part of the Rapids Village as filed in the Monroe County Clerk's Office in Liber 7 of maps at page 45;
- Thence 15) Westerly along the southerly line of said Lot 2 and it's westerly extension a distance of 125 feet more or less to the centerline of Genesee Street;
- Thence 16) Northerly along the centerline of Genesee Street to the easterly extension of the southerly line of Lot A of the Samuel H. Knoll Subdivision as recorded in the City of Rochester Maps and Surveys Office and filed with District 27 Map 39 Submaps;
- Thence 17) Westerly along said extension and the southerly line of said Lot A a distance of 165 feet more or less to the southwest corner of said Lot A;
- Thence 18) Northerly along the westerly line of said Lot A and it's northerly extension a distance of 143 feet more or less to the centerline of Brooks Avenue;
- Thence 19) Easterly along the centerline of Brooks Avenue to the southerly extension of the westerly line of Lots 1 through 9 of the Brooks Estate as

filed in the Monroe County Clerk's Office in Liber 7 of maps at page 5;

- Thence 20) Northerly along said extension and the westerly line of said Lots 1 through 9 a distance of 397 feet more or less to the northwest corner of Lot 9;
- Thence 21) Easterly along the northerly line of said Lot 9 a distance of 168 feet more or less to the centerline of Genesee Street;
- Thence 22) Southerly along the centerline of Genesee Street a distance of 3 feet more or less to the point or place of beginning.

The above described district is 9 acres more or less.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of dilapidated and obsolete structures and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of this area as a urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his property could be affected in the future by these items.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-272
Re: Determinations & Findings -
116 Akron Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition by condemnation of a part of 116 Akron Street. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on July 23. There was one speaker, who supported the acquisition.

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

- 1. Project description - that the project includes the acquisition of 4,600 sq. ft. of the parcel at 116 Akron Street.

- 2. Project purpose - that the acquisition will permit the development of residential housing as part of the Atlantic/Woodstock Project.
- 3. Project effect - that the project will lead to the creation of more residential units within the Atlantic/Woodstock neighborhood and will enhance the value of the adjoining properties.

If these determinations and findings are approved, the legislation authorizing the acquisition of the parcel (Introductory 266) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-272
(Int. No. 303)

Determinations And Findings Relating To The Acquisition Of A Property As Part Of The Atlantic / Woodstock Development Project

WHEREAS, the City of Rochester proposes to acquire an additional property as part of the Atlantic/Woodstock Development Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on July 23, 2002 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this parcel.

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

Section 1. The Council hereby makes the following determination and findings concerning the acquisition of this property as part of the Atlantic/Woodstock Development Project:

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

Address: Part of 116 Akron Street
SBL#: 107.81-2-62

Public purpose and general effect:

- a. This parcel has been designated for acquisition to further the objectives of the Atlantic/Woodstock Development Project which calls for the development of new residential units. The City has already acquired other properties through various actions. In order to continue implementation of the plan, the City proposes to acquire this privately owned vacant parcel to complete the development site. The new units will result in an increase of residential units within the Atlantic/Woodstock neighborhood. The units will also enable the expansion of the City's tax base and will enhance the value of the nearby private properties.
- b. The general effects of the acquisition of this parcel on the environment and the residents of the immediate area will be beneficial. The project will have no significant adverse environmental effects. The acquisitions will lead to creating more residential units within the Atlantic/Woodstock neighborhood, and enhance the value of the adjoining properties.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 266 was introduced July 23, 2002, and appears in its original form with its transmittal letter on page 225 of the current Council Proceeding.

Attachment No. AB-105

Ordinance No. 2002-273
(Int. No. 266)

Approving The Acquisition By Condemnation Of A Parcel For The Atlantic/Woodstock Housing Project

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-274 And
Ordinance No. 2002-275

Re: Agreement - Brooks Landing Public Waterfront Design

- R2010: Campaign 6 - Economic Vitality
- Campaign 7 - Quality Service
- Campaign 8 - Tourism Destination
- Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation to authorize:

1. A professional services agreement with Bergmann Associates at a maximum cost of \$150,000 for engineering design services in connection with the Brooks Landing Public Waterfront Improvement Project; and
2. The issuance of bonds totaling \$150,000 and appropriating the proceeds thereof for this purpose.

This project is a key component of the Brooks Landing Revitalization Project which consists of a proposed hotel and restaurant overlooking the Genesee River/ NYS Erie Canal, new office/retail space at the intersection of Brooks Avenue and Genesee Street, and a public waterfront promenade/boat landing on the river's west bank. The Brooks Landing Public Waterfront Improvement Project area is bounded on the east by the River, on the west by the proposed hotel and restaurant private development site, on the north by the proposed new alignment of S. Plymouth Avenue and on the south by a surveyed proposed southern boundary line for the development site. Related projects near the proposed Brooks Landing Revitalization Project include the University of Rochester's Wilson Blvd. Campus Improvements and the Elmwood Ave. Bridge Rehabilitation Project.

The project features include the construction of a public promenade along the river/canal and linked to the existing riverside bicycle path with pedestrian amenities, pedestrian linkages from the surrounding area to the waterfront, a public gathering space on the northern section of the promenade and a river/canal boat landing complete with boat docking access and hardware. It is anticipated that the project will require dredging of the river/canal for boat access to the landing. Construction of the proposed waterfront is scheduled for March, 2003 with project completion by November 1, 2003.

Proposals for the engineering design services were

solicited through an RFP that was sent to six professional engineering firms in April. Bergmann was selected because of the quality and experience of the design team.

The preliminary estimate of the cost to construct the Brooks Landing Public Waterfront is \$1,000,000; provision for this funding is included in the current Capital Improvement Program. An allocation of \$1.2 million for the project was included in the 2001-02 Debt Authorization Plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-274
(Int. No. 309)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Brooks Landing Revitalization 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 Bergmann Associates for engineering design services for the Brooks Landing Revitalization 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. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his property could be affected in the future by these items.

Ordinance No. 2002-275
(Int. No. 309A)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Planning And Designing The Brooks Landing Public Waterfront Improvement Project In The City Of Rochester

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 issue bonds of the City in the aggregate principal amount of \$150,000 for the design of the Brooks Landing Public Waterfront Improvement Project which consists of the construction of a public promenade along the Genesee River/Erie Canal and includes pedestrian amenities, pedestrian links to surrounding areas and a river/canal boat docking access, all along the west side of the Genesee River

from Brooks Avenue to east of Grandview Terrace within the City. The plan of financing includes the issuance of \$150,000 bonds of the City, and said amount is hereby appropriated therefor, 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 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 by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his property could be affected in the future by these items.

TO THE COUNCIL:

Ladies and Gentleman:

Resolution No. 2002-19

Re: Appointment - Rochester
Preservation Board

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation confirming the appointment of Deborah A. Beardslee, 24 Trafalgar Street, to the Rochester Preservation Board.

Ms. Beardslee will replace Jean de Keyserling as the representative of the Landmark Society of Western New York. She will be appointed to a full, three-year term. A copy of Ms. Beardslee's resume is on file in the Office of the City Clerk.

The term of Ms. Beardslee will extend through August 31, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2002-19
(Int. No. 312)

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 Deborah A. Beardslee, 24 Trafalgar Street, to the Rochester Preservation Board for a term which shall expire on August 31, 2005. Ms. Beardslee shall replace Jean deKeyserling, whose term has

expired.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 311
Re: Fulton Avenue Acquisitions

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition, through negotiation or condemnation, of three properties as part of the Fulton Avenue Challenged Street Project:

Address	Lot Size	Legal Use	Cost
126 Fulton Avenue Robert & Bernadette Hannon	45' x 120'	2 Family	\$17,500
132 Fulton Avenue Theresa Randazzo	61' x 120'	2 Family	17,500
159 Fulton Avenue Boris Shapiro	52' x 116'	3 Family	<u>28,000</u>
Total			\$63,000

The Fulton Avenue Challenged Street Project was begun in September, 1998. City Council authorized acquisitions for the project on August 21, 2001. The purpose of the Challenged Street project is to improve the physical environment and help build a greater sense of community for the residents. The three properties will be redeveloped with single-family homes.

The acquisition amounts were established through independent appraisals prepared by Robert G. Pögel, SRPA, and Kevin Bruckner, MAL. All of the properties are vacant; therefore, no relocation costs will be incurred. A total appropriation of \$100,000 is requested to cover the acquisition, demolition and closing costs for these parcels. The source of funds is the 2001-02 Cash Capital allocation for Challenged Streets.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Norwood moved to return Introductory No. 311 to committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 311

APPROVING THE ACQUISITION OF PARCELS FOR THE FULTON AVENUE REDEVELOPMENT PROJECT BY NEGOTIATION OR CONDEMNATION

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 owners for maximum amounts not to exceed the following as a part of the Fulton Avenue Redevelopment Project:

Property Address	SBL #	Type	Maximum Acquisition Cost
126 Fulton Ave. Robert & Bernadette Hannon	105.43-2-38	2 Family	\$17,500
132 Fulton Ave. Theresa Randazzo	105.43-2-40	2 Family	17,500
159 Fulton Ave. Boris Shapiro	105.43-1-31	3 Family	<u>28,000</u>
Acquisition Costs			\$63,000

Section 2. The acquisition, demolition and closing costs 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 2001-02 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 owner has paid any taxes or other current-year charges attributable to the period after the closing, such charges shall be credited to such owner at closing, and may, if appropriate, be refunded. Any taxes levied after the date of closing, while the City still owns the parcels, shall also be canceled.

Section 4. In the event that any or all of said parcels cannot be acquired by negotiation, the Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcels.

Section 5. This ordinance shall take effect immediately.

Held in committee.

By Councilmember Mains
August 20, 2002

To the Council:

The Economic Development & Government Efficiency Committee recommends for adoption the following entitled legislation:

Int. No. 304 - Authorizing Agreements For The Service Learning Institute Of Rochester

Int. No. 305 - Establishing \$16,000 As Maximum Compensation For A Professional Services Agreement For Pre-Retirement Planning Services

Int. No. 306 - Authorizing An Agreement With Rural Metro Medical Services For The Continued Provision Of Emergency Ambulance Services

Int. No. 310 - Amending The 2001-02 Budget With Respect To The Rochester Police Department

Respectfully submitted,
Tim O. Mains
Brian F. Curran

Nancy K. Griswold
Gladys Santiago
ECONOMIC DEVELOPMENT & GOVERNMENT
EFFICIENCY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-276
Re: Agreements - Service Learning Institute

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the continued operation of the Service Learning Institute of Rochester. This legislation will authorize agreements with:

1. The NYS Corps Collaborative for receipt and use of up to \$135,240. Under the AmeriCorps program; and
2. The Urban League of Rochester, 265 N. Clinton Avenue, for the use of these funds.

The Institute was established in December, 1994. Since its inception it has been operated by the Urban League under periodic agreements, the most recent of which was authorized by the City Council on September 25, 2001.

The Institute provides educational instruction, employment skills training and community service opportunities to economically disadvantaged youth. The allocation from the AmeriCorps program is used to finance the cost of the community service portion of the program. The amount of the 2001-02 allocation was \$135,240. This current amount is the same as the 2000-2001 amount.

A description, assessment, and budget for the program are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-106

Ordinance No. 2002-276
(Int. No. 304)

Authorizing Agreements For The Service Learning Institute Of Rochester

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 Corps Collaborative for the receipt and use of AmeriCorps funding for the operation of the Service Learning Institute of Rochester.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester for the continued operation of the Service Learning Institute of Rochester.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$135,240, and said amount, or so much thereof as may be necessary, is hereby appropriated from the AmeriCorps

funds to be received from the New York State Corps Collaborative.

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 2002-277
Re: Pre-retirement Planning Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation to authorize an agreement with Lifespan of Greater Rochester, Inc., for the provision of pre-retirement information and guidance services for City employees. The maximum cost of the agreement is \$16,000, which will be funded from the Undistributed account of the 2002-03 Budget.

The services will be delivered through group seminars that will cover an agenda developed from the following topics:

- Paying for long-term care
- Paying for health care
- Financing retirement
- Legal instruments
- Eldercare resources
- Post-retirement employment and volunteerism
- Recreation and continued learning opportunities
- Physical health and wellness
- Transition and change management

The seminars will be presented jointly by Lifespan and representatives of the New York State Employee Retirement System (NYSERS) through a partnership engineered by Lifespan with the Office of the New York State Comptroller (OSC). In this fashion, participants will receive both generic pre-retirement information and information specific to members of the NYSERS.

Studies cited by Lifespan suggest that the average person spends 90,000 hours working and 10 hours planning for retirement. On average, 77 employees retire from City service during any given year. The proposed agreement will enable City employees to plan confidently for a fulfilling, healthy, and active post-retirement life. Participation will be voluntary; recruitment will focus on employees who are within three years of retirement eligibility, and the recruitment / promotional efforts will be undertaken in cooperation with the City's bargaining units. This agreement will permit participation of approximately 77 employees as well as spouses, partners, and others as appropriate.

Seminars will be offered during non-duty hours at times and places convenient to participants. Participants will receive literature produced or acquired by Lifespan that they may retain following the seminars.

Lifespan was chosen based upon its reputation for work with and expertise in the retirement-age population. It markets this service as "PlanIt!" in conjunction

with the Industrial Management Council. Lifespan is a not-for-profit agency and does not sell products such as annuities or insurance. It possesses and can deliver objective, unbiased guidance on retirement issues. Further, its partnership with the OSC makes available to the City up to \$1,000 from OSC to offset any incidental costs.

For your information, Assistant to the Mayor Richard Hannon was recently elected to the board of directors of Lifespan. Lifespan board members receive no remuneration for their services, and Mr. Hannon will receive no economic benefit from any agreement between the City and Lifespan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-277
(Int. No. 305)

Establishing \$16,000 As Maximum Compensation For A Professional Services Agreement For Pre-Retirement Planning 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 compensation to be paid for a professional services agreement between the City and Lifespan of Greater Rochester, Inc. for pre-retirement planning information and services for City employees. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-278
Re: Agreement - Rural/Metro Medical Services

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Rural/Metro Medical Services, 177 University Avenue, for the provision of emergency ambulance services. The agreement will have an initial term of four years with provision for renewal for two additional terms of one year each.

Rural/Metro Medical Services, formerly National Ambulance and Home Care Services, has provided this service since July 1, 1988 pursuant to agreements authorized by City Council on June 14, 1988, April 14, 1992, September 15, 1992, and July 23, 1996. The current agreement expires on September 30, 2002.

Proposals for the provision of service beyond that date were solicited and received from both major ambulance companies within the City, Rural/Metro Medical Services and Monroe Ambulance. Copies of these proposals are on file in the Office of the City Clerk.

The proposals were evaluated by an interdepartmental committee consisting of representatives of

the Departments of Fire, Police, Law, Emergency Communications and Finance. As part of the review, the committee made site visits to both Rural/Metro Medical Services and Monroe Ambulance. As with previous evaluations, the committee determined that the following criteria continue to be appropriate:

1. Capacity to provide the required service;
2. Commitment to quality of medical care; and
3. Proposed fees.

Both Rural/Metro Medical Services and Monroe Ambulance provide high quality ambulance service to the community. The committee noted that Monroe has made commendable strides in upgrading its communication system, and is presently improving its facilities.

Rural/Metro Medical Services continues to provide service in which all ambulances and crews are capable of providing advanced life support (ALS) service. Monroe continues to offer service with a mix of ALS ambulances, basic life support (BLS) ambulances and "fly cars". Monroe's proposal did not include any plans to change equipment or deployment. Its proposal did include a plan to provide the additional number of ambulances needed to meet the City contract. While the fly-car system used by Monroe meets the needs in suburban and rural areas, the committee questioned whether it would do so in an urban setting. During a peak demand period, response time to ALS calls could be significantly impacted. As in 1996, it continues to be the committee's determination that, because of the high number of calls for service per year, the City is better served with an all ALS system.

At present, about 43,000 requests for emergency ambulance service are received by the City each year. Following is a summary of the disposition of these requests for the twelve-month period ending June 30, 2002:

Period:	Number of Calls	Percent
July 1, 2001 to June 30, 2002		
Basic life support	19,364	
44.73%		
Advance life support	11,974	27.66
Non-transport		
Canceled en route	1,351	3.12
Canceled at scene	2,381	5.50
No patient found	1,285	2.97
Patient refused service	6,687	15.45
Transferred to other company	103	0.24
Stand-by	142	
0.33		
Total	43,287	
100.00%		

Rural/Metro Medical Services has an excellent computer and communication system that includes a CAD-to-CAD link with the Department of Emergency Communications. Some changes are recommended to improve the interface between the two systems and to provide more information to the City. Monroe Ambulance also has a CAD system that is currently being upgraded along with Monroe's facilities, but the committee felt the Rural/Metro Medical Services' communication system, level of support, and facilities were better.

Medical personnel employed by each company were seen as comparable since emergency medical service personnel are all held to the same certification stan-

dards, regardless of employer. Rural/Metro Medical Services has received national accreditation while Monroe Ambulance is seeking such accreditation. As the current emergency ambulance service provider, Rural/Metro Medical Services has the necessary ambulances and a comprehensive staffing and deployment plan. Rural/Metro Medical Services also has a more extensive motor vehicle service facility than Monroe Ambulance. To provide services under the agreement, Monroe Ambulance would have to purchase a large number of vehicles, greatly increase staffing, and establish a deployment plan. With its facility currently under construction, and new communication and computer equipment not yet installed, the time needed to prepare to provide services could be significant.

Rural/Metro Medical Services clearly demonstrated a commitment to quality assurance and improvement to the system that strives to maintain the high standard of care set by the company and expected by the community.

In the area of policies and protocols, Rural/Metro Medical Services provided extensive information on company policies and protocols; they were well developed and an ongoing part of the system.

The committee surveyed area hospital emergency room directors to determine their view of ambulance service as provided by Monroe and Rural/Metro Medical Services. As has been the case in the past, the responses indicated that service by both companies is considered to be good. State Health Department complaints did not provide a basis to distinguish between the two companies.

Fees were considered to be an extremely important criteria that directly affects the non-insured patient and patients with insurance that requires a co-payment. Monroe Ambulance and Rural/Metro Medical Services proposed fees as follows:

	Monroe Present	Ambulance	Rural/ Metro*
Basic Life Support - non-emergency call			\$167.24
Basic Life Support	\$205.76	\$233.00	186.91
ALS Technician/Critical Care Unit (added to BLS rate when ALS services provided by fly car)	150.32	155.00	N/A
ALS Treat and Release (additional services billed separately)	225.00		N/A
Advance Life Support/Critical Care Unit (Paramedic)	356.09	367.00	N/A
Advance Life Support 1-Non-emergency call (transfers)	—		331.89
ALS 1 Emergency	—		354.82
ALS 2	—		382.62
Oxygen (per transport)	49.29	51.00	
Mileage Point to Point (per loaded patient mileage)	5.56**		5.75***

4.42***

Stand-by Time per 15 Minutes (starting after first 15 min.)	22.16	25.00	N/A
Patient Refuses Service (2/3rds. of base rate)	137.20	142.00	N/A
Defibrillation (per transport)	61.62	64.00	N/A
Intravenous Injections (per transport)	39.43	41.00	N/A
Electrocardiogram (per transport)	77.60	80.00	N/A
Intraosseous Infusion	76.40	79.00	N/A
Transcutaneous Cardiac Pacing	134.29	139.00	N/A
Endotracheal Intubation (per transport)	61.62	64.00	N/A
RFD/Early Defibrillation Supplies	30.82	32.00	N/A
Pulse Oximetry	30.82	32.00	N/A
Blood Glucose Analysis	N/A	12.00	N/A
Narcotics (per administration)	N/A	62.75	N/A
Patient Life Assist	N/A	63.00	N/A
Cervical Collar	N/A	42.50	N/A
Immobilization	N/A	45.00	N/A

* Using applicable Medicare fee schedule, all rates are bundled, i.e., there will be no separate charges for additional medications, treatments, etc., except for mileage. For uninsured patients Rural/Metro Medical agrees that it will accept as full payment an amount equal to the applicable Medicare-allowable charges.

** Starting at City line

*** Point to point

With respect to the fees proposed by the service providers Monroe Ambulance has also requested a subsidy if, after six months of service, it is able to demonstrate a financial loss.

Fixed annual fees of \$3,800 and \$5,000 will be charged to the City for, respectively, the transport of disabled or injured City employees or disabled or injured prisoners in the custody of the Police Department. The fees will be adjusted annually to reflect any increases in the consumer price index.

The proposed agreement, in accordance with the standards established by the Commission on Accreditation of Ambulance Services (CAAS) will continue to require that:

1. 90% of all responses shall be completed within:

- a. Eight (8) minutes for advance life support service, and
 - b. Fifteen (15) minutes for basic life support service;
2. Response time may not vary significantly by time period or geographic area; and
3. If an ALS ambulance is not immediately available, a request for advanced life support service must be immediately transferred to another company.

Rural/Metro Medical Services currently has the equipment and personnel to meet the standard, while Monroe would have to obtain a number of new ambulances and hire additional personnel.

A performance bond in the amount of \$500,000, an increase of \$350,000 from the current agreement, will be provided by Rural/Metro Medical Services to ensure contract performance.

Responsibility for administering the agreement and monitoring Rural/Metro Medical Services' performance will continue to be assigned to the Fire Department.

During the evaluation of the proposals submitted by Rural/Metro Medical Services and Monroe, it was clear to the committee that both companies provide quality care to the patients they serve. As noted previously, Monroe has made great strides in updating its communication system. There was no one deciding factor on which the committee based a final decision. All criteria and categories were taken into account in relation to their merit. The final result was simply that Rural/Metro Medical Services displayed the capacity to provide the required service, and to do so at lower fees. The committee also recognized that the service provided by Rural/Metro Medical Services under the current agreement has been excellent and that it has the equipment, personnel and systems in place to continue such service without interruption.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-278
(Int. No. 306)

Authorizing An Agreement With Rural Metro Medical Services For The Continued Provision Of Emergency Ambulance Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Rural Metro Medical Services for the provision of emergency ambulance services for sick, disabled or injured persons found in the streets or in public places within the City, when the City requests ambulance services or when the City receives a request for ambulance services from a third person, and for standby services at emergency scenes and special events. The agreement shall provide that the rates to be charged to individual payees shall not exceed the applicable Medicare rates for such services. The agreement shall extend for a term of four years, and may be renewed at the option of the City for two additional terms of one year each. The agreement shall provide for both basic life support and advanced life support services, with Rural Metro

required to respond in accordance with Commission on Accreditation of Ambulance Services requirements within 8 minutes on 90% of the calls for advanced life support service, and within 15 minutes on 90% of the calls for basic life support service. Responses shall not vary significantly by time period or between the ten neighborhood sectors of the City. If an advanced life support service ambulance is not immediately available for dispatch, a request for such services must be immediately transferred to another ambulance company.

Section 2. No charges shall be imposed upon the City as a result of said agreement, except that the City shall be obligated to pay the sum of \$3,800 in the first year for all services for City employees who, in the course of their employment, become sick, disabled or injured, and the sum of \$5,000 for all services for prisoners in the custody of the Rochester Police Department who become sick, disabled or injured. Said amounts shall be adjusted annually to reflect changes in the medical services component of the Consumer Price Index (Urban) for the preceding 12 month period. The City shall also be obligated to pay for standby services when requested at special events at a special events standby rate. Such amounts shall be funded from the annual City 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. 2002-279
Re: 2001-02 Budget Amendment

R2010: Campaign 3 - Health, Safety,
and Responsibility

Transmitted herewith for your approval is legislation amending the 2001-02 budget by transferring appropriations totaling \$1,851,400 from the Contingency Account to the following departments:

Police	\$1,731,300
Undistributed Expense	120,100
Total	\$1,851,400

The appropriation transfers are authorized by section 6-13 of the City Charter.

The City Council has previously authorized 25 other amendments to the 2001-02 budget. These amendments reflected 1 appropriation transfer, 22 appropriation increases based upon the receipt of additional revenues, and 2 appropriation decreases based upon anticipated revenue shortfalls.

Actual receipts and expenditures for 2001-02 will be audited by the City's external auditors, Deloitte & Touche. The proposed amendment is required to complete the audit and ensure adherence to section 6-16 of the Charter, which prohibits expenditures in excess of authorized appropriations.

The increase to the Police Department is for personnel costs reflecting the relevant provisions of the award made on August 1 subsequent to the interest arbitration process between the City and the Rochester Police

Locust Club. That award provides a salary increase of 3% effective on July 1, 2001, as well as a uniform allowance of \$500. The transfer to Undistributed represents the estimated additional cost of employee benefits associated with the wage increase. Retro-active payments to Locust Club members will be processed in the near future.

The arbitration award also covers 2002-03, and provides for an additional 3% increase effective July 1, 2002, a continuation of the uniform allowance, and additional compensation for officers assigned K-9 duties (20 minutes per day at overtime rate). A proposed amendment to the 2002-03 budget to reflect these changes will be submitted at a later date.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-279
(Int. No. 310)

Amending The 2001-02 Budget With Respect
To The Rochester Police Department

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

Section 1. Ordinance No. 2001-215, the 2001-02 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,731,300 from the Contingency Account to the Rochester Police Department and the sum of \$120,100 from the Contingency Account to Undistributed Expense to pay for Police personnel costs resulting from the Interest Arbitration Award between the City and the Rochester Police Locust Club, Inc.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:31 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
August 29, 2002

Present - President Giess, Councilmembers Curran, Griswold, Mains, Santiago, Stevenson, Thompson - 7.

Absent - Councilmembers Douglas, Norwood - 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.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2002-20
Re: Rules of Council

Transmitted herewith for your approval is legislation to amend the rules of Council by changing the names of the standing committees of Council contained therein.

As you are aware, Councilmember Tim O. Mains recently accepted a position as Acting Principal of School 50 in the Rochester City School District. In order to avoid the appearance of a conflict of interest, he resigned his position as both a member and Chair of the Economic Development & Government Efficiency Committee. Among the principal responsibilities of that committee was the annual review of the budget of the City School District.

In order to make the best use of the varied talents of Councilmembers, the following new standing committees are proposed:

Finance & Public Safety; Housing & Economic Development; Parks, Public Works & The Environment; Public Services & The Arts.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-20
(Int. No. 314)

Resolution To Amend The Rules Of Council

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

Section 1. Res. 2002-04, The Rules of Council, is hereby amended by changing the names of the standing committees of City Council in Section XVI therein to read as follows:

Finance & Public Safety; Housing & Economic Development; Parks, Public Works & The Environment; Public Services & The Arts

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 5:36 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
September 17, 2002

Present - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Absent - Councilmember Griswold.

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

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

Recognition Ceremony

Retirement:

DES

Worda L. Spinks
Thomas L. Williams

Library

*David F. Deaugustine
*Anne C. Fede

RPD

*Everett T. Orsini
*Barbara Roberson

*Will not attend meeting.

APPROVAL OF THE MINUTES

By Councilmember Norwood

RESOLVED, that the minutes of the Regular Meeting of August 20, 2002, and Special Meeting of August 29, 2002, 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:
Homesteading Lottery - October 16, 2002.
3699-7

Corporation Counsel Submits Settlement of Tax Assessment Proceedings. 3700-7

The Director of Zoning submits Notices of Envi-

ronmental Determination. 3701-7

PUBLIC HEARINGS

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

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project Int. No. 342 One speaker: George Stam.

Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption Int. No. 346 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
September 17, 2002

To the Council:

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

Int. No. 315 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 316 - Amending Ordinance No. 2001-280 Relating To The Sale Of Real Estate

Int. No. 317 - Accepting Donation Of Real Estate

Int. No. 318 - Authorizing A Lease Agreement With The Urban League Of Rochester, New York, Inc.

Int. No. 319 - Authorizing A Lease Agreement For The Highland Police Section Office

Int. No. 320 - Appropriating Funds And Authorizing Agreements For The Neighbors Building Neighborhoods Program

Int. No. 321 - Approving A Property Tax Exemption And In-Lieu-Of-Tax Agreement For The Keeler Park Apartments, As Amended

Int. No. 349 - Establishing \$48,000 As Maximum Compensation For Legal Services

Int. No. 352 - Authorizing Sale Of Additional Parcels For The 2002 Home Expo Program, As Amended

The following entitled legislation is being held in committee:

Int. No. 322 - Amending The Municipal Code By Adoption Of A New Zoning Code And Zoning District Map (Public Hearing To Be Held On September 19, 2002 And September 26, 2002)

Int. No. 323 - Local Law Amending The City Charter With Respect To Planning And Zoning

Int. No. 324 - Local Law Amending The City Charter With Respect To The Planning Commission, Board Of Appeals And Preservation Board

Int. No. 325 - Local Law Amending The City Charter With Respect To City Planning

Respectfully submitted,

Wade S. Norwood
Benjamin L. Douglas
Lois J. Giess
Gladys Santiago (Did not vote on Introductory No. 315 through Introductory No. 318.)
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-280 And
Ordinance No. 2002-281
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of 52 properties and amending a prior sale.

Sales

The first forty-five properties were sold at the July 1, 2002 Public Auction. The properties will be rehabilitated in accordance with their legal uses, and the purchasers will be required to complete the rehabilitation within nine months of the conditional closing.

The next two properties were sold through the June 3, 2002 Request for Proposal Sale, and are being purchased by the same individual. The City is in the process of demolishing 453 North Street, which will be developed as a parking lot to be used in conjunction with 463-473 North Street. The property at 463-473 North Street will be rehabilitated as 12 apartments and 3 commercial units, consistent with the legal use.

The next property is a single-family structure that is being sold to the Rochester Housing Development Fund Corporation. The property will be rehabilitated and subsequently sold to an owner occupant.

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

Amendment

On August 2, 2001, Council authorized the sale of 716 Genesee Street to Carolyn & Eugene Reeves. The ordinance incorrectly named the purchasers; the correct names are Carolyn & Eugene Lewis. The proposed amendment will correct the error.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-108

Ordinance No. 2002-280
(Int. No. 315, As Amended)

Authorizing The Sale Of Real Estate

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

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

Address S.B.L.#	Legal Use Purchaser	Price
298 Adams St 120.52-1-9	1 Family Nadia Gilkes	\$1,900
230 Ames St 120.33-2-62	1 Family Jeff Tome	2,500
273 Ames St 120.25-2-17	2 Family Alvin J. Galloway	6,200
20-22 Avenue C 105.28-1-6	2 Family Nicole Miller	15,300
336 Avenue D 091.78-2-30	2 Family Brian E. Abramson	2,600
127 Berlin St 106.24-1-28.1	2 Family Sabrina Holmes	3,900
139 Berlin St 106.24-1-30	1 Family Alexander & Mary Merity	5,000
270 Berlin St 091.81-3-68	1 Family Jeff Tome	2,900
7 Borchard St 091.70-3-30	1 Family Diana Howard	2,600
353-355 Central Pk 106.59-2-7	2 Family Carol Ashford	6,100
43-45 Clifton St & 4 Caffery Pl	2 Family Power House Church of God in Christ (1)*	9,000
177 Columbia Av 120.68-2-80	1 Family Nicole Miller	5,100
61 Eiffel Pl 091.80-4-50	1 Family Jeff Tome	1,100
191-193 Emerson St 105.42-1-86.1	2 Family Anthony Ognissanti & Jacek Zygodlo	4,500
417 Emerson St 105.41-2-53	1 Family Napier Enterprises Inc. (2)*	6,400
66 Evergreen St 106.29-3-13	1 Family Central City Properties, Inc.(3)*	1,200
395 First St 106.35-2-63	1 Family Errol Facey	1,800
91 Frost Av 121.61-1-17	2 Family Judith Leona Somersall	5,500
1016 Goodman St N 107.37-1-42	1 Family Coleman Ellison	16,300
155-157 Hobart St 120.56-1-26	2 Family Jeffrey C. McLamore	13,200
69 Hollister St 106.34-3-20	2 Family Alexander C. King	2,000
90 Hollister St 106.34-2-62	1 Family Sinh Tran	5,400
329 Jay St 105.84-1-68	2 Family Daniel Demonte	4,600
904-906 Jay St 105.81-1-31.2 & 31.1	1 Family James S. Beaman	4,700
194 Jefferson Ter 120.51-3-60.1	1 Family Umenzi Thompson	5,100
14 Kenwood Av 120.50-1-31	2 Family Lori A. Harris	8,700
64 Ketchum St 106.23-1-35	2 Family Edward & Jackie White	4,600
50 Kohlman St 091.78-3-11	2 Family Antoine McDonald & Tynise Y. Edwards	2,800
3 Lansing St 106.42-1-2	1 Family Harold M. Rone, II	1,400
19 Lorenzo St 105.81-1-44	1 Family Infinity Properties, Inc.(4)*	2,500
39 Lorenzo St 105.81-1-49	1 Family Nicholas Gonzalez, Jr.	3,000
95 Maryland St 105.26-2-59	2 Family Rochester Home	5,900

158 Mohawk St 091.75-1-8	Association, LLC (5)* 1 Family Napier Enterprises, Inc.	10,900
[164 Morrill St 106.23-1-14	1 Family Rocco Stebbins]	2,100
407-409 Murray St & Part of 411 Murray St	2 Family	7,900
105.57-3-11& 1/2 of 3-10	ALA Properties, Inc.(6)*	
247-249 Parsells Av 107.62-1-5	2 Family Elliott L. Hioe	6,000
16 Remington St 106.31-2-70	1 Family Nicole Miller	4,500
286-288 Remington St	2 Family Larry Copeland	6,200
091.79-4-2.1	1 Family Lori A. Harris	2,700
61 Ringle St 120.56-3-53	1 Family Albert Tomlin, Jr.	2,100
42 Rockland Pk 120.51-4-56	1 Family Edward Lamar White	6,700
39 Roycroft Dr 091.81-2-17	2 Family Aubrey L. Wynn	12,500
9-11 Thorn St 105.27-2-6	1 Family Edward Lamar White	11,100
204 Webster Av 107.53-3-4	2 Family Latricia Johnson	2,300
19 Weyl St 091.71-3-67	1 Family Napier Enterprises, Inc.	7,500
9 Wright Ter 106.43-1-6		

- (1)*Officers: Pastor Jeffrey L. Melvin
- (2)*Officers: Robert Napier
- (3)*Officers: Maria Mason, James Falbo
- (4)*Officers: Maria Mason
- (5)*Officers: Douglas Ophards
- (6)*Officers: Anthony Fusilli

Section 2. The Council further approves the sale through a request for proposals of the following parcels of vacant and improved property:

Address	Price	Purchaser
S.B.L.#		
453 North St 106.57-2-3	\$ 1,000	Coleman Ellison
463-473 North St 106.57-2-5	50,000	Coleman Ellison

Section 3. The Council further approves the negotiated sale of the following parcel of improved property:

Address: 216 Hayward Av
S.B.L.#: 106.67-2-23
Price: \$2,000
Purchaser: Rochester Housing Dev Fund Corp.*

- *Officers: Jean Lowe, Raphael E. Cestero, Kevin Recchia, Robert Barrows

Section 4. The Council further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address	Purchaser	Sq. Ft.
S.B.L.#		
953 Clifford Av 106.33-3-7	Ramon Quinones	3780
1 Rano St 106.72-1-91.3	Monroe Litho, Inc.*	380
288 Whitney St	Boubakar Souissi	

105.74-3-63.1 3440+/-
Pt of 159 Wilder St Joe & Maggie Nesmith
Pt of 120.27-2-16 3300

*Officers: H. Christopher Pape, John Falco, Kenneth Nagel

Section 5. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 6. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-281
(Int. No. 316)

Amending Ordinance No. 2001-280 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2001-280, relating to the sale of real estate, is hereby amended by authorizing the sale of 716 Genesee Street, as approved in Section 1 thereof, to Caroline & Eugene Lewis, instead of to Caroline & Eugene Reeves.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-282
Re: Real Estate Donation -
18-18.5 King Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acceptance of the donation of title to property at 18-18.5 King Avenue, upon request, by The Landmark Society of Western New York, Inc. The property consists of two vacant single-family dwellings on the same lot, located in the Susan B. Anthony Historic Preservation District. The property has been foreclosed and is being donated to the Landmark Society by Household Finance Corporation.

Last year, the Preservation League of New York State declared the Susan B. Anthony Preservation District to be one of "Seven to be Saved", important historic sites in the state that are threatened by disinvestment, deterioration and demolition. The Landmark Society, in partnership with the Susan B. Anthony Neighborhood Association, Housing Opportunities, Inc. (HOP) and the City, is promoting reinvestment through homeownership and rehabilitation. HOP and Flower City Habitat for Humanity will be constructing five new homes on King and Madison Streets this year.

Under the proposed plan, Household is donating the

properties at 12-12.5 King Street and 18-18.5 King Street to the Landmark Society. The Landmark Society will market both properties for a period not to exceed six months with the intention of locating developers who can rehabilitate the structures and return them to the tax rolls. Net proceeds from the sale of either property are to be reinvested in the Susan B. Anthony neighborhood by the Landmark Society. If, after six months, the property at 12-12.5 King Street is not sold, it will be the Landmark Society's responsibility to develop an appropriate plan for that property. If a buyer is not found for 18-18.5 King Street after six months, the Landmark Society will donate the property to the City in lieu of outstanding City taxes. The property will then be included in one of the City's sale programs.

If the donation is made, City taxes for the tax years 2002 and 2003 will be canceled upon the acquisition of the property. Outstanding County taxes will be paid by the Landmark Society. The property is to be conveyed with no other outstanding liens or encumbrances.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-109

Ordinance No. 2002-282
(Int. No. 317)

Accepting Donation Of Real Estate

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

Section 1. The Council hereby approves the acceptance of the donation of 18-18.5 King Street, SBL #120.36-2-37, if donated by the Landmark Society of Western New York, Inc.

Section 2. Upon acquisition by the City, City taxes and other charges against said parcel shall be canceled. Any taxes levied after the date of closing, while the City still owns the parcel, shall also be canceled. Said parcel shall be accepted free and clear of any other outstanding liens or encumbrances.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-283
Re: Lease Agreement -
304-308 Andrews Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Urban League of Rochester, Inc. for the lease of office space in the City-owned building at 304-308 Andrews Street. The Urban League's Economic Development Corporation also operates the Home Store out of a portion of this same building under a separate lease.

The lease will have a three-year term commencing October 1, 2002. The City will have the right to terminate this lease with six months notice, if required,

for municipal and/or economic development purposes. The tenant has the right to terminate the lease with thirty (30) days notice if the funding for its AmeriCorps and Youthbuild programs is not renewed.

The annual rental amount will be \$13,920. This rental rate was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-110

Ordinance No. 2002-283
(Int. No. 318)

Authorizing A Lease Agreement With The Urban League Of Rochester, New York, Inc.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Urban League of Rochester, New York, Inc. for the lease of City-owned office space at 304-308 Andrews Street. The agreement shall extend for a term of three years, with the City having the right to terminate on six months notice if the parcel is required for municipal and/or economic development purposes and the Urban League having the right to terminate on thirty days notice if funding for its AmeriCorps and Youthbuilding Programs is not renewed.

Section 2. The lease agreement shall obligate the Urban League to pay an amount not to exceed \$13,920 in annual rent.

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. 2002-284
Re: Lease Agreement - Highland
Police Section

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing a one-year lease with a one-year renewal option with Michael E. Kleinhans for the continued use of the premises at 714-730 University Avenue and 61-79 Atlantic Avenue by the Highland Police Section.

The Highland Section has occupied this space for more than ten years. The current lease is due to expire on September 30, 2002. The new lease will commence October 1, 2002 and expire on September 30, 2003. The monthly and yearly cost for this agreement is as follows:

Square Footage: 6,445

Rate:	\$7.49
Monthly Rent:	\$4,025
Total Annual Rent:	\$48,300

The new annual rental amount is a 5% (\$2,300) increase over the previous rental rate. In consideration for this increase, the landlord has agreed to perform specified repairs and upgrades to the premises.

The cost of the lease will be financed from the 2002-03 budget of the Police Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-284
(Int. No. 319)

Authorizing A Lease Agreement For The Highland Police Section Office

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 Michael E. Kleinhans for the continued lease of space at 714-730 University Avenue and 61-79 Atlantic Avenue to be used for the Highland Section Police Office. The agreement shall extend for a term of one year, with one additional one-year renewal option.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$48,300 in annual rent. Said amounts shall be funded from the Operating Budget 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. 2002-285
Re: CDBG Appropriation - NBN Program

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation appropriating \$75,000 from the 2001-02 Community Development Block grant for the Neighbors Building Neighborhood (NBN) Program.

The NBN planning process was initiated in 1993 and resulted in the presentation of 10 sector plans in 1995.

In 2001, the sector committees began to update the plans. The update was completed in January 2002 and resulted in 337 activities that are scheduled to be completed during the next 18 months. The proposed appropriation will be used to support the completion of these activities.

Sector planning committees	\$50,000
Promotion and advertising	25,000
Total	\$75,000

Respectfully submitted,

William A. Johnson , Jr.
Mayor

Ordinance No. 2002-285
(Int. No. 320)

Appropriating Funds And Authorizing Agreements For The Neighbors Building Neighborhoods Program

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

Section 1. There is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2001-02 Community Development Program the sum of \$75,000, or so much thereof as may be necessary, to support the Neighbors Building Neighborhoods Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary for the implementation of this 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. 2002-286
Re: PILOT Agreement - Keeler
Park Apartments

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Keeler Park Apartments. This legislation will:

1. Grant a continuing tax exemption for the property located at 501 Seneca Manor Drive for an additional 30 years, subject to obtaining permanent financing through a federally-aided mortgage; and
2. Authorize an agreement for payments in lieu of taxes (PILOT) with the owner of the property for the period of the exemption.

Keeler Park is a 526 apartment complex which was developed under the HUD Section 236 and NYS Mitchell-Lama programs from 1971 to 1975. It has provided affordable housing for seniors (280 +/- units) and the general population (246 +/- units) for the past 27 years. The original tax exemption and PILOT agreement was approved in 1971 and expires in 2006. The current owners of the property, Victoria Park Housing Corporation (headquartered in Boston), have offered the property for sale and are negotiating its transfer to a limited partnership headed by Conifer Realty, Inc. (Conifer), a Rochester-based developer.

Conifer proposes to acquire the property and would finance the acquisition (\$18.4 million) and renovation (\$3 million) using a combination of State and Federal programs. The primary financing mechanism would be NYS Housing Finance Agency (HFA) tax-exempt bond financing with Federal Low Income Housing

Tax Credits (LIHTC). An application is pending with HFA. In addition, Conifer is seeking approval from HUD to refinance the existing Section 236 mortgage through a new Section 241 loan. Conifer is also seeking HUD approval to retain and increase the number of Section 8 project-based certificates, which enhance rent affordability for tenants.

If the financing plan being advanced by Conifer is accomplished, the operative affordable housing programs that will govern rent levels are LIHTC and Section 8. As proposed, the NYS-DHCR will administer the Section 8 and LIHTC requirements, and will continue to furnish the City with certified rent roles/schedules that are used in computing the annual PILOT payments.

There is little to suggest that a project of this size, given its location and configuration (two 16-story high rise towers), would be marketable through other than affordable housing programs. Furthermore, given the property's historic use and given the general shortage of assisted housing in the community, the continued tax exemption and PILOT appear warranted.

Current annual PILOT payments, based on 10% of shelter rent, are approximately \$250,000. Under the proposed agreement, PILOT payments will continue at the 10% rate. However, the City will receive a lump-sum payment of \$100,000 after approval by HUD and an additional 1% of shelter rents after the debt service coverage ratio exceeds 1.22.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-111

Ordinance No. 2002-286
(Int. No. 321, As Amended)

Approving A Property Tax Exemption And In-Lieu-Of-Tax Agreement For The Keeler Park Apartments

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

[Section 1. Pursuant to Article V of the New York Private Housing Finance Law, the Council hereby approves the conveyance of property known as the Keeler Park Apartments, 501-601 Seneca Manor Drive, to a redevelopment company to be formed by Conifer Realty, Inc. under Article V of the New York Private Housing Finance Law, for rehabilitation.]

Section [2] 1. Pursuant to Section [125] 577 of the New York Private Housing Finance Law, the Council authorizes an exemption from real property taxes, for a period of 30 years, for the real property of Keeler Park Apartments, identified as 501-601 Seneca Manor Drive, SBL #091.40-1-09, provided such property is acquired and owned by a [redevelopment] housing development fund company to be formed by Conifer Realty, Inc. under Article [V] XI of the New York Private Housing Finance Law, [and provided that the project is permanently financed by a federally-aided mortgage,] and provided that payments in lieu of taxes are made as follows. Annual payments in lieu of taxes shall initially be equal to 10% of annual "shelter rent", defined as gross rents less utility costs. Once the debt service coverage ratio of the project exceeds 1.22, payments in lieu of taxes shall be 11% of "shelter rent". In addition, a lump-sum payment of \$100,000 shall be made to the City after approval

of the rehabilitation of the project by HUD.

Section [3] 2. The Mayor is authorized to enter into an agreement with the [redevelopment] housing development fund company incorporating these terms. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

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

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-287
Re: Professional Services Agreement -
Legal Consulting

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith is legislation to establish maximum compensation for a professional services agreement with the law firm of DiMarco and Riley LLP to:

1. Provide general and legal consultation services to the City of Rochester relating to current and future projects and programs implemented by the Federal Department of Housing and Urban Development (HUD) and the housing and community development entities of the State of New York;
2. Provide the City with updates on Federal legislation that may impact the City;
3. Provide consultation services to the City relative to the implementation of the new regulations to be introduced by HUD relating to the future operation of the City's Asset Control Area Partnership (ACAP) agreement, and to offer continuing advice on the changeover from the existing program to the new program; and
4. Advise the City, as requested, on general issues relating to Housing and Economic Development.

The maximum amount of the agreement will be \$48,000, which will be funded from the 2002-03 Undistributed account.

The City has had positive prior experience with Di-Marco and Riley LLP for services related to the implementation and management of the ACAP agreement and for services related to economic development. These services were provided through agreements of less than \$10,000 and, thus, were not presented to the Council for authorization.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-287
(Int. No. 349)

Establishing \$48,000 As Maximum Compensation For Legal Services

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

Section 1. The sum of \$48,000, 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 DiMarco and Riley LLP for legal consultation services relating to housing and economic development matters and federal legislation that may impact the City. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-288
Re: Amending Ord. 2002-74 -
2002 Home Expo Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation to amend Ord. 2002-74 by increasing the number of buildable city-owned vacant residential lots available to the approved Home Expo developers.

As you will recall, Council has previously approved over 300 lots for sale through Home Expo. The proposed legislation will add 211 additional lots to this list, thus allowing virtually the City's entire buildable vacant lot inventory to be available for the program.

The attached lists itemize the 211 lots proposed for sale in this legislation as well as all those that were previously approved for the Home Expo program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-112

Ordinance No. 2002-288
(Int. No. 352, As Amended)

Authorizing Sale Of Additional Parcels For The 2002 Home Expo Program

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

Section 1. The Council hereby approves the addition of 305 Murray Street as well as the vacant buildable City-owned parcels except 342 Shepler Street which are contained on a list submitted herewith and maintained on file in the Office of the City Clerk, to the parcels approved for sale as a part of the 2002 Home Expo Program in Ordinance No. 2002-74.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory Nos. 322, 223, 324, and 325
Re: New Zoning Ordinance and Map

R2010: All campaigns

Transmitted herewith for your approval is legislation:

Amending the City Code, by repealing Chapter 115, The Rochester Zoning Ordinance, originally adopted in 1975, and replacing it with Chapter 120, the proposed new zoning ordinance text.

Amending the Rochester Zoning District Map, originally adopted in 1975, in conjunction with the proposed Chapter 120;

Amending Articles X, XII and XIV of the City Charter in conjunction with the proposed Chapter 120.

The purpose of the Zoning Ordinance is to guide and regulate the orderly growth, development and redevelopment of the City of Rochester in accordance with the Comprehensive Plan. Specifically, the proposed Zoning Ordinance and Map are regulatory mechanisms to realize the Policies, Goals and Strategies of the eleven (11) campaigns of the Rochester 2010 Renaissance Plan (The Plan), adopted April 1999. The Zoning Ordinance is intended to facilitate city-wide development and redevelopment and to promote the efficient use of land resources while maintaining neighborhood character and improving the quality of life.

After the adoption of The Plan, the City retained a Consultant (Duncan Associates) and a comprehensive analysis and revision of the 1975 Zoning Ordinance and Map was initiated. A critique of the existing code was completed by the consultant and a fact-finding, public scoping process was conducted. An Environmental Impact Statement (EIS) was prepared to assess the impacts of the proposed ordinance and map revisions. A draft Zoning Ordinance and Draft Generic Environmental Impact Statement (DGEIS) were released for public review in October 2000.

Following this release, a ninety (90) day public comment period ensued, during which four (4) public hearings were conducted by the Rochester Environmental Commission and numerous in-house and neighborhood meetings were attended by zoning staff. Several hundred public comments were received. Based on these comments, significant modifications to the proposed draft Zoning Code were required. A second DGEIS was determined to be necessary based on the magnitude of required revisions and additional concepts and approaches, including citywide design guidelines and standards and design controls rather than use controls for the new Center City District.

In 2001, the Peter J. Smith Company, which had previously been hired by the City to study and draft zoning regulations for the proposed Center City District, assumed the consulting role for the entire ordinance and map. A team of City staff worked together with the consultant to revise the draft code, map and DGEIS.

In February 2002, in advance of the release of the second DGEIS, a mailing was sent to twenty-five thousand (25,000) affected property owners and residents throughout the city notifying them of proposed zoning map changes. Nine informational meetings were held at City Hall and NET Offices to discuss proposed map changes with affected property owners. Modifications to the zoning map were made as a result

of these meetings.

On April 1, 2002, the second DGEIS, including the revised draft Zoning Ordinance and Zoning Map, was released. An initial 45-day public comment period was extended to 60 days. Thirty-five public informational meetings were conducted during the comment period, including ten (10) formal, advertised meetings, one in each of the ten sectors. The DGEIS, Ordinance and Maps were posted on the City's web site throughout the comment period. At the close of the comment period on June 5, 2002, nearly one thousand comments had been received.

In response to the numerous comments received, City staff and staff from P.J. Smith reviewed and modified a number of sections of the draft Zoning Ordinance and Zoning Map. Additional analysis was prepared to further define and explain the new provisions and their consistency with the Renaissance Plan and the principles of smart growth. The responses to comments, as well as additional analysis, explanations and clarifications were published in the Final Generic Environmental Impact Statement (FGEIS). The revised draft Ordinance, Map and FGEIS were issued on July 15, 2002.

The major revisions to the Zoning Text include:

A "user-friendly" format that is easily read and understandable;

The provision of Additional Use Requirements for uses that could potentially impact the character or economic viability of neighborhoods in Rochester;

The imposition of design guidelines and standards city-wide;

A non-traditional, regulation-by-design criteria approach to zoning in the Center City District;

A new approach to regulating nonconformities that considers the value of adaptive reuse rather than blanket elimination;

Reductions in parking requirements and the encouragement of more efficient utilization of parking and transportation resources through the Alternative Parking Plan and Parking Demand Analysis;

The establishment of performance standards to ensure development or redevelopment does not negatively impact the City's neighborhoods;

Simplified and more stringent district sign regulations; with added flexibility in the application of the Alternate Sign Program citywide;

Temporary special permit approvals by the City Planning Commission;
The establishment of Minor and Major Site Plan Reviews and a proposed Project Review Committee to recommend on Major Site Plan requests;

Reductions in the composition of the Preservation Board and Planning Commission from nine to seven members;

Mandatory training requirements for Board and Commission members;

Reconciliation of Urban Renewal District requirements with the proposed ordinance, where possible.

The major revisions to the Zoning Map include the following:

The down zoning of substantial areas of land to R-1 Low Density Residential from higher density zoning classifications;

The down zoning of distressed commercial areas to residential;

The proposed Center City District containing six design districts;

The proposed Public Market and Harbortown Village Districts;

The deletion of the R-4, R-5, H-2 and H-4 districts.

Five open houses were conducted by City staff in July 2002 to offer an opportunity for the public to view the FGEIS and pose questions. The City Planning Commission held informational meetings on July 25, July 30 and July 31, 2002 on the proposed Zoning Text and Map amendments; forty-six (46) people spoke in support with requests for certain modifications to the Zoning Map and/or the Zoning Text. The Planning Commission deliberated on August 6, 2002; by a vote of 9-0 the Commission recommended approval of the proposed Zoning Ordinance and Map, subject to certain modifications. The unanimous resolution of the City Planning Commission, its recommendations on specific issues, map recommendations and meeting minutes are a part of this transmittal.

Also transmitted herewith are a series of attendant City Charter amendments necessitated by the proposed new Zoning Ordinance. Additional City Code changes will be transmitted to City Council, following adoption of the new Zoning Ordinance, during the time period between its adoption and the effective date of the Ordinance.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as Lead Agency, issued a Positive Declaration on June 14, 1999. A Generic Environmental Impact Statement was prepared, accepted and filed as required. In accordance with Chapter 48, the Rochester Environmental Commission reviewed the documents at their August meeting and recommended approval of the proposed Ordinance and Map. Their recommendation is transmitted herewith. The Lead Agency prepared and issued a Findings Statement, which is also transmitted herewith.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 322

AMENDING THE MUNICIPAL CODE BY ADOPTION OF A NEW ZONING CODE AND ZONING DISTRICT MAP

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby repealed.

Section 2. The Council hereby adopts a new Chap-

ter 120 of the Municipal Code, Zoning Code, which is submitted herewith and is on file in the Office of the City Clerk.

Section 3. The Council hereby amends the Zoning District Map by the adoption of a new Zoning District Map, which is submitted herewith and is on file in the Office of the City Clerk.

Section 4. This ordinance shall take effect on January 1, 2003.

Held in committee.

Introductory No. 323

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO PLANNING AND ZONING

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 10-5, Bureau of Buildings and Zoning, to read in its entirety as follows:

§10-5. Bureau of Buildings and Zoning.

- A. There shall be a Bureau of Buildings and Zoning, the head of which shall be the Director of Buildings and Zoning, who may also be designated as the Deputy Commissioner of Community Development. The Director shall issue certificates of occupancy and letters of compliance for existing structures and property, except that the Division of Buildings shall be responsible for certificates and letters relating to alterations to existing buildings.
- B. The Division of Zoning shall be responsible for the administration of the Zoning Ordinance. The Division shall provide staff services to the Zoning Board of Appeals, the Planning Commission, the Preservation Board, the Rochester Environmental Commission and such other boards as may be established. The Director of Zoning shall have all powers necessary to the administration of the Zoning Code and shall, consistent with the expressed standards, purposes and intent of the Zoning Code, promulgate, adopt and issue such procedural rules, regulations and forms as are necessary and shall from time to time recommend revisions and modifications to the Zoning Code. In addition, the Director of Zoning may, upon written request, for good cause shown and without any notice or hearing, extend any time limit imposed on an applicant or permittee by the Zoning Code of the City of Rochester or, unless the resolution shall expressly provide otherwise, by any resolution of any body acting pursuant to said ordinance for a period not to exceed the length of the original period.
- C. The Division of Zoning shall assist the Planning Commission by conducting studies, performing reviews and making recommendations on matters before the Commission and shall provide such other general assistance as the Planning Commission may require in the discharge of its duties.

D. The Director of Zoning shall have authority to permit minor adjustments to final plans for planned developments, and subject to the procedures, standards and limitations of the Zoning Code, the Director shall have the authority to issue administrative adjustments for variation of not more than ten percent (10%) any numerical standard set forth in the Zoning Code, for five (5) or fewer spaces for an alternative parking plan and for a minor parking area.

E. The Director of Zoning shall have the authority to review and approve, approve with conditions or deny applications for site plan review, subject to the right of appeal of such decision to the City Planning Commission.

F. The Director of Zoning shall have the authority to issue Certificates of Non-Conformity, subject to the right of appeal of such decision to the Zoning Board of Appeals.

G. The Director of Zoning shall have the authority to issue Certificates of Appropriateness for applications that conform to the preservation guidelines adopted by the Preservation Board.

H. The Division of Buildings shall be responsible for reviewing plans and issuing permits for new construction, alterations and demolitions, shall inspect construction and alterations for conformance with the plans and shall issue certificates of occupancy for such construction and alterations as directed by the Commissioner. The Division of Buildings shall enforce or cause to be enforced the Building Code and all laws and ordinances relating to new construction and alterations and the maintenance of buildings, as directed by the Commissioner or the Mayor or by law or ordinance. The head of the Division shall supervise and administer the licensing of electricians, plumbers, stationary engineers and refrigeration operators and shall conduct such other licensing activities as may be assigned by the Commissioner or the Mayor or be granted by law or ordinance.

Section 2. 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 10-6, Bureau of Planning, to read in its entirety as follows:

§10-6. Bureau of Planning.

- A. There shall be a Bureau of Planning, the head of which shall be the Director of Planning. The Director shall conduct and coordinate the city's physical, environmental and transportation planning. The Director shall undertake studies of the physical, economic and social factors relevant to the well-being of the city. The Director shall be responsible for preparing and maintaining a Comprehensive Development Plan for the city; reviewing the conformity of municipal and private proposals to the city's development objectives; collecting, cataloging and analyzing data on demographic, economic and physical characteristics of the city; and coordinating the city's planning programs with those of the Genesee/Finger Lakes Regional Planning Council, the Monroe County Department of

Planning and the Genesee Transportation Council.

B. The Director shall also be responsible for planning and coordinating projects and programs for the conservation and revitalization of the city's neighborhoods in accordance with the Comprehensive Development Plan, the annual Neighborhood Development Program and the Commercial Revitalization Program. The Director shall plan expenditures for neighborhoods and physical improvements in the primary target area and work in close cooperation with neighborhood and business groups throughout the city to provide planning assistance as needed.

Section 3. 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 10-10, Issuance of appearance tickets, and Section 10-11, Enforcement of Code violations, by deleting the words "Zoning Ordinance" in each place where they appear therein and by inserting in their place the words "Zoning Code".

Section 4. This local law shall take effect on January 1, 2003.

Held in committee.

Introductory No. 324

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO THE PLANNING COMMISSION, BOARD OF APPEALS AND PRESERVATION BOARD

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 12-13, Planning Commission, to read in its entirety as follows:

§12-13. Planning Commission.

There is hereby established a City Planning Commission which shall consist of seven (7) members appointed by the Mayor, subject to confirmation by City Council. They shall be residents of the City of Rochester. At all times, there shall be at least one (1) member residing in each City Council District, except that the failure to meet this requirement shall not affect the validity of any Commission action.

A. Jurisdiction and authority. In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the city, the Planning Commission shall have the following jurisdiction and authority to be exercised in accordance with specific provisions established in the Municipal Code of the City of Rochester:

- (1) To prepare and recommend a Comprehensive Plan, including an Official Map, to the City Council.
- (2) To review, prepare and recommend to the City Council changes in and amendments to the Official Street map and all other elements of the Comprehensive Plan.

- (3) To review the Capital Improvement Program and proposed public projects for compliance with the plans of the city.
- (4) To initiate, hear, review and offer its recommendations to the City Council on applications for amendment of the Zoning Code of the City of Rochester.
- (5) To hear, review and offer its recommendations to the City Council on applications for planned development approval.
- (6) To hear, review and finally decide applications for cluster development approval.
- (7) To hear, review and finally decide applications for special permit use approval.
- (8) To review and approve or deny decisions of the Director of Zoning with respect to site plan review.
- (9) To initiate, review and offer its recommendations on proposals for the establishment of Preservation Districts.
- (10) To initiate, review and approve or disapprove proposals for the designation of landmarks and landmark sites.
- (11) To approve, modify or disapprove a final plat in a proposed subdivision.
- (12) When requested, to aid and assist City Council and the departments and agencies of the city in planning specific projects.
- (13) To review and report on any matter referred to it by the City Council or Mayor. All aspects and effects of such review and report shall be governed by the directions of the City Council or Mayor in making such referral.
- (14) Upon reasonable, written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the city, county, state or federal governments to aid them in the performance of their respective duties relating to the planning and development of the city and its region.
- (15) In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports, and recommendations in connection therewith, relating to the planning and development of the City of Rochester as seem desirable to it; provided, however, that the expenditures of the Commission shall not exceed the amount appropriated therefor.
- (16) In furtherance of the above jurisdiction and authority, and with the prior authorization of the Mayor, to employ such experts and other assistants as may

be necessary or convenient to carry out its duties hereunder and to pay for their services and for other necessary and proper expenses; provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes from time to time by the City Council.

Section 2. 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 12-40, Preservation Board, to read in its entirety as follows:

§12-40. Preservation Board.

There is hereby established the Rochester Preservation Board which shall consist of seven (7) members appointed by the Mayor, subject to confirmation by City Council. Among the members of the Preservation Board, there shall be at least one (1) member of the Greater Rochester Association of Realtors; at least one (1) member of a recognized historical association; at least two (2) registered architects; at least two (2) residents from two (2) different preservation districts established pursuant to the Code of the City of Rochester and one (1) resident at large, except that the failure to meet these requirements shall not affect the validity of any Board action. They shall all be residents of the City of Rochester.

A. Jurisdiction and authority. In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the city, the Preservation Board shall have the following jurisdiction and authority to be exercised in accordance with specific provisions established in the Municipal Code of the City of Rochester:

- (1) To initiate, hear, review and offer its recommendations on proposals for the designation of preservation districts.
- (2) To initiate, hear, review and, subject to the similar authority of the Planning Commission, approve or disapprove proposals for the designation of landmarks and landmark sites.
- (3) To review and finally decide applications for certificates of appropriateness.
- (4) To review and offer recommendations on applications for variances and special permits which have been referred to it by the Director of Zoning.
- (5) To develop and adopt preservation guidelines.
- (6) Upon reasonable, written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the city, county, state or federal governments to aid them in the performance of their respective duties relating to preservation and landmark matters.
- (7) In furtherance of the above jurisdiction and authority, and with the prior

authorization of the Mayor, to employ such experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and other necessary and proper expenses; provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes from time to time by the City Council.

Section 3. 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 12-41, Board of Appeals, to read in its entirety as follows:

§12-41. Board of Appeals.

There is hereby established a Board of Appeals of seven (7) members, appointed by the Mayor, subject to confirmation by City Council. Members of the Board of Appeals shall be residents of the City of Rochester and shall not be officers or employees of the city or any of its agencies or departments. At all times, there shall be at least one (1) member residing in each City Council District, except that the failure to meet this requirement shall not affect the validity of any Board action. Members of the Board of Appeals shall serve without compensation, but shall be entitled, to the extent of available funds appropriated therefor, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

A. Jurisdiction and authority. In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the City of Rochester, the Board of Appeals shall have the following jurisdiction and authority to be exercised in accordance with specific provisions established in the Municipal Code of the City of Rochester:

- (1) To hear and decide appeals from and review orders, decisions or determinations made by the Director of Zoning, and to that end shall have the powers of the Director of Zoning with respect to such order, decision or determination.
- (2) To grant or deny variances from the requirements of Chapter 120 of the Code of the City of Rochester.
- (3) To initiate changes and amendments to Chapter 120 of the Code of the City of Rochester.
- (4) Upon reasonable, written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the city, county, state or federal governments to aid them in the performance of their respective duties relating to zoning and its administration in the city.
- (5) In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports, and recommendation in connection therewith, relating to zoning and its administration in the City of Rochester as seem desirable to it; provided, however, that the expendi-

tures of the Board shall not exceed the amount appropriated therefor.

Section 4. This local law shall take effect on January 1, 2003.

Held in committee.

Introductory No. 325

LOCAL LAW AMENDING THE CITY CHARTER WITH RESPECT TO CITY PLANNING

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 14-1, The City planning program, to read in its entirety as follows:

§14-1. The city planning program.

There shall be a city planning program, which program when approved by the Council shall include the location and width of all future city streets; the location and general design of all future city bridges; the location and general design of all future public buildings to be erected by the city; the location and general plan of any future park or public square; the location and general plan of any future port, terminal, railroad or market to be constructed by the city; and the location of any and all future structures related to the supply of water for the city. The estimates of cost and the capital improvement and work program for the various items of the city planning program shall be part of said city planning program. All previous acts imposing restrictions upon the location or width of streets or zoning or use of land pursuant to provisions of Subdivisions 24 and 25 of § 20 and § 83 of the General City Law are hereby continued until repealed or amended. Whenever an ordinance shall be introduced in the Council, which ordinance involves a project within the meaning of the city planning program and which project does not comply with the city planning program, it shall be the duty of the Mayor to notify the Council of such noncompliance.

Section 2. 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 14-2, Reference of city planning program, to read in its entirety as follows:

§14-2. Reference of city planning program.

The Council may provide:

- A. For the referral of the city planning program to the City Planning Commission for comment and recommendation.
- B. That all changes and amendments to the city planning program and schedules and programs relating thereto are referred to the City Planning Commission prior to adoption, and the Commission shall have a reasonable period to comment on the proposed changes or amendments, after which period the Council may adopt or reject the proposed amendments or charges.

Section 3. This local law shall take effect on January 1, 2003.

Held in committee.

By Councilmember Griswold
September 17, 2002

To the Council:

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

Int. No. 326 - Authorizing An Agreement For The Culture Builds Communities Project

Int. No. 327 - Authorizing An Application And Agreements For The 2002-03 Snack And Supper Program For Children And Amending The 2002-03 Budget

Int. No. 328 - Establishing \$100,000 As Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 329 - Establishing \$25,000 As Maximum Compensation For A Professional Services Agreement For A Film Festival

Int. No. 330 - Authorizing An Agreement For The Safety And Security For Seniors Project

Int. No. 331 - Authorizing A Lease Agreement For The Communi-Tech Project

Int. No. 332 - Authorizing An Agreement With NEAD For The Sector Targeted Funding Initiative Program

Int. No. 333 - Authorizing An Agreement With NEBCA For The Sector Targeted Funding Initiative Program

Int. No. 334 - Establishing Maximum Compensation For Professional Services Agreement For The Rochester War Memorial Arena Expansion

Int. No. 350 - Authorizing Agreements With Respect To Teen Pregnancy Prevention And Amending The 2002-03 Budget

Respectfully submitted,
Tony M. Thompson
Lois J. Giess
Gladys Santiago
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-289
Re: Agreement - Arts and Cultural Council,
Culture Builds Communities

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the Arts and Cultural Council for Greater Rochester, 277 N. Goodman Street, for administration of the 2002 Culture Builds Communities program. The maximum cost of this agreement will be \$40,000, which will be financed

from the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant.

Culture Builds Communities is a joint venture with Citibank. It is designed to enhance neighborhood pride and promote participation in artistic activities.

The City has participated in the program since 1997. The most recent agreement for such participation was authorized by the City Council on August 2, 2001.

Proposals for the 2002 program will be solicited by the Arts Council through public advertisement. These proposals will be reviewed by a panel of representatives from diverse segments of the community.

Grants will range from \$1,000 to \$20,000 and will be awarded to neighborhoods or school organizations. These organizations will be able to use the grants to finance artists' fees, the cost of supplies and materials, and reasonable administrative expenses.

Attached is a summary report highlighting last year's accomplishments through the program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-113

Ordinance No. 2002-289
(Int. No. 326)

Authorizing An Agreement For The Culture Builds Communities 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 Arts and Cultural Council for Greater Rochester for the Culture Builds Communities Project.

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, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 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. 2002-290
Re: Agreements - Snack and Supper Program

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to the 2002-2003 Snack and Supper Program for children at City Recreation/Community Centers. This legislation will increase the 2002-03 Budget of the Department of Parks, Recreation and Human Ser-

vices by \$30,600 and authorize agreements with:

1. The NY State Department of Health Child and Adult Care Food Program (CACFP) for the receipt and use of such funds as may be allocated to the City for the 2002-03 program; and
2. The City School District for preparation and delivery of the snacks and suppers to be provided under the program.

The Snack Program is designed to provide free snacks during the school year to children 18 years of age and younger in the City's Club House Programs. The Club Houses are School Age Child Care programs, registered with the New York State Office of Children and Family Services. They provide after school care to children at four locations. One of the locations, School #20, is currently being serviced directly by the City School District because that program only accepts students from School #20. The other three locations, the Adams Street, Flint Street, and Webster Avenue Community Centers, need to start their own snack program because they enroll students from a variety of public, charter, and private schools.

The District cannot operate these programs because they would be required to verify the income eligibility of students that are not enrolled in the City School District. Different regulations apply to the City, enabling the provision of services to children in after school care programs at "area eligible" sites, which are those located in the attendance area of a school in which at least 50% of the enrolled students have been certified as eligible for free or reduced-price meals. All participating sites meet this definition. Suppers will be served at the Flint Street and Webster Avenue Community Centers.

According to the New York State Day Care Regulations, Part 414, Section 12, Nutrition, (a), "The school age child care program must provide plentiful and nutritious snacks to children." Currently, the centers are purchasing the snacks on an individual basis, which is costly and time consuming for the staff. These proposed agreements will provide an efficient and economical means to provide these snacks, and will insure that the snacks meet the nutritional requirements of the State.

The City School District will prepare and deliver meals for the program, at the following unit costs:

Snack \$0.65 Supper \$2.15

The New York State CACFP will reimburse the City at the following unit rate:

Snack \$0.57 Supper \$2.09

The total expenses for this program are anticipated to be \$33,200 and the total reimbursement expected is \$30,600.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-114

Ordinance No. 2002-290
(Int. No. 327)

Authorizing An Application And Agreements For The 2002-03 Snack And Supper Program For Children And Amending The 2002-03 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 Department of Health for the funding for the 2002-03 Snack and Supper Program For Children.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the City School District for the preparation and delivery of snacks and suppers pursuant to the program, contingent upon receipt of such funding.

Section 3. The agreement shall obligate the City to pay an amount based on the unit cost of the meals, not to exceed \$30,600, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 budget of the Department of Parks, Recreation and Human Services.

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

Section 5. Ordinance No. 2002-194, the 2002-03 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 \$30,600, which amount is hereby appropriated from 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. 2002-291
Re: Agreement - RPO Musical Services
R2010: Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Philharmonic Orchestra for the provision of various musical services. The maximum cost of the agreement will be \$100,000, which will be financed from the 2002-03 budget of the Department of Parks, Recreation and Human Services.

The musical services will include four orchestra concerts and four ensemble concerts. They also will include classical music education within city public elementary schools.

The four orchestra concerts will be similar to those provided annually since 1987-88 under comparable agreements. The concert schedule is as follows:

Date	Location	Event
December 15, 2002	Blue Cross Arena	Holidays on Ice*
December 31, 2002	Eastman Theatre	New Year's Eve Concert
February, 2003**	Eastman Theatre	Winter Concert
July 14, 2003	Eastman Theatre	Rochester MusicFest Concert

- * With the Genesee Figure Skating Club and two soloists.
- **The exact date of the third concert is still to be determined.

The four ensemble concerts have not yet been scheduled. The education curriculum will be developed by ensemble members and music and classroom teachers; thirty performances will be provided to approximately 5,000 students enrolled in grade three.

The cost of the proposed agreement is the same as the current agreement, which was authorized by the City Council on September 25, 2001.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-291
(Int. No. 328)

Establishing \$100,000 As Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

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

Section 1. The sum of \$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 Rochester Philharmonic Orchestra for four (4) full orchestra public concerts, music education and four (4) smaller ensemble public concerts. Said amount shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-292
Re: Agreement - Picture Fest, International
R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Picture Fest, International, 240 East Avenue, for a five-day film festival, October 30 to November 4, showcasing and celebrating the exceptional work of women in all areas of film and video throughout the world. The maximum cost of the agreement will be \$25,000, which will be financed from the 2002-03 Undistributed Account.

The festival will include over 70 films including full-length, shorts, and documentaries. Last year over 6,500 film enthusiasts from throughout the country attended the festival. In addition to showcasing the works of established independent filmmakers, a critical aspect of the festival is to encourage emerging works. Other specialty areas include Children's Programming, Foreign Language Films and Digital Technology.

Catherine Wyler, daughter of the famous director Wil-

liam Wyler, is the Artistic Director; William Coppard is the Executive Director. The Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Tye Diggs, Robert Forster, Philip Seymour Hoffman, Gregory Peck, Rachel Portman, Leslie Stahl, and the Honorable Louise Slaughter, among others.

The total budget of the festival is \$361,400. Support is being provided by Eastman Kodak Co. (\$50,000); Monroe County (\$50,000); New York State (\$35,000); and Strong Health (\$20,000), among others.

The cost of the proposed agreement is half the cost of the previous agreement, which was authorized by the City Council on March 20, 2001.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-292
(Int. No. 329)

Establishing \$25,000 As 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 \$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 Picture Fest, International for a film festival. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - Councilmember Mains -1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-293
Re: Agreement - Safety and Security for Seniors

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement for the following human services project:

Organization: Lifespan
Project: Safety and Security for Seniors
Amount: \$10,000

The above project is considered a project with matching funds and is eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. The proposed agreement represents the third year of such funding.

The cost of the agreements will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

The project information forms are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-115

Ordinance No. 2002-293
(Int. No. 330)

Authorizing An Agreement For The Safety And Security For Seniors 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 Lifespan for the Safety and Security for Seniors Project.

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 2002-03 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. 2002-294
Re: Communi-Tech Lease Agreement

R2010: Campaign 2 - Educational Excellence
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with WXXI Public Broadcasting for the lease of technical operation space at 280 State Street for the Communi-Tech project. The agreement will have a one-year term from October 1, 2002 to September 30, 2003. The maximum cost of the agreement is \$4,800, which will be funded from the General Community Needs Allocation of the 2002-03 Community Development Block Grant.

Communi-Tech is a CDBG funded project that provides community-based computer learning centers throughout the city with a direct, on-line technical assistance Help Desk. It also provides Information Technology apprenticeships to disabled, poor, and low income community residents. Authorization for the project was provided by City Council on August 20. The negotiations for this lease had not been completed at that time, thus necessitating this subsequent legislation.

The WXXI site was chosen because it is in a central location, the program will be in a building with other technical communications specialists, and both parties share similar goals of advancing community-based learning.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-116

Ordinance No. 2002-294
(Int. No. 331)

Authorizing A Lease Agreement For The Communi-Tech 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 WXXI Public Broadcasting for the lease of technical operation space at 280 State Street to be used for the Communi-Tech Project. The agreement shall extend for a term of one year.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$4,800, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 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. 2002-295
Re: Agreement - North East Area
Development

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the North East Area Development, 360 Webster Avenue, for project funding through the Sector Targeted Funding Initiative Program. The maximum cost of this agreement will be \$100,000, which will be financed from the 2001-02 unallocated Urban Development Action Grant (UDAG) loan and interest repayments

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2000-01 Cash Capital Allocation for each of the ten NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will be required to submit proposals to the City that outline specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The scope of the project includes exterior renovation of the Neighborhood Arts Center Landmark building on 90 Webster Avenue. The Neighborhood Arts Center will include a catering business, daycare center and art studio space. In addition, an attached performing arts theater located at 112-116 Webster Avenue. The Sector Targeted Funding Initiative will fund \$50,000 of the interior and exterior customized doors, windows, hardware and railings. The remaining \$50,000 will fund the theater landscape, fencing, paving, and entrance facade of the theater building.

Because the funds are being expended on private property, City Cash Capital cannot be utilized. The use of UDAG repayments avoids this problem. As you know, UDAG repayments are annually appropriated into the City Development Fund (CDF) to be planned and utilized in conjunction with the Community Development Block Grant funds through the vehicle of the annual Consolidated Plan. The funds proposed for this appropriation have not been allocated for any specific project and are thus available for this purpose. A capital project that would have used CDF funds will be funded by an equal amount from the 2000-01 Cash Capital allocation.

The required leverage of resources will be provided by a \$150,000 Daisy Marquis Jones Foundation grant. A summary of the proposed project is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-117

Ordinance No. 2002-295
(Int. No. 332)

Authorizing An Agreement With NEAD For The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the North East Area Development (NEAD) for funding of the Neighborhood Arts Center renovations as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the 2001-02 Unallocated Urban Development Action Grant loan and interest repayments.

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. 2002-296
Re: Agreement - North East Block Club
Alliance

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the North East Block Club Alliance for project funding through the Sector Targeted Funding Initiative Program. The maximum cost of this agreement will be \$100,000, which will be financed from the 2000-01 Cash Capital allocation.

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2001-02 Cash Capital Allocation for each of the ten NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will be required to submit proposals to the City that outline specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The proposed project is intended to develop public space and an Urban Agricultural Training Center on a 2.69 acre vineyard and farm located at 126 Sander Street. The site amenities will include a designated public area for picnicking and relaxation, customized signage, paths and gateway improvements. In addition, the renovation of an Agricultural Training Center will include a training and meeting room, greenhouse and space to conduct retail sales of produce.

The required leverage of resources will be matched from a \$1,000,000 W. K. Kellogg Foundation grant. A summary of the proposed project is attached. Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. 118

Ordinance No. 2002-296 (Int. No. 333)

Authorizing An Agreement With NEBCA For The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the North East Block Club Alliance (NEBCA) for funding of an Urban Agricultural Training Center as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect im-

mediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-297
Re: Construction Management Amendment
- Blue Cross Arena At The Community War Memorial

R2010: Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with LeCesse Construction Company for services rendered during the renovation and expansion of the Blue Cross Arena at the Community War Memorial. As you will recall, City Council authorized the original agreement with LeCesse to serve as the construction manager for this project on July 23, 1996; a maximum compensation of \$1,915,000 was established. The proposed legislation would increase the maximum compensation by \$178,400 to a new amount of \$2,093,400.

All services authorized under the original agreement were intended to be completed by July 10, 1998, although the contract called for the construction manager to continue services without additional compensation for another three months, through October 10, if necessary. As a result of a major contract dispute that ultimately resulted in the City's dismissal of the mechanical contractor on the project, it was necessary for the construction manager to continue providing service until February 10, 2000. A very significant portion of the proposed increase, \$146,200, is for direct labor costs incurred by the contractor during the period between October 10, 1998 and February 10, 2000.

A smaller portion of the increase, \$32,200, is to cover costs incurred by the construction manager prior to the October 10, 1998 extended completion date. These costs covered services requested by the City to document the extensive design changes required to the mechanical systems of the building.

All services were requested by the City and were in addition to the services included in the basic contract. Only direct labor costs incurred by the contractor are included. The source of funds is a bond ordinance previously approved for this project.

Respectfully submitted, William A. Johnson, Jr., Mayor

Ordinance No. 2002-297 (Int. No. 334)

Establishing Maximum Compensation For Professional Services Agreement For The Rochester War Memorial Arena Expansion

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

Section 1. The sum of \$178,400, 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 LeCesse Construction Company for construction man-

agement services relating to the War Memorial Arena Expansion Project. Said amount shall be funded from a bond ordinance passed for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-298
Re: Evaluation of Local Teen Pregnancy Prevention Programs Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to teen pregnancy prevention evaluation. This legislation will:

1. Authorize an agreement with the U.S. Department of Health and Human Services Centers for Disease Control (CDC) for receipt of a grant not to exceed \$400,000.
2. Authorize an agreement with Baden Street Settlement for the Community Coalition Partnership for the Prevention of Teen Pregnancy (CCPPTP), for an amount not to exceed \$55,000. As in the past years of this funding, the CDC will determine the exact amount of this appropriation in a future awards notification.
3. Authorize an agreement with the University of Rochester as an evaluation consultant, for an amount not to exceed \$210,000. As in the past years of this funding, the CDC will determine the exact amount of the subcontracted item in a future awards notification.
4. Appropriate \$21,685 for administrative expenses incurred from September 30 through June 30, 2003, and amend the 2002-03 budget of the Department of Parks, Recreation and Human Services to reflect these funds.

The City of Rochester, in collaboration with the Metro Council on Teen Potential (formerly the Monroe Council on Teen Pregnancy), the local community council focused on teen pregnancy prevention, submitted a grant application to the Centers for Disease Control (CDC) for evaluation of local teen pregnancy prevention programs. The City was one of thirteen cities selected from hundreds of applicants to be awarded such funding. Phase I of the award was to study and propose a strategy to reduce the rate of teen pregnancy and develop a Community Action Plan. After Phase I was assessed, the CDC chose the City of Rochester as a Phase II funding recipient to implement the Community Action Plan and to evaluate local programs and take corrective measures where needed. Phase II consisted of core and enhanced projects, the goals of which are to evaluate local teen pregnancy prevention programs, find out "what works", and improve the effort to reduce teen pregnancy while increasing community efforts for positive youth development. Phase II was a five-year funding phase, budgeted one year at a time, that will be completed September 29, 2002. Based on these local evaluations, a new model was developed for the New York State funded Adolescent Pregnancy Prevention Services program (C.O.N.E.C.T.S.), here in Rochester.

The Community Action Plan developed in Phase I included the restructuring of Metro Council on Teen Potential and the original CCPPTP project. It was agreed that Metro Council on Teen Potential needed to be kept an independent entity but should affiliate itself with an agency for necessary administrative support. A request for proposals was released and Baden Street Settlement was selected by the review team as the contractor for the CCPPTP project.

Overall goals for Phase II included strengthening the ability and capacity of the Metro Council on Teen Potential to plan, evaluate, administer and coordinate the prevention effort through agency staffing; allow Metro Council on Teen Potential to transition from a coalition of providers, funders and planners, to a more broad based community coalition with a youth development focus; conduct field tests; engage communities and neighborhoods in target areas in teen pregnancy prevention and youth development efforts; build program evaluation capacity of five current teen pregnancy prevention programs; and establish community goals relating to youth development and teen pregnancy rate reduction.

To culminate the original seven year award, the CDC has awarded a "close-out" year to the City of Rochester in order to focus efforts on translation, publication, and dissemination of the "lessons learned" through the evaluations, studies, surveys and technical assistance provided to the community by the CCPPTP project. The products to be developed in this close-out year are detailed on the attached forms, and categorized as follows:

1. Qualitative products on community leadership and member opinions
2. Program Evaluation: "What Works"
3. Qualitative studies on Attitudes, Improving Community Health, and Sexual Anthropology
4. Community Survey Reports
5. Technical Assistance

Because the exact budgets are still to be determined by the CDC, the expected agency budgets are as follows:

	Baden Street Settlement	University of Rochester
Personnel	\$30,300	\$136,497
Fringe	7,575	36,986
Consultants	0	4,000
Supplies	1,400	1,750
Rent	3,000	0
Travel	5,200	1,455
Software Updates	0	1,400
Software License	0	900
Telephone, Fax, copying	1500	750
Finance & Administration	0	18,374
Total	\$48,975	\$202,112

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-119.

Councilmember Santiago moved to amend Introductory No. 350.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Ordinance No. 2002-298
(Int. No. 350, As Amended)

Authorizing Agreements With Respect To Teen Pregnancy Prevention And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with the United States Department of Health and Human Services, Centers for Disease Control (CDC), for funding for the Community Coalition Partnership Program for the Prevention of Teen Pregnancy.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Baden Street Settlement, Inc. to implement and administer the Community Coalition Partnership Program for the Prevention of Teen Pregnancy. The agreement shall obligate the City to pay an amount not to exceed \$[55,000] ~~48,625~~, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received under the agreement authorized herein.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the University of Rochester to evaluate the Community Coalition Partnership Program for the Prevention of Teen Pregnancy. The agreement shall obligate the City to pay an amount not to exceed \$[210,000] ~~202,112~~, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received under the agreement authorized herein.

Section 4. Ordinance No. 2002-194, the 2002-03 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 \$21,700. The sum of \$21,685 is hereby appropriated from funds to be received under the grant agreement authorized herein to fund this increase.

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.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Stevenson
September 17, 2002

To the Council:

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

Int. No. 335 - Authorizing Acquisitions For The Plymouth-Exchange Neighborhood Trail Improvements Project

Int. No. 336 - Authorizing An Agreement With The

New York State Department Of Transportation For Snow Removal

Int. No. 337 - Establishing Maximum Compensation For A Professional Services Agreement For A Water System Vulnerability Assessment And Security Study

Int. No. 338 - Establishing \$20,200 As Maximum Compensation For A Professional Services Agreement For A Security Assessment Of City Facilities

Int. No. 339 - Authorizing An Agreement With The New York State Department Of Transportation For Highway Work Permits

Int. No. 340 - Authorizing Agreements For A Street Condition Rating Update Study, As Amended

Int. No. 341 - Establishing Maximum Compensation For A Professional Services Agreement For The Lexington Avenue Improvement Project And Appropriating Funds

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

Int. No. 342 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-299
Re: Neighborhood Trail Improvements -
Property and Easement Acquisitions

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition of two parcels and one temporary easement related to construction of river trail improvements in the Plymouth-Exchange Neighborhood as follows:

<u>Property</u> <u>Owner</u>	<u>Sq. Ft.</u>	<u>Value</u>
940 Exchange St. Exchange Genesee Associates	1,930	\$1,000.00
pt. of 5 Flint St. One Flint Street Associates	4,804.45	4,804.50
pt. of 5 Flint St. One Flint Street Associates	2,156.42	215.00

The Neighborhood Trail Improvements Project proposes to improve the existing Genesee Riverway Trail (GRT) within the Plymouth-Exchange Neighborhood. The project site follows the course of the former Genesee Valley Canal and Pennsylvania Railroad. The site is presently used for a portion of the GRT that extends

along the west bank of the river from Court Street downtown, south through Genesee Valley Park, over the Erie Canal, and terminating at the southern City limits. The project site is bordered on the east by the Genesee River, on the north by the Ford Street bridge, on the west by the Plymouth-Exchange Neighborhood, and on the south by Flint Street.

In June, 2000, City Council approved a budget amendment sponsored by Councilmembers Mains and Thompson, calling for an annual program of trail links to City neighborhoods, and providing \$150,000 in the Cash capital Allocation for the first such link. The legislation recommended that the Plymouth-Exchange Neighborhood be the location of the first such link.

The proposed connections between the existing GRT and the neighborhood to the west will be made via trail extensions to Flint and Violetta Streets and will include overall landscape improvements. At present the nearest formal points of access to the trail along this section are at the Ford Street bridge to the north and at the GRT's merge with Plymouth Avenue to the south, approximately one mile apart. There are however, informal connections between the existing GRT and Flint and Violetta Streets. However, the informal connections require passage over unimproved areas often filled with puddles and up unpaved dirt slopes with grades up to 25%.

The informal connection from Flint Street crosses private property at 5 Flint Street. It is the intent of this project to acquire a portion of the parcel at 5 Flint Street and an adjacent parcel, and to acquire a temporary construction easement across an additional portion of 5 Flint Street. The property acquisitions are necessary to provide sufficient land area to build an ADA-accessible path from the bottom to the top of the existing 11' high slope and the temporary easement is necessary to allow the project to correct unsightly and potentially hazardous drainage problems.

The proposed Flint Street connection will include: an 8' wide asphalt path from the terminus of Flint Street to the foot of the river embankment; a 10' wide accessible asphalt path to the top of the slope; a 10' wide precast concrete stair with hand rail; trail signage; and landscape improvements. The Violetta Street connection will include: completion of concrete sidewalk within the ROW; 10' wide asphalt trail from Violetta Street to the Trail; installation of a culvert to maintain flow through an existing swale; likable vehicular access gates and paved tire strips for service access; a river overlook with railing and benches; trail signage; and landscape improvements.

It is anticipated that construction of the improvements will begin this fall and be completed in the spring of 2003.

Property values are based on independent appraisals performed by Robert G. Pogel, SRPA.

The cost of the acquisitions will be financed from the aforementioned 2000-01 Cash Capital allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-120

Ordinance No. 2002-299
(Int. No. 335)

Authorizing Acquisitions For The Plymouth-

Exchange Neighborhood Trail Improvements 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 and temporary easement for the construction and maintenance of municipal improvements as a part of the Plymouth-Exchange Neighborhood Trail Improvements Project as follows:

Property Address	SBL#	Amount
Reputed Owner	Sq. Ft.	
940 Exchange St	121.77-01-09	\$1,000
Exchange Genesee Associates	1,930	
Pt of 5 Flint St	121.77-01-10	4,804.50
One Flint Street Associates	4,804.45	
Pt of 5 Flint St	121.77-01-10	215
One Flint Street Associates	2,156.42	

(Temp. Easement)

Section 2. The acquisition costs shall obligate the City to pay an amount not to exceed \$6,019.50, and said amount, plus necessary closing costs, shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-300
Re: Agreement - NYS Department of Transportation, Snow Removal

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing the extension of a three-year agreement with the NYS Department of Transportation for the provision by the City of snow and ice removal services on the following state highways:

1. Lake Avenue, from Lyell Avenue to West Ridge Road; and
2. Plymouth Avenue, from Commercial to Troup Streets.

The total length of these two streets is 2.7 miles.

The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council through Ordinance 2001-313 on September 25, 2001.

The proposed agreement extends the existing agreement from June 30, 2004 to June 30, 2005; an extension that is required by the NYSDOT. However, the requirement for an agreement for snow removal services on Plymouth Avenue will actually be eliminated in the future when jurisdiction of the street is formally transferred from the State to the City.

Under the terms of the proposed agreement, the State will reimburse the City \$34,459 for snow and ice removal performed during the 2002-2003 winter, which is \$1,639 more than the prior amount.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-300
(Int. No. 336)

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, 2005. 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. 2002-301 And
Ordinance No. 2002-302
Re: Agreements - Vulnerability
Assessments

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation authorizing agreements relating to vulnerability assessments with:

1. O'Brien & Gere Engineers, 800 St. Paul Street, and
2. Sandia National Laboratories of Albuquerque, New Mexico.

Water System Assessment

Presidential Decision Directive (PDD) 63 issued on May 22, 1998, calls for "...vulnerability assessments... for each sector of the economy and each sector of the government that might be a target of infrastructure attack intended to significantly damage the United States...". The Environmental Protection Agency (EPA) was designated the lead federal agency to assess and address vulnerabilities of the Nation's water supply infrastructure.

Following the events of September 11, EPA received a supplemental appropriation to improve the safety and security of the Nation's water supply. This funding is intended to reduce the vulnerability of water utilities to terrorist attacks and to enhance their security and

ability to respond to emergency situations. In support of this goal, EPA established a grant program to fund the following activities at the Nation's largest water utilities:

- Develop a Vulnerability Assessment;
- Update Emergency Operation Plans, and
- Plan/Design Security Enhancements.

On April 25, 2002 the City applied to EPA for funding for the preparation of a Water System Vulnerability Assessment and Security Study. On July 3, 2002, EPA awarded a grant of \$115,000 to the City for this purpose.

The Bureau of Water & Lighting issued a Request for Proposals to six (6) engineering/security firms on April 29, 2002. Three firms submitted proposals. O'Brien & Gere is recommended to perform the Vulnerability Assessment and Security Study because it has the most experience in dealing with water systems, and their sub-contractor, AMRIC Associates Ltd., has a solid security background. The study is expected to begin in September and be completed by February 2003.

The maximum cost of this agreement will be \$115,000, which will be financed from the EPA grant; the 2002-03 Budget of the Department of Environmental Services (DES) will be amended to reflect the receipt and use of this grant.

City Facilities Assessment

Through a program of Public Technology, Inc. (PTI), Sandia National Laboratories has developed a model for local governments to identify security concerns and develop mitigating activities. In addition, the program provides training on security vulnerability issues for up to 30 City employees. Sandia is operated by the U. S. Department of Energy, and is responsible for security of the nation's nuclear arsenal.

The training and assessment activities are tentatively scheduled for November 2002. The maximum cost of this agreement is \$20,200, which will be financed through a transfer from the 2002-03 Contingency Account to the Budget of DES.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-301
(Int. No. 337)

Establishing Maximum Compensation For A Professional Services Agreement For A Water System Vulnerability Assessment And Security Study

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

Section 1. The sum of \$115,000, 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 O'Brien & Gere Engineers, 800 St. Paul Street, Rochester, NY 14604, for a Water System Vulnerability Assessment and Security Study. Said amount is hereby appropriated from a grant from the United States Environmental Protection Agency for this purpose.

Section 2. Ord. No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further

amended by increasing the revenue estimates of the Department of Environmental Services by \$115,000 to reflect receipt of the aforementioned grant.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-302
(Int. No. 338)

Establishing \$20,200 As Maximum Compensation For A Professional Services Agreement For A Security Assessment Of City Facilities

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

Section 1. The sum of \$20,200, 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 Sandia National Laboratories for a security vulnerability assessment of City facilities.

Section 2. Ord. No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$20,200 from the Contingency Account to the Department of Environmental Services, and appropriating that amount to fund said agreement.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-303
Re: Work Permits on State Highways
R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an Undertaking Agreement with the New York State Department of Transportation (NYSDOT) related to City application for Highway Work Permits. Such permits are required when City street projects intersect a State Highway. Examples include the construction of Maple Street at Mt. Read Boulevard and the installation of drainage facilities related to the curb replacement projects on Lanark Crescent, Berwick Road and Elm Drive, which discharge to drainage swales on I-590.

The Undertaking Agreement includes the City's pledge to perform work within the terms normally contained in state highway permits. It also indemnifies the State and others with respect to all operations normally undertaken under such permits. Filing requirements include submittal of both the executed Undertaking Agreement and City Council legislation approving the agreement. There is no fee associated with the filing.

This agreement will add neither additional expense nor additional exposure beyond the existing terms and conditions for a State permit. It will simply mean that the City will no longer be required to provide or update Certificates of Insurance or to provide performance bonds when applying for the state highway work permits, thereby expediting issuance of the permit.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-303
(Int. No. 339)

Authorizing An Agreement With The New York State Department Of Transportation For Highway Work Permits

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 performance of work and indemnification in accordance with the requirements of state highway permits.

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. 2002-304
Re: Street Condition Rating Update Study
R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will:

1. Authorize an agreement with Bergmann Associates for a street condition rating update study at a maximum cost of \$60,000;
2. Appropriate \$20,000 from anticipated reimbursements from the Federal Highway Administration to partially finance the cost of the proposed study; and
3. Amend the 2002-03 Cash Capital budget of the Department of Environmental Services to reflect this grant.

Every summer the Department of Environmental Services (DES) inspects the City's streets to rate the condition of the pavement, curbs, sidewalks and other features. Annual inspection data since 1979 are maintained in a Street Information Management System and used as the basis for evaluating the overall condition of individual streets, monitoring their inevitable deterioration, and producing initial lists of streets to consider for the annual street maintenance programs. Overall and specific City street rating data are also used in supporting State and Federal transportation aid applications. The original system was designed for mainframe computers via manual data gathering and input operations. The current database needs to be updated to contemporary database standards. This will facilitate more efficient data input using a computer in the field, and incorporate field rating data quality control routines. In addition, the Street Information Management System will be linked to City Geographic Information System databases to enhance reporting and analysis.

The Genesee Transportation Council has approved a \$20,000 grant to assist the City in further improving

the existing Street Information Management System and its pavement performance models. With this grant and additional City funds, the City will engage a consultant to:

1. Assess current rating procedures and develop rating and data gathering improvements;
2. Revise the design of the database and pavement performance models;
3. Incorporate formulae to convert City street rating indices to New York State indices to facilitate regional comparisons of street conditions by State and Federal transportation agencies; and,
4. Incorporate features that link the street condition rating database to the City's Geographic Information System databases and report generation programs.

Four firms, selected from a list of firms approved by the New York State Department of Transportation to perform design services on Federal Aid highway projects, were solicited for proposals; three submitted proposals. Bergmann Associates is recommended to provide the required services based upon the qualifications of the personnel to be assigned to the project and the ability to provide the services within the time periods specified by the City.

The Street Condition Rating Update Study is being funded with the funds obtained through the Genesee Transportation Council (\$20,000) and 2000-01 Cash Capital of DES (\$40,000).

It is anticipated that the study will be completed by Spring 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Stevenson moved to amend Introductory No. 340.

The motion was seconded by Councilmember Santiago.

The motion was adopted unanimously.

Ordinance No. 2002-304
(Int. No. 340, As Amended)

Authorizing Agreements For A Street Condition Rating Update Study

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 the receipt and use of Federal Highway Administration funding for a street condition rating update study.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Bergmann Associates, 200 First Federal Plaza, 28 E. Main Street, for the street condition rating update study, at a maximum compensation of \$60,000. Of said amount, \$20,000 shall be funded from the 2002-03 Cash Capital Allocation and \$40,000 shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. Ord. No. 2002-194, the 2002-03 Bud-

get of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations for Cash Capital by \$20,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Federal Highway Administration funds to be received from the Genesee Transportation Council.

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

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-305
Re: Lexington Avenue Improvement Project (Mt. Read Boulevard to Dewey Avenue)

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation relating to the Lexington Avenue Improvement Project from Mt. Read Boulevard to Dewey Avenue. This legislation will:

1. Appropriate \$155,200 in anticipated reimbursements from the Federal Highway Administration to finance a portion of the Federal share of the project design services agreement;
2. Appropriate \$74,000 in anticipated reimbursements from the NY State to finance a portion of the State share of the project design services agreement; and
3. Authorize the City to enter into a professional services agreement with the Sear Brown Group for design services for the project at a maximum cost of \$629,000.

The Lexington Avenue Improvement Project will rehabilitate, reconstruct and reconfigure the roadway between Mt. Read Boulevard and Dewey Avenue. It will include intersection improvements, drainage, curbs, traffic signals, signage, pavement markings, sidewalk, streetscape, landscaping, water distribution system, and other improvements.

The City is administering the project on behalf of the New York State Department of Transportation (NYSDOT) under an agreement authorized by City Council on November 20, 2001.

The current estimated cost of the project is \$5,483,000. The distribution of this cost is shown below:

Federal	\$4,386,000
State	822,000
City Street	240,000
City Water	22,000
Pure Waters	8,000
Monroe County Traffic	5,000
Total	<u>\$5,483,000</u>

In accordance with procedures required by both the Federal Highway Administration (FHWA) and the NYSDOT, a request for proposals was advertised

statewide for design of the project; nine firms responded. The FHWA, NYSDOT and City staff have concurred in the selection of the Sear Brown Group as the firm most qualified. The Federal share of the proposed agreement (\$503,200) will be financed by \$348,000 appropriated on November 20, 2001 for this purpose and \$155,200 of new appropriations. The local share of the agreement (\$125,800) will be financed by \$74,000 of current New York State appropriations and by \$51,800 from the 2000-01 Cash Capital allocation of the Department of Environmental Services.

Design of the project is scheduled to be completed in Fall 2003. Construction is expected to begin in Spring 2004 and be substantially completed by Summer 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-305
(Int. No. 341)

Establishing Maximum Compensation For A Professional Services Agreement For The Lexington Avenue Improvement Project And Appropriating Funds

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

Section 1. The sum of \$629,000, 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 Sear Brown Group for design services for the Lexington Avenue Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$155,200 shall be funded from the appropriation made in Section 2 hereof, \$74,000 shall be funded from the appropriation made in Section 3 hereof, \$348,000 shall be funded from the appropriation made in Section 4 of Ordinance No. 2001-368 and \$51,800 shall be funded from the 2000-01 Cash Capital Allocation.

Section 2. The sum of \$155,200, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration in order to fund design services for the Lexington Avenue Improvement Project.

Section 3. The sum of \$74,000, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the State of New York in order to fund design services for the Lexington Avenue Improvement Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Introductory No. 342
Re: West Ridge Road Improvement
Project (Hanford Landing Road
to Veteran's Memorial Bridge)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the West Ridge Road Public Improvement project. This legislation will:

1. Appropriate \$392,000 in anticipated reimbursements from the Federal Highway Administration to finance the Federal Share of the costs for a portion of the right of way acquisition, relocation and closing costs, demolition costs and project administration;
2. Appropriate \$98,000 in anticipated reimbursements from NY State to finance the State share of the costs of a portion of the right of way acquisition, relocation and closing costs, demolition costs and project administration;
3. Authorize the partial acquisition, by negotiation or condemnation, of 15 properties involved in the W. Ridge Road improvement project; and
4. Authorize the full acquisition, by negotiation or condemnation, of one property involved in the W. Ridge Road improvement project.

As you are aware, this project involves the reconstruction of West Ridge Road, from Hanford Landing Road to the Veteran's Memorial Bridge. This reconstruction will include a significant realignment of West Ridge Road, beginning west of the Lake Avenue intersection to the Veteran's Memorial Bridge. The westbound and eastbound travel lanes of West Ridge Road between Lake Avenue and the Veteran's Memorial Bridge will be divided creating a parkway like landscaped median transition zone in an effort to encourage reduced speeds of westbound vehicles leaving the expressway and entering the Maplewood Neighborhood.

The project also provides for a new two-way frontage road in front of the houses to remain on the south side of West Ridge Road between Ridgeway Avenue and Maplewood Drive, and replacement of the existing pedestrian bridge over West Ridge Road near Maplewood Drive. Select replacement and adjustment of utilities, drainage improvements, signalized intersection upgrades, various landscaping, trail and sidewalk improvements will also be included in the project. It is a goal of this project to accommodate traffic in a safe and efficient manner while also addressing neighborhood concerns and initiatives, and improving the pedestrian environment.

In addition to the significant amount of legislation previously approved for this project, City Council conducted a public hearing for the 23 full takings associated with the project on July 23, 2002. The Determination and Findings associated with those full takings are expected to be acted upon at the October 15, 2002 City Council meeting. It is anticipated that, following the conduct of the Public Hearing on September 17 on these partial acquisitions, the associated Determinations and Findings will be presented to Council for simultaneous action.

Both full and partial property takings will be required to accommodate the realignment and new streets which are proposed. Partial acquisition of 15 properties and full acquisition of one property are now requested. The properties are as follows:

Address	Owner	Use
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Partial acquisitions:

1540-1550 Lake Ave Irving Starr	Commercial
81 Lapham St Carol Winters	One Family
145 West Ridge Rd Eastman Kodak Co.	Commercial
1525 Lake Ave Tim Donut US Limited Inc.	Commercial
1520 Lake Ave City of Rochester	Vacant Land
279 West Ridge Rd City of Rochester (CSD)	School
192 Desmond St Chris Conners	Commercial
200 West Ridge Rd Eastman Kodak Co.	Industrial
211 West Ridge Rd Rubino Italian Submarine	Commercial
157 Lapham St Linda M Stiles	1 Family
115 West Ridge Rd Irving Starr	Commercial
72 West Ridge Rd Michael J Piehler Trustee	Commercial
60 West Ridge Rd Michael J Piehler Trustee	Commercial
39 Redwood Rd Michael J Piehler Trustee	Commercial
1560 Lake Ave Michael J Piehler Trustee	Commercial

Full acquisition:

45 Redwood Rd Michael J Piehler Trustee	Commercial
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The acquisition amounts are being established through independent appraisals prepared by Robert G. Pogel, SRPA, and Kevin Bruckner, MAI.

The total cost of acquisition, relocation and closing costs for the partial and full property takings is estimated to be \$3,218,000 and will be funded through the anticipated State and Federal reimbursements.

The total estimated cost of the full and partial property takings is as follows:

Expense	Full Takings	Partial Takings	Total
Acquisition	\$1,800,000	\$640,000	\$2,440,000
Relocation	632,000	0	632,000
Closing Costs	108,000	38,000	146,000
Demolition Costs	365,000	0	365,000
City Administration	436,000	102,000	538,000
State Administration	145,000	34,000	179,000
Total	\$3,486,000	\$814,000	\$4,300,000

The Federal Highway Administration will fund 80% of the above costs (\$3,440,000) and New York State will fund 20% (\$860,000).

Costs for right of way acquisition, relocation, closing, demolition and State administration expense will be financed from the appropriations above. Costs for City administration will be financed from the 2002-03 Budget and reimbursed from the appropriations above.

The estimated cost of the project is \$18,339,000. Of the estimated cost of the project, \$12,383,200 will be financed by the Federal government and \$3,095,800 will be funded by the State. City financing of \$2,860,000 for certain betterments is contained in the FY2002-03 Capital Improvement Program.

A public informational meeting was held on May 28, 1999, by the City, in conjunction with the Maplewood Neighborhood Association and NYSDOT. Another public informational meeting was held on December 12, 2001. Two separate public informational meetings relating to noise walls were held on January 31, 2002. The Traffic Control Board endorsed the changes in pavement width on February 19, 2002. A public informational meeting was held on June 12, 2002. A public informational meeting was held on July 17, 2002. Minutes from all previous meetings were submitted to City Council; minutes from the July 17 meeting are attached.

Project scoping and preliminary design will be completed this Fall. Final design will be completed in 2003. Under currently programmed Federal and State project funding, construction would begin in 2004 and be completed in 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Councilmember Stevenson moved to return Introductory No. 342 to committee.

The motion was seconded by Councilmember Thompson.

The motion was adopted unanimously.

Introductory No. 342

AUTHORIZING THE ACQUISITION BY NEGOTIATION OR CONDEMNATION OF PARCELS FOR THE WEST RIDGE ROAD IMPROVEMENT PROJECT

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

Section 1. The Council hereby approves the acquisition of the following parcels for the construction and maintenance of municipal improvements as a part of the West Ridge Road Improvement Project as follows:

Property Address Reputed Owner	SBL# Type
(PT) 1540-1550 Lake Ave Irving Starr	090.44-1-38 Commercial
(PT) 81 Lapham St Carol Winters	090.44-1-49.1 1 Family
(PT) 145 West Ridge Rd Eastman Kodak Company	090.43-3-4.2 Commercial
(PT) 1525 Lake Ave Tim Donut US Limited Inc	090.43-3-33.1 Commercial
(PT) 1520 Lake Ave City of Rochester	090.44-2-1 Vacant Land
(PT) 279 West Ridge Rd	090.34-2-78.1

City of Rochester School District	School
(PT) 192 Desmond St Chris Connors	090.34-2-13.1 Commercial
(PT) 200 West Ridge Rd Eastman Kodak Company	090.35-1-2.4 Industrial
(PT) 211 West Ridge Rd Rubino Italian Submarine	090.35-1-21 Commercial
(PT) 157 Lapham St Linda M Stiles	090.44-1-64 1 Family
(PT) 115 West Ridge Rd Irving Starr	090.43-3-8 Commercial
(PT) 72 West Ridge Rd Michael J Piehler Trustee	090.44-1-39 Commercial
(PT) 60 West Ridge Rd Michael J Piehler Trustee	090.44-1-84 Commercial
(PT) 39 Redwood Rd Michael J Piehler Trustee	090.44-1-02 Commercial
(PT) 1560 Lake Ave Michael J Piehler Trustee	090.44-1-1 Commercial
45 Redwood Rd Michael J Piehler Trustee	090.44-1-3 Commercial

(PT) = Partial Taking

Section 2. The acquisition and closing costs shall obligate the City to pay an amount not to exceed \$678,000. To partially fund said amount, relocation, demolition, and \$136,000 in City and State administrative costs, \$392,000 is hereby appropriated from anticipated reimbursements from the Federal Government and \$98,000 is hereby appropriated from anticipated reimbursements from New York State. Additional funding shall be provided in an ordinance approving additional acquisitions for this Project.

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

Section 4. This ordinance shall take effect immediately.

Returned to committee.

By Councilmember Douglas
September 17, 2002

To the Council:

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

Int. No. 343 - Authorizing An Agreement With The Town Of Brighton For Mutual Fire Assistance To West Brighton

Int. No. 344 - Authorizing An Application And Agreement For The Teen Court

Int. No. 345 - Authorizing An Application And Agreement With Respect To Seat Belt Enforcement And Amending The 2002-03 Budget

Int. No. 347 - Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$46,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York. Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2003, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

Int. No. 348 - Amending The 2002-03 Budget To Fund An Additional Attorney Position In The Law Department

Int. No. 351 - Authorizing Agreements For The Local Law Enforcement Block Grant Program

Int. No. 353 - Resolution Approving Appointments To The Board Of Ethics

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

Int. No. 346 - Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-306
Re: Agreement With The Town Of Brighton

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Town of Brighton to permit the Rochester Fire Department to provide limited mutual assistance to the West Brighton Fire Protection District. In exchange for an annual fee of \$100,000, the RFD will provide six firefighters and apparatus when available for all calls classified as possible structure fire assignments. Further, the department will provide at least four firefighters and apparatus for all automatic fire alarms at 15 specified addresses on East River Road, East Henrietta Road and in Corporate Woods.

Information gathered from the Emergency Communications Department indicates that Rochester could expect to be dispatched to approximately 50 of these types of calls per year. Rochester would not respond to any call types other than those listed above unless requested to do so through the existing Monroe County Mutual Aid Plan.

It is anticipated that the proposed agreement will have no impact on the Fire Department's ability to respond to calls for service within the City.

The proposed agreement will have an initial term of four years and will be reviewed annually, at which time either party may propose changes or request termination of the agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-306
(Int. No. 343)

Authorizing An Agreement With The Town Of Brighton For Mutual Fire Assistance To West Brighton

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Brighton whereby the Rochester Fire Department will provide mutual assistance to the West Brighton Fire Protection District on structural fire calls and automatic alarms from specified addresses. The agreement shall extend for a term not to exceed four years, except that either party may terminate the agreement at the end of each year upon written notice.

Section 2. The agreement shall obligate the Town of Brighton to pay the sum of \$100,000 for the first year. For subsequent years, said amount may be changed through agreement of the Mayor and the Town Supervisor based upon the volume of calls to which the City responds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-307
Re: Teen Court Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing application and agreement with the Rochester Area Community Foundation for the receipt and use of a grant totaling \$30,000.

This grant was awarded to the City for expansion of the Rochester Teen Court Program. The City took over the administration of the program on July 2001 from Prevention Partners; the overall program is funded from the Law Enforcement Block Grant (LEBG). The RACF grant will be used for the purchase of program evaluation software, training, and initial set up of records.

Teen Court is a program in which adolescent offenders, 16-18, are sentenced by their peers. The prosecutors, defense attorneys, jurors, court clerks, and security (Police Explorers) are all teens. A Rochester City Court Judge presides over the Teen Court.

The goals of the program are:

1. Hold youth accountable for their actions;
2. Provide all youth involved in Teen Court with law-related education;
3. Reduce the incidence of repeat criminal behavior among adolescents 16-18 years of age; and
4. Intervene on the family and community levels to ensure a holistic approach to service delivery.

In order to be eligible for Teen Court, the offender must be 16-18 at the time the offense was committed, have no prior contact with the court system, be accused of nonviolent violations & misdemeanors only, and admit to involvement in the criminal activity. A parent or adult guardian must attend the Teen Court session with the defendant

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2002-307
(Int. No. 344)

Authorizing An Application And Agreement For The Teen Court

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 Rochester Area Community Foundation for funding for Teen Court.

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. 2002-308
Re: Seat Belt Enforcement Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Governor's Traffic Safety Committee for grant funding in the amount of \$23,640, and amending the 2002-03 budget of the Police Department to reflect a portion of that revenue.

The funding will be used to conduct traffic checkpoints to enforce the state's seat belt laws, as part of the "Buckle Up! New York" campaign. All violators discovered by the checkpoints will be issued summonses for non-compliance with the law mandating restraint of vehicle occupants. The grant will fund approximately 600 hours of additional traffic enforcement during the period October 1, 2002 through September 30, 2003; all grant funds will be applied to sworn overtime and employee benefits.

Of the total grant, \$15,800 will be appropriated in the 2002-03; the remainder will be included in the 2003-04 budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-309
(Int. No. 347)

Ordinance No. 2002-308
(Int. No. 345)

**Authorizing An Application And Agreement
With Respect To Seat Belt Enforcement And
Amending The 2002-03 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 a Seat Belt Enforcement Program.

Section 2. Ordinance No. 2002-194, the 2002-03 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 \$15,800, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-309
Re: RAN - City School District

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing the issuance of revenue anticipation notes totaling \$46,000,000. This legislation was approved by the Board of Education on August 29, 2002.

The City periodically issues revenue anticipation notes for the District because of the difference between the time periods in which the District expends and receives funds. The District usually expends funds at a fairly uniform rate over its fiscal year; however, it receives its allocation of state education aid - its major source of revenue - later in the fiscal year.

For the current fiscal year, although the change in the City's contribution was accelerated, the District will continue to experience a cash deficiency, although at a lesser amount. A cash deficiency is projected for late October, and therefore a revenue anticipation note for the amount of \$46,000,000 is requested.

The amount of the requested RAN is \$10,000,000 less than the amount requested for 2001-02.

A note sale will be scheduled in mid-October in order to maintain an adequate cash balance.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-121

Revenue Anticipation Note Ordinance Delegating To The Director Of Finance The Powers To Authorize The Issuance Of \$46,000,000 Revenue Anticipation Notes Of The City Of Rochester, New York, Or So Much Thereof As May Be Necessary, In Anticipation Of The Receipt Of Certain Revenues For The Fiscal Year Ending June 30, 2003, And To Prescribe The Terms, Form And Contents, And Provide For The Sale Of Such Notes

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

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Rochester, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$46,000,000, and any notes in renewal thereof, is hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the City School District in the current fiscal year from New York State Education Grants and Basic Formula Aid to Education; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City School District for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2004.

Section 4. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City School District and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. Subject to the provisions of this ordinance and the Law, and pursuant to Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Director of Finance, as chief fiscal officer of the City.

Section 6. 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 7. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Norwood, Santiago, Stevenson, Thompson - 7.

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the City School District.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-310
Re: Additional Quality-of-Life Attorney

R2010: Campaign 7 - Quality Service
Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is an amendment to the 2002-03 Budget to provide funding for a second quality-of-life attorney in the Law Department. The amendment will transfer \$44,600 from the Contingency Account (\$40,000 to the Law Department for salary and office furnishings, and \$4,600 to Undistributed Expense for benefits).

Since the beginning of this Administration, the Law Department has been deeply involved in the issues of nuisance abatement and enhanced quality of life. To that end, in 1996 the Law Department hired an attorney to focus exclusively on quality of life issues. Almost immediately, the quality of life attorney began addressing issues relative to bars and clubs, residential properties overwhelmed with criminal activity, businesses engaged in illegal activities, and a multitude of other related issues.

Shortly thereafter, NET was established, with six offices throughout the City. Each of these sectors identified its highest priorities, and the resulting requests for legal services significantly exceeded the capacity of a single attorney. In the past five years, that position has averaged 185 cases per year. Additionally, there is increasing litigation relative to the quality-of-life enforcement issues that also must be addressed.

While the creation of a second quality-of-life attorney position will not solve all of the demand problems, it will allow the Law Department to address nuisances more quickly and to respond firmly to the legal challenges that have been raised in this area.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2002-310
(Int. No. 348)

Amending The 2002-03 Budget To Fund An Additional Attorney Position In The Law Department

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

Section 1. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$40,000 from the Contingency Account to the Law Department, and the sum of \$4,600 from the Contingency Account to Undistributed Expense, to fund an additional attorney position in the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-311
Re: 7th Year Law Enforcement Block Grant

R2010: Campaign 3 - Health Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an application and agreement with the US Department of Justice, Office of Justice Programs, for seventh year funding under the Local Law Enforcement Block Grant (LLEBG) program. The funding, in the amount of \$425,700, will cover a two-year period commencing with the receipt of LLEBG funds.

Recipients are required to submit applications electronically to the Department of Justice. The on-line application process is completed in steps, culminating in Federal approval to draw down funds prior to making expenditures. Stringent Federal guidelines require the City to complete its draw down process by November 7, 2002. A Public Hearing and an Advisory Board meeting must occur within the same period. Both forums must be held to receive public comment and subsequently to consider non-binding recommendations for program spending.

Since 1996, the City has received LLEBG funding annually under a formula allocation established by Federal legislation. All City of Rochester LLEBG allocations have been shared under joint spending agreements with Monroe County, necessitated by the County's filing of a request for a certification of disparate allocation, and its subsequent approval by the New York State Attorney General. Fifty percent of the money will be retained by the City and the remainder will be remitted to Monroe County.

LLEBG funds must be used to support one or more of the "purpose areas" established by LLEBG program legislation, including: Law Enforcement, Drug Court, Adjudication, and Crime Prevention. Detailed plans for allocation of the award to various City programs are being developed. Legislation will subsequently be submitted to Council to propose expenditure of these funds.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2002-311
(Int. No. 351)

Authorizing Agreements For The Local Law Enforcement Block Grant Program

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

Section 1. The Council hereby approves the acceptance of a Local Law Enforcement Block Grant and the Mayor is hereby authorized to enter into an agreement with the United States Department of Justice for funding under the Local Law Enforcement Block Grant Program. Necessary local matching funds shall be provided through the annual budgets of the Rochester Police Department.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the County of Monroe for the purpose of sharing the combined funding under the Local Law Enforcement Block Grant Program that each jurisdiction is eligible to receive.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2002-21
Re: Appointments - Board of Ethics

Transmitted herewith for your approval is legislation to approve the following appointment and reappointments to the Board of Ethics:

Appointment:

John R. Weider
335 San Gabriel Drive
Rochester, NY 14610

Reappointments:

Frank T. Crego 55 Berkeley Street Rochester, NY 14607	Elizabeth Walz 1537 East Avenue Rochester, NY 14607
James Delly 555 Seneca Parkway Rochester, NY 14613	Andrea R. Stridiron 120 Crawford Street Rochester, NY 14620

The purpose of the Board of Ethics is to interpret and enforce the Code of Ethics of the City of Rochester. The Board has five citizen members, appointed by City Council for three-year terms, plus the Director of Human Resource Management and one City Councilmember; I currently serve as the Council representative on the Board.

Mr. Weider is a partner in the firm of Harter Secrest & Emery, LLP; he will replace Melissa A. Mahler, who has moved out of the City and is therefore ineligible to continue to serve on the Board of Ethics. Mr. Weider will serve the remainder of Ms. Mahler's term, through October 31, 2002, and then a full three-

year term. A copy of his resume is on file in the City Clerk's office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-21
(Int. No. 353)

Resolution Approving Appointments To The Board Of Ethics

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

Section 1. The Council hereby approves the appointment of

John R. Weider
335 San Gabriel Drive
Rochester, NY 14610

to the Board of Ethics for a term that will expire on October 31, 2005.

Section 2. The Council hereby approves the reappointment of

Frank T. Crego 55 Berkeley Street Rochester, NY 14607	Elizabeth Walz 1537 East Avenue Rochester, NY 14607
James Delly 555 Seneca Parkway Rochester, NY 14613	Andrea R. Stridiron 120 Crawford Street Rochester, NY 14620

to the Board of Ethics for terms that will expire on October 31, 2005.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Re: Ordinance No. 2002-312
City Code Amendment - Aged Property Tax Exemption

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Chapter 107 of the City Code by increasing the maximum annual income limit for eligibility for a senior citizen's property tax exemption. Such an increase is authorized by Chapter 202 of the Laws of 2002.

Under the provisions of Section 467 of the NYS Real Property Tax Law, the City Council is authorized to approve partial exemptions from real property taxes for certain persons 65 years of age or older. Pursuant to this authorization, the City Council has historically approved such exemptions.

The current exemptions were last approved on September 19, 2000.

To qualify for an exemption, a person must be the owner/occupant of a residential property and have an annual income within certain specified amounts.

These amounts are prescribed by Section 467 and are periodically adjusted to compensate for the effect of inflation and nominal increases in personal income.

The most recent adjustment was approved by the State on July 30, 2002. The maximum income eligibility has been increased to \$29,900.

20	26,200	27,200
15	27,100	28,100
10	28,000	29,000
5	28,900	29,900

Exemption	Percentage Maximum Annual Income	
	Current	Proposed
50	\$20,500	\$21,500
45	21,500	22,500
40	22,500	23,500
35	23,500	24,500
30	24,400	25,400
25	25,300	26,300

If approved, the new eligibility limit will first be effective in tax year 2003-04, for which bills are to be issued on July 1, 2003. To qualify for an exemption, a person must submit an application to the City by February 3, 2003.

The effect of the recommended change upon City tax revenues and rates is expected to be minimal. At present, there are 3,380 Senior Citizen exemptions with total exemption valuations of \$62.8 million (City) and \$78.4 million (School). In total, these exemptions result in a tax loss of approximately \$1,369,000 and have a homestead tax rate effect of \$0.47.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-312
(Int. No. 346)

Amending The Municipal Code With Respect To The Senior Citizens Tax Exemption

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

Section 1. Section 107-2 of the Municipal Code, relating to age and income limits and exemption percentages for the senior citizens tax exemption, as amended, is hereby further amended by amending the chart found in subsection A thereof to read in its entirety as follows:

Annual Income	Percentage of Assessed Valuation Exempt from Taxation
\$21,500 or less	50
\$21,501 or more but less than \$22,500	45
\$22,501 or more but less than \$23,500	40
\$23,501 or more but less than \$24,500	35
\$24,501 or more but less than \$25,400	30
\$25,401 or more but less than \$26,300	25
\$26,301 or more but less than \$27,200	20
\$27,201 or more but less than \$28,100	15
\$28,101 or more but less than \$29,000	10
\$29,001 or more but less than \$29,900	5

Section 2. This ordinance shall take effect immediately and shall first apply during the 2003-04 tax year.

Passed unanimously.

Introductory No. 205 was introduced June 18, 2002, and appears in its original form with its transmittal letter on page 159 of the current Council Proceedings.

Attachment AB-74

Councilmember Douglas moved to discharge Introductory No. 205 from committee.

The motion was seconded by Councilmember Stevenson.

The motion was adopted unanimously.

Ordinance No. 2002-313
(Int. No. 205)

Authorizing An Agreement For The Quad A For Kids Development Project

Passed unanimously.

The meeting was adjourned at 8:36 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
October 15, 2002

Present - President Giess, Councilmembers Curran, Douglas, Mains, Griswold, Norwood, Santiago, Stevenson, Thompson - 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:

- *James T. Boggains - DPRHS
- *Patricia Genberg - Library
- *Michael G. McAuliffe - RPD
- *Robert J. Meyer - Mayor's Office
- *Barry Sheremeta - RFD
- *Will not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Thompson

RESOLVED, that the minutes of the Regular Meeting of September 17, 2002, and the Public Hearings of the New Zoning Code on September 19, 2002, and September 26, 2002, 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. 3702-7
 - Quarterly Reports:
 - Professional Services Agreements. 3703-7
 - Delinquent Receivables. 3704-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

By President Giess - Petition from the North Winton Village Neighborhood Association recommending that the C2 Zoning District along Winton Rd. from Browncroft Blvd. to Merchants Rd. be changed to a C1 Neighborhood Commercial District. Petition No. 1598

By President Giess - Petition from Mt. Hope Residents about seeking help in drafting a zoning revision for the Mt. Hope Avenue "gateway" corridor. Petition No. 1599

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Approval Of The Sale Of Land In The 14621 Industrial Park To Spex, LLC Int. No. 365 No speakers.

Amending Ordinance No. 2002-105 In Regard To A Moratorium On Zoning Applications Int. No. 382 No speakers.

Abandonment Of A Portion Of Romeyn Street And Sale Of Real Estate Int. No. 378 Nine speakers: Marion Walker, Fundador Perez, Jr., Robert L. Keiffer, Olga Johnson, Jeffrey Dix, Joann Leake, Angela Wallace, Rick Benedetto, and Althea Dix.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
October 15, 2002

To the Council:

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

Int. No. 354 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 355 - Authorizing Sale Of An Additional Parcel For The 2002 Home Expo Program

Int. No. 356 - Appropriating Funds And Authorizing Agreements For The Housing Rehabilitation And Lead Hazard Reduction Programs

Int. No. 357 - Granting An Easement To The County Of Monroe To Construct A Pump House

Int. No. 358 - Authorizing An Agreement With The County Of Monroe For Reimbursement For Inspection Services

Int. No. 359 - Authorizing An Agreement With The Ontario Beach Park Program Committee For Baseball Fields Under The Sector Targeted Funding Initiative Program

Int. No. 360 - Authorizing An Agreement With The Ontario Beach Park Program Committee For Historical Signage Under The Sector Targeted Funding Initiative Program

Int. No. 361 - Authorizing An Agreement With The Maplewood Neighborhood Association For The Sector Targeted Funding Initiative Program

Int. No. 362 - Authorizing An Agreement With ARTWalk, Inc. For The Sector Targeted Funding Initiative Program

Int. No. 363 - Authorizing An Agreement With The Corn Hill Neighbors Association For The Sector

Targeted Funding Initiative Program

Int. No. 364 - Determinations And Findings Related To The Acquisition Of Three Properties As Part Of The Fulton Avenue Challenged Street Project

Int. No. 311 - Approving The Acquisition Of Parcels For The Fulton Avenue Redevelopment Project By Negotiation Or Condemnation

Int. No. 325 - Local Law Amending The City Charter With Respect To City Planning

Int. No. 322A - Amending The Municipal Code By Adoption Of A New Zoning Code And Zoning District Map, As Amended

Int. No. 323A - Local Law Amending The City Charter With Respect To Planning And Zoning, As Amended

Int. No. 324A - Local Law Amending The City Charter With Respect To The Planning Commission, Board Of Appeals And Preservation Board, As Amended

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

Int. No. 365 - Approval Of The Sale Of Land In The 14621 Industrial Park To Spex, LLC

Int. No. 382 - Amending Ordinance No. 2002-105 In Regard To A Moratorium On Zoning Applications

The following entitled legislation is being substituted by amendments:

Int. No. 322 - Amending The Municipal Code By Adoption Of A New Zoning Code And Zoning District Map

Int. No. 323 - Local Law Amending The City Charter With Respect To Planning And Zoning

Int. No. 324 - Local Law Amending The City Charter With Respect To The Planning Commission, Board Of Appeals And Preservation Board

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
Lois J. Giess
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-314 And
Ordinance No. 2002-315
Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of 51 properties and amending a prior ordinance regarding Home Expo.

Sales

The first thirty-three properties were sold at the July 1, 2002 Public Auction. The properties will be rehabilitated in accordance with their legal uses, and the purchasers will be required to complete the rehabilitation within nine months of the conditional closing.

The next twelve properties are vacant lots that were sold at the July 1, 2002 Public Auction, subject to the acceptance of a development proposal. The properties located at 428-428.5 Alexander Street, 82-88 Conkey Avenue, 210 Portland Avenue and 70 Sullivan Street will be developed as parking lots. The properties located at 305 Allen Street, 309 Fourth Street, 656 Frost Avenue, 492 Jay Street, 336 Murray Street, 306 Parsells Avenue, 604 Portland Avenue and 851 Portland Avenue will be fenced and landscaped and combined with the purchasers' adjoining properties.

The next property is being sold to the former owner. The purchase price includes all delinquent taxes, interest and penalties.

The next two properties are vacant lots that are being sold for their appraised value, subject to the acceptance of a development proposal. The parcel that is being sold to RHA will be developed as a parking lot to be used in conjunction with their adjoining property. The parcel that is being sold to Flower City Habitat for Humanity will be used to accommodate the construction of a single family home that will be subsequently sold to an owner occupant with a household income not to exceed 80% of the median income for the area.

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

The last property is a single family structure that is being sold to the current tenant through the Tenant Ownership Program for the appraised value. The purchaser will be required to complete the rehabilitation within eighteen months of closing and to occupy the property for a minimum of seven years.

Amendment

On September 17, City Council authorized a total of 211 parcels as eligible for the Home Expo 2002 program. The proposed amendment will add the sale of 47 Grand Avenue to an approved Home Expo developer. This property was accepted in donation by City Council on March 19, 2002. The dilapidated structure located on the property was demolished, resulting in a buildable vacant lot. It was the original intent of this donation to make this lot available for development through the 2002 Home Expo Program, but it was inadvertently omitted from the prior legislation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-122

Ordinance No. 2002-314
(Int. No. 354, As Amended)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the sale of the following parcels of improved property by public

auction:

Address SBL#	Legal Use Purchaser	Price
3 Athens St 106.21-1-27	2 Family Sherri Birmingham	\$8,100
255 Avenue A 106.22-4-2	2 Family Siew Hioe	4,300
301 Avenue B 106.21-3-55	2 Family Sherri Birmingham	3,200
77 Avenue C 106.21-1-75	1 Family Matthew Miller	3,200
143-145 Bartlett St 120.68-3-19&20 Inc.*	1 Family Infinity Properties,	3,500
795 Broad St. W. 105.75-2-46	1 Family Daniel DeRider	3,900
650 Campbell St 120.25-1-3	1 Family Edward Lindsey, II	5,800
353-355 Champlain St 120.59-2-83	2 Family Jeffrey Smith	6,600
127 Clifford Ave 106.29-4-38	1 Family Sherri Birmingham	1,000
327 Clifford Ave 106.30-3-61	1 Family Brett Sheffield	1,000
493 Clifford Ave 106.31-4-13	1 Family John Goff	2,200
510-514 Clifford Ave 106.31-2-67	1 Family Lisle Brathnate	2,400
[372 Columbia Ave 120.67-3-33	1 Family Cassandra & Jason Sanders]	4,400
[81 Eiffel Pl 091.80-4-46	1 Family Youmis Gillani]	4,000
9-11 Evergreen St 106.37-1-20	2 Family Myra Pimental	2,300
30 First St 106.59-1-34	2 Family Myra Pimental	4,200
[243-245 Hawley St 120.76-1-62	2 Family Eric Robinson]	3,100
[461 Hayward Ave 107.69-1-1	2 Family Youmis Gillani]	16,800
18-24 Lee Pl 121.69-2-33.1	2 Family Brett Sheffield	3,100
85 Lill St 106.30-1-54	2 Family Terry Langley	1,800
[18 Lloyd St 120.75-3-31	1 Family Eric Robinson]	1,700
11 Morgan St 120.51-2-60	1 Family Central City Properties, Inc.**	2,000
[810 North St 106.41-3-66.1	1 Family Jason Sanders]	2,400
305 Pennsylvania Ave 106.60-1-31	1 Family Daniel DeRider	2,500
316 Pennsylvania Ave 106.60-2-31	1 Family Nelson Allen	5,400
423-425 Portland Ave 106.34-2-51.1	2 Family Ali H. Saleh	7,300
36-38 Sander St 106.43-4-35	2 Family Tammy VanHorn	4,500
181 Saratoga Ave 105.59-2-32	2 Family James Vaccaro	4,000
87 Scrantom St 106.38-3-7	1 Family Michael Meyer	400
[509 Seward St 120.84-1-34	1 Family Youmis Gillani]	5,000
2-2.5 Short St 106.60-2-57	2 Family Brett Sheffield	3,500
622-624 Thurston Rd 135.32-2-67	2 Family Alex Massachi	8,500
190 Warner St 105.57-2-50	2 Family Tammy VanHorn	3,200
* Officer: Maria Mason		
** Officers: Maria Mason, James Falbo		

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by public auction:

Address Purchaser	SBL#	Price
428-428.5 Alexander St Charles Lawson & Edward Stuart	106.82-2-45	\$2,000
305 Allen St Alfred & Nancy Mancini	120.28-1-5	6,000
[82-88 Conkey Ave Benjamin Harris	106.29-2-23.2	50]
309 Fourth St Ben Bouiye	106.51-2-22	3,200
656 Frost Ave Barbara J. Dotson-Jackson	120.66-1-17	50
492 Jay St Oscar Gonzalez, Jr.	105.83-1-40	50
[336 Murray St William Campbell	105.57-4-81.2	100]
306 Parsells Ave Frank Town	107.54-3-67	50
210 Portland Ave Cruz Iris Tapia	106.50-1-59.1	50
604 Portland Ave Verdis Ranking	106.26-2-24	50
851 Portland Ave Ali H. Saleh	091.83-1-22.1	50
70 Sullivan St Catholic Family Center	106.31-4-34.1	50

Section 3. The Council hereby further approves the sale of the following parcel of improved property to the former owner:

Address: 553 Emerson St
SBL#: 105.41-1-44
Price: \$4,580.64
Purchaser: Terleta M. Willis

Section 4. The Council hereby further approves the negotiated sale through proposal of the following parcels of vacant land:

Address Purchaser	SBL#	Price
124 Fulton Ave Flower City Habitat for Humanity*	105.43-2-37	\$500
12 Henry St Rochester Housing Authority**	106.40-3-54.1	450

* Officers: Arthur Woodward, Mona Alongi
** Officers: Jeffrey T. Carlson, Joseph Hanna

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

Address Purchaser	SBL#	Sq. Ft.
333 Clarissa St Kevin Penberg	121.37-2-16	2,305±
53 Saratoga Ave Janet Mallory	105.76-1-14	3,100±

Section 6. The Council hereby further approves the sale of the following parcel of improved property through the tenant ownership program:

Address: 110 Sherwood Ave
SBL#: 120.56-2-23
Price: \$7,500

Legal Use: 1 Family
 Purchaser: Lena Wilcox

Section 7. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

Ordinance No. 2002-315
 (Int. No. 355)

Authorizing Sale Of An Additional Parcel For The 2002 Home Expo Program

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

Section 1. The Council hereby approves the addition of 47 Grand Avenue to the parcels approved for sale as a part of the 2002 Home Expo Program in Ordinance No. 2002-74.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
 Ladies and Gentlemen:

Ordinance No. 2002-316
 Re: Housing Rehabilitation and Lead Hazard Reduction Appropriations

R2010: Campaign 4 - Environmental Stewardship
 Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the City's housing rehabilitation programs and the new lead-based paint hazard reduction initiative. This legislation will approve the following appropriations from the 2002-2003 Consolidated Plan's Improve the Housing Stock and General Property Conditions allocation:

<u>Program</u>	<u>Amount</u>
<u>Source</u>	
Rehab Rochester HOME	\$1,500,000
Emergency Assistance for City Homeowners CDBG	500,000
Lead Hazard Reduction CDBG	974,200
HOME	<u>25,800</u>
Total	\$3,000,000

Rehab Rochester

The Rehab Rochester Program provides grants for the rehabilitation of 1 & 2 family owner-occupied prop-

erties. To be eligible, the owner's income, adjusted for family size, must be equal to or less than 60% of median family income (MFI) for the Rochester area. It is estimated that the proposed appropriation will finance up to 80 grants.

Applications for this fiscal year were accepted through a lottery system. There were a total of 963 lottery participants, of which eighty were given a preliminary acceptance and are now in the process of filing full applications. An additional 100 lottery participants were assigned a runner-up status and will serve as substitutes in the event that any of the original selected applicants are not deemed qualified. While, this year's appropriation represents a 50% reduction from prior years, additional funding for owner-occupants will be made available through two new programs that are described below.

Emergency Assistance for City Homeowners

An appropriation of \$500,000 will fund a new emergency repair grant program to be called Emergency Assistance for City Homeowners (EACH). This program will provide emergency grants of up to \$3,500 per eligible property and be administered by the Bureau of Housing and Project Development. Grants will be available to owner-occupants whose household incomes do not exceed 80% MFI.

The proposed appropriation will supplement the Rehab Rochester Program. Unlike the Residential Assistance Program (RAP), EACH will provide grants to qualified owner-occupants for emergencies only, on a city-wide basis, and will not be restricted to the service areas of any particular neighborhood association. EACH will also help answer the emergency needs of property owners when RAP funds are fully subscribed or when the workloads of RAP agency staff have reached maximum capacity. This appropriation will provide approximately 143 grants over a two year period.

Lead Hazard Reduction

National studies have determined that deteriorating lead-based paint in and around the home is the primary source of exposure to lead contamination among young children. Consequently, the federal government now requires that the use of federal funds (i.e., CDBG and HOME) to provide or improve housing must be done in a manner that will accomplish the elimination or reduction and control of hazards posed by the presence of deteriorating lead-based paint.

The City's new lead hazard reduction initiative will provide grants to owner-occupants and investor-owners for the purpose of reducing and controlling, if not eliminating, hazards caused by the presence of deteriorating lead-based paint. This program will serve as one means by which the City will foster a public policy of "primary prevention" to combat the persistent public health threat of childhood lead poisoning. Primary prevention seeks to address the lead hazards in homes before children are poisoned by lead.

A recent study prepared for the Monroe County Health Department (MCHD) by the Center for Governmental Research (CGR) has found that childhood lead poisoning remains a significant local public health issue, particularly for children from very low-income rental households residing in older city homes. In the year 2000 there were 1,319 children under the age of seven who tested positive for elevated lead levels. For the eight year period from 1993 to 2000, 24% of city children screened for blood lead levels were

found to have elevated blood lead levels, as compared to 5.8% for children in the State of New York as a whole. While lead poisoning is a community-wide problem, the incidence of childhood lead poisoning is concentrated in those city neighborhoods (depicted on the attached map and table) where older housing and high proportions of lower income rental households with children are present.

To address this problem, the City's housing programs now incorporate a new set of requirements and standards to address lead-based paint. The new requirements do increase the cost of rehabilitation, which results in fewer households being served through the Rehab Rochester program. In order to offset this loss and to provide even more assistance to eligible households and properties, a new lead hazard reduction program has been designed which will specifically target the lead hazards in a property.

The new program will not function as a typical rehabilitation program, but will be limited in scope to those components of the house which are known to pose the greatest likelihood of contributing to lead exposure. The program will focus its attention on the replacement of windows, entry doors, porch decks and stairs, along with requiring paint stabilization and the remediation of any bare soils that may expose children to a lead hazard, especially soils around the foundation or in play areas near garages.

Since the replacement of windows represents the most expensive element of the program, a bulk purchase window contract is proposed. A competitively bid contract for the bulk purchase of windows will enable the City to achieve significant cost savings. When considering window replacement needs for all housing programs, an estimated 6,000 windows will be needed. The bids for the window supplier will be opened on October 9.

MCHD statistics reveal that 90% of lead-poisoned children are from households receiving public assistance through the Department of Social Services (DSS). To maximize the effective use of City funds, the new lead hazard reduction initiative will be coordinated with DSS as a means of targeting the highest risk households. A proactive marketing campaign will be conducted in an effort to encourage investor-owners to participate.

City efforts will also be coordinated with MCHD's Childhood Lead Poisoning Prevention Program and with those of the Rochester Housing Authority's Section 8 Rental Assistance Program. While the City's initiative is intended to be pro-active and to embrace primary prevention, it is expected that referrals will be made by MCHD in cases where a lead-poisoned child is identified and the house requires lead hazard reduction. Similarly, if landlords participating in the Section 8 Program have units rejected because of the presence of lead hazards, they will be referred to this program.

Lead hazard reduction grants will be offered to owner-occupants who have household incomes at or below 60% MFI and who have a child age seven or younger residing in the home. Investor-owners who rent to tenants with incomes at or below 50% MFI will be offered matching grants for lead hazard reduction. Grant funds will be available for structures with no more than four units. To be eligible, units must have three or more bedrooms. Owners must agree to maintain rents that are affordable to households at 50% MFI for a period of five years. Grants will be up to \$13,000 per unit. This appropriation is the first

of a three-year, \$5 million proposition.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-123

Ordinance No. 2002-316
(Int. No. 356)

Appropriating Funds And Authorizing Agreements For The Housing Rehabilitation And Lead Hazard Reduction Programs

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

Section 1. There is hereby appropriated from 2002 Home Program Funds the sum of \$1,500,000, or so much thereof as may be necessary, to fund the Rehab Rochester Program.

Section 2. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-2003 Community Development Program the sum of \$500,000, or so much thereof as may be necessary, to fund the Emergency Assistance for City Homeowners Program.

Section 3. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-2003 Community Development Program the sum of \$974,200, and there is hereby appropriated from 2002 Home Program Funds the sum of \$25,800, or so much thereof as may be necessary, to fund the Lead Hazard Reduction Program.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Programs.

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. 2002-317
Re: Easement - Civic Center Complex
Condenser Intake

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the granting of a permanent easement to the County of Monroe to facilitate the operation and maintenance of the existing water intake line for the cooling system at the Civic Center and the Blue Cross Arena at the War Memorial. The easement will allow for a new pump house to be constructed on City property located at 182 Exchange Street, adjacent to the existing Rochester Gas & Electric Corporation Dam. This pump house will correct existing deficiencies with the chilled water system that service both the Blue Cross Arena at the War Memorial and the Civic Center.

The easement will be granted at no cost to the County

since the City will receive significant benefit from the new pump house facility. The County will obtain all necessary permits and zoning approvals.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-124

Ordinance No. 2002-317
(Int. No. 357)

Granting An Easement To The County Of Monroe To Construct A Pump House

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

Section 1. The Council hereby approves the granting of a permanent easement to the County of Monroe for the sum of \$1.00 over the City-owned property at 182 Exchange Street for the construction and maintenance of a pump house to facilitate the operation of the chilled water system at the Civic Center and the Blue Cross Arena at the War Memorial.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-318
Re: Agreement - MCDSS Move-In/
Move-Out and Proactive Property
Management Inspection Programs

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to inspection services provided by the City's NET office to Monroe County Department of Social Services (MCDSS) Move-In/Move-Out and Proactive Property Management (PPMP) Programs.

The MCDSS Move-In/Move-Out Inspection Program began in 1994 as a pilot project in the 14621 Zip Code area. It was expanded citywide in 1997. Move-In/Move-Out inspections are required by MCDSS in order for Landlord/Tenant Security Agreements (LTA) to be executed. The inspections are intended to document any damage done to the properties and thereby to determine whether damage claims by landlords against DSS are valid.

The Proactive Property Management Program was piloted by MCDSS in Zip Codes 14609, 14611 and 14613. Program components include: Quality Housing Inspections (QHI) using quality standards developed by MCDSS and NET to determine eligibility of direct rent payments to landlords; mandatory tenant training for recipients who had poor housekeeping or multiple move histories; and a point system for landlords who are operating sub-standard housing.

The Proactive Property Management Program operates county-wide. NET staff conduct Quality Housing Inspections of all units for which landlords are requesting direct rents. Units that fail QHI's will instead have rents sent to the tenants. NET also conducts QHI's for families whose temporary assistance benefits have terminated due to excess income and who are applying to MCDSS for Welfare to Work

housing subsidies.

On June 19, 2001 Council authorized the most recent agreement with the County for this program. The proposed legislation continues this agreement through December 2003. Revenues to the City to offset program costs are anticipated to be \$383,588; provision for said amount was included in the 2002-03 Budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-318
(Int. No. 358)

Authorizing An Agreement With The County Of Monroe For Reimbursement For Inspection 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 County of Monroe for reimbursement for inspections from July 1, 2002-December 31, 2003 conducted by the City for the Move-In/Move-Out and Proactive Property Management Programs of the County of Monroe Department of Social 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Mains - 1.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-319
Re: Agreement - Ontario Beach Park
Program Committee

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Ontario Beach Park Program Committee for project development costs associated with the Sector Targeted Funding Initiative Program. The maximum cost of the agreement is \$15,000, which will be financed from the 2000-01 Cash Capital allocation.

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2001-02 Cash Capital Allocation for each of the ten NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will

be required to submit proposals to the City that outline specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The proposed project is intended to provide a central location for community members and the Charlotte Youth Athletic Association to host baseball games. The site amenities will include: reconstructed baseball fields with four baseball diamonds and backstops; lighting; a concession building with bathrooms and a community meeting room; and potentially a maintenance shed to store equipment.

The required leverage of resources will be matched by a \$15,000 contribution from the Charlotte Youth Athletic Association.

Attached is a summary report describing the proposed project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-125

Councilmember Norwood moved to amend Introductory No. 359.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2002-319
(Int. No. 359, As Amended)

Authorizing An Agreement [With The Ontario Beach Park Program Committee] For Baseball Fields Under The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the [Ontario Beach Park Program Committee] Charlotte Youth Athletic Association for funding for the reconstruction of baseball fields and site amenities as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$[15,000] 20,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-320
Re: Agreement - Ontario Beach Park Program Committee

R2010: Campaign 9 - Healthy Urban Neighborhoods
Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the Ontario Beach Park Program Committee, for project development costs associated with the Sector Targeted Funding Initiative Program. The maximum cost of the agreement is \$25,000, which will be financed from the 2000-01 Cash Capital allocation.

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2001-02 Cash Capital Allocation for each of the ten NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will be required to submit proposals to the City that outline specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The project is intended to highlight the history of the Port of Rochester. The site amenities will include customized signage for the new scenic overlook to be constructed at the old Stutson Street bridge abutment. The signage will: 1) Provide information and orientation to visitors; 2) Commemorate the history of the community and express its unique sense of place; and 3) Honor Bill Davis, a local citizen who, through decades of volunteer effort, personifies community involvement.

The required leverage of resources will be matched from New York State Department of Transportation (DOT) funds.

Attached is a summary report describing the proposed project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-126

Ordinance No. 2002-320
(Int. No. 360)

Authorizing An Agreement With The Ontario Beach Park Program Committee For Historical Signage Under The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Ontario Beach Park Program Committee for funding for signage highlighting the history of the Port of Rochester as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$25,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-321
Re: Agreement - Maplewood Neighborhood Association

R2010: Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Maplewood Neighborhood Association for project development cost associated with the Sector Targeted Funding Initiative Program. The maximum cost of this agreement will be \$100,000, which will be financed from the 2000-01 Cash Capital allocation.

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2001-02 Cash Capital Allocation for each of the ten NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will be required to submit proposals to the City that outline specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The proposed project is intended to further promote and welcome people to the Maplewood neighborhood by constructing "gateway" improvements. The site amenities will include a symbolic gateway structure(s) and vertical sculpture in the triangle formed by Lake Avenue, West Ridge Road and Ridgeway Avenue; and a welcome sign on the noise wall immediately west of the pedestrian bridge on West Ridge Road, along with appropriate lighting and landscaping.

The required leverage of resources will be a \$125,000 match from New York State Department of Transportation.

Attached is a summary report describing the proposed project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-137

Ordinance No. 2002-321
(Int. No. 361)

Authorizing An Agreement With The Maplewood Neighborhood Association For The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Maplewood Neighborhood Association for funding for artwork, physical improvements and signage for the Lake Avenue, West Ridge Road and Ridgeway Avenue area as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-322
Re: Agreement - ArtWalk, Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with ArtWalk, Inc., 29 Carlton Street, for project development cost associated with the Sector Targeted Funding Initiative Program. The maximum cost of this agreement will be \$93,000, which will be financed from the 2000-01 Cash Capital allocation.

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2001-02 Cash Capital Allocation for each of the ten NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will be required to submit proposals to the City that outline

specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The project is intended to further enhance the visibility and utilization of ArtWalk, which in turn enhances the Neighborhood of the Arts as both a tourism and regional destination. The site amenities will include construction of three bus shelters along the ArtWalk on University Avenue. The proposed locations of the bus shelters are: 1) The Memorial Art Gallery at the northwest corner of N. Goodman Street; 2) 774 University Avenue at the northeast corner of Merriam Street; and 3) 822 University Avenue, at the northwest corner of Elton Street opposite the George Eastman House. Each bus shelter will be a uniquely designed sculptural piece of original art, while also serving the function of a bus shelter for the RGRTA. The bus shelter designs will be selected through a juried competition.

The required leverage of resources will be matched by the Rochester-Genesee Regional Transportation Authority (RGRTA) (\$45,000), the Memorial Art Gallery (\$15,000) and \$33,000 in in-kind services, including architectural services, artist construction consultation, professional fees, and site preparation.

Attached is a summary report describing the proposed project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-127

Ordinance No. 2002-322
(Int. No. 362)

Authorizing An Agreement With ArtWalk, Inc. For The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with ArtWalk, Inc. for funding for artistic bus shelters along the ArtWalk on University Avenue as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$93,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2002-323
Re: Agreement - Corn Hill Neighbors Association

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Corn Hill Neighbors Association for a project development cost associated with the Sector Targeted Funding Initiative Program. The maximum cost of this agreement will be \$15,000, which will be financed from the 2000-01 Cash Capital allocation.

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2001-02 Cash Capital Allocation for each of the 10 NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will be required to submit proposals to the City that outline specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The project is intended to finance the creation and installation of brick columns throughout the Corn Hill neighborhood. The brick columns will facilitate feelings of community pride and identification, with the added functionality of alerting community residents and visitors of new streets in the area.

The required leverage of resources will be matched by a \$50,000 contribution from the Corn Hill Neighbors Association.

Attached is a summary report describing the proposed project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-128

Ordinance No. 2002-323
(Int. No. 363)

Authorizing An Agreement With The Corn Hill Neighbors Association For The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Corn Hill Neighbors Association for funding for the creation and installation of brick columns throughout the Corn Hill Neighborhood as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-324
Re: Determinations and Findings -
Fulton Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of 126, 132 and 159 Fulton Avenue. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on August 20. There was one speaker, who supported the acquisition.

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

1. Project description - that the project includes the acquisition and demolition of three vacant blighted properties on Fulton Avenue.
2. Project purpose - that the acquisition will permit the construction of new single-family owner-occupied properties as a part of the Fulton Avenue Challenged Street Project, resulting in the elimination of the blighting effect, the expansion of the City's tax base, the increase in value of existing properties in the area, and a reduction of calls for police services.
3. Project effect - that the project will provide new residential units and eliminate blighting influences on Fulton Avenue and the surrounding area.

If these determinations and findings are approved, the legislation authorizing the property acquisitions (Introductory 311) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-324
(Int. No. 364)

Determinations And Findings Related To The Acquisition Of Three Properties As Part Of The Fulton Avenue Challenged Street Project

WHEREAS, the City of Rochester proposes to acquire three (3) properties as part of the Fulton Avenue Challenged Street Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on August 20, 2002 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of these parcels.

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 these properties as part of the Fulton Avenue Challenged Street Project:

- a. Project Location: The City proposes the public acquisition of the following parcels:

Address	SBL #
126 Fulton Ave	105.43-2-38
132 Fulton Ave	105.43-2-40
159 Fulton Ave	105.43-1-31

- b. Public purpose and general effect:

1. These parcels have been designated for acquisition to further the objective of the Fulton Avenue Challenged Streets Project which calls for the reduction in the number of dwelling unit density, the expansion of certain private yard spaces, and the development of new residential structures on lots that will exceed the current standard for minimum buildable lot sizes. The City has already acquired other properties through various tax foreclosure and acquisition actions. In order to continue implementation of the plan, the City proposes to acquire these privately owned parcels to further the objectives of the project. The project will also enhance the value of nearby private properties by eliminating blighted property.
2. The general effects of the acquisition of these parcels on the environment and the residents of the immediate area will be beneficial. The project will have no significant adverse environmental effects. The resulting vacant land will provide sites for new rental units and single family owner occupied homes. The acquisition and demolition of the three (3) structures will immediately eliminate their blighting impact on surrounding properties and their effect as attractive nuisances.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 311 was introduced August 20, 2002, and appears in its original form with its transmittal letter on page 255 of the current Council Proceedings.

Attachment No. AB-129

Ordinance No. 2002-325
(Int. No. 311)

Approving The Acquisition Of Parcels For The Fulton Avenue Redevelopment Project By Negotiation Or Condemnation

Passed unanimously.

Introductory Nos. 322*, 323*, 324*, and 325 were introduced September 17, 2002, and appear in their

original forms with their transmittal letter on pages 267 through 272 of the current Council Proceedings.

Attachment No. AB-130.

* Items were substituted by its companion amendment pieces.

Local Law No. 8
(Int. No. 325)

Local Law Amending The City Charter With Respect To City Planning

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 14-1, The City planning program, to read in its entirety as follows:

§14-1. The city planning program.

There shall be a city planning program, which program when approved by the Council shall include the location and width of all future city streets; the location and general design of all future city bridges; the location and general design of all future public buildings to be erected by the city; the location and general plan of any future park or public square; the location and general plan of any future port, terminal, railroad or market to be constructed by the city; and the location of any and all future structures related to the supply of water for the city. The estimates of cost and the capital improvement and work program for the various items of the city planning program shall be part of said city planning program. All previous acts imposing restrictions upon the location or width of streets or zoning or use of land pursuant to provisions of Subdivisions 24 and 25 of § 20 and § 83 of the General City Law are hereby continued until repealed or amended. Whenever an ordinance shall be introduced in the Council, which ordinance involves a project within the meaning of the city planning program and which project does not comply with the city planning program, it shall be the duty of the Mayor to notify the Council of such noncompliance.

Section 2. 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 14-2, Reference of city planning program, to read in its entirety as follows:

§14-2. Reference of city planning program.

The Council may provide:

- A. For the referral of the city planning program to the City Planning Commission for comment and recommendation.
- B. That all changes and amendments to the city planning program and schedules and programs relating thereto are referred to the City Planning Commission prior to adoption, and the Commission shall have a reasonable period to comment on the proposed changes or amendments, after which period the Council may adopt or reject the proposed amendments or charges.

Section 3. This local law shall take effect on January 1, 2003.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-326,
Local Law No. 9, And
Local Law No. 10

Re: Zoning Amendments

Transmitted herewith for your approval are a series of technical and substantive amendments to Int. 322-324, the proposed new Zoning Ordinance and Zoning Map for the City, and required ancillary Charter changes. These amendments are being submitted subsequent to the extensive review process that these proposals have undergone since the Final Generic Environmental Impact Statement (FGEIS) and revised Draft Ordinance were released on July 15. The amendments fall into four categories:

- 1. Changes to proposed nomenclature or terminology to allow better consistency between the proposed Zoning Code and existing City programs and practices;
- 2. Substantive changes to the Proposed Zoning Text;
- 3. Technical and substantive changes to the Proposed Zoning Map, and.
- 4. Technical corrections of spelling, grammar, and editorial matters.

As you are aware, the Planning Commission, following its public hearings and deliberations on the Proposed Zoning Text and Map, made a series of recommendations to the Council regarding potential amendments; those amendments are described in the Mayor's transmittal letter accompanying Ints. 322-325 and are included in this package. In addition, Council received both written and oral testimony seeking changes to both the Proposed Text and Map; responses to those requests that are deemed acceptable are also included in this package.

Finally there are a series of amendments that have been proposed by Councilmembers to address areas that are either inconsistent with Council policy directions or that require additional clarification or adjustment to bring them into line with the policies adopted in *Rochester 2010: The Renaissance Plan*.

The following are summaries of the amendments included in this package:

1. Nomenclature/Terminology

In the CCD, the following changes are made:

A. Design District names:

<u>Original</u>	<u>Revised</u>
Ceremonial Garden	Main Street District Grove Place District

Greenway Warehouse River East End District Cascade-Canal District Riverfront District

B. Street designations:

Original Revised
 Enclave Street Neighborhood Street

C. Other terms:

Original Revised
 Splash strip Tree lawn

2. Map Amendments

The following list cites the map page, the change made, and the reason for the change:

Map Change	Area	Reason
1	Beach Ave.	Outside City limit
5	Delete western parcel Dewey at City line	Label omitted
10	Add C-1 Dewey/Steko	Restore prior zoning
11	C-3 to M-1 Seneca Manor Dr.	Correction of boundary
14	C-3 to R-3 1430 St. Paul	Restore T-P zone
14	R-1 to T-P School of the Deaf	Correction of boundary
15	IPD to OS Norton at N. Clinton	Label omitted
15	Add C-2 Ave. D at N. Clinton	Restore prior zoning
15	C-2 to M-1 N. Clinton (Oscar-Burbank)	Restore prior zoning
15, 21	R-1 to C-1 Joseph (Ave. D-DeJonge)	Not useful to area
19	Delete O-B Emerson at Stenson	Not appropriate for R use
20	R-2 to M-1 Emerson at Dewey	Reflects current use
20	M-1 to R-1 Lake (Ravine-Glendale)	Reflects current use
20	R-1 to C-2 Lake (Ravine-Glendale)	Label omitted
21	Add R-1 Quamina Dr.	Label omitted
21	Add O-S Weeger-Thomas	Label omitted
21	Add O-S N Clinton at Evergreen	Restore prior zoning
21	C-2 to R-1 Joseph (Berlin-Loomis)	Restore prior zoning
21	R-2 to C-1 Hudson (Helena-Merrimac)	Restore commercial zoning
22	R-1 to C-1 Portland (Fernwood to Carter/Aebersold)	Not useful to area
22	C-2 to R-1 Hudson (Watkin-Harvey)	Restore commercial zoning
23	R-1 to C-1 NW cor. Bay/Pershing	Restore prior zoning
23	C-1 to R-1 N. Goodman at Clifford	Restore prior zoning
23	C-1 to R-1 818-40 Merchants	Restore prior zoning
24,25	C-1 to R-1 Lyell (Gloster-Canal)	

M-1 to C-2	Commercial uses dominate
24,25	Lyell (Colfax-Dodge)
M-1 to C-2	Commercial uses dominate
25	Rutter at Otis
R-1 to M-1	Restore prior zoning
25	Rutter at Lois
R-1 to M-1	Restore prior zoning
25	Hague at Weicher
R-1 to M-1	Restore prior zoning
25,32	Mt. Read (Jay-I-490)
C-1 to R-1	Restore prior zoning
26	Spencer at N. Plymouth
C-3 to R-1	Restore prior zoning
26	Lyell (Warner-Austin)
C-2 to R-2	Residential uses dominate
26	Lyell (Child-Austin)
C-2 to C-1	Smaller scale uses dominate
26	Verona at Plymouth
C-2 to M-1	Industrial uses dominate
26	Lake-Plymouth at White
C-3 to C-2	Too intense for area
26	N. Plymouth at Jay
C-2 to R-1	Restore & expand prior zoning
26, 27	N. Plymouth-Verona
C-2 to CCD	Study recommendation
28	N. Goodman at Anderson
C-2 to M-1	Restore prior zoning
28	College (Prince-Goodman)
R-2 to C-2	Commercial uses dominate
28	73, 75 & 91 Kenilworth
R-2 to C-2	Reflects actual use
28	19 Ripley
R-2 to R-1	Correction of boundary
29	Leighton at Barnum
O-S to T-P	Correction of label
29	15 Quincy
R-2 to R-1	Correction of boundary
29	1593-1605 E. Main
C-2 to R-2/O-O	Reflects actual use
30	222-26 Merchants
C-2 to R-1	Reflects residential use
30, 37	N. Winton (East side Merchants-Mayfield)
C-2 to C-1	Reflects appropriate scale
32	Gardiner, Lozier, Thorndale, Somerset
R-2 to R-1	Correction of boundary
33	West (Somerset-Hancock)
R-2 to R-1	Expand new R-1 district
34	Monroe at Marshall
C-2 to R-2	Correction of boundary
34	Marshall (North side)
CCD to C-1	Protect adjacent R-2 zone
34	S. Plymouth & Fitzhugh
Add O-O	Restore prior zoning
35	Alexander at Monroe
C-2 to R-2	Reflects actual use
35	17 Sibley Pl.
R-2 to R-3	Correction of boundary
35	103, 112, 118 Berkeley
C-2 to R-3	Reflects residential use
35	Lafayette & Priem
Add O-B	Correction of boundary
35, 36	East (Oxford-Culver)
Delete O-O	Reflects residential use
36	Brunswick & Culver (Park-East)

- R-1 to R-3 Reflects actual use
 36 1340-70 East Ave. and 75-88 East Blvd.
 Delete O-O Reflects residential use
 38 599 Chili Ave.
 C-1 to R-1 Eliminate problem use
 39 Genesee St.
 Add C-1 Label omitted
 39 Rugby at Arnett
 C-1 to R-1 Correction of boundary
 40 Olean-Doran area
 R-1 to R-3 Reflects current RHA
 use
 40 Linden & Cypress
 R-2 to R-1 Single-family uses domi-
 nate
 40 S. Clinton at Hamilton
 C-2 to R-2 Reflects residential use
 41 Rutgers (South end)
 R-2 to C-2 Restore prior zoning
 45 Genesee (Cottage-Barton)
 C-2 to C-1 Restore prior zoning
 45 Genesee at Monica
 C-1 to R-1 Restore prior zoning

3. Text Amendments

The following text amendments cite the sub-section of Chapter 120 and briefly explain the proposed amendment:

- 9 Special Permit Uses in R-1 - Deletes Hos-
 pice.
- 11 Lot, Area & Yard Requirements in R-1 - Clari-
 fies that side yard setback requirement for at-
 tached accessory structures is five (5) feet.
- 13 Summary Chart of R-1 Regulations - Clarifies
 that minimum lot frontage and minimum lot
 area cited are for attached dwellings.
- 18 Special Permit Uses in R-2 - Adds Homeless
 residential facilities for up to ten (10) per-
 sons.
- 20 Lot, Area & Yard Requirements in R-2 - Es-
 tablishes minimum lot frontage as the average
 on the block; clarifies the requirements for
 attached dwellings.
- 22 Summary Chart of R-2 Regulations - Makes
 similar clarifications as in R-1 above.
- 28 Lot, Area & Yard Requirements in R-3 - Es-
 tablishes minimum lot frontage as the average
 on the block; clarifies the same side setback
 requirements as in R-1 & R-2 above.
- 30 Summary Chart of R-3 Regulations - Makes
 similar clarifications as in R-1 & R-2 above.
- 34 Permitted Uses & Structures in C-1 - Adds
 attached one-family dwellings and dwelling
 units when part of a mixed-use project to the
 list of permitted uses. Prohibits sale of firearms
 and other explosives.
- 36 Lot, Area & Yard Requirements in C-1 - Adds
 setback and yard requirements for residential
 uses and attached dwellings.
- 38 Summary Chart of C-1 Regulations - Clari-
 fies language to conform to adjustments cited
 above.
- 43 Special Permit Uses in C-2 - Adds businesses
 open to the public or requiring loading/unload-
 ing between 2:00 am and 6:00 am to the list.
 Deletes the requirement that drive-thru uses
 be located only at the rear of the building.
- 46 Summary Chart of C-2 Regulations - Makes
 clarifications to conform to the changes cited
 above.
- 50 Permitted Uses & Structures in C-3 - Adds
 Drive-thru uses to the list.
- 59 CCD Design Procedures - Clarifies review
 procedures in the CCD relating to conformance
 with design criteria.
- 61 CCD Street Definitions - Modifies descriptions
 of street types.
- 63 Limited Uses in the CCD - Adds this new
 category, which included Homeless residential
 facilities, Personal Wireless Communication
 Facilities, Residential care facilities, Room-
 ing houses, and Surface parking lots with a
 parking demand analysis, to clarify that they
 can be permitted but are subject to the same
 general requirements specified in Article XVIII
 that apply to all districts where such uses are
 permitted.
- 64 Prohibited Uses in the CCD - Adds Waste
 Centers and uses not fully enclosed within a
 building to the prohibited list.
- 65 Additional Regulations in the CCD - Clarifies
 that the regulations governing Designated
 Buildings of Historic Value are the same as in
 other districts. Further clarifies that projects
 not meeting the design criteria for the CCD
 shall require Site Plan approval, not a Vari-
 ance. Similar language is repeated in each of
 the Design Districts within the CCD.
- 66 Base District in the CCD - Changes maximum
 sign area from twelve square feet to 0.5 square
 feet per linear foot of building frontage.
- 67 Riverfront District in the CCD - Deletes
 requirements regarding Skyway furniture
 and references to specific design standards
 for benches, streetlights, etc. Changes Noise
 standard time criteria from 11:00 pm to 10:00
 pm to conform to other sections of the City
 Code. Eliminates list of approved colors.
- 68 Main Street District in the CCD - Makes
 the same changes as in Riverfront District
 above.
- 69 Grove Place District in the CCD - Changes
 Noise standard time criteria from 11:00 pm
 to 10:00 pm to conform to other sections of
 the City Code. Eliminates list of approved
 colors.
- 70 East End District in the CCD - Eliminates list
 of approved colors.
- 71 Tower District in the CCD - Eliminates
 maximum building height and makes the same
 additional changes as in Riverfront District
 above.
- 72 Cascade-Canal District in the CCD - Elimi-
 nates list of approved colors.
- 74 Village Center District Conditions - Adds a list

- of general characteristics of a Village Center.
- 75 Village Center Designation Process - Clarifies the processes and standards for creating a Village Center District.
- 77 Harbortown Village District - Establishes minimum lot frontage as the average on the block; clarifies single-family detached units have the same lot, yard, and coverage standards as in the R-1 District.
- 91 Special Permit Uses in the Open Space District - Adds active recreation facilities and band shells and outdoor theaters to the list.
- 105 Permitted Uses & Structures in the Overlay Boutique District - Changes Coffee Shops of 650 square feet or less to Restaurants of that size as a permitted use, and clarifies that accessory seating areas include outdoor seating and assembly areas
- 113 Permitted Uses & Structures in the Overlay Office District - Adds artist studios to the list of permitted uses.
- 117 Standards Specific For the Overlay Office District - Deletes all building and site standards.
- 120(E) Norton Street Urban Renewal District - Deletes the listing of separate design guidelines.
- 121 Urban Renewal District Procedures - Adds new section to make design review consistent with other Citywide design review practices and guidelines.
- 132 Bed & Breakfast Establishments - Clarifies that only rooms originally designed as bedrooms can be used for guest lodging.
- 136 Drive-thru Uses - Adds new section with additional requirements specified for such uses.
- 138 Firearms Sales Storage & Display - Adds new section to reference compliance with other City Code requirements.
- 140 Homeless Residential Facilities - Adds specific standards for minimum bedroom size, restricts bedroom location, and establishes minimum common area and open space area per resident.
- 142 Junkyards or Salvage Yards - Adds CCD to list of districts requiring a 1000' separation from a Junkyard or Salvage yard.
- 150 Truck Centers - Adds a requirement for analysis of on-site and off-site traffic generation to the other items contained on that list.
- 153 Vehicle Sales Areas - Clarifies that only minor repairs are to be performed on the premises, and those must be done entirely within a building.
- 157 City Wide Design Guidelines - Adds the preservation of Designated Buildings of Historic Value to the purpose statement.
- 158 Designated Buildings of Historic Value - Deletes the requirement that cladding be replaced only in kind. Further prohibits demolition
- or the removal of significant architectural details.
- 159 Non-Residential Building Standards - Increases maximum metal panels to 50% on street frontages. Reduces the requirement for transparency in manufacturing buildings from 40% to 20%. Provides greater flexibility for using other materials, focusing on the overall building appearance rather than simply prohibiting specific materials completely.
- 161 Neighborhood Design Guidelines - Eliminates Design Standards entirely, leaving only Design Guidelines to be adopted. Transfers language regarding adoption of such standards to 192 below.
- 163 Accessory Uses & Structures In All Districts - For residential uses, permits handicapped ramps in side and rear yards. For non-residential uses, specifically permits background entertainment/music; permits outdoor placement of vending machines in the PMV, C-3 and M-1 districts, and specifically prohibits them in the Residential, C-1, C-2, and H-V Districts.
- 167 Fences and Walls - Empowers the Director to grant an Administrative Adjustment to permit front-yard chain link fences if there is similar fencing on the block frontage.
- 169 Landscaping, Buffers & Screening - Clarifies that an alternate landscape plan must be prepared by any licensed professional, not just a landscape architect.
- 173 Off-Street Parking - Modifies parking requirements so that bars and restaurants are comparable (10 spaces/1000 square feet of net floor area) and all retail, offices, hair salons are the same (2 spaces/1000 square feet of net floor area). Increases minimum width of two-way driveway from twenty to twenty-two feet. Also clarifies Alternate Parking Plan review and procedures and establishes that it is legal to park in a residential driveway. Also adds specific requirements for Bicycle Parking and design thereof.
- 175 Outdoor Storage - Clarifies that outdoor storage of boats and trailers is permitted in the H-V District.
- 177 Signs - Clarifies maximum square footage of directional and parking signs at two square feet. Adds permanent bulletin board signs associated with churches, public and semi-public organizations with a limit of six square feet. Provides additional five inches for clearance for electrified attached signs. Requires that signs be professionally manufactured and that no more than 50% of the face be covered with text or graphics. Eases the prohibition on internally illuminated signs by permitting them in C-2, C-3, and M-1 Districts, and establishes standards for such signs. Eliminates the proposed amortization of business signs, leaving that section to apply only to advertising signs (billboards). Adds a prohibition on advertising signs within five feet of any street line, and places a maximum height of twenty-three feet on such signs.
- 181 Project Review Committee - Clarifies that the

- three urban design specialists are appointed by the Mayor; changes two titles of City staff members on Committee.
- 182 Director of Zoning - Clarifies that the failure of the Director to act on an application within the timelines specified in the ordinance shall be deemed a denial. Adds the authority to make minor modifications to Cluster Developments. Deletes responsibility for enforcement of the ordinance, already cited in 205 below. Requires submission to the Mayor & Council of a comprehensive evaluation of the new ordinance after twenty-four months.
- 184 Planning Commission - Clarifies notification requirements in the case of an adjourned hearing (requirements identical and repeated for all boards and commissions). Adds Neighborhood Design Guidelines to the list of items requiring Planning Commission adoption.
- 185 Preservation Board - Adds language parallel to that for the other boards and Commissions stating that any failure of the board to meet the various representation guidelines shall not invalidate any actions taken by the board.
- 188 Common Review Procedures - Deletes the requirement that there be no delinquent taxes on a property filing any zoning applications. Clarifies that either the applicant or the City may request a pre-application conference. Deletes the proposed five-day notification period for completeness of an application. Adds the requirement that notice be sent out to all property owners within 100', with a minimum number of fifteen (15) notices, for applications for Certificates of Nonconformity, Major Site Plans, and Administrative Adjustments. Clarifies that public hearings are required for Certificates of Appropriateness requiring Preservation Board approval, for adoption of Neighborhood Design Guidelines, and for Site Plan Referrals. Changes the decision-making responsibility for successive applications from the Director of Zoning to the review authority from which the permission is being sought.
- 189 Certificate of Zoning Compliance - Adds language requiring a CZC for filling or grading done within a designated flood plain and for site preparation work for a use not including a building. Clarifies that a CZC is required for all exterior work in a Preservation District or Village Center District.
- 190 Procedures Approved by the City Council - For Zoning Text amendments, deletes the language indicating that the failure of the Planning Commission to act on an application within a fixed time period shall be deemed a recommendation for approval.
- 191 Procedures Approved by the Director of Zoning - Adds authority for Administrative Adjustments to approve residential parking areas and sets standards for them; for commercial front-yard parking areas and sets standards for them; for front-yard chain link fencing and adds conditions for such approval; and for temporary handicapped ramps within the required front yard. For Certificates of Non-Conformity, clarifies that for uses to be reestablished, a Special Permit is required from the Planning Commission. Provides additional standards for the Commission to enable more flexibility in reuse of such non-conforming structures. Clarifies that any C of N issued based on false information is null and void. To the list of Site Plan Review thresholds, adds a ten-space minimum for parking lots; deletes the requirement for projects adjacent to Designated Buildings of Historic Value; clarifies triggers in CCD for Major and Minor Site Plan Review; adds site preparation work preliminary to demolition in the C-1, C-2, PMV, and H-V Districts; and clarifies minimum traffic impacts to trigger review.
- 192 Procedures Approved by the Planning Commission - Adds the authority to issue Special Permits to reestablish non-conforming uses and references the standards cited above; adds language transferred from 161 above to delineate a process for adopting Neighborhood Design Guidelines, including the requirement that the application be accompanied by a petition signed by at least 50% of the property owners to be affected; adds noise mitigation or limitations to the list of potential conditions for granting a Special Permit. Clarifies that appeals to Planning Commission decisions are through an Article 78 proceeding.
- 194 Procedures Approved by the Preservation Board - Adds the requirement for a Certificate of Appropriateness for the use of the Alternate Sign Program and for parking areas in the front and side yards in Preservation Districts.
- 195 Procedures Approved by the Zoning Board of Appeals - Adds the authority to grant Use Variances to restore structures damaged beyond the applicable threshold, and to grant Area Variances from any City Design Standard.
- 199 Nonconforming Uses - Exempts housing projects financed through the Low-Income Housing Tax Credit program from the destruction standard. Establishes a process by which the owner of a non-conformity can seek an extension of the time period to avoid losing the rights to that non-conformity; adds Designated Buildings of Historic Value to the list of circumstances for which such an extension may be granted; adds an evaluation of market conditions to the criteria to be used in making a determination for such an extension.
- 200 Nonconforming Structures - As above, exempts housing projects financed through the Low-Income Housing Tax Credit program from the destruction standard.
- 208 Definitions - The following terms are amended significantly: Amusement Center, Day Care Center, Driveway, Entertainment, Habitable Room, Homeless Residential Facility, Homeless Shelter, Junk Yard or Salvage Yards, Official Neighborhood Contact, Parking Lot, Residential Care Facility, Restaurant, Rooming House, and View and Access Corridor.
- The following term is added: Background Entertainment/Music.
- The following terms are deleted: Classification or Zoning Classification, Inner Court, Interior Lot, Minor Parking Area, Neighborhood Contact, Outer Court, and Start of Construction in the Regulatory Floodway.

209 Transitional Parking District - This district, which was planned for elimination, is restored, but only for areas already so designated; there can be no new T-P Districts created under the new ordinance.

4. Technical/Editorial Changes:

Throughout the ordinance there are numerous stylistic, technical, and editorial changes made that do not alter the ordinance in any significant way. These changes are especially prevalent in the various CCD sections and in sub-section 164, Air Quality. They are not susceptible to being summarized in this transmittal, nor is it necessary to do so, for they do not constitute substantive amendments. Nevertheless, they are indicated along with the substantive amendments in the proposed legislation using the "black line" format.

Finally, amendments are proposed to Int. Nos. 323 and 324 to ensure conformity between the newly amended powers and duties described in the amendments to the Zoning Ordinance itself and the various sections of the Charter that enumerate the powers and duties of the individuals and bodies that implement the Zoning Ordinance. Int. No. 325 deals with the City's Planning program and does not require any amendments.

We believe that the new Zoning Ordinance, as amended by the attached items, is fully consistent with *Rochester 2010: The Renaissance Plan*, is a far-reaching and state-of-the art piece of legislation, and that it offers the promise of reshaping the City of Rochester in a most positive way as we move through the 21st century.

Respectfully submitted,
Lois J. Giess
President
Wade S. Norwood, Chair
Housing & Economic
Development Committee

Attachment No. AB-130

Councilmember Norwood moved to amend Introductory No. 322A.

The motion was seconded by Councilmember Mains.

The motion was adopted unanimously.

Ordinance No. 2002-326
(Int. No. 322A, As Amended)

Amending The Municipal Code By Adoption Of A New Zoning Code And Zoning District Map

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

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby repealed.

Section 2. The Council hereby adopts a new Chapter 120 of the Municipal Code, Zoning Code, which is [submitted herewith] amended and dated October, 2002 and is on file in the Office of the City Clerk, as amended with the technical amendments set forth in Attachment B to the memorandum entitled "October City Council Agenda Questions" from Richard W. Hannon, Assistant to the Mayor, to Carolee A. Conklin, City Clerk, dated October 10, 2002, and the technical amendments set forth in Attachment A to the memorandum entitled "Requests for Amendments/Responses to Inquiries" from Richard W. Hannon, Assistant to the Mayor, to Carolee A. Conklin, City

Clerk, dated October 15, 2002.

Section 3. The Council hereby amends the Zoning District Map by the adoption of a new Zoning District Map, which is [submitted herewith] amended and dated October, 2002 and is on file in the Office of the City Clerk.

Section 4. This ordinance shall take effect on January 1, 2003.

Bracketed material deleted; underlined material added.

Passed unanimously.

Local Law No. 9
(Int. No. 323A, As Amended)

Local Law Amending The City Charter With Respect To Planning And Zoning

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 10-5, Bureau of Buildings and Zoning, to read in its entirety as follows:

§10-5. Bureau of Buildings and Zoning.

A. There shall be a Bureau of Buildings and Zoning, the head of which shall be the Director of Buildings and Zoning, who may also be designated as the Deputy Commissioner of Community Development. The Director shall issue certificates of occupancy and letters of compliance for existing structures and property, except that the Division of Buildings shall be responsible for certificates and letters relating to alterations to existing buildings.

B. The Division of Zoning shall be responsible for the administration of the Zoning Ordinance. The Division shall provide staff services to the Zoning Board of Appeals, the Planning Commission, the Preservation Board, the Rochester Environmental Commission and such other boards as may be established. The Director of Zoning shall have all powers necessary to the administration of the Zoning Code and shall, consistent with the expressed standards, purposes and intent of the Zoning Code, promulgate, adopt and issue such procedural rules, regulations and forms as are necessary and shall from time to time recommend revisions and modifications to the Zoning Code. In addition, the Director of Zoning may, upon written request, for good cause shown and without any notice or hearing, extend any time limit imposed on an applicant or permittee by the Zoning Code of the City of Rochester or, unless the resolution shall expressly provide otherwise, by any resolution of any body acting pursuant to said ordinance for a period not to exceed the length of the original period.

C. The Division of Zoning shall assist the Planning Commission by conducting studies, performing reviews and making recommendations on matters before the Commission and shall provide such other general assistance as the Planning Commission may require in the discharge of its duties.

- D. The Director of Zoning shall have authority to permit minor adjustments or modifications to final plans for planned developments and cluster developments, and subject to the procedures, standards and limitations of the Zoning Code, the Director shall have the authority to issue administrative adjustments for variation of not more than ten percent (10%) any numerical standard set forth in the Zoning Code, for five (5) or fewer spaces for an alternative parking plan and for a minor parking area.
- E. The Director of Zoning shall have the authority to review and approve, approve with conditions or deny applications for site plan review, subject to the right of appeal of such decision to the City Planning Commission.
- F. The Director of Zoning shall have the authority to issue Certificates of Non-Conformity, subject to the right of appeal of such decision to the Zoning Board of Appeals.
- G. The Director of Zoning shall have the authority to issue Certificates of Appropriateness for applications that conform to the preservation guidelines adopted by the Preservation Board.
- H. The Division of Buildings shall be responsible for reviewing plans and issuing permits for new construction, alterations and demolitions, shall inspect construction and alterations for conformance with the plans and shall issue certificates of occupancy for such construction and alterations as directed by the Commissioner. The Division of Buildings shall enforce or cause to be enforced the Building Code and all laws and ordinances relating to new construction and alterations and the maintenance of buildings, as directed by the Commissioner or the Mayor or by law or ordinance. The head of the Division shall supervise and administer the licensing of electricians, plumbers, stationary engineers and refrigeration operators and shall conduct such other licensing activities as may be assigned by the Commissioner or the Mayor or be granted by law or ordinance.

Section 2. 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 10-6, Bureau of Planning, to read in its entirety as follows:

§10-6. Bureau of Planning.

- A. There shall be a Bureau of Planning, the head of which shall be the Director of Planning. The Director shall conduct and coordinate the city's physical, environmental and transportation planning. The Director shall undertake studies of the physical, economic and social factors relevant to the well-being of the city. The Director shall be responsible for preparing and maintaining a Comprehensive Development Plan for the city; reviewing the conformity of municipal and private proposals to the city's development objectives; collecting, cataloging and analyzing data on demographic, economic and physical characteristics of the city; and coordinating the city's planning programs with those of the Genesee/Finger Lakes Regional Planning Council, the Monroe County Department of Planning and the Genesee Transportation Council.
- B. The Director shall also be responsible for plan-

ning and coordinating projects and programs for the conservation and revitalization of the city's neighborhoods in accordance with the Comprehensive Development Plan, the annual Neighborhood Development Program and the Commercial Revitalization Program. The Director shall plan expenditures for neighborhoods and physical improvements in the primary target area and work in close cooperation with neighborhood and business groups throughout the city to provide planning assistance as needed.

Section 3. 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 10-10, Issuance of appearance tickets, and Section 10-11, Enforcement of Code violations, by deleting the words "Zoning Ordinance" in each place where they appear therein and by inserting in their place the words "Zoning Code".

Section 4. This local law shall take effect on January 1, 2003.

Underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Local Law No. 10
(Int. No. 324A, As Amended)

Local Law Amending The City Charter With Respect To The Planning Commission, Board Of Appeals And Preservation Board

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 12-13, Planning Commission, to read in its entirety as follows:

§12-13. Planning Commission.

There is hereby established a City Planning Commission which shall consist of seven (7) members appointed by the Mayor, subject to confirmation by City Council. They shall be residents of the City of Rochester. At all times, there shall be at least one (1) member residing in each City Council District, except that the failure to meet this requirement shall not affect the validity of any Commission action.

- A. Jurisdiction and authority. In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the city, the Planning Commission shall have the following jurisdiction and authority to be exercised in accordance with specific provisions established in the Municipal Code of the City of Rochester:

- (1) To prepare and recommend a Comprehensive Plan, including an Official Map, to the City Council.
- (2) To review, prepare and recommend to the City Council changes in and amendments to the Official Street map and all other

- elements of the Comprehensive Plan.
- (3) To review the Capital Improvement Program and proposed public projects for compliance with the plans of the city.
 - (4) To initiate, hear, review and offer its recommendations to the City Council on applications for amendment of the Zoning Code of the City of Rochester.
 - (5) To hear, review and offer its recommendations to the City Council on applications for planned development approval.
 - (6) To hear, review and finally decide applications for cluster development approval.
 - (7) To hear, review and finally decide applications for special permit use approval.
 - (8) [To review and approve or deny decisions of the Director of Zoning with respect to site plan review] To hear, review and finally decide referrals for site plan approval.
 - (9) To initiate, review and offer its recommendations on proposals for the establishment of Preservation Districts.
 - (10) To initiate, review and approve or disapprove proposals for the designation of landmarks and landmark sites.
 - (11) To approve, modify or disapprove a final plat in a proposed subdivision.
 - (12) To adopt neighborhood design guidelines.
 - (13) When requested, to aid and assist City Council and the departments and agencies of the city in planning specific projects.
 - (14) To review and report on any matter referred to it by the City Council or Mayor. All aspects and effects of such review and report shall be governed by the directions of the City Council or Mayor in making such referral.
 - (15) Upon reasonable, written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the city, county, state or federal governments to aid them in the performance of their respective duties relating to the planning and development of the city and its region.
 - (16) In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports, and recommendations in connection therewith, relating to the planning and development of the City of Rochester as seem desirable to it; provided, however, that the expenditures of the Commission shall not exceed the amount appropriated therefor.
 - (17) In furtherance of the above jurisdiction and authority, and with the prior authorization of the Mayor, to employ such experts and other assistants as may be necessary or convenient to carry out its duties here-

under and to pay for their services and for other necessary and proper expenses; provided, however, that such expenditures shall not exceed such funds as may be appropriated for such purposes from time to time by the City Council.

Section 2. 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 12-40, Preservation Board, to read in its entirety as follows:

§ 12-40. Preservation Board.

There is hereby established the Rochester Preservation Board which shall consist of seven (7) members appointed by the Mayor, subject to confirmation by City Council. Among the members of the Preservation Board, there shall be at least one (1) member of the Greater Rochester Association of Realtors; at least one (1) member of a recognized historical association; at least two (2) registered architects; at least two (2) residents from two (2) different preservation districts established pursuant to the Code of the City of Rochester and one (1) resident at large, except that the failure to meet these requirements shall not affect the validity of any Board action. They shall all be residents of the City of Rochester.

A. Jurisdiction and authority. In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the city, the Preservation Board shall have the following jurisdiction and authority to be exercised in accordance with specific provisions established in the Municipal Code of the City of Rochester:

- (1) To initiate, hear, review and offer its recommendations on proposals for the designation of preservation districts.
- (2) To initiate, hear, review and, subject to the similar authority of the Planning Commission, approve or disapprove proposals for the designation of landmarks and landmark sites.
- (3) To review and finally decide applications for certificates of appropriateness.
- (4) To review and offer recommendations on applications for variances and special permits which have been referred to it by the Director of Zoning.
- (5) To develop and adopt preservation guidelines.
- (6) Upon reasonable, written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the city, county, state or federal governments to aid them in the performance of their respective duties relating to preservation and landmark matters.
- (7) In furtherance of the above jurisdiction and authority, and with the prior authorization of the Mayor, to employ such experts and other assistants as may be necessary or convenient to carry out its duties hereunder and to pay for their services and other necessary and proper expenses; provided, however, that such expenditures shall not exceed such funds as may be appropriated

for such purposes from time to time by the City Council.

Section 3. 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 12-41, Board of Appeals, to read in its entirety as follows:

§ 12-41. Board of Appeals.

There is hereby established a Board of Appeals of seven (7) members, appointed by the Mayor, subject to confirmation by City Council. Members of the Board of Appeals shall be residents of the City of Rochester and shall not be officers or employees of the city or any of its agencies or departments. At all times, there shall be at least one (1) member residing in each City Council District, except that the failure to meet this requirement shall not affect the validity of any Board action. Members of the Board of Appeals shall serve without compensation, but shall be entitled, to the extent of available funds appropriated therefor, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

A. Jurisdiction and authority. In addition to the jurisdiction conferred on it by other provisions of the Charter, codes and ordinances of the City of Rochester, the Board of Appeals shall have the following jurisdiction and authority to be exercised in accordance with specific provisions established in the Municipal Code of the City of Rochester:

- (1) To hear and decide appeals from and review orders, decisions or determinations made by the Director of Zoning, and to that end shall have the powers of the Director of Zoning with respect to such order, decision or determination.
- (2) To grant or deny variances from the requirements of Chapter 120 of the Code of the City of Rochester.
- (3) To grant or deny area variances for extensions, structural alterations or enlargement of nonconforming uses.
- (4) ~~4~~ To initiate changes and amendments to Chapter 120 of the Code of the City of Rochester.
- (5) ~~5~~ Upon reasonable, written request, to make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the city, county, state or federal governments to aid them in the performance of their respective duties relating to zoning and its administration in the city.
- (6) In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports, and recommendation in connection therewith, relating to zoning and its administration in the City of Rochester as seem desirable to it; provided, however, that the expenditures of the Board shall not exceed the amount appropriated therefor.

Section 4. This local law shall take effect on January 1, 2003.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-327
Re: Real Estate Transaction - Spex, LLC

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to a development project in the 14621 Industrial Park. This legislation will:

1. Approve the sale of 85 Excel Drive (Lot R-1E) for \$25,380 to Spex, LLC (principal: Michael Nolan);
2. Authorize a purchase money mortgage for the sale amount of \$25,380;
3. Approve an option agreement for purchase by Spex, LLC of 65 Excel Drive (Lot R-1D) for \$24,680; and
4. Authorize a purchase money mortgage for the sale amount of \$24,680 if the option agreement is executed.

The sale price of the land was established through an independent appraisal of the property performed by Kevin L. Bruckner, MAI.

Spex, LLC is a real estate holding company established by Precision Machine Technologies, LLC, a manufacturer and supplier of precision machined components servicing O.E.M. customers in the U.S. and abroad.

Phase I of the construction, a 15,000 square foot facility, will occur on Lot R1-E of the park and will result in the creation of seven new jobs and the retention of 14 existing jobs. The estimated cost of this project is \$675,000, which will be financed as follows:

City Mortgage	\$ 25,380
Bank Loan	337,500
SBA 504 Loan	270,000
Equity	42,120
Total	\$675,000

The City mortgage will have a term of five years at an interest rate equivalent to the City's borrowing rate.

Construction is expected to begin in November and be completed by May 2003.

Phase II of the project which will occur on the option parcel, involves an expansion of the facility by 5,000 to 10,000 square feet within 3 years of receipt of a Certificate of Occupancy on the new facility.

The City will indemnify Spex, LLC for the cost of any required environmental remediation as a result of their development.

The proposed development is the third within the 14621 Industrial Park, which contains 8.25 developable acres. If the proposed project is approved, 3.5 acres will be available for future development.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the proposed real estate transaction will not result in any significant effects. A negative declaration has been issued.

A public hearing on the land sale is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-131

Ordinance No. 2002-327
(Int. No. 365)

Approval Of The Sale Of Land In The 14621 Industrial Park To Spex, LLC

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

Section 1. The Council hereby approves the sale of 85 Excel Drive (Lot R-1E) in the 14621 Industrial Park of the Norton Street Urban Renewal Project to Spex, LLC, for the sum of \$25,380. The purchase price may be paid by a promissory note to the City secured by a mortgage, with a term of five (5) years, with interest based on the City's cost of borrowing as established by the Director of Finance.

Section 2. The Council hereby further approves a purchase option agreement with Spex LLC for 65 Excel Drive (Lot R-1D) in the 14621 Industrial Park of the Norton Street Urban Renewal Project, whereby Spex, LLC, may purchase said parcel for the sum of \$24,680 within a term not to exceed three years after a certificate of occupancy is issued for the facility to be built on the parcel at 85 Excel Drive. There shall be no charge for the option. The purchase price may be paid by a promissory note to the City secured by a mortgage, with a term of five (5) years, with interest based on the City's cost of borrowing as established by the Director of Finance.

Section 3. The Council further authorizes environmental indemnification whereby the City will indemnify Spex, LLC, for the costs of any required environmental remediation of said parcels.

Section 4. The Mayor is hereby authorized to enter into such agreements as may be necessary to effectuate this project. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-328
Re: Zoning Application Moratorium

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the existing zoning moratorium on the acceptance of applications for amendments to the

Zoning Ordinance and to the Zoning Map by extending both the length and scope of that moratorium. As you will recall, on April 17, 2002, Council enacted a six-month moratorium on applications for zoning text or map amendments. The moratorium was intended to provide adequate time for the completion of the new Zoning Ordinance and Map.

City Council has completed the public hearings for the new ordinance and is currently scheduled to consider the legislation at the October 15 Council Meeting. In order to ensure a smooth transition to the new ordinance, Councilmember Norwood has recommended that the moratorium be extended through January 1, 2003, the effective date of the new ordinance.

Furthermore, it is proposed that the moratorium be expanded to include all applications for Variance; Special Permit; Site Plan Review; Official Map Amendment; Certificate of Nonconformity; Certificate of Appropriateness; Certificate of Design Compliance and, Landmark Designation. The moratorium will be extended to the effective date of the proposed new Zoning Code and Map, January 1, 2003.

The extension of the moratorium to cover these items will avoid the possibility, indeed the likelihood, that a decision-making body such as the Zoning Board of Appeals would meet in January to consider an application made in November for a variance from a section of the Zoning Ordinance that was repealed prior to their meeting.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-328
(Int. No. 382)

Amending Ordinance No. 2002-105 In Regard To A Moratorium On Zoning Applications

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

Section 1. Ordinance No. 2002-105, the moratorium on the acceptance of applications for Zoning Text and Map Amendments in order to allow for the completion of Zoning Text and Map Revision Project, is hereby extended through January 1, 2003.

Section 2. In addition to the applications for Zoning Text and Map Amendments specified above, the moratorium shall be extended to include applications for Variance, Special Permit, Site Plan Review, Official Map Amendment, Certificate of Nonconformity, Certificate of Appropriateness, Certificate of Design Compliance, and Landmark Designation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Norwood moved to discharge Introductory No. 110 from committee.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Introductory No. 110 was introduced April 16, 2002, and appears in its original form with its transmittal letter on page 108 of the current Council Proceedings.

Ordinance No. 2002-329
(Int. No. 110)

Establishing Maximum Compensation For A Professional Services Agreement For The Midtown Parking Garage Renovation Program

Passed unanimously.

By Councilmember Griswold
October 15, 2002

To the Council:

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

Int. No. 366 - Authorizing An Agreement For The Members Against Teen Pregnancy Project

Int. No. 367 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$188,240 Bonds Of Said City To Finance Improvements To The LaGrange Recreation Center/Playground Owned By The City

Int. No. 368 - Authorizing An Application And Agreement With Respect To The Rochester Public Market And Amending The 2002-03 Budget

Int. No. 369 - Authorizing An Agreement With SWAN For A Neighborhood Recreation Program

Int. No. 383 - Establishing \$5,000 As Maximum Compensation For An Amendatory Professional Services Agreement For The Transit Reimbursement Account Program

Respectfully submitted,
Nancy K. Griswold
Tim O. Mains
Tony M. Thompson
Gladys Santiago (Voted on Introductory No. 366.)
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-330
Re: Human Services Project

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the following organization for a Human Services project:

Organization: Threshold Center for Alternative Youth Services
Project: Members Against Teen Pregnancy
Amount: \$45,000

The above project is considered a Project with Matching Funds and is eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreement represents the third year of CDBG funding.

The cost of this agreement will be financed from the General Community Needs allocation of the 2002-03

Community Development Block Grant.

A project description and budget are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-132

Ordinance No. 2002-330
(Int. No. 366)

Authorizing An Agreement For The Members Against Teen Pregnancy 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 Threshold Center for Alternative Teen Services for the Members Against Teen Pregnancy Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$45,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 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. 2002-331
Re: LaGrange Playground Improvements

R2010: Campaign 1 - Involved Citizens
Campaign 3 - Health, Safety and Responsibility
Campaign 4 - Environmental Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to improvements at the LaGrange Recreation Center/Playground. The legislation will authorize the issuance of bonds totaling \$188,240 and appropriate the proceeds thereof to finance the cost of the improvements.

The improvements were designed by the Bureau of Architecture and Engineering. They include removal of the existing outdated play apparatus and the construction of two play structures with safety surface, new park benches and trash receptacles, tennis and basketball court improvements, additional plantings, and a paved multi-use area around the existing recreation center.

Bids for the project were opened on September 9, 2002. The work will be performed by Rochester Craft Builders at a cost of \$179,240; an additional \$9,000 (5%) will be allocated for contingencies.

The work will start this fall and be completed by December 1, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-331
(Int. No. 367)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$188,240 Bonds Of Said City To Finance Improvements To The LaGrange Recreation Center/Playground Owned By 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 improvements to the La-Grange Recreation Center/Playground owned by the City. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$188,240 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$188,240 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 \$188,240 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 \$188,240. 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 the Ordinance, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-332
Re: NY State Farmers Market Grant

R2010: Campaign 8 - Tourism Destination
Attraction

Transmitted herewith for your approval is legislation authorizing the acceptance of a grant of \$25,000 from the NY State Department of Agriculture and Markets Farmers Market Grant Program to construct informational kiosks and improved signage at the Rochester Public Market.

These improvements were designed as part of Phase 4 of the Public Market Revitalization Plan, but were not constructed due to funding constraints. The availability of the State funds will permit the signage to be completed in Spring 2003.

The budget for the project is \$52,000; the State funds will be supplemented by \$27,000 in Cash Capital from the 2002-03 Budget.

The proposed legislation also amends the 2002-03 Budget for Cash Capital to recognize receipt of the State grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-332
(Int. No. 368)

Authorizing An Application And Agreement With Respect To The Rochester Public Market And Amending The 2002-03 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 Department of Agriculture and Markets Farmers Market Grant Program for funding for kiosks and signage at the Rochester Public Market.

Section 2. Ordinance No. 2002-194, the 2002-03 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 funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-333
Re: Southwest Community Center Programs

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Southwest Area Neighborhood Association (SWAN) for the operation of a neighborhood recreation program for the general public at the Southwest Community Center located at the James Madison School of Excellence and the adjacent athletic field. The maximum compensation for this program is \$20,000, which will be funded from the 2002-2003 budget of the Department of Parks, Recreation and Human Services.

The after-school program for youth 14 and under consists of arts and crafts, gym activities, tutoring and computer usage for ten hours per week for a period of 44 weeks. The summer program for youth 14 and under consists of group games, summer lunch program, field trips, gym activities and sports for 35 hours per week for a period of eight weeks.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-333
(Int. No. 369)

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.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-334
Re: Agreement for Management of Parking/ Transit Reimbursement Accounts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Blue Cross/Blue Shield of the Rochester Area for the administration of Parking/Transit Reimbursement accounts for City of Rochester employees.

The Transportation Equity Act for the 21st Century (TEA-21) allows employees to divert a portion of their salaries to pay for parking and transit passes. Under the program, employees designate an amount they will spend on work-related parking/transit fees to be put in a Parking/Transit Reimbursement Account. Claims for work-related parking/transit expenses are submitted to a program administrator for reimbursement. Any unused amount may be rolled into the following year's plan or forfeited if an employee is no longer participating.

The main benefit of Parking/Transit Reimbursement Account to the employee is an increase in net compensation because monies put in the program are not subject to Federal, State, or Social Security tax. The City also saves on its portion of the Social Security tax for any compensation an employee diverts into a Parking/Transit Reimbursement Account. This factor offsets the administrative fee charged to the City.

On November 9, 1999, Council authorized a three-

year agreement with Blue Cross/Blue Shield for this service; the agreement will expire on December 31, 2002. Authorization for a one-year extension is requested. The cost of the additional year will not exceed \$5,000, which will be funded from the 2002-03 Undistributed account. If the proposed legislation is approved, the total cost of the agreement will increase from \$15,000 to \$20,000.

This extension is recommended because of the positive performance demonstrated by this vendor to date and the desire to align the effective dates of this contract with those of the current Flexible Spending Account (FSA) contract. The current FSA contract expires at December 31, 2003. Both the FSA and Transit programs are presently administered by Blue Cross/Blue Shield.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-334
(Int. No. 383)

Establishing \$5,000 As Maximum Compensation For An Amendatory Professional Services Agreement For The Transit Reimbursement Account Program

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

Section 1. 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 Blue Cross/Blue Shield of the Rochester Area for continued administration of the Transit Reimbursement Account Program for three years. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
October 15, 2002

To the Council:

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

Int. No. 370 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Review Services Relating To The CSXT Train Derailment Cleanup

Int. No. 371 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$218,700 Bonds Of Said City To Finance The Additional Cost Of Implementing Environmental Remediation At The Former APCO Site Located Within The City At 79 Woodstock Road

Int. No. 372 - Establishing \$874,800 As Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Remediation Of The Former APCO General Contractor's Site

Int. No. 373 - Establishing \$60,000 As Maximum Compensation For A Professional Services Agreement

For Environmental Cleanup Of The Former Photech Facility

Int. No. 374 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Cobbs Hill Reservoir Drive Rehabilitation Project

Int. No. 375 - Authorizing An Application And Agreement With Respect To Alternate Fuel Vehicles And Amending The 2002-03 Budget

Int. No. 376 - Determinations And Findings Relating To The Acquisition Of Parcels For The West Ridge Road Improvement Project

Int. No. 179 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project, As Amended

Int. No. 377 - Determinations And Findings Relating To The Acquisition Of Additional Parcels For The West Ridge Road Improvement Project

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

Int. No. 378 - Abandonment Of A Portion Of Romeyn Street And Sale Of Real Estate

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.
TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-335
Re: Agreement - LaBella Associates, P.C.,
CSXT Spill Cleanup

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with LaBella Associates, P.C., 300 State Street, for additional oversight and environmental inspection services related to the environmental cleanup of the December 2001 CSXT train derailment and hazardous materials spill site located on River Street. The maximum cost of this amendatory agreement will be \$52,500, which will be financed from the 2001-02 Cash Capital allocation of the Department of Environmental Services.

As you are aware, the train derailment caused significant soil and groundwater contamination by high levels of acetone and methylene chloride, with the highest levels of contamination on portions of the River Street Right-of-Way (ROW) and City-owned property located at 490 River Street. On April 15, 2002, CSXT initiated an Interim Remedial Measure (IRM) to cleanup the primary areas of the contamination. An agreement with LaBella for \$116,000 was authorized by City Council on April 16, 2002 to perform oversight of CSXT's environmental cleanup and restoration of portions of the River Street Right-of-Way and 490 River Street. Since that time the funding for the LaBella agreement has been expended

or has been committed.

As of mid-August 2002, CSXT has removed approximately 19,000 tons of contaminated soil, and more than 1,000,000 gallons of contaminated water, the majority from the River Street ROW and 490 River Street. As a result of the agreement with LaBella, the City has been able to provide regular input to the New York State Department of Environmental Conservation (NYSDEC) regarding the ongoing scope of the IRM cleanup activities. These efforts have resulted not only in a more comprehensive cleanup of the ROW and 490 River Street but also commitments by CSXT to remediate the actual riverbank and the contaminated river bottom sediments.

CSXT's proposed riverbank cleanup will involve the installation of a sheet pile wall, approximately 150 to 200 linear feet in length, and the excavation of about 2,700 tons of contaminated soil to a depth of approximately ten feet (10') below grade. Dewatering of contaminated groundwater in the excavation will also be performed as necessary, followed by backfilling and compaction. The excavation to ten feet below grade will remove the majority of the contaminated soils, however, contamination does extend to depths greater than ten feet in some areas. Therefore, confirmatory soil and groundwater samples will be collected to evaluate residual concentrations of contaminants present after completion of the cleanup. The City has worked closely with CSXT to ensure that the City can reuse the sheet pile wall for the subsequent improvements planned for this portion of the Port of Rochester.

CSXT's proposed river bottom sediment cleanup will involve the dredging approximately 2,220 cubic yards (3,775 tons) of contaminated sediments from the Genesee River from a 1,500 square foot area to a depth of six (6) to seven (7) feet below the river bottom. The contaminated sediments will be transferred to the 490 River Street parcel where they will be dewatered via mechanical means and then disposed of off-site. The process water from the contaminated sediments will be collected for treatment and disposal as necessary. Confirmatory sediment samples after dredging will be collected and analyzed by CSXT.

At the request of DES, LaBella has submitted a formal proposal to provide oversight services for the riverbank and river sediment phases of the cleanup. If this legislation is approved, LaBella will provide the following environmental and construction oversight services during the two cleanup phases:

1. Daily site visits to observe and document the cleanup activities;
2. Monitoring of vapor emissions in the air;
3. Collecting soil and groundwater samples during the riverbank cleanup, as well as a small number of sediment samples along the 490 River Street parcel riverbank, and arranging for laboratory analyses;
4. Collecting soil samples after the sediment cleanup is completed in the vicinity of the sediment dewatering and processing equipment to determine if CSXT sediment processing activities have resulted in recontamination of surface and shallow subsurface soils;
5. Observing riverbank backfilling and reviewing the compaction testing results;

6. Reviewing CSXT and NYSDEC confirmatory soil sampling results;
7. Reviewing technical work plans, letters, and reports; and
8. Documenting the adequacy of the IRM cleanup, including any deviations from the approved IRM work plan which may affect future redevelopment or construction activities planned for this portion of the Port of Rochester Project Site.

Additional long-term remedial measures may be required to address deep soil, groundwater, and contamination in bedrock; however, the riverbank and sediment cleanup activities likely represent the completion of the physical removal of contaminated soils and sediments. It is possible that additional funding and amendatory agreements may be requested to authorize LaBella to perform a post-IRM subsurface investigation to identify areas of the site which are still contaminated after completion of the CSXT's IRM cleanup.

If the proposed amendatory is approved, the total cost of the agreement with LaBella will increase to \$168,500.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment AB-133

Ordinance No. 2002-335
(Int. No. 370)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Review Services Relating To The CSXT Train Derailment Cleanup

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

Section 1. The sum of \$52,500, 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 LaBella Associates, P.C. for environmental review services relating to the CSXT train derailment cleanup in Charlotte. Said amount shall be funded from the 2001-02 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-336 And
Ordinance No. 2002-337
Re: Environmental Remediation - Former
APCO Brownfield Site

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation relating to the environmental remediation of the former APCO site located at 79 Woodstock Road. This legislation will:

1. Authorize an amendatory agreement with the

- Sear Brown Group for environmental remediation of the former APCO site at a maximum cost of \$874,800;
2. Authorize the issuance of bonds totaling \$218,700 and appropriate the proceeds thereof to finance the City share of the costs of the agreement; and
 3. Appropriate anticipated 1996 Clean Water Clean Air Bond Act grant funds in the amount of \$656,100 to finance the remaining costs thereof.

The former APCO site includes nine City-owned parcels, totaling 6.9 acres. Eight parcels were acquired by the City in 1995 and 1997 through tax foreclosure. An additional parcel, 1126 Atlantic Avenue, was acquired through condemnation in October 1998. The site is located in the center of a residential neighborhood located between East Main Street, Atlantic Avenue, Woodstock Road and Akron Street. The properties had been used by general contracting businesses since the 1930's.

In November 1998, City Council authorized an agreement in the amount of \$606,200 with Sear Brown for interim cleanup and remedial design services and appropriated \$454,600 in anticipated NYSDEC Bond Act grant reimbursement funds. These interim cleanup measures, completed during 1999, included the clearing the property line and replacement of the perimeter fencing, conducting animal control, removal of miscellaneous equipment, drums, and containers from the site, and removing the fuel storage tanks and associated contaminated soil and piping. The demolition of buildings was accomplished under existing City contracts in 1998. In September 1999, City Council appropriated an additional \$1,036,369 in anticipated Bond Act reimbursement funds to finance the remedial construction project.

In September 2001, City Council authorized an agreement with Sear Brown to implement the proposed cleanup plan for a maximum cost of \$1,370,500 and, in April 2002, City Council authorized an amendatory agreement with Sear Brown) for an additional \$729,100. That agreement included the costs associated with substantial increases in the quantities of construction and demolition debris; soils contaminated by petroleum, polynuclear aromatic hydrocarbons, and heavy metals; laboratory testing; two months of additional winter work; and subcontractor oversight activities.

Since April, 2002, additional areas of contamination and fill, as well as increases in the quantities thereof, have further increased remedial construction phase costs. In anticipation of operations and monitoring that will be required for the on-site soil and groundwater treatment systems, DES solicited proposals from Sear Brown for remedial systems operations and, once cleanup objectives are achieved, system decommissioning.

The remedial construction phase of the project is substantially complete. During September and October the following remaining work will be completed:

1. Validation of laboratory test results for all samples;
2. Fence gate installations, relocations and repairs;
3. Final site grading, hydro seeding and temporary

access road completion;

4. Functional and operational testing of the soil and groundwater treatment systems;
5. Contractor demobilization, and;
6. Preparation of the remedial construction engineering report for submission to the NYSDEC.

If this \$874,800 amendment is approved the total cost of the APCO site cleanup will be \$3,714,400. Of this amount, up to 75%, or \$2,785,500, will be eligible for reimbursement by the NYSDEC under the 1996 Clean Water Clean Air Bond Act. The NYSDEC has conceptually approved the additional costs as grant eligible. A completed grant amendment application is being processed by NYSDEC at this time. The level of cleanup achieved during this project will permit unrestricted reuse of the site for residential redevelopment, the highest level of cleanup recognized by the NYSDEC. The State of New York statutorily is now required to indemnify the City of Rochester and all future owners of property on the site from any environmental cleanup or response costs.

It is expected that the soil and groundwater treatment systems will require on-going operations and maintenance for 12-18 months after the construction phase is completed. A proposal has been submitted to the NYSDEC for DES staff to perform substantial portions of the operation and maintenance of the remedial systems. If approved by the NYSDEC, system operational costs will be reduced by at least \$16,000.

During the next construction season, new utilities, new street construction, and subdivision improvements are expected to be completed in anticipation of new residential development. The construction contract for the street project is expected to be awarded in late winter of 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-336
(Int. No. 371)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$218,700 Bonds Of Said City To Finance The Additional Cost Of Implementing Environmental Remediation At The Former APCO Site Located Within The City At 79 Woodstock Road

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 additional environmental remediation of the former APCO General Contractor's site which is located in the center of a residential neighborhood located between East Main Street, Atlantic Avenue, Woodstock Road and Akron Street in the City of Rochester, New York (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 \$3,715,469, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$218,700 bonds of the City, together with the application of \$182,300 bonds previously appropriated

in Ordinance No. 2002-87, \$435,000 bonds previously appropriated in Ordinance No. 2001-310, \$151,600 bonds previously appropriated in Ordinance No. 98-405, \$34,000 bonds previously appropriated in Ordinance No. 2001-269, \$2,693,869 in 1996 Clean Water Clean Air Bond Act Grant Funds appropriated in Ordinances No. 98- 404, 99-321 and 2002-86 and at this meeting, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$218,700 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 \$218,700. 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 form prescribed by Section 81.00 of the law in "The Daily Record", a newspaper published in Rochester, New York, have a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Ordinance No. 2002-337
(Int. No. 372)

Establishing \$874,800 As Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Remediation Of The Former APCO General Contractor's Site

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

Section 1. The sum of \$874,800, 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 The Sear Brown Group for environmental remediation of the former APCO general contractor's site. Of said amount, \$656,100 is hereby appropriated from 1996 Clean Water/Clean Air Bond Act Grant Funds and \$218,700 shall be funded from a bond ordinance for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-338
Re: Environmental Cleanup - Photech Site

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation relating to the environmental cleanup of the former Photech Imaging, Inc. facility located at 1000 Driving Park Avenue. This legislation will:

1. Authorize a professional services agreement

with Day Environmental, Inc. (DAY), located at 40 Commercial Street, Rochester, New York to complete the environmental investigation and final report for the former Photech Imaging Systems, Inc. (Photech) site at a maximum cost of \$60,000; and

2. Appropriate anticipated reimbursements of \$45,000 from the 1996 NYS Clean Water Clean Air Bond Act program to finance part of the cost of this amendatory agreement.

The balance of the cost of the agreement, \$15,000, will be financed from 1999-2000 Cash Capital allocation of the Department of Environmental Services.

The former Photech Imaging Systems, Inc. property consists of one parcel, totaling about 12.5 acres and contains 17 buildings that total more than 100,000 square feet. The former Photech site was developed between 1948-1950 as a photographic film manufacturer, and was used for manufacturing of photographic film and photographic paper until 1991, when the site was abandoned. The Photech property was acquired by the City through tax foreclosure in 1997, and the City application to perform an environmental investigation under the NYS Bond Act program was approved by the New York State Department of Environmental Conservation (NYSDEC) in September 1997.

An agreement with IT Corporation for \$165,000 was authorized by City Council on December 16, 1997, and an amendatory agreement with IT Corporation for \$67,000 was authorized by City Council on August 12, 1999 to perform additional subsurface investigation at the site. Since that time the funding for both the original and amendatory agreement has been expended or committed.

The IT Group had subcontracted most of the professional services for this project to the Brownfield Restoration Group, LLC (BRG). While the investigative fieldwork has been completed, the Photech Project has experienced several significant delays, and the IT Corporation and their subconsultant BRG have failed to complete the Site Investigation/Remedial Alternatives report (SI/RA) report. In January 2002, IT Corporation filed for Chapter 11 bankruptcy protection. In April 2002, the City terminated its professional services agreement with the IT Corporation, resulting in the need to retain another consultant to complete the SI/RA report. BRG has submitted two change orders to the City for additional costs associated with completing the investigation, and both change orders have been approved by the NYSDEC. However, since the City terminated its agreement with IT, the City does not have a means to pay BRG for this work. BRG maintains most of the files, records, and data associated with the Photech investigation.

In 1997, the City sent out Requests for Proposals for the Photech Bond Act SI/RA project, and O'Brien & Gere received the second highest rated score. As a result, in April 2002, the City requested that O'Brien & Gere submit a revised proposal to complete the Photech SI/RA report. In May 2002, the City also requested that DAY submit a proposal to complete the Photech SI/RA report. The DAY proposal estimates total costs of \$22,345 to complete the SI/RA report. The O'Brien & Gere proposal estimates total costs of \$67,211 to complete the SI/RA report. Based on the cost competitiveness of the DAY proposal, and DAY's experience with the Bond Act program and other similar site investigation and remedial projects, the City proposed to the NYSDEC that DAY be retained

to complete the Photech SI/RA report. On September 17, 2002 the NYSDEC approved DAY to complete the final report.

The agreement with DAY is necessary to pay for:

1. Costs totaling \$27,640 which have already been incurred by BRG and approved by the NYSDEC for out-of-scope costs associated with additional suspect asbestos, building material, soil and groundwater samples. Upon payment, BRG will work with DAY and provide copies of pertinent data, records, and files associated with the Photech investigation.
2. Costs totaling \$22,345 to complete the final report. The final report will document all site environmental conditions and provide recommendations for additional investigation and remedial measures to address the environmental concerns at the Site. It will serve as the basis for the design and cleanup of the former Photech Site.

It is anticipated that the additional work will be completed by May 2003. After the City recommends a cleanup approach, the NYSDEC will hold a public hearing and issue a Record of Decision on the cleanup plan. A remedial design and site cleanup will be required before redevelopment can occur. Cleanup and site redevelopment will probably involve the demolition of some or all of the existing 17 buildings, asbestos abatement, and possible soil or groundwater remediation. As such, additional agreements will probably be required for detailed design and the cleanup phase.

The City's request for additional 1996 Clean Water/Clean Air Bond Act grant funding to conduct the additional site investigation tasks outlined above was presented to the NYSDEC. The NYSDEC has approved the technical scope and costs of the additional work. In addition to reimbursement of 75% of project costs, the State Assistance Contract will provide full indemnification of the City and all successor owners by the State of New York. When the remedial approach for the site is approved by the NYSDEC, the City will be eligible to apply for 75% grant reimbursement of design and most of the cleanup costs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-338
(Int. No. 373)

Establishing \$60,000 As Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of The Former Photech Facility

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

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Day Environmental, Inc. for environmental services relating to the former Photech Imaging Systems, Inc. site at 1000 Driving Park Avenue. Of said amount, \$45,000 is hereby appropriated from anticipated reimbursements from the 1996 New York State Clean Water Clean Air Bond Act and \$15,000 shall be funded from the 1999-2000 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-339
Re: Cobbs Hill Reservoir Drive
Rehabilitation Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to design services for rehabilitation of the Cobbs Hill Reservoir Drive. The legislation will authorize an amendatory professional services agreement with Bergmann Associates for final design services leading to construction of the planned improvements. The maximum cost of the amendatory agreement is \$62,000, which will be funded from the 1998-99 Cash Capital allocation of DES.

The original agreement was authorized by Council on June 19, 2001. Bergmann Associates is recommended to perform the additional design services because of the firm's qualifications and the understanding of the project gained during preparation of the concept design.

Under the proposed agreement, Bergmann will prepare final design for rehabilitation of the drive pavement, from Highland Avenue around the Reservoir. Ancillary improvements including curbing, storm drains, parking and bollards will also be included. It is anticipated that the design will be completed in time to allow construction of the improvements in Summer 2003.

If the proposed legislation is approved, the total cost of the agreement will increase to \$100,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-134

Ordinance No. 2002-339
(Int. No. 374)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Cobbs Hill Reservoir Drive Rehabilitation 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 an amendatory professional services agreement between the City and Bergmann Associates for design services for the Cobbs Hill Reservoir Drive Rehabilitation 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 1998-99 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-340
Re: NYSEERDA Alternate Fuel Vehicle -
Reimbursement Grant

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement with the New York State Energy Research and Development Authority (NYSEERDA) for receipt and use of a grant of up to \$73,120;
2. Appropriate \$73,120 from anticipated reimbursements from the State of New York to partially finance the additional cost of the alternate fuel vehicles (AFV); and
3. Amend the 2002-03 Cash Capital allocation to reflect receipt of this grant.

Receipt of this grant will permit the City to begin developing a fleet of alternative fuel vehicles that are fueled solely by compressed natural gas (CNG). With the assistance of a previous grant from NYSEERDA, the City constructed a compressed natural gas fueling station during the 2000-2001 fiscal year. Since that time, the City has purchased two bi-fuel pickup trucks that run on CNG or gasoline.

This grant will fund seventy-five percent (75%) of the incremental cost of eleven additional AFVs. Because of current market price levels, there is a significant cost difference between conventionally fueled and alternatively fueled vehicles. This grant will offset most of the price difference.

This program will be coordinated by the Bureau of Equipment Services and will involve the purchase of ten (10) pieces of light equipment and one (1) medium or heavy duty truck. It is expected that these vehicles would be acquired over the next two fiscal years. It will be necessary to match the available products with the needs of City work units.

This program will enhance air quality, reduce petroleum consumption and will permit City staff to do comparisons of the maintenance and life cycle costs of conventionally fueled vehicles versus AFVs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-340
(Int. No. 375)

Authorizing An Application And Agreement With Respect To Alternate Fuel Vehicles And Amending The 2002-03 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 Energy Research and Development Authority for funding for alternate fuel vehicles.

Section 2. Ordinance No. 2002-194, the 2002-03

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 \$73,100, and the sum of \$73,120 is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-341
Re: Determinations and Findings -
West Ridge Road

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of twenty-three properties involved in the West Ridge Road Improvement Project. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on July 23. There was one speaker, who supported the acquisition.

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

1. Project description - that the project includes the acquisition and demolition of twenty-three specified properties, of which twenty-one are on West Ridge Road and two are on Lapham Street. The project involves the reconstruction of West Ridge Road from Hanford landing Road the Veterans' Memorial Bridge. This reconstruction will include a significant realignment of West Ridge Road from west of Lake Avenue to the Veterans' Memorial Bridge. A landscaped median will be created on West Ridge Road between Lake Avenue and the Veterans' Memorial Bridge. This median will create a transition zone that will encourage reduced speeds of westbound vehicles as they enter the Maplewood Neighborhood. The project also proposes the elimination of the Lapham Street intersection with Lake Avenue and a westward relocation of a portion of Minder Street. These changes are necessary to reduce accidents and congestion from vehicles entering and exiting the streets in close proximity to the Lake Avenue / West Ridge Road intersection.
2. Project purpose - that the acquisition will permit West Ridge Road Public Improvement Project to be constricted, will enhance the streetscape on West Ridge Road and the surrounding community, and will enhance the Maplewood neighborhood by creating a gateway into the City of Rochester through that historic neighborhood.
3. Project effect - that the project will enable the goals of the West Ridge Road Improvement Project to be met.

If these determinations and findings are approved, the legislation authorizing the property acquisitions (Introductory 179) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-341
(Int. No. 376)

Determinations And Findings Relating To The Acquisition Of Parcels For The West Ridge Road Improvement Project

WHEREAS, the City of Rochester proposes to acquire certain properties for use for the West Ridge Road Improvement Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on July 23, 2002 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisitions,

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 various parcels for the West Ridge Road Improvement Project:

A. Project Location: The City proposes the acquisition of twenty-eight privately owned parcels located along West Ridge Road in the general area from the Veteran's Memorial Bridge to Hanford Landing Road, as follows:

- 2 West Ridge Road.
- 6 West Ridge Road
- 10 West Ridge Road
- 14 West Ridge Road
- 16 West Ridge Road
- 18 & 20 West Ridge Road (2 properties)
- 24 West Ridge Road
- 26 & 28 West Ridge Road (2 properties)
- 30 & 32 West Ridge Road (2 properties)
- 34 & 36 West Ridge Road (2 properties)
- 38 West Ridge Road
- 42 West Ridge Road
- 46 & 48 West Ridge Road (2 properties)
- 50 West Ridge Road
- 52-54 West Ridge Road
- 56 & 56.5 West Ridge Road (2 properties)
- 58 West Ridge Road
- 95 West Ridge Road
- 99 West Ridge Road
- 101-111 West Ridge Road
- 119 West Ridge Road
- 58 Lapham Street

The roadway alignment which results in the need for the acquisition has obtained wide-based community agreement at a number of public meetings held with the neighborhood between May 1999, and June 2002.

B. Public Purpose and General Effect:

- (1) The public purpose to be served by the project is the improvement of the highway and transportation facilities on West Ridge Road between the Veteran's Memorial Bridge and Hanford Landing Road. For the section of the roadway east of Lake Avenue, an additional public purpose is to create a parkway-like landscaped median transi-

tion zone to encourage reduced speeds of vehicles traveling through the Maplewood Neighborhood. The project also enhances residential character of the houses to remain on the south side of West Ridge Road east of Lake Avenue by providing for a new two-way frontage road to serve the properties. Replacement of the existing pedestrian bridge over West Ridge Road near Maplewood Drive and various landscaping, trail and sidewalk improvements will also be included in the project. It is a goal of this project to accommodate traffic in a safe and efficient manner while also addressing neighborhood concerns and initiatives, and improving the pedestrian environment.

- (2) The acquisitions will have no significant negative effect on the environment. Access from the adjacent neighborhood to Maplewood Park will be improved by the project. Additional open space and landscaped areas will be created by the project. Fifteen residential structures, five mixed use structures and two commercial structures will be demolished as part of the project. The households and businesses to be displaced by the acquisitions and demolitions will be entitled to relocation assistance under the Federal Uniform Relocation Act. Housing studies have indicated that the supply of affordable housing and rental units currently available in the surrounding neighborhoods, and in the northwest quadrant of the City as a whole, is more than adequate to meet the relocation needs resulting from 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 NYS Environmental Conservation Law and Chapter 48 of the Rochester Municipal Code was issued on September 9, 2002.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 179 was introduced June 18, 2002, and appears in its original form with its transmittal letter on page 154 of the current Council Proceeding.

Attachment No. AB-135

Ordinance No. 2002-342
(Int. No. 179, As Amended)

Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project

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

Section 1. The Council hereby approves the acquisition of the following parcels for the construction and maintenance of municipal improvements as a part of the West Ridge Road Improvement Project as follows:

Property Address	SBL#	Maximum Acquisition Amount
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Reputed Owner	Type	
58 Lapham St Todd Cahill & Charles Hathaway	090.44-1-37 1 Family	\$50,000
[157 Lapham St Linda M. Stiles	090.49-1-64 1 Family]	40,000
2 W. Ridge Rd Robert D. & Tillie Stevens	090.44-1-65 1 Family	85,000
6 W. Ridge Rd John Bent & Beverly Hook	090.44-1-66 1 Family	50,000
10 W. Ridge Rd Dennis L.J. Coccia & Esther M. Muratore	090.44-1-67 Mixed Use	175,000
14 W. Ridge Rd Robert A. Walton	090.44-1-68.1 Mixed Use	97,000
16 W. Ridge Rd Donald J. Marcher	090.44-1-69.1 Mixed Use	166,000
18 & 20 W. Ridge Rd Diego & Lester M. Pascual	090.44-1-70 & 77.8 1 Family	65,000
24 W. Ridge Rd Boris Yefraimov	090.44-1-71 1 Family	60,000
26 & 28 W. Ridge Rd William H. & Kathy Lee Palermo	090.44-1-72 & 77.6 1 Family	69,000
30 & 32 W. Ridge Rd Martin W. Palmeri	090.44-1- 73 & 77.5 1 Family	40,000
34 & 36W. Ridge Rd Thomas H. & Christine Davis	090.44-1-74 & 77.18 2 Family	43,000
38 W. Ridge Rd Randall Hook	090.44-1-75 2 Family	50,000
42 W. Ridge Rd Ronald S. & Pamela A. Appleton	090.44-1-78.1 2 Family	45,000
46 & 48W. Ridge Rd William H. & Kristen A. VandenBriel	090.44-1-77.13 & 79 Mixed Use	134,400
50 W. Ridge Rd Robert Cullen	090.44-1-80 1 Family	46,000
52-54 W. Ridge Rd Joan Kuhn & Eleanor Symigs	090.44-1-81.1 2 Family	62,000
56 & 56.5 W. Ridge Rd Beverly Hook	090.44-1-77.3 & 82 1 Family	60,000
58 W. Ridge Rd	090.44-1-83.1	39,000

Arthur E. Caton & Reba Merchant	1 Family	
95 W. Ridge Rd Missy, LLC	090.43-3-11 Comm.	115,000
99 W. Ridge Rd Kham Phanh & Boualoug Rajaphovmy	090.43-3-10 Comm.	136,000
101-111 W. Ridge Rd Irv Starr	090.43-3-09 Mixed Use	178,000
119 W. Ridge Rd Elizabeth Salathiel (leasehold)	090.43-3-06 1 Family	25,700
Ronald G. Statt (fee simple)		9,300
	TOTAL	\$[1,840,400] <u>1,800,400</u>

Section 2. The acquisition[s] [, relocation and closing] costs shall obligate the City to pay an amount not to exceed \$[2,540,000] 1,800,400, and [of] to fund said amount, [or so much thereof as may be necessary,] along with \$2,499,600 for other full and partial acquisition costs, relocation costs, closing costs, demolition costs and [\$635,000 in] City and State administrative costs, \$[3,048,000] 3,440,000 is hereby appropriated from anticipated reimbursements from the Federal Government, and \$[762,000] 860,000 is hereby appropriated from anticipated reimbursements from New York State.

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

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-343
Re: Determinations and Findings -
West Ridge Road

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings relating to the partial acquisition, of fifteen properties and the full acquisition of one property, by negotiation or condemnation, involved in the West Ridge Road Improvement Project. Such determinations and findings are required by Article 2 of the NYS Eminent Domain Procedure Law.

A public hearing concerning the proposed acquisition was conducted on September 17. There was one speaker, who supported the acquisition.

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

1. Project description - that the project includes the partial acquisition of fifteen specified proper-

ties, of which seven are on West Ridge Road, four are on Lake Avenue, two are on Lapham Street, one is on Desmond Street, and one is on Redwood Road, as well as the full acquisition of one property on Redwood Road. The project involves the reconstruction of West Ridge Road from Hanford Landing Road to the Veterans' Memorial Bridge. This reconstruction will include a significant realignment of West Ridge Road from west of Lake Avenue to the Veterans' Memorial Bridge. A landscaped median will be created on West Ridge Road between Lake Avenue and the Veterans' Memorial Bridge. This median will create a transition zone that will encourage reduced speeds of westbound vehicles as they enter the Maplewood Neighborhood. The project also proposes the elimination of the Lapham Street intersection with Lake Avenue and a westward relocation of a portion of Minder Street. These changes are necessary to reduce accidents and congestion from vehicles entering and exiting the streets in close proximity to the Lake Avenue / West Ridge Road intersection.

2. Project purpose - that the acquisition will permit West Ridge Road Public Improvement Project to be constricted, will enhance the streetscape on West Ridge Road and the surrounding community, and will enhance the Maplewood neighborhood by creating a gateway into the City of Rochester through that historic neighborhood.
3. Project effect - that the project will enable the goals of the West Ridge Road Improvement Project to be met.

If these determinations and findings are approved, the legislation authorizing the property acquisitions (Introductory 342) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-343
(Int. No. 377)

Determinations And Findings Relating To The Acquisition Of Additional Parcels For The West Ridge Road Improvement Project

WHEREAS, the City of Rochester proposes to acquire certain properties for use for the West Ridge Road Improvement Project, and

WHEREAS, the Council of the City of Rochester held a public hearing on September 17, 2002 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisitions,

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 various parcels for the West Ridge Road Improvement Project:

- A. Project Location: The City proposes the partial acquisition of thirteen privately owned parcels and the full acquisition of one privately owned parcel located along West Ridge Road in the general area from the Veteran's Memorial Bridge to Hanford Landing Road, as follows:

1540-1550 Lake Avenue (Partial Acquisition)

81 Lapham Street (Partial Acquisition)
 145 West Ridge Road (Partial Acquisition)
 1525 Lake Avenue (Partial Acquisition)
 192 Desmond Street (Partial Acquisition)
 200 West Ridge Road (Partial Acquisition)
 211 West Ridge Road (Partial Acquisition)
 157 Lapham Street (Partial Acquisition)
 115 West Ridge Road (Partial Acquisition)
 72 West Ridge Road (Partial Acquisition)
 60 West Ridge Road (Partial Acquisition)
 39 Redwood Road (Partial Acquisition)
 1560 Lake Avenue (Partial Acquisition)
 45 Redwood Road (Full Acquisition)

The roadway alignment which results in the need for the acquisition has obtained wide-based community agreement at a number of public meetings held with the neighborhood between May 1999, and June 2002.

B. Public Purpose and General Effect:

- (1) The public purpose to be served by the project is the improvement of the highway and transportation facilities on West Ridge Road between the Veteran's Memorial Bridge and Hanford Landing Road. For the section of the roadway east of Lake Avenue, an additional public purpose is to create a parkway-like landscaped median transition zone to encourage reduced speeds of vehicles traveling through the Maplewood Neighborhood. The project also enhances residential character of the houses to remain on the south side of West Ridge Road east of Lake Avenue by providing for a new two-way frontage road to serve the properties. Replacement of the existing pedestrian bridge over West Ridge Road near Maplewood Drive and various landscaping, trail and sidewalk improvements will also be included in the project. It is a goal of this project to accommodate traffic in a safe and efficient manner while also addressing neighborhood concerns and initiatives, and improving the pedestrian environment.
- (2) The acquisitions will have no significant negative effect on the environment. Access from the adjacent neighborhood to Maplewood Park will be improved by the project. Additional open space and landscaped areas will be created by the project. No structures will be demolished as part of these acquisitions. 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 September 9, 2002.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
 Ladies and Gentlemen:

Ordinance No. 2002-344
 Re: Abandonment of a Portion of Romeyn Street and Conveyance of Real Estate

Transmitted herewith for your approval is legislation amending the Official Map by abandoning a portion of Romeyn Street extending from W. Broad Street southerly for a distance of 223 feet. If abandoned, Romeyn Street will be realigned and connected with Orange Street. On April 4, 2002, City Council approved the rezoning of the properties at 11-35 Orange Street, 14-34 Romeyn Street, 583 Broad Street and 37 Romeyn Street to C-2 Community Commercial, subject to these proposed right-of-way modifications. The abandonment and reconstruction of the realigned portion of Romeyn Street must be completed within eighteen (18) months of the conditional rezoning approval.

The portion of Romeyn Street to be abandoned will be combined with parcels currently owned by the applicant, Chester Palozzi, on the north and south sides of the right-of-way. A realignment connection to Orange Street will be constructed on four (4) parcels of land owned by Mr. Palozzi. Upon completion of the construction of the street realignment, the affected area must be conveyed to the City of Rochester and dedicated as right-of-way.

Mr. Palozzi plans to construct a car wash on the affected properties. This request can not be approved until the C-2 zoning is in place subsequent to the completion of the above described abandonment, street realignment and dedication process. The proposed car wash will require a special permit approval by the City Planning Commission. Obviously, approval of the abandonment and street realignment does not guarantee the ultimate Planning Commission approval of the car wash.

The City of Rochester owns the title to a 5460 sq. ft. area within the Romeyn Street right-of-way. This area of land must be conveyed to Mr. Palozzi in conjunction with the abandonment. It is recommended that this area of land be sold to Mr. Palozzi for \$1.00 in recognition of the cost of the realignment of Romeyn Street and of the required future conveyance to the City of parcels of land associated with the right-of-way dedication.

The proposal was referred to the various involved agencies for comments. Based upon those comments, certain improvements and easements will be required.

The City Planning Commission held an informational hearing on the abandonment on September 9, 2002; one person spoke in support, four people expressed concerns with the proposed car wash. The Commission recommended approval of the abandonment by a vote of 6-1-0.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposed action will not result in any significant adverse environmental impacts and negative declaration has been issued.

A public hearing is required.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AB-136

Ordinance No. 2002-344
 (Int. No. 378)

Abandonment Of A Portion Of Romeyn Street

And Sale Of Real Estate

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 parcel, heretofore dedicated to street purposes and constituting a portion of Romeyn Street:

All that street right-of-way 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 southerly line of Romeyn Street (60' wide) and the westerly line of West Broad Street (60' wide);

Thence 1) Westerly along the southerly line of Romeyn Street a distance of 223.00 feet to a point;

Thence 2) Northerly through Romeyn Street forming an interior angle of 90°-36'-25" with course (1) a distance of 60.00 feet to a point;

Thence 3) Easterly along the northerly line of Romeyn Street forming an interior angle of 89°-23'-35" with course (1) a distance of 223.00 feet to a point;

Thence 4) Southerly along the projection of the westerly line of West Broad Street forming an interior angle of 90°-36'-25" with course (3) a distance of 60.00 feet to the point of beginning.

Course (4) forms an interior angle of 89°-23'-35" with course (1).

Section 2. The abandonment authorized herein shall take effect upon compliance by the applicant with the provisions established by the City Planning Commission in its recommendations of September 9, 2002.

Section 3. Upon abandonment of said street, the Council hereby approves the sale of the City-owned abandonment area to Chester Palozzi for the sum of \$1.00.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
October 15, 2002

To the Council:

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

Int. No. 379 - Authorizing An Application And Agreements With Respect To The Records Management Program And Amending The 2002-03 Budget

Int. No. 380 - Establishing Maximum Compensation For A Professional Services Agreement With WXXI Public Broadcasting For City 12

Int. No. 381 - Authorizing Acceptance Of A Grant For Animal Services Equipment And Amending The 2002-03 Budget

Int. No. 384 - Resolution Establishing The Schedule For The Regular Council Meetings During 2003

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-345
Re: Records Management Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the administration of the City's Records Management Program. This legislation will:

1. Authorize an agreement with the NYS Archives and Records Administration for receipt and use of a grant of up to \$40,000;
2. Increase the 2002-2003 budget of the Department of Finance to reflect this grant;
3. Authorize an agreement with John Landro, for consulting services at a maximum cost of \$35,000 to complete the automation of the records control documentation for the City Records Center and Municipal Archives. The plan for this automation project was developed in a previous State Archives Grant approved by City Council on November 9, 1999.

The Grant will be provided from The NYS Local Government Records Management Improvement Fund administered by the State Archives. It will be used for the implementation of the 1999 consultant report and work plan approved by the grant agency (2002) to insure that the City Records Management Program can effectively use electronic technology to provide City departments and the public timely, accurate and accessible public records.

The Records Center contains more than 15,000 cubic feet of public records dating from 1817 to the present and processes about 2,000 records retention and retrieval requests a year from City departments and the public. The transactions are currently all manually documented. This project will automate this process and other document control items. A training manual and appropriate training will also be provided to City Staff.

A Request for Proposals was sent to 20 vendors. Three complete responses were returned for evaluation. Two vendors were local and one from Erie County. Mr. Landro's proposal was the most complete and offered the lowest price. In addition to being a local vendor, Mr. Landro has a good working knowledge of the Records Center operations since he has provided consulting services in the past to the City Records Management Program.

No City funds will be required for this project. The project will begin in November 2002 and be com-

pleted by June 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-345
(Int. No. 379)

**Authorizing An Application And Agreements
With Respect To The Records Management Program
And Amending The 2002-03 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 Archives and Records Administration for funding for an automated database of City records at the City Records Center and Municipal Archives.

Section 2. The Mayor is hereby further authorized to enter into an agreement with John Landro for an automated database of City records at the City Records Center and Municipal Archives.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$35,000 and said amount, or so much thereof as may be necessary, shall be funded from the 2002-03 Budget of the Department of Finance.

Section 4. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Finance by the sum of \$40,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 5. The application 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. 2002-346
Re: Agreement - WXXI, Channel 12

- R2010: Campaign 1 - Involved Citizens
- Campaign 2 - Educational Excellence
- Campaign 7 - Quality Service
- Campaign 11- Arts & Culture

Transmitted herewith is legislation to establish maximum compensation for an agreement with WXXI Public Broadcasting, 280 State Street, for continued operation of Channel 12, the City's government access station. The maximum cost of the agreement will be \$165,000, which will be funded from the Undistributed Account of the 2002-03 and subsequent budgets, and will be adjusted annually to reflect changes in the Consumer Price Index (CPI).

The original agreement with WXXI was authorized by City Council on December 17, 1991; the most recent agreement was authorized on April 16, 2002 and expires this month. Under the agreement,

WXXI provides the primary transmission facilities and programming for Channel 12 at an annual cost of \$174,222.

In anticipation of this expiration, on July 12, the City issued a Request for Qualifications (RFQ) to assess the level of interest in and capacity for operating Channel 12. Three companies responded: WXXI, Big TV, and Rochester First International Television (RFIT). An interdepartmental committee composed of representatives of the Mayor's Office, the City Council Office, the Law Department, and the Bureau of Communications reviewed the responses and unanimously recommended that WXXI be engaged to continue the operation of Channel 12. They found that WXXI offered the best technological capability, greatest access to educational and news-oriented programming, strongest personnel experience, and clearest alignment with the vision for Channel 12, along with a reasonable budget for its services.

Under the proposed agreement, WXXI will provide programming twenty-four hours a day, seven days a week, with emphases to include:

1. Increasing knowledge of how government works, enhancing active participation in government, and disseminating appropriate government information;
2. Promoting City programs and services, especially those not adequately covered or portrayed negatively elsewhere;
3. Advancing those specific City priorities and concerns that require high levels of public understanding or involvement; and
4. Providing dialogue, understanding, and cooperation among the diverse populations within the community and offering a forum for discussion of significant issues within the region.

As part of this agreement, WXXI will provide a minimum of two hours per week (104 hours per year) of studio time to the City; the current agreement requires fifty hours per year. In addition, WXXI's recent conversion to digital equipment permits far greater flexibility in programming format and content to the City. Two specific examples offer highlights of this capacity:

1. The on-screen "crawls" that can provide breaking news or reminders of important activities will be able to be provided in real time directly from City Hall. This will enable immediate notice to our citizens of issues of critical importance to them.
2. The interstitial time available between programs, typically just before the hour and half-hour, can be filled with programming of the City's choosing. The interstitial breaks typically run from one- to two-and-a-half minutes in length. WXXI would be required to create a format into which the City can insert programming of its choice, such as daily news releases, highlights of special events, or other breaking news of interest to our citizens. The use of City staff for such on-camera appearances is an option that is currently under review

As you are aware, the City-owned equipment on which the current Channel 12 programming is broadcast is quite old and in need of replacement. WXXI's acquisition of digital equipment for both broadcast

and storage of programming will eliminate the need for the City to replace the various tape machines, tape drives, or individual servers, resulting in a significant capital saving. The cost of the agreement includes all equipment required to produce, edit, store and broadcast the programming.

It is anticipated that the mix of general programming that is currently broadcast under the existing agreement will continue under the new agreement. However, the City retains the right to select from the broad range of materials available to WXXI to be aired on Channel 12.

Finally, WXXI will be working with the City to develop new logos, new appearance formats, and a livelier "look" for the station. They will also continue to be available as a technical resource to assist the City in decision-making with regard to the acquisition of any equipment or materials that may be required to originate broadcasts from locations other than WXXI's studios.

The term of the proposed agreement will be five years, with an option for an additional five years with the consent of both parties.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-346
(Int. No. 380)

Establishing Maximum Compensation For A Professional Services Agreement With WXXI Public Broadcasting For City 12

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

Section 1. The sum of \$165,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for the first year of a professional services agreement between the City and WXXI Public Broadcasting for the continued operation of City 12. The agreement may extend for a term not to exceed five years, with an option for an additional five years. The compensation may be adjusted annually to reflect changes in the Consumer Price Index. Said amounts shall be funded from the 2002-03 and subsequent Budgets for Undistributed Expense, contingent upon approval of the subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-347
Re: PETSMART Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation authorizing receipt and use of a grant of \$10,000 from the PETSMART Charities, Inc. 19601 North 27th Avenue, Phoenix, Arizona, to purchase spay/neuter clinic equipment for the City's Animal Shelter on Verona Street.

As a result of amendments to the NY State Agriculture and Markets Law, which mandate spaying and neutering of shelter animals, the City has begun sterilizing nearly all dogs and cats adopted from the shelter. Currently, the animals must be transported from the shelter at Verona Street to Lollypop Farm, where the surgeries are performed by the Humane Society's veterinary consultant, under the City's agreement with the Humane Society for veterinary services.

The proposed grant will allow the City to purchase equipment for an on-site surgical suite at the Verona Street shelter to provide better and more cost-effective services. The legislation will also amend the 2002-03 Cash Capital allocation to reflect receipt of the grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-347
(Int. No. 381)

Authorizing Acceptance Of A Grant For Animal Services Equipment And Amending The 2002-03 Budget

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

Section 1. The Council hereby approves the acceptance of a grant from PETSMART Charities, Inc. for the purchase of spay/neuter clinic equipment for the Rochester Animal Shelter.

Section 2. Ordinance No. 2002-194, the 2002-03 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 \$10,000, which amount is hereby appropriated from funds to be received under the grant authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No.2002-22
Re: Resolution Establishing The Schedule For The Regular Council Meetings During 2003

Transmitted herewith for your approval is a resolution that establishes the 2003 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

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-22
(Int. No. 384)

Resolution Establishing The Schedule For The Regular Council Meetings During 2003

WHEREAS, City Council adopted the current Rules of Council on January 3, 2002, by Resolution No. 2002-4, and

WHEREAS, in such Rules, the Council established the dates for the regular Council meetings for 2002 and indicated that the schedule for 2003 would be established in a Resolution adopted during 2002.

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 2003 to be held in the Council Chambers, City Hall, at 8:00 P.M.

- January 14
- February 11
- March 11
- April 8
- May 13
- June 17
- July 22
- August 26
- September 23
- October 21
- November 18
- December 23

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.

The meeting was adjourned at 10:01 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
November 19, 2002

Present - President Giess, Councilmembers Curran, Douglas, Mains, Griswold, Norwood, Santiago, Stevenson, Thompson - 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:
 - *Suellyn M. Hunt - Library
 - *Joan M. Mayer - RPD
 - *James J. McGovern - RFD
 - Judith A. Padilla - DPRHS
 - Bruce G. Philpott - RPD
 - George Pitts - DES

*Will not attend meeting.

APPROVAL OF THE MINUTES
By Councilmember Curran

RESOLVED, that the minutes of the Regular Meeting of October 15, 2002, 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:
 - Regular Public Auction - November 14, 2002. 3705-7
 - Quarterly Reports: 3706-7
 - Schedule of Revenues and Expenditures.
 - Claims Reports.

THE COUNCIL PRESIDENT - PRESENTATION

AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None presented.

PUBLIC HEARINGS

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

Renaming Bell Alley As East End Way Int. No. 415
One speaker: Mitchell Stern

Approving The South Plymouth Avenue Public Improvement Project And Changes In Pavement Width Of South Plymouth Avenue And At The Intersection Of South Plymouth Avenue And Ford Street Int. No. 407 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
November 19, 2002

To the Council:

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

Int. No. 385 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 386 - Acceptance Of An Easement For Street Lighting At 125 Fulton Avenue

Int. No. 387 - Amending Ordinance No. 2001-253 Relating To The Sale Of Real Estate

Int. No. 388 - Resolution Approving Appointments To The Electrical Examining Board

Int. No. 389 - Authorizing Agreements And Appropriating Funds For The Rehab Rochester Program

Int. No. 390 - Authorizing Agreements For Lending Awareness Services

Int. No. 391 - Amending Chapter 98 Of The Municipal Code, Sexually Oriented Businesses

Int. No. 392 - Amending The Municipal Code With Respect To References To The Zoning Code

Int. No. 393 - Amending The Municipal Code With Respect To Code Enforcement Provisions

Int. No. 394 - Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets

Int. No. 395 - Local Law Amending The City Charter With Respect To The Board Of Ethics

Int. No. 396 - Amending Ordinance No. 2002-301 Relating To A Budget Amendment For A Water System Study

Int. No. 397 - Establishing Maximum Compensation For A Professional Services Agreement For The East Main Street Initiative

Int. No. 416 - Resolution Approving Appointments To The Examining Board Of Plumbers

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

Int. No. 415 - Renaming Bell Alley As East End Way

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas
Nancy K. Griswold
HOUSING & ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-348,
2002-349, and 2002-350
Re: Real Estate Transactions

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the following real estate transactions:

1. the sale of 16 properties;
2. acceptance of a permanent easement; and
3. amendment of a prior ordinance.

Sales

The first seven properties were sold at the July 1, 2002 Public Auction. The properties will be rehabilitated in accordance with their legal uses, and the purchasers will be required to complete the rehabilitation within nine months of the conditional closing.

The next property is a vacant lot that was sold at the July 1, 2002 Public Auction, subject to the acceptance of a development proposal. The parcel will be developed as a parking lot to be used in conjunction with the church located at 5 Niagara Street.

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

Easement

The proposed permanent easement is on a portion of 125 Fulton Avenue. The easement is being acquired from Providence Housing Development Corporation in order to install a new street lighting pole. The easement will be granted to the City for no monetary consideration.

Amendment

On July 17, 2001, Council authorized the sale of 32 Walnut Street to Eugene Izzard and James Mosley. At present, personal circumstances preclude Mr. Izzard's ability to complete the sale. The proposed amendment would remove Eugene Izzard's name and allow the sale to James Mosley to proceed.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AB-138

Ordinance No. 2002-348

(Int. No. 385, As Amended)

Authorizing The Sale Of Real Estate

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

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

Address S.B.L.#	Legal Use Purchaser	Price
72-76 Champlain St 121.53-1-30&31	2 Family Vera Gilchrist	\$ 7,500
[405-407 Champlain St 120.59-2-70	2 Family Lue Stith-Grannum]	8,000
[419-421 Columbia Ave 120.75-1-20	2 Family Lue Stith-Grannum]	9,900
30 Dayton St 091.80-2-35	2 Family John & Maxine King	17,200
598-602 Jay St 105.82-2-31	2 Family Daniel DeRider	4,500
164 Morrill St 106.23-1-14	1 Family Rick Viele	2,000
128 Weaver St 091.71-3-34	1 Family Rick Viele	2,300

Section 2. The Council further approves the sale of the following parcel of vacant land with proposal by regular auction:

Address: 1 Niagara St
S.B.L.#: 106.59-1-76
Price: \$200
Purchaser: Ron Stevens

Section 3. The Council further approves the negotiated sale of the following parcels of unbuildable vacant land for the sum of one dollar (\$1.00):

Address Ft.	S.B.L.#	S q.
21 Bloss St Upstate Farms Cooperative, Inc.*	105.51-3-16.3	304+/-
EH 211 Dr. Samuel McCree Way Vernell Jones	Pt of 120.59-1-12	1817+/-
EH 266 Flint St Willie & Rubie Harrison	Pt of 120.76-1-35	2713+/-
WH 266 Flint St Dorothy Smith	Pt of 120.76-1-35	2713+/-
EH 75 Hempel St Rosa M. Hanna	Pt of 106.43-4-6	1489+/-
WH 75 Hempel St Angel & William Sullivan	Pt of 106.43-4-6	1489+/-
EH 12 St. Jacob St Betty J. Manning-Galloway	Pt of 106.25-2-43	2185
WH 12 St. Jacob St Willie & Verle Greggs	Pt of 106.25-2-43	2185

*Officers: Ann Marie Suttell

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

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

Ordinance No. 2002-349
(Int. No. 386)

Acceptance Of An Easement For Street Lighting At 125 Fulton Avenue

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

Section 1. The Council hereby approves the acceptance of a permanent easement over a portion of the parcel at 125 Fulton Avenue from Providence Housing Development Corporation for the installation and maintenance of street lighting.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-350
(Int. No. 387)

Amending Ordinance No. 2001-253 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2001-253, relating to the sale of real estate, is hereby amended by authorizing the sale of 32 Walnut Street, as approved in Section 4 thereof, to James Mosley, instead of to Eugene Izzard & James Mosley.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-23
Re: Appointment/Reappointments -
Electrical Examining Board

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of the following people to the Electrical Examining Board:

Appointments

William R. Auble
24 Omega Drive

Andrew Cresciullo
14 Yolanda Drive

Mr. Able is the Business Manager of the Local #86 Electrical Workers Union, replacing Daniel Conte who resigned in November, 2001. Mr. Cresciullo has over fifty years of experience in the electrical industry in the Rochester region, and has served as a consultant to the Electrical Examining Board for the past 15 years.

Reappointments

Walter Parkes

141 Browncroft Boulevard

Dennis Schaut
41 Vayo Street

James Kula
Rochester Gas and Electric Corporation
89 East Avenue

Mr. Parke's original appointment was confirmed by the City Council on March 19, 1996. Mr. Schaut's original appointment was confirmed by the City Council on January 23, 1996. Mr. Kula's original appointment was confirmed by the City Council on November 9, 1994, and his last reappointment occurred on March 19, 1996. The following is a summary of their attendance since 1999:

	<u>Meetings</u>	<u>Meetings Attended</u>
Mr. Parkes	42	25
Mr. Schaut	42	41
Mr. Kula	42	40

Each will be appointed to three-year term that will expire December 31, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2002-23
(Int. No. 388)

Resolution Approving Appointments To The Electrical Examining Board

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

Section 1. The Council hereby approves the reappointments of James Kula, 89 East Avenue; Dennis Schaut, 41 Vayo Street, and Walter Parkes, 141 Browncroft Boulevard, to the Electrical Examining Board for terms, which shall expire on December 31, 2005.

Section 2. The Council hereby further approves the appointments of William Able, 24 Omega Drive, and Andrew Cresciullo, 14 Yolanda Drive, to the Electrical Examining Board for terms which shall expire on December 31, 2005.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-351
Re: NYS Affordable Housing Corporation Grant

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing acceptance of a \$300,000 grant from the New York State Affordable Housing Corporation

(AHC) and appropriating said funds for use in the Rehab Rochester Program.

The City has received numerous grants from ACH

for the various new construction programs such as Home Expo. The current grant, however, is the first since 1986 to secure funding to supplement the City's Rehab Rochester Program, through which grants are provided to income eligible homeowners to make improvements to their homes. As you will recall, the funding for Rehab Rochester was reduced this year in order to provide funding for the Lead Abatement program. The receipt of this grant will offset a portion of that reduction.

The amount of the AHC award is the maximum allowable award amount. The award will be matched by \$300,000 from existing Rehab Rochester appropriations. These funds will assist 24 homeowners, each of whom will be eligible for grants of up to \$25,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-351
(Int. No. 389)

Authorizing Agreements And Appropriating Funds For The Rehab 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 New York State Affordable Housing Corporation for funding for the Rehab Rochester Program.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$300,000, or so much thereof as may be necessary, to fund the Rehab Rochester Program.

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

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-352
Re: "Don't Borrow Trouble" Campaign

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for continued participation in the "Don't Borrow Trouble" anti-predatory lending campaign:

Public Interest Law Office of Rochester (PILOR)	\$40,000
The Housing Council in the Monroe County Area, Inc.	35,000

The costs of the agreements will be financed from

the Improve the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Block Grant.

City Council first authorized participation in this initiative on October 23, 2001, and it was publicly launched in March 2002. The Federal Home Loan Mortgage Corporation (Freddie Mac) sponsors this national public information campaign to reduce the prevalence of predatory lending. The local campaign links residents with homeownership counseling programs and foreclosure prevention services, including legal assistance. Services include a public education and media campaign, outreach to the community, and intake and referral to service providers.

Predatory lending involves the provision of loans to persons who do not meet standard credit criteria, or to persons who may be unable to repay loans. It also includes making high cost loans to persons who could qualify for market rate loans. Typically, foreclosure or repossession of the property results.

PILOR, which has conducted periodic studies of community lending practices, provides legal services, while the Housing Council provides educational, counseling and referral services. The cost of each agreement is the same as last year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-352
(Int. No. 390)

Authorizing Agreements For Lending Awareness Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the "Don't Borrow Trouble" public information and awareness campaign. The agreement shall obligate the City to pay an amount not to exceed \$35,000, 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 2002-03 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Public Interest Law Office of Rochester for legal assistance as a part of the "Don't Borrow Trouble" public information and awareness campaign. 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, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program.

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.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-353, 2002-354,
2002-355, Local Law No. 11, Local
Law No. 12, and Ordinance No. 2002-356
Re: Technical Amendments

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval are a series of technical amendments to:

1. Amend Chapter 98 of the City Code regarding Sexually Oriented Businesses (SOBs);
2. Amend various sections of the Code to ensure consistency with the new Zoning Ordinance;
3. Amend Chapters 13, 31, 52, and 54 of the City Code and Sections 8B-12 and 10-10 of the City Charter in regard to enforcement provisions;
4. Amend the Charter with regard to membership on the Board of Ethics; and
5. Correct a prior ordinance regarding an EPA grant for the Water System Vulnerability study.

Sexually Oriented Businesses

As you will recall, on December 12, 1995, City Council approved a series of changes to Chapter 29 of the City Code to regulate the operation of video booths; essentially, these regulations required the removal of the doors on such booths and also instituted some technical requirements for the construction and maintenance of the booths. These changes were challenged by a group of the affected businesses and the Appellate Division entered a preliminary injunction against enforcement of the provisions. Subsequently, on September 19, 2000, City Council approved a new Chapter 98 of the City Code specifically defining and regulating SOBs within the City.

Recently, the Corporation Counsel has negotiated a settlement of the original challenge to Chapter 29 with all but one of the affected businesses. The settlement will require compliance with the requirements for the video booths, but will make certain modifications to the SOB regulations in Chapter 98. These modifications include the elimination of the requirement that non-owner managers be licensed, permission for the owners to submit certifications to the City regarding the background of such employees in lieu of licensing, but specifically retaining licensing requirements for all managers of adult cabarets. The proposed legislation also eliminates the termination of rights to video booths upon transfer of ownership or control of the business, but specifically reaffirms all other sections of Chapter 98, including the findings statements contained in that legislation. Finally, it specifies that the regulations contained in this section apply to all businesses that engage in activities defined herein.

Zoning Ordinance

The proposed legislation deletes all references to Chapter 115 throughout the City Code and replaces them with references to Chapter 120, the new Zoning Ordinance. It also revises several definitions and regulatory requirements found in Chapter 29 Amusements, Chapter 47 Dangerous Articles, Chapter 47A Demolition Regulations, Chapter 48 Environmental Review, Chapter 66 Junkyard Operators, Chapter 76A Official Map or Plan: Landmark and Preservation District, Chapter 91 Public Market, and Chapter 96 Secondhand Dealers, to reflect the changes in the new Zoning Ordinance.

Enforcement Provisions

The proposed legislation offers amendments to sections of the Code relating to enforcement. Most of the changes simply provide clarifying language to sections that have caused problems for either staff or citizens in understanding the intent of the law. Several additional sections add language to clarify the role of NET in areas that were previously the responsibility of the Department of Community Development, or for which authority is shared with that Department or the Fire Department. Minor changes proposed in this legislation include the ability to mail tickets for violations in addition to the current practice of service at the property; expanding the term "owner" to include persons actually in control of a property; and adding NET Administrator and Assistant Administrator, Code Coordinator, Code Enforcement Coordinator, Property Conservation Inspector, and Property Conservation Inspector Trainee to the list of positions empowered to write tickets for violations.

Board of Ethics

Section 2-18 (F) of the City Charter specifies that the membership of the Board of Ethics "shall consist of one City Councilmember, the Director of Human Resource Management, who shall serve as the Board's Secretary, and five other members who shall not be City officers or employees...." As you know, the position of Director of Human Resource Management has been vacant and the responsibilities of that position have been assumed by the Assistant to the Mayor, Richard W. Hannon. The proposed amendment would substitute a representative of the Mayor who must be a department head or equivalent and be appointed for the duration of the Mayor's term to replace the Director of Human Resource Management on the Board of Ethics. Such a change would allow the Mayor to appoint a person whose skills are best suited to the requirements of this important Board, while ensuring that the person would be a high-ranking City employee and that the same person would serve for the whole four-year term of the appointing Mayor.

EPA Grant

On September 17, Council authorized the receipt and use of a grant of \$115,000 for the Water System Vulnerability study. Inadvertently, the Budget of the Department of Environmental Services was not amended to reflect this grant. The proposed amendment will correct that oversight.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-353
(Int. No. 391)

Amending Chapter 98 Of The Municipal Code, Sexually Oriented Businesses

WHEREAS, Chapter 98 of The Municipal Code, Sexually Oriented Businesses was added by Ordinance No. 2000-300, and

WHEREAS, additional regulations relating to adult video viewing booths in sexually oriented businesses are found in Section 29-15 of the Municipal Code, and those regulations have been challenged in the Supreme Court, State of New York in Time Square Books, Inc. et al. v. City of Rochester, et al., Monroe County Index No. 495/96, and the Appellate Division, Fourth Department, granted a preliminary injunction

against enforcement of said adult video viewing booth regulations in a Decision reported at 223 A.D.2d 270 (4th Dept. 1996), and

WHEREAS, the remaining parties other than State Street Book Mart, Inc. have agreed to a settlement of the lawsuit in which the preliminary injunction will be lifted and the additional regulations relating to adult video viewing booths in sexually oriented businesses are found in Section 29-15 of the Municipal Code will be in full force and effect against those parties, and

WHEREAS, the Council wishes to amend Chapter 98 to make changes consistent with the settlement agreement, while reaffirming the remainder of Chapter 98 and the findings that form the basis for that Chapter, and

WHEREAS, the Council also wishes to clarify that regulations regarding prohibited conduct in sexually oriented businesses apply to all businesses where such prohibited conduct occurs, and to the employees and managers of such businesses, whether the business is licensed or not and whether the conduct occurs regularly or on one occasion only.

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

Section 1. Chapter 98 of The Municipal Code, Sexually Oriented Businesses, is hereby amended as follows:

- a. Section 98-2, Definitions, is amended by amending the definition of SEXUALLY ORIENTED BUSINESS by adding to the end thereof the following new sentence:

For purposes of the definitions of EMPLOYEE and MANAGER and the regulations found in Sections 98-21 and 98-22, a sexually oriented business shall also include any business enterprise where activities prohibited in Sections 98-21 and 98-22 are occurring, or a business enterprise which offers at any time to the public, customers or members, performances by persons who appear nude or semi-nude or live performances that are characterized by their emphasis on the exposure, depiction or description of specified anatomical areas or the conduct or simulation of specified sexual activities, whether such business is licensed or unlicensed and whether such activities occur regularly or on one occasion only.

- b. Section 98-3, Classification of sexually oriented businesses, is amended by amending the final sentence of subsection B thereof to read in its entirety as follows:

Such rights shall terminate if the adult video viewing booths are discontinued.

- c. Section 98-4, License required, is amended by amending subsection A(2) thereof to read in its entirety as follows:

- (2) For any person who operates or manages a sexually oriented business to employ or allow to work or perform in a sexually oriented business a person who appears nude or semi-nude who is not licensed as required by this chapter.

- d. Section 98-4, License required, is amended by

amending subsections A(3) and (4) thereof to read in their entirety as follows:

- (3) For any person who operates a sexually oriented business to allow the business to be open without a designated manager on duty, which manager shall be licensed by the City if the business is an adult cabaret. The name of the manager on duty at any time shall be prominently displayed at or near the manager's station in the public area of the sexually oriented business. For sexually oriented businesses other than adult cabarets, the operator shall with reasonable diligence investigate the background of its managers and shall certify to the City, within five (5) days of employment, that its managers are at least eighteen (18) years of age and have not been convicted of a specified criminal activity; or within five (5) days of employment, the operator shall provide the Chief of Police or his or her designee with the name, date of birth and Social Security number of its managers so that the Chief of Police or his or her designee can investigate the background of the managers. No person shall serve as a manager of a sexually oriented business unless the person is at least eighteen (18) years of age and has not been convicted of a specified criminal activity.
 - (4) For any person to act as a manager of an adult cabaret without having secured a sexually oriented business manager license pursuant to this chapter.
- e. Section 98-4, License required, is amended by adding thereto a new subsection A(6) to read in its entirety as follows:
- (6) For any person who operates an adult cabaret to employ or allow to work in an adult cabaret a manager who is not licensed as required by this chapter.

Section 2. All Sections of Chapter 98 not specifically amended herein are hereby reenacted and reaffirmed by the Council of the City of Rochester. The Council hereby specifically reaffirms and adopts the Whereas clauses, purposes and findings found in both Ordinances No. 2000-299 and 2000-300 as the basis for the regulation of sexually oriented businesses and the specific regulations contained herein.

Section 3. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

Ordinance No. 2002-354
(Int. No. 392)

Amending The Municipal Code With Respect To References To The Zoning Code

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

Section 1. Except as otherwise specifically amended herein, the Municipal Code is hereby amended by deleting any references therein to the "Zoning Ordinance" and to "Chapter 115" when referring to the Zoning Ordinance, and by inserting in their place references to the "Zoning Code" and to "Chapter 120"

when referring to the Zoning Code.

Section 2. Section 29-1 of the Municipal Code, containing definitions for the Amusements Code, as amended, is hereby further amended by amending the definition of "Adult Entertainment" by deleting the reference "Section 115-13 of the Municipal Code" and inserting in its place the reference "Chapter 120 of the Municipal Code, Zoning Code".

Section 3. Section 29-1 of the Municipal Code, containing definitions for the Amusements Code, as amended, is hereby further amended by amending the definitions of "Amusement Center" and "Public Entertainment" to read in their entirety as follows:

AMUSEMENT CENTER - The premises, including a theater, hall, auditorium, tent, structure, building or enclosure of any type, yard or lot, on or within which is offered or operated four (4) or more amusement games or where the operation of amusement games is the sole use of the property. This definition shall not include such premises in which jukeboxes are the only type of amusement game.

PUBLIC ENTERTAINMENT - Any theatrical performance, concert, athletic contest or game, exhibition, show or entertainment, including a disc jockey and dance floors, offered, operated, presented or exhibited to the public, but excluding background entertainment/music as defined in Chapter 120 of the Municipal Code, Zoning Code.

Section 4. Section 29-15 of the Municipal Code, relating to the operation of entertainment centers, as amended, is hereby further amended by amending subsection I(1)(a) thereof by deleting the reference "as defined in Section 115-13 of the Municipal Code,".

Section 5. Section 47-5 of the Municipal Code, relating to firearms, as amended, is hereby further amended by amending the definition of "Dwelling" found in subsection B to read in its entirety as follows:

DWELLING - As defined in Chapter 120 of the Municipal Code, Zoning Code.

Section 6. Section 47A-7 of the Municipal Code, relating to demolition permit applications, as amended, is hereby further amended by amending subsection B(6)(a) and adding a new subsection B(6)(e) to read in their entirety as follows:

- (a) All buildings, structures, landscapes, sites, objects or properties which are local landmarks or are located within a Preservation District designated pursuant to Chapter 120 of the Municipal Code, Zoning Code.
- (e) All buildings listed in the City of Rochester's Historic Resources Survey filed in the City Clerk's Office and as defined in Chapter 120 of the Municipal Code, Zoning Code.

Section 7. Section 47A-12 of the Municipal Code, relating to site restoration, is hereby amended by adding thereto the following new subsection A, redesignating the current subsections A-F as B-G respectively, and amending the new subsection E (formerly D) to read in its entirety as follows:

- A. All site restoration in the C-1, C-2, H-V and PMV Zoning Districts shall be subject to the

requirements set forth in Chapter 120 of the Municipal Code, Zoning Code.

- E. Unless the time schedule for the proposed project includes construction activity on the site of any proposed demolition to begin within six (6) months of such demolition and such construction is in fact undertaken and diligently pursued within this time period, the site shall be landscaped as follows:

- (1) Providing ground cover to preclude erosion, with a requirement that sodding or hydroseeding be done when the area of ground disturbance exceeds five hundred (500) square feet.
- (2) Posting or fencing vacant lots or other areas when protection from unauthorized access is required.

Section 8. Section 48-4 of the Municipal Code, relating to Type I actions, as amended, is hereby further amended by amending subsection J thereof to read in its entirety as follows:

- J. Construction of towers for personal wireless telecommunications facilities when located in Residential Districts, Open Space Districts and the Center City District.

Section 9. Section 48-5 of the Municipal Code, relating to Type II actions, as amended, is hereby further amended by amending and renumbering subsections B(11)-(22), and adding new subsections, to be designated B(11)-(31) thereof, to read in their entirety as follows:

- (11) Minor transfers of land and subdivisions of fewer than five (5) lots pursuant to the City of Rochester Land Subdivision Regulations when no new street is proposed and any thresholds identified in other sections of this chapter are not exceeded.
- (12) Administrative adjustments.
- (13) Residential use conversions authorized by zoning variance or by special permit.
- (14) Area variances for signs.
- (15) Area variances for City-wide design standards.
- (16) Site plan approvals not involving site or structural changes.
- (17) Site plan approvals for placement of signs.
- (18) Site plan approvals for alternate landscaping plans.
- (19) Site plan approvals for all exterior alterations to existing buildings or structures and all new construction in the Center City District (CCD) that meet the overall objectives set out in the CCD, to include minor deviations.
- (20) Official Street Map amendments of the following nature:
 - (a) Street dedications.
 - (b) Minor right-of-way changes (realignments), including reservations for future

widening; and deletion of widening lines.

- (c) Street or park naming or name changes.
 - (d) Street abandonments which involve unimproved paper streets, where the right-of-way is not essential for future transportation purposes; does not provide the only means of access to an abutting parcel of land; is not utilized for public utility purposes; and does not function as a drainage way.
- (21) Actions by the Traffic Control Board.
 - (22) The issuance of certificates of appropriateness for the following types of improvements:
 - (a) Alterations to buildings, but not demolitions or additions which change the volume of buildings;
 - (b) Landscaping involving removal of non-specimen trees less than five inches (5") caliper and/or ground cover constituting twenty-five percent (25%) or less of the site;
 - (c) Parking lots constituting less than twenty-five percent (25%) of the lot;
 - (d) Erection of fences and walls;
 - (e) Erection of fire escapes;
 - (f) Erection of signs;
 - (g) Erection of awnings;
 - (h) The addition of live landscaping materials;
 - (i) Temporary or seasonal alterations; and
 - (j) Alternative sign programs.
 - (23) The granting of demolition permits for the demolition of:
 - (a) Structures when an immediate danger exists for which a declaration of emergency has been issued pursuant to § 47A-16B of Chapter 47A, Demolition Regulations, of the Municipal Code.
 - (b) The following structures, provided that such structure is not designated as a landmark or within a Preservation District pursuant to Chapter 120 of the Municipal Code; provided that such structure is not a Designated Building of Value as defined in Chapter 120 of the Municipal Code; provided that such structure is not listed on the State or National Registers of Historic Places; provided that such structure has not been proposed by the New York State Board of Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register of Historic Places; provided that the demolition of such structure would not expose the public or adjacent properties to hazardous substances or

unsafe situations; and provided that the demolition is not part of an action which requires further discretionary action by any governmental agency;

- [1] Freestanding accessory structures such as fire escapes, antennas and small porches, provided that they are attached to walls or other structures suitable for exposure to the elements.
 - [2] Accessory structures such as fire escapes, antennas and small porches, provided that they are attached to walls or other structures suitable for exposure to the elements.
 - [3] Interior walls measuring less than two hundred fifty (250) linear feet in total or structures totaling less than one thousand eight hundred seventy-five (1,875) cubic feet of material.
 - [4] Signs.
- (24) Formal dedication of parkland when the prior use of the parcel has been consistent with that of a park.
 - (25) Erection of antennas for personal wireless telecommunications facilities on buildings, except on landmark buildings and sites; and on existing towers or other structures as described in § 120-143F of the Zoning Ordinance.
 - (26) Special permits for alternative sign programs.
 - (27) Special permits for alternative parking plans.
 - (28) Designation of an Urban Renewal Area by City Council.
 - (29) Alterations to buildings, but not demolitions or additions which change the volume of buildings, in the Harbortown and Public Market Village Districts.
 - (30) Minor text amendments to Chapter 120 of the Municipal Code, Zoning Code, addressing spelling, grammar, numerical references and other minor modifications which are not substantive as outlined in Section 120-190C.
 - (31) The conversion in any residential, commercial or industrial district of floor area designed for non-residential use to residential use, excluding the Village Center and C-2 Districts.

Section 10. Section 66-1 of the Municipal Code, containing definitions for the Junkyard Operators Code, as amended, is hereby further amended by amending the definition of "Junkyard" to read in its entirety as follows:

JUNKYARD - Any lot where waste including nonputrescible rubbish, trash, garbage, refuse, scrap or discards, both man-made and natural, are temporarily or permanently present for the purposes of baling, collection, sorting, recovery, recycling, exchange, storage, reduction, transfer, incineration or disposal, including auto wreckage

yards, house-wrecking yards and scrap processing yards, except when conducted within a completely enclosed building.

Section 11. Section 66-6 of the Municipal Code, restrictions on licenses and operations for the Junkyard Operators Code, as amended, is hereby further amended by amending subsection C(1) to read in its entirety as follows:

- (1) Junkyards shall be established and maintained pursuant to the standards set forth in Chapter 120 of the Municipal Code, Zoning Code.

Section 12. Section 66-6 of the Municipal Code, restrictions on licenses and operations for the Junkyard Operators Code, as amended, is hereby further amended by amending subsection C(11) by adding to the end thereof the following new sentence:

Storage piles shall not exceed the height of the fence surrounding the materials.

Section 13. Chapter 76A of the Municipal Code, Official Map or Plan: Landmark and Preservation District, is hereby deleted.

Section 14. Section 91-4 of the Municipal Code, relating to the Public Market, is hereby amended by adding thereto the following new subsection B and by redesignating the current subsections B as subsection C:

- B. The Rochester Public Market shall be the focal point of the PMV-Public Market Village as established in Chapter 120 of the Municipal Code, Zoning Code.

Section 15. There is hereby added to the Municipal Code the following new Section 91-15:

Section 91-15. Additional regulations.

- A. The provisions of Chapter 120 of the Municipal Code, Zoning Code, shall be applicable to all development, redevelopment and exterior alterations to existing buildings within the Public Market.
- B. The provisions of Section 120-76 of the Municipal Code, Zoning Code, shall be applicable to uses within the Public Market.

Section 16. Section 96-6 of the Municipal Code, relating to regulations of secondhand dealers, is hereby amended by adding thereto the following new subsection F:

- F. All secondhand dealers shall operate their businesses in compliance with the requirements of Chapter 120 of the Municipal Code, Zoning Code.

Section 17. This ordinance shall take effect on January 1, 2003.

Passed unanimously.

Ordinance No. 2002-355
(Int. No. 393)

Amending The Municipal Code With Respect To Code Enforcement Provisions

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

Section 1. The Municipal Code is hereby amended as follows:

- a. Section 13A-3, Issuance of tickets, is hereby amended by adding the words "by means of a notice thereon that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, along with the subscription of the deponent," after the word "verified" where it appears in the first sentence thereof. Said section is further amended by adding the following new sentence to the end thereof:

Failure to answer or appear in accordance with the requirements of this section and the rules promulgated hereunder shall be deemed an admission to the violation as charged, and an appropriate order may be entered in the Bureau's records, and a fine consistent with the provisions of this Chapter may be imposed by a hearing officer.

- b. Section 13A-4, Service and return of tickets, as amended, is hereby further amended by amending the first sentence thereof to read in its entirety as follows:

A person charged with a violation shall be served personally in accordance with the provisions of the Civil Practice Law and Rules with a Municipal Code violations ticket; or said ticket shall be sent by first class mail to either the person's tax mailing address, if the violation relates to a property or building and the owner is the person charged with the violation, or otherwise to the person's last known address; or the ticket may be left with an agent or a person of suitable age and discretion at the place of violation or tax mailing address or last known address.

- c. Section 13A-5, Appearance at Bureau, is hereby amended by amending subsection A thereof to read in its entirety as follows:

A. A person charged with a violation to be heard and determined in the Municipal Code Violations Bureau may answer said charge by:

- (1) appearing at a hearing of such charge to be held before a hearing examiner at the Municipal Code Violations Bureau at a specified time, or at any adjourned date thereof,
- (2) pleading guilty to the charge and paying a prescribed fine, or
- (3) completing an appropriate form, if provided, or portion of the ticket prescribed by the Bureau, for the purpose of denying the charges and forwarding the form and/or the ticket to the Bureau by the date set forth in the ticket and appearing at the hearing of such charge to be held before a hearing examiner at the Municipal Code Violations Bureau at time specified by the Bureau, or at any adjourned date thereof. Upon receipt of the form and/or the ticket, such answer shall be entered and a hearing date established by the Bureau. The Bureau shall notify such person by first

class mail of the date of such hearing.

- d. Section 13A-11, Penalties for offenses, as amended, is hereby further amended by amending the introductory phrase of subsection B to read in its entirety as follows:

For violations of those sections specifically set forth in §104-26C of the Municipal Code, Chapter 54 of the Municipal Code, the Fire Prevention Code, except for violations of the New York State Uniform Fire Prevention and Building Code, the following penalties shall apply to violations referred to the Municipal Code Violations Bureau:

- e. Section 13A-11, Penalties for offenses, as amended, is hereby further amended by amending subsection D(1) to read in its entirety as follows:

- (1) Violations shall be categorized as low, medium and high in accordance with a list established by the Department of Community Development or NET which is approved by City Council and which is on file with the City Clerk, Commissioner of Community Development and Director of Parking Violations. The following fines shall be assessed for violations referred to the Municipal Code Violations Bureau:

	Initial Penalty	Penalty Upon Default
Low:		
First Offense	\$ 50.00	\$100.00
Second Offense	100.00	200.00
Third and Subsequent Offense	200.00	400.00

Tickets for unabated low violations may be issued every sixty (60) days.

	Initial Penalty	Penalty Upon Default
Medium:		
First Offense	\$ 75.00	\$150.00
Second Offense	150.00	300.00
Third and Subsequent Offense	300.00	600.00

Tickets for unabated medium violations may be issued every thirty (30) days.

High (Except For Zoning Violations Which Fine Schedule Is Set Forth Below):

	Initial Penalty	Penalty Upon Default
First Offense	\$ 150.00	\$ 300.00
Second Offense	300.00	600.00
Third and Subsequent Offense	600.00	1,200.00

Tickets for unabated high violations may be issued every seven (7) days, except that tickets that are authorized to be issued immediately may be issued every day.

For a violation of the Zoning Code, except violations relating to hours of operation and closing, the initial penalty shall be:

	Initial Penalty	Penalty Upon Default
First Offense	\$ 300.00	\$
600.00		
Second Through Fourth Offense	600.00	1,200.00
Fifth and Subsequent Offense	1,200.00	2,400.00

Tickets for unabated zoning violations may be issued every seven (7) days, except that tickets that are authorized to be issued immediately may be issued every day.

For a violation of any provision of the Zoning Code relating to hours of operation and closing, the violation occurring any time within a period of one (1) year, the penalty shall be:

	Initial Penalty	Penalty Upon Default
First Offense	\$ 500.00	\$1,000.00
Second Through Fourth Offense	1,000.00	2,000.00
Fifth and Subsequent Offense	1,500.00	3,000.00

f. Section 13A-11, Penalties for offenses, as amended, is hereby further amended by amending subsection E by adding the following new sentence after the first sentence thereof:

Every day of such violation may be held to constitute a separate offense for which additional tickets may be issued.

g. Section 31-12C, Issuance of notices of violation, as amended, is hereby further amended to read in its entirety as follows:

C. A notice of violation shall be served in accordance with Section 13A-4 of the Municipal Code.

h. Section 52-2, Enforcement, is hereby amended by adding the words "Neighborhood Empowerment Team Director or the" before the words "Commissioner of Community Development" where they are contained at the end of subsection A and the beginning of subsection B thereof, and by adding the words "the Director or" before the words "the Commissioner" where they are contained in the middle of subsection B thereof.

i. Section 52-2, Enforcement, is hereby amended by amending subsection C to read in its entirety as follows:

C. The Neighborhood Empowerment Team Director or the Commissioner of Community Development may enforce violations in City Court or by bringing an action or special proceeding for injunctive relief in Supreme Court, and violations may be referred to the Municipal Code Violations Bureau as authorized in the Municipal Code.

j. Section 52-3, Penalties for offenses, is hereby amended to read in its entirety as follows:

§ 52-3. Penalties for offenses.

A. Any person who, having been served with a notice and order to remove any violation of either the Property Conservation Code, Building Code, Plumbing Code, Fire Prevention Code, Zoning Code, Health Ordinance or Anti-Litter Ordinance of the City of Rochester, or any nuisance, fails to comply therewith within the time fixed by the Department, or who violates a section of the Municipal Code for which an immediate ticket may be given, shall:

- (1) For violations returnable in City Court: be guilty of an offense, punishable, for each offense, by a fine not exceeding five hundred dollars (\$500) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment, or
- (2) For violations returnable in the Municipal Code Violations Bureau, the penalties shall be as set forth in § 13A-11 of the Municipal Code. Referral to the Municipal Code Violations Bureau shall not preclude subsequent referral to City Court of unabated violations or injunctive relief in State Supreme Court, and in said instances the courts shall have concurrent jurisdiction.

Every day of such violation may be held to constitute a separate offense.

B. An action or special proceeding may be brought in State Supreme Court seeking an injunction to enjoin the continued violation of the Municipal Code and the costs of said proceeding.

C. Enforcement may be pursued against an owner, occupant, mortgagee or vendee in possession, operator, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the premises or part thereof, or any person, regardless of said person's relationship to the property, found to be violating any of the Codes enforced under this Chapter.

k. Section 52-4, Nuisances, is hereby amended adding the words "the Director or" before the words "the Commissioner" where they are contained in subsection A(3) thereof.

l. Section 52-5, Procedure for enforcement, is hereby amended to read in its entirety as follows:

§ 52-5. Procedure for enforcement.

A. When nuisance or violation is declared.

- (1) Whenever NET or the Department shall declare that a building or vacant area is a nuisance or is in violation of either the Property Conservation Code, Building Code, Plumbing Code, Fire Prevention Code, Zoning Code, Health Ordinance or Anti-Litter Ordinance of the city or of any other state or local law, ordinance or regulation enforced by NET or the Department, it shall serve either:
 - (a) a notice and order in the manner prescribed by § 52-6 of this Chapter, reciting the facts constituting such nuisance or violation, specifying in what respect the building or vacant area is a nuisance or in violation of either the Property Conservation Code, Building Code, Plumbing Code, Fire Prevention Code, Zoning Code, Health Ordinance or Anti-Litter Ordinance of the city or of any other state or local law, ordinance or regulation enforced by NET or the Department and requiring the owner to remove such nuisance or violation within a specified period for compliance after service of such notice and order, or
 - (b) a ticket for such violation. A ticket shall have the same effect as a notice and order requiring immediate abatement of a nuisance or violation, in addition to subjecting the respondent to penalties for the violation.

Such notice and order or ticket shall provide that, if the owner fails to remove such nuisance or violation within such period for compliance so prescribed, NET or the Department may remove or cause the removal of such nuisance or violation by cleansing, repairing or vacating or by taking such other corrective action deemed necessary and shall notify the owner and, in the case where NET or the Department may cause the vacating of a building, all tenants, of the right to a meeting or hearing as hereinafter provided. Notwithstanding the requirements for a notice and order established in this section and elsewhere in this Municipal Code, immediate tickets may be issued for violations of the Fire Prevention Code which pose an immediate health or life safety threat as determined by the Fire Marshal, violations of the Property Conservation Code, Building Code, Plumbing Code or Zoning Code which pose an immediate health or life safety threat as determined by the Director or Commissioner, or commercial activities conducted in violation of the Zoning Code, except that immediate tickets shall not be issued for sales of personal used items being conducted in accordance with the provisions of § 96-7A of the Municipal Code, or for the sale of homemade food or drinks at a residence by the owner or occupant

thereof provided that a commercial vending unit may not be used and the aggregate size of any table or tables or other display, preparation and storage areas shall not exceed four feet wide by eight feet long, or for sales by licensed solicitors at their own residences located on a street designated as a festival site, during the period of a festival.

- (2) Whenever the Director or the Commissioner causes a notice and order to be issued pursuant to this chapter requiring the owner to remove the existing nuisances or violations, the owner may request a meeting with the Director or his or her designee or the Commissioner or his or her designee. The meeting shall be held prior to the expiration of the period for compliance so prescribed unless the violation constitutes an immediate danger to human life or health.
 - (3) Whenever the Director or the Commissioner has determined that an emergency exists and causes a vacate order to be issued pursuant to this Chapter, the owner and/or the tenant may request a hearing before the NET Director or his or her designee or the Commissioner or his or her designee. The hearing shall be held within three business days of receiving a written demand for it. The rules of evidence prevailing in courts of record shall not be controlling in the hearings held pursuant to this Chapter.
- B. When nuisance or violation is not removed.
- (1) If such nuisance or violation is not removed by the owner within the time prescribed after service of such notice and order or ticket, NET or the Department may proceed with the removal of such nuisance or violation as provided in the notice and order or ticket or may cause the same to be done. Removal of a violation after service of a ticket shall not absolve the respondent of a violation that existed at or before the time the ticket was issued.
 - (2) If the owner or tenant or violator interferes in any way with or causes delay to the taking of corrective action by the city, NET or the Department may commence a special proceeding or action in State Supreme Court to restrain such interference or delay. In addition to the owner, where NET or the Department will cause such building to be vacated and sealed, all tenants shall be necessary parties to such proceeding or action.
- C. When removal of nuisance or violation ordered.
- (1) If NET or the Department proceeds to execute a notice and order issued by it or by the court for the removal of a nuisance or violation, NET or the Department may let contracts therefor.

The cost of executing such notice and order or orders, whether or not carried out pursuant to court order, may be met from any appropriations made therefor or, if such appropriation has not been made or is insufficient, from the proceeds of the sale of obligations pursuant to the Local Finance Law. NET and the Department shall keep a record of such notices and orders, together with the acts done and items of cost incurred in their execution.

- (2) The cost of executing such notice and order or orders for the removal of a nuisance or violation shall be assessed to the owner in the manner prescribed by the Charter and ordinances of the City of Rochester.
 - (3) Notwithstanding the foregoing and in addition to any other remedy available, the City may maintain an action against the owner to recover the cost of executing such notice and order or orders.
 - (4) The term "owner", as used in this section, shall include any person, firm or corporation, directly or indirectly in control of a building or vacant area or part thereof.
- D. When an immediate ticket is authorized to be issued for a violation, the ticket shall have the same effect as a notice and order requiring immediate abatement of a nuisance or violation, in addition to subjecting the respondent to penalties for the violation, and the owner and/or tenant or violator shall have all rights that are provided when a notice and order is issued and the city shall have all remedies that are provided when a notice and order is issued. Every day of such violation may be held to constitute a separate offense for which additional tickets may be issued and for which penalties shall increase. Removal of a violation after service of a ticket shall not absolve the respondent of a violation that existed at or before the time the ticket was issued.
- m. Section 52-6, Notices and orders, is hereby amended to read in its entirety as follows:

§ 52-6. Notices and orders.

It shall be sufficient service of a notice and order issued by NET or the Department if a copy thereof is served personally in accordance with the provisions of the Civil Practice Law and Rules; or sent by first class mail to either the person's tax mailing address, if the violation relates to a property or building and the owner is the person to be served, or otherwise to the person's last known address; or left with an agent or a person of suitable age and discretion at the place of violation or tax mailing address or last known address.

- n. Section 52-9, Definitions, is hereby amended by adding thereto where they should appear in alphabetical order the following new definitions:

DIRECTOR - The Neighborhood Empowerment Team Director of the City of Rochester

or his or her legally designated representative.

NET - The Neighborhood Empowerment Team of the City of Rochester.

- o. Section 54-7, Service of orders, is hereby amended to read in its entirety as follows:

§ 54-7. Orders.

- A. It shall be sufficient service of an order upon any person, firm or corporation found to be violating any of the provisions of this chapter of the Municipal Code if a copy thereof is served personally in accordance with the provisions of the Civil Practice Law and Rules; or sent by first class mail to either the person's tax mailing address, if the violation relates to a property or building and the owner is the person to be served, or otherwise to the person's last known address; or left with an agent or a person of suitable age and discretion at the place of violation or tax mailing address or last known address.
 - B. In the event that changes or additions to the premises themselves are deemed by the Fire Marshal to be necessary to ensure safety, the Fire Marshal shall immediately report such findings to the Director of the Neighborhood Empowerment Team and/or the Commissioner of Community Development.
 - C. No person having been served with such an order shall fail to comply with the requirements thereof immediately upon being served with the order. In case of emergency, the Fire Marshal or any officer assigned to the Fire Safety Division and any officer assigned to the Fire Suppression Division shall have the authority to order any building or buildings vacated immediately.
 - D. Whenever the Fire Marshal causes an order to be issued pursuant to this Chapter requiring the owner to remove the existing nuisances or violations, the owner may request a meeting with the Fire Marshal or his or her designee. The meeting shall be held prior to the expiration of the period for compliance so prescribed unless the violation constitutes an immediate danger to human life or health.
 - E. Whenever the Fire Marshal has determined that an emergency exists and causes a vacate order to be issued pursuant to this Chapter, the owner and/or the tenant may request a hearing before the Fire Marshal or his or her designee. The hearing shall be held within three business days of receiving a written demand for it. The rules of evidence prevailing in courts of record shall not be controlling in the hearings held pursuant to this Chapter.
- p. Section 54-24, Penalties for offenses, as amended, is hereby further amended to read in its entirety as follows:

§ 54-24. Enforcement of violations.

- A. Violations of this Chapter may be referred to the Municipal Code Violations Bureau, wherein violators shall be subject to the penalties set forth in § 13A-11 of the Municipal Code. Referral to the Municipal Code Violations Bureau shall not preclude subsequent referral to City Court of unabated violations or injunctive relief in State Supreme Court, and in said instances the courts shall have concurrent jurisdiction.
- B. Violations of this Chapter may also be enforced pursuant to Chapter 52 of the Municipal Code, and violators shall be subject to the penalties set forth in said chapter. The Fire Marshal shall have all of the powers of the NET Director or Commissioner of Community Development when acting pursuant to Chapter 52.

Section 2. This ordinance shall take effect on January 1, 2003.

Passed unanimously.

Local Law No. 11
(Int. No. 394)

Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets

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 first sentence of Section 8B-12 thereof, Issuance of appearance tickets, to read in its entirety as follows:

Any officer or firefighter assigned to the Fire Safety Division and any officer assigned to the Fire Suppression Division is hereby authorized to issue appearance tickets for violations of any state or local fire prevention code, the Alarm Systems Ordinance, the Property Conservation Code, the Building Code, Section 20-16 of the Refuse Code, or code provisions relating to house numbering.

Section 2. Section 3-8.1 of the City Charter, relating to the Neighborhood Empowerment Team, as amended, is hereby further amended by amending the second to last sentence thereof to read in its entirety as follows:

NET Administrators, Assistant NET Administrators, Code Enforcement Coordinators, Code Coordinators, Property Conservation Inspectors and Neighborhood Conservation Officers assigned to NET, and Trainees for such positions, are authorized to issue appearance tickets for the same violations for which Neighborhood Conservation Officers are authorized to issue such tickets in § 10-10 of the City Charter, as well as all of the violations for which Code Enforcement Inspectors and Vending Inspectors are authorized to issue tickets in § 7-4 of the City Charter.

Section 3. Section 10-10 of the City Charter, Issuance of appearance tickets, as amended, is hereby fur-

ther amended by amending the first sentence thereof to add the words "and Trainees for such position" after the words "Neighborhood Conservation Officers" where they appear at the beginning thereof.

Section 4. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Local Law No. 12
(Int. No. 395)

Local Law Amending The City Charter With Respect To The Board Of Ethics

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 second sentence of Section 2-18F(1) thereof, Code of Ethics, by deleting the words "the Director of Human Resource Management" and by inserting in their place the words "a department head or other City officer or employee of at least equivalent rank or title designated by the Mayor". There is hereby further added to said subsection the following new sentence which shall be added after the current fourth sentence thereof:

The term of the Mayor's designee shall be coterminous with the term of the Mayor.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Ordinance No. 2002-356
(Int. No. 396)

Amending Ordinance No. 2002-301 Relating To A Budget Amendment For A Water System Study

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

Section 1. Section 2 of Ordinance No. 2002-301, relating to an amendment of the 2002-03 Budget of the City of Rochester for a water system study, is hereby amended by increasing both the revenue estimates and appropriations to the Department of Environmental Services by the sum of \$115,000, which amount is appropriated from funds to be received under the grant authorized therein.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-357
Re: East Main Street Initiative
Professional Services Agreement -
ICON Architecture, Inc.

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with ICON Architecture, Inc. 38 Chauncy Street, Boston, Massachusetts, for services relating to the East Main Street Initiative. The maximum cost of this agreement will be \$25,000, which will be funded from the 2002-03 Undistributed account.

In spite of the successes of the Cascade District, High Falls, St. Paul Quarter, East End and Upper East End, the East Main Street area of the Center City's core has continued to struggle. The revitalization of the East Main Street area from the Genesee River east to Chestnut Street is the focus of this initiative. The purpose of the initiative is not merely to prepare a plan, but to prepare an action agenda, putting into motion a set of strategies and actions that will result in the revitalization of East Main Street. Since earlier this year, an interdepartmental City team has been working with a core group of East Main Street property owners to develop this action agenda.

A consultant, Jonathan Lane of Icon Architecture, was contracted for \$10,000 to assist the City and the core working group of property owners with the first phase of this initiative, which involved the creation of an action agenda. Specifically, the consultant facilitated several meetings with the working group and one larger meeting involving building tenants as well as property owners. It was important to gain a consensus from the property owners on the action agenda, and to get their commitment to move this agenda forward. It was recognized from all the initiative participants that the City of Rochester cannot undertake this effort alone; a financial commitment will be required from the East Main Street property owners.

The first phase of the initiative, preparation of a vision statement and the action agenda, was completed in September of this year. The vision statement and agenda are as follows:

Vision Statement

East Main Street is a traditional Main Street that feels safe, busy and active. It is the center of a neighborhood where people live, work, and shop. It is the heart of the Rochester region and draws people to its unique educational, entertainment, and commercial activities.

Action Agenda

1. Define areas/properties where incentives will be made available from the city and others
 - To support first floor retail
 - To support housing conversions to get more people into the immediate area
 - To expand/support state and federal programs
2. Reinforce the two ends of East Main Street

- At St. Paul Street to reinforce and make the most of hotels, entertainment, convention center

- At Liberty Pole Place and Midtown area to reinforce shopping, new housing, entertainment

3. Support initiatives to create new magnet activities

- MCC Tech Center
- Performing Arts Center
- New Housing
- RGRTA Central Station

4. Identify actions to generate activity at the NW corner of East Main Street and Clinton Avenue

- Demolish underutilized buildings
- Create a temporary use that will benefit the East Main Street area
- Anticipate and prepare for future development such as the proposed transportation center

5. Consider transportation improvements to support development and use

- Expand options for parking
- Review one-way restrictions and circulation
- Consider the extension of Stone Street to Mortimer Street
- Relocation of some buses and/or bus station

6. Create unified marketing strategy to benefit E. Main St. property and business owners

7. Promote the revitalization of key properties downtown including but not limited to

- Midtown Plaza
- Sibley Center
- Atrium/Gateway Center
- Alliance Building
- Granite Building

Phase 2 of this initiative will involve the identification of specific steps to achieve the action agenda. This phase will also involve the identification of potential funding sources, public and private to carry out these action steps. The proposed legislation will allow ICON Architecture to continue with their involvement in this project by providing:

1. Refinement of graphics completed in the first phase of the project.
2. Facilitation of two meetings with the working group.
3. Facilitation of one workshop with the East Main Street stakeholders (property owners and building tenants).
4. Completion of a development analysis for up to three sub-areas including the NW and SW corners of East Main Street and Clinton Avenue, and the NW corner of the Four Points Sheraton Parking Garage. For each sub-area, the following will be prepared:
 - a. Sketch drawings (elevations and/or perspectives) of development scenarios, with detail

sufficient to provide a sense of function, scale and relationship to its surroundings; and

b. Explanatory narrative.

It is anticipated that ICON Architecture will complete the work within four months.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-139

Ordinance No. 2002-357
(Int. No. 397)

Establishing Maximum Compensation For A Professional Services Agreement For The East Main Street Initiative

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 ICON Architecture, Inc. for services relating to the East Main Street Initiative. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL:
Ladies and Gentleman:

Resolution No. 2002-24
Re: Appointments - Examining Board of Plumbers

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointments of the following individuals to the Examining Board of Plumbers:

Gary Mauro
3550 Elmwood Avenue
Rochester, New York 14610

Rick Benedict
1097 Hamlin Parma TL Road
Hilton, New York 14468

Mr. Mauro is President of J.T. Mauro Company, Inc, a Mechanical Construction Management company. Mr. Mauro is a city of Rochester licensed master plumber. Mr. Benedict is President of Benedict Plumbing and a city of Rochester licensed master plumber. Both will be appointed to a full, three-year term through December 31, 2005.

Copies of Mr. Mauro's and Mr. Benedict's resumes are on file in the Office of the City Clerk.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Resolution No. 2002-24
(Int. No. 416)

Resolution Approving Appointments 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 appointments of Gary Mauro, 3550 Elmwood Avenue, and Rick Benedict, 1097 Hamlin Parma Town Line Road, to the Examining Board of Plumbers for terms which shall expire on December 31, 2005.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-358
Re: Renaming of Bell Alley as East End Way

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation amending the Official Map by renaming Bell Alley to East End Way. The name change is being proposed to bolster the renaissance of the East End Cultural District and to coincide with the opening of luxury loft apartments at 30 Scio Street. The name change will make the area more recognizable to residents and visitors alike.

As you will recall, on October 17, 2001, City Council approved the change of Bell Alley from a vehicular street to a pedestrian street. Pavement improvements were made and a curb was installed on the western end of the street to restrict the entrance of vehicular traffic. Since that time, additional loft projects have been undertaken adjacent to Bell Alley, resulting in this proposal for a renaming.

The City Planning Commission held an informational hearing on November 4, 2002. The Commission approved the abandonment by a vote of 6-0-1. Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposed action will not result in any significant adverse environmental impacts and is a Type II action.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-140

Ordinance No. 2002-358
(Int. No. 415)

Renaming Bell Alley As East End Way

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

Section 1. Chapter 76 of the Municipal Code,

Official Map or Plan, as amended, is hereby further amended by renaming Bell Alley as East End Way.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Griswold
November 19, 2002

To the Council:

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

Int. No. 398 - Authorizing Agreements And Appropriating Funds For Human Services Projects And Amending Ordinances Regarding Sources Of Funds, As Amended

Int. No. 399 - Authorizing An Agreement For Funding For The Purchase Of 112 Webster Avenue

Respectfully submitted,
Nancy K. Griswold
Tim O. Mains
Gladys Santiago (Abstained vote on Introductory No. 398.)
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2002-359
Re: Human Services Projects

- R2010: Campaign 1 - Involved Citizens
- Campaign 2 - Educational Excellence
- Campaign 3 - Health, Safety, and Responsibility
- Campaign 6 - Economic Vitality
- Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Broadway Theater League Theater Team	\$ 7,000
National Football Foundation & College Hall of Fame Play It Smart	10,000
Young Audiences The Thomas Leaders	16,000
Science Linkages in the Community Young Citizens with Computers	16,000
Baden Street Settlement Rites of Passage Program	25,000
Ibero Youth Entrepreneurship & Cultural Performance Program	50,000

The above projects are considered Projects with Matching Funds and are eligible for up to five years of funding under the Human Services funding guidelines approved by City Council in June 1981. The proposed agreements for Theater Team, Play It Smart, The Thomas Leaders, Young Citizens with Computers, and the Rites of Passage, represent the second year of CDBG funding. The proposed agreement for the Youth Entrepreneurship and Cultural Performance Program represents the third year of CDBG funding.

The cost of the first four agreements will be financed from the General Community Needs allocation of the 2001-02 Community Development Block Grant. The Rites of Passage Program and the Youth Entrepreneurship & Cultural Performance Program will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-141

Ordinance No. 2002-359
(Int. No. 398, As Amended)

Authorizing Agreements And Appropriating Funds For Human Services Projects And Amending Ordinances Regarding Sources Of Funds

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 human services projects in amounts not to exceed the following:

<u>Organization</u> <u>Project</u>	<u>Amount</u>
Rochester Broadway Theater League Theater Team	\$ 7,000
National Football Foundation & College Hall of Fame Play It Smart Young Audiences The Thomas Leaders	10,000
Science Linkages in the Community Young Citizens with Computers	16,000
Baden Street Settlement Rites of Passage Program	25,000
Ibero Youth Entrepreneurship & Cultural Performance Program	50,000

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$124,000, and of said amount, or so much thereof as may be necessary, \$49,000 is hereby appropriated from the General Community Needs Allocation of the 2001-02 Community Development Program and \$75,000 is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program.

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

Section 4. The following Ordinances are hereby amended by deleting the funding from the General Community Needs Allocation of the 2001-02 Community Development Program where it is contained therein for the following projects and amounts and by instead appropriating the same amounts for the following projects from the General Community Needs Allocation of the 2002-03 Community Development Program:

<u>Ordinance No.</u>	<u>Project</u>	<u>Amount</u>
2002-157	Reidman Summer Science & Technology Camp	\$20,000
2002-157	Northwest Youth Programs	32,000
2002-221	Teen City	25,000
2002-227	Summer On The City Farm	48,900

The following Ordinances are hereby amended by deleting the funding from the General Community Needs Allocation of the 2002-03 Community Development Program where it is contained therein for the following projects and amounts and by instead appropriating the same amounts for the following projects from the General Community Needs Allocation of the 2001-02 Community Development Program:

<u>Ordinance No.</u>	<u>Program</u>	<u>Amount</u>
2002-221	VolunTeens	\$20,000
2002-221	Health Care Apprenticeship	13,618

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Santiago abstained vote because she is an employee of one of the affiliating agencies.

TO THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2002-360
Re: Grant Agreement, North East Area Development Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating funds and authorizing a grant agreement in the amount of \$15,000 with the North East Area Development Inc. (NEAD), for reimbursement of a portion of the purchase price for 112 Webster Avenue. The source of funds is the 2001/2002 Consolidated Plan, Promoting Economic Stability, neighborhood commercial allocation.

112 Webster Avenue is a commercial building that was purchased by NEAD on July 18, 2001. The building will be rehabilitated by NEAD and occupied by Dazzle Theater, a for-profit performing arts theater that will present plays and also teach theater. Modeltech Inc., the parent company of Dazzle Theater, with offices at 72 Cascade Drive, holds a thirty-six month lease for 112 Webster Avenue.

The total project cost of \$114,500 includes the acquisition cost of \$45,000 and \$69,500 in renovation and soft costs. Total financing for the project is as follows:

City acquisition grant	\$ 15,000
Targeted commercial exterior loan to grant	25,000
Sector 8 Initiative Matching Grant	15,000
Martin Luther King Jr. Housing Foundation loan	30,000
In-kind volunteer labor	7,000
NEAD Line of Credit	<u>22,500</u>
Total	\$114,500

Approval of this legislation will result in rehabilitation of a commercial building that has been vacant for over four years. The project also complements the rehabilitation of the Whele Building at 90 Webster Avenue as well as the current City Home Expo program on Webster Avenue.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-360
(Int. No. 399)

Authorizing An Agreement For Funding For The Purchase Of 112 Webster Avenue

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 East Area Development, Inc. for funding for the purchase of 112 Webster Avenue, which is to be rehabilitated as a performing arts theater.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Promoting Economic Stability Allocation of the 2001-02 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
November 19, 2002

To the Council:

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

Int. No. 400 - Establishing Maximum Compensation For An Amendatory Agreement For The River Street/Latta Road/Lighthouse Street Public Improvement Project, Appropriating Funds And Amending Ordinance No. 2001-139

Int. No. 401 - Appropriating Funds For The Port Access And Infrastructure Improvements Project

Int. No. 402 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Fast Ferry Terminal And Facilities

Int. No. 403 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Genesee Riverway Trail Neighborhood Connections Project

Int. No. 404 - Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Telephone Systems

Int. No. 405 - Appropriating Funds For The Flower Planting Project

Int. No. 406 - Authorizing An Agreement With The South Wedge Planning Committee For The Sector Targeted Funding Initiative Program

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

Int. No. 407 - Approving The South Plymouth Avenue Public Improvement Project And Changes In Pavement Width Of South Plymouth Avenue And At The Intersection Of South Plymouth Avenue And Ford Street

Int. No. 408 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The South Plymouth Avenue Public Improvement Project

Respectfully submitted,
Brian F. Curran (Voted against Int. No. 407 & Int. No. 408.)
Lois J. Giess
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-361, 2002-362,
And 2002-363
Re: Port of Rochester Harbor Public
Improvement Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to the Port of Rochester Harbor Improvement project. This legislation will:

1. Authorize an amendatory agreement with CSX Transportation Inc. related to construction and inspection of improvements for the existing River Street at-grade crossing to increase the maximum compensation to CSX by \$156,000, from \$270,000 to \$426,000 which will be

financed from federal, state and local funds appropriated for the River Street/Latta Road/Lighthouse Project;

2. Authorize appropriation of anticipated reimbursements in the amount of \$390,756, from the New York State Department of Transportation (NYSDOT) Marchiselli Aid Program to partially finance the cost of construction of transportation improvements included in the River Street/Latta Road/Lighthouse Project;
3. Amend Ordinance No. 2001-139 by deleting the \$70,174 funded from the 2000-01 Cash Capital therein and substituting funds from the NY State reimbursements referenced above;
4. Authorize appropriation of anticipated reimbursements in the amount of \$282,000, from the New York State Department of Transportation (NYSDOT) Marchiselli Aid Program to partially finance the cost of construction of transportation improvements included in the Port Access and Infrastructure Improvements Project; and
5. Authorize a professional services agreement with Nancy Burton, AIA, related to design of the Fast Ferry Terminal and Facilities at a maximum cost of \$120,000, which will be financed from the 1999-2000 Cash Capital allocation.

River Street/Latta Road/Lighthouse

Construction of the River Street/Latta Road/Lighthouse improvements began in July, 2001. Improvements on Latta Road and Lighthouse Street were completed this past spring. Construction of the River Street improvements are substantially complete from Stutson Street to north of Latta Road. Construction of remaining street and at-grade crossing improvements are pending completion of the environmental remediation being performed by CSX Transportation, Inc. (CSX).

The original agreement with CSX was authorized by Council on May 15, 2001. The original cost estimate of \$270,000 for CSX crossing and signal improvements was based on consultation with the New York State Department of Transportation (NYSDOT) Rail Crossing Division. CSX Transportation has recently completed the design and cost estimates; the higher than expected costs are the result of the crossing configuration, signal foundations, electrical circuitry and probable high water table adjacent to the river. The final design will be approved by the NYSDOT prior to construction. The proposed amendatory agreement will permit construction of the surface and signal warning devices. The proposed \$156,000 increase will be financed as follows:

Federal	\$124,800
NYS	23,400
City Cash Capital	7,800
Total	\$156,000

Under the Marchiselli Aid Program for the construction of transportation improvements, the City is eligible to receive \$390,756, which is 15% of the federal eligible features. The proposed legislation amends the prior ordinance to replace the City's funding with this State aid. The total project costs of \$2,844,991 are being financed as follows:

Federal TEA-21 funds	\$2,084,030
NYS Marchiselli Aid	390,756
City	370,205

Total \$2,844,991

Note: The City amount of \$370,205 includes \$130,252, which is the local share (5%) of federal eligible features and \$239,953 on non-eligible improvements.

Port Access and Infrastructure

Construction of the Port Access and Infrastructure Improvements began in June 2002 and is scheduled to be completed in May 2003; the work is being performed by Di Fiore Construction. The improvements include the construction of new streets providing access from Lake Avenue easterly into the Port area, along with concrete sidewalks, decorative paving, lighting and street furniture.

The proposed appropriation of anticipated reimbursements from the State will partially finance the cost of improvements eligible under the Marchiselli Aid Program for this project. The City is eligible to receive up to \$282,000, which is 15% of the federal eligible features. The construction costs of \$2,554,000 are being financed as follows:

Federal TEA-21 Funds	\$1,502,000
NYS Marchiselli Aid	282,000
Local Share: City	770,000
Total	<u>\$2,554,000</u>

Fast Ferry Terminal Building and Facilities

The proposed professional services agreement with Nancy Burton, AIA, will provide for coordination and management of the final design, bidding and construction for the fast ferry terminal building and facilities. Mrs. Burton was selected based on her qualifications and previous experience as the representative for the City on major projects. Design of the Fast Ferry Terminal and Facilities must be accelerated to enable renovation of the north warehouse for use as a ferry terminal in time for start of operation of the fast ferry service as outlined in the agreement of September 2001 between the City and Canadian American Transportation Systems (CATS).

Respectfully submitted,
William A. Johnson Jr.
Mayor

Ordinance No. 2002-361
(Int. No. 400)

Establishing Maximum Compensation For An Amendatory Agreement For The River Street/Latta Road/Lighthouse Street Public Improvement Project, Appropriating Funds And Amending Ordinance No. 2001-139

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

Section 1. The sum of \$156,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory agreement with CSX Transportation related to construction and inspection of improvements for the existing River Street at-grade crossing. Of said amount, \$7,800 shall be funded from the 2000-01 Cash Capital Allocation, \$23,400 shall be funded from the appropriation made in Section 3 hereof and \$124,800 shall be funded from the appropriation made in Section 3 of Ordinance No. 2001-9.

Section 2. Ordinance No. 2001-139, relating to agreements for the River Street/Latta Road/Light-

house Street Public Improvement Project, is hereby amended by replacing the entire amount of \$70,174 funded therein from the 2000-01 Cash Capital Allocation with New York State funds appropriated in Section 3 herein.

Section 3. There is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation the sum of \$390,756, or so much thereof as may be necessary, to fund transportation improvements as a part of the River Street/Latta Road/Lighthouse Street Public Improvement Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-362
(Int. No. 401)

Appropriating Funds For The Port Access And Infrastructure Improvements 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 New York State Department of Transportation the sum of \$282,000, or so much thereof as may be necessary, to fund transportation improvements as a part of the Port Access and Infrastructure Improvements Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-363
(Int. No. 402)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Fast Ferry Terminal And Facilities

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

Section 1. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nancy H. Burton, AIA, for design of the Fast Ferry Terminal and Facilities. 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 1999-2000 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-364
Re: Genesee Riverway Trail Neighborhood Connections Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation

authorizing a planning agreement with the Genesee Transportation Council (GTC) for the Genesee Riverway Trail Neighborhood Connection. As part of GTC's Priority Trails Advancement Funding Program, the City will purchase concept level planning for Genesee Riverway Trail connections in the Edgerton and South Wedge neighborhoods at a maximum cost of \$15,000. The agreement will be funded from the 2000-01 Cash Capital Allocation of the Department of Environmental Services.

At present, GTC is working on a larger five-municipality planning project for the trail system. In working with GTC, the City will have direct input in the selection of any consultant that would provide the required planning materials. The proposed agreement will provide for the planning necessary to carry out the actual construction of the connectors for which funds have been programmed. The Edgerton Neighborhood connector would utilize the former Hastings Street right-of-way to create a trail that would link with the Genesee Riverway Trail at the Lower Falls. The South Wedge Neighborhood connector would create a trail from the Mt Hope Avenue-South Avenue junction to the east bank of the Genesee Riverway Trail. This would also add a much-needed route to the Center City for the residents of the South Wedge.

Neighborhood connections to our trail system are a significant objective within the Regional Trails Initiative. The planning for the trail connectors will provide solid quality of life enhancements for both of these neighborhoods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-364
(Int. No. 403)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Genesee Riverway Trail Neighborhood Connections Project

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 Genesee Transportation Council for design of the Genesee Riverway Trail Neighborhood Connections 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 2000-01 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-365
Re: 9-1-1 Telephone Maintenance

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a three-year agreement with Frontier Telephone of Rochester for continued repair and

maintenance of the telephone system at the Emergency Communications Center. The maximum cost of this agreement is \$139,300, which will be funded from the 2002-03 and subsequent budgets of the Emergency Communications Department (ECD).

The telephone system for the new center was installed by the Rochester Telephone Corporation (Frontier's predecessor) under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the center. The current agreement for maintenance and repair of this equipment and system was authorized by the City Council on August 21, 2001.

Under the proposed agreement, Frontier will continue to:

1. Perform preventative maintenance monthly, including the analysis of power supply voltages, circuit modules, internal data links and system alarms.
2. Test on-site and off-site backup systems semi-annually.
3. Perform unscheduled service as required, including diagnosis, adjustment, repair or replacement of equipment and systems.
4. For a critical system outage, contact the City within 30 minutes of notification and be on site within two hours of the contact. A critical system outage is a loss of automatic number information, automatic location information, more than two call taker positions or 25% or more of the trunks lines.
5. For a major system outage, contact the City within 30 minutes of notification and be on site within four hours of the contact. A major system outage is a network routing problem affecting at least one telephone exchange, or a loss of an ALI link or up to two call taker positions.
6. For a system malfunction, respond within 24 hours of notification. A system malfunction includes all problems other than system outages.

The cost of the proposed agreement is an increase of \$8,366 over the current agreement and includes the addition of ISDN service and equipment plus redundancy between ECD and Cobbs Hill (the 9-1-1 back-up call center) for efficiency purposes. This cost will be reimbursed by the County under the 9-1-1 operating agreement authorized by the City Council on May 10, 1994.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-365
(Int. No. 404)

Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Telephone Systems

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

Section 1. The sum of \$139,309.20, 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 Frontier Telephone Company for repair and maintenance of the telephone systems at the 911 Emergency Communications Center for a term not to exceed three years. Said amount shall be funded from the 2002-03 and subsequent Budgets of the Emergency Communications Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-366
Re: Neighborhood Beautification - Flower Planting

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your consideration is legislation appropriating \$10,000 from the Improve the Housing Stock and General Property Conditions Allocation of the 2002-03 Community Development Program to finance the costs of the Neighborhood Beautification - Flower Planting Project.

The City's "Flower City Looking Good Program", in its twelfth year, promotes the planting of flowers in neighborhoods to enhance their attractiveness. This program includes the free use by residents of City-owned vacant lots for gardening, garden contests, spring and fall planting days, perennial "swaps", flower days at the Public Market and seminars and workshops and much more.

The proposed appropriation will permit the purchase and distribution to neighborhood groups of about 17,000 flowers, 3,500 bulbs, 100 tons of topsoil and other plant material for planting in tree lawn areas and common spaces.

Flowers	\$ 4,500
Bulbs	2,500
Topsoil	1,500
Plant Material	1,500
Total	\$10,000

Attached is a list of groups that participated in last year's program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-142

Ordinance No. 2002-366
(Int. No. 405)

Appropriating Funds For The Flower Planting 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 2002-03 Community Development Program the sum of \$10,000, or so much thereof as may be necessary, to fund the Neighborhood Beautification-Flower Planting Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-367
Re: Agreement - South Wedge Planning Committee

R2010: Campaign 4 - Environmental Stewardship
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the South Wedge Planning Committee (SWPC), for project development costs associated with the Sector Targeted Funding Initiative Program. The maximum cost of this agreement will be \$100,000, which will be financed from the 2000-01 Cash Capital allocation.

The Sector Targeted Funding Initiative (STFI) Program is specifically designed to provide funding resources that will give neighborhood groups the capacity to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was reserved in the 2001-02 Cash Capital Allocation for each of the ten NBN sector areas within the City to enhance those neighborhoods.

In order to receive the funding, each sector group will be required to submit proposals to the City that outline specific projects that, upon completion, will achieve highly visible physical improvements in that sector, or economic development projects such as investment, job creation, retail or commercial services. These proposals must also be collaborative in nature and utilize additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. All applicants will be required to demonstrate a minimum ratio of 1:1 leveraged resources in order to receive the grant.

The project is intended to reconstruct the landscaped open space at the corner of South Avenue and Alexander Street into a fully accessible open space, meditation area and recreational space. The total project cost is estimated at \$340,000, and it will be developed in two phases. The first phase (\$200,000) will include the following site amenities: site preparation and grading; new pavement and walkways; entry gates and iron fencing; benches; lighting and plantings. Of these, the proposed STFI-funded site amenities will include: the entry gates and iron fencing; benches; pavement and a perimeter sidewalk; lighting and landscaping. The second phase (\$140,000) will include public art, ornamental signage, additional furnishings, and other site amenities. SWPC will begin fund raising efforts for Phase 2 immediately.

The site will be maintained by South Wedge Planning Committee (SWPC), which will also oversee the project. The required leverage of resources will be matched from a New York State \$100,000 grant.

Attached is a summary report highlighting the proposed project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-143

Ordinance No. 2002-367
(Int. No. 406)

Authorizing An Agreement With The South Wedge Planning Committee For The Sector Targeted Funding Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the South Wedge Planning Committee for funding for the reconstruction of the landscaped open space at the corner of South Avenue and Alexander Street as a part of the Sector Targeted Funding Initiative Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2000-01 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-368 And
Ordinance No. 2002-369
Re: South Plymouth Avenue Public
Improvement Project (Ford Street
to Barton Street)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the South Plymouth Avenue (Ford Street to Barton Street) Public Improvement Project. This legislation will:

1. Approve the South Plymouth Avenue Improvement Project Engineering Planning Report.
2. Authorize various pavement width and geometric changes as recommended in the report:
 - a. On South Plymouth Avenue:
 - 1) A narrowing from a variable existing width of 40 feet to 45 feet, to 40 feet, beginning at a point 563 feet south of Barton Street to a point 498 feet south of Barton Street, and
 - 2) A taper from a variable existing width of 45 feet to 50 feet to a variable width of 40 feet to 28 feet beginning from the latter point to 365 feet south of Barton Street, and;
 - 3) A narrowing of 22 feet, from the existing width of 50 feet to the proposed width of 28 feet, beginning at the latter point

to 307 feet south of Barton Street, and;

- 4) A narrowing of 6 feet, from the existing width of 50 feet to the proposed width of 44 feet, to create a 14 foot travel lane and an 8 foot parking lane in each direction, beginning at the latter point to Ford Street.
- b. On the west side of South Plymouth Avenue:
- 1) An additional narrowing of 8 feet, to eliminate the parking lane beginning at a point 60 feet south of Barton Street to a point 104 feet north of Barton Street, and
 - 2) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 216 feet south of Jefferson Avenue to a point 158 feet north of Jefferson Avenue, and
 - 3) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 142 feet south of Magnolia Street to a point 65 feet north of Magnolia Street, and
 - 4) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 49 feet south of Fuller Place to a point 49 feet north of Fuller Place, and
 - 5) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 60 feet south of Flint Street to a point 57 feet north of Flint Street, and
 - 6) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 352 feet south of Columbia Avenue to a point 256 feet south of Columbia Avenue, and
 - 7) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 106 feet south of Columbia Avenue to a point 60 feet north of Columbia Avenue, and
 - 8) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 44 feet south of Coulton Place to a point 44 feet north of Coulton Place, and
 - 9) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 58 feet south of Bartlett Street to a point to 238 feet north of Bartlett Street.
- c. On the east side of South Plymouth Avenue:
- 1) An additional narrowing of 8 feet, to eliminate the parking lane beginning at a point 46 feet south of Luther Circle to a point 51 feet north of Luther Circle, and
 - 2) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 66 feet south of Cottage Street to

- a point 86 feet north of Cottage Street, and
 - 3) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 376 feet south of Magnolia Street to a point 112 feet north of Magnolia Street, and
 - 4) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 41 feet south of Mt. Pleasant Park to a point 37 feet north of Mt. Pleasant Park, and
 - 5) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 63 feet south of Flint Street to a point 63 feet north of Flint Street, and
 - 6) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 45 feet south of Fenwick Street to a point 36 feet north of Fenwick Street, and
 - 7) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 54 feet south of Violetta Street to a point 43 feet north of Violetta Street, and
 - 8) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 46 feet south of Ethel Street to a point 120 feet north of Ethel Street, and
 - 9) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 46 feet south of Doran Street to a point to 238 feet north of Bartlett Street.
 - d. Geometric changes at the intersection of Ford Street and South Plymouth Avenue to replace the existing signalized intersection with a modern traffic roundabout. These changes are:
 - 1) The installation of a circular, 81 foot diameter center island, and
 - 2) The installation of a 17 foot wide circular traffic lane around the island, and
 - 3) A taper on Ford Street from an existing width of 24 feet on either side of the median to a variable width of 24 feet to 12 feet on either side of the median beginning 380 feet east of South Plymouth Avenue to South Plymouth Avenue, and
 - 4) A taper on Ford Street from an existing width of 24 feet on either side of the median to a variable width of 24 feet to 12 feet on either side of the median beginning 380 feet west of South Plymouth Avenue to South Plymouth Avenue, and
 - 5) The removal of the slip ramps connecting Ford Street and South Plymouth Avenue.
3. Authorize a professional services agreement

with FRA Engineering, P.C., for design of the South Plymouth Avenue Public Improvement Project at a maximum cost of \$170,000; and

- 4. Appropriate \$94,500 of anticipated reimbursements from Monroe County for its share of project design services costs.

LaBella Associates performed the planning and preliminary engineering for the South Plymouth Avenue project, as authorized by Council on August 21, 2001. The Engineering Planning Report is available for review in the Office of the City Clerk. The plan recommends rehabilitation of the pavement; replacement of curbs, sidewalks, driveway aprons and streets lights; new water main from Ford Street to Flint Street; new hydrants and replacement of water services; new pavement markings, signal equipment upgrades; landscaping; and the proposed geometric changes.

The proposed geometric changes to South Plymouth Avenue are intended to provide for a grass tree lawn area while still maintaining parking along the street. In areas where parking is not allowed, bump outs will be installed.

As noted above, the proposed geometric changes to the intersection of Ford Street and South Plymouth Avenue will replace the existing signalized T' intersection with a modern traffic roundabout. The proposed width changes on Ford Street will provide for merging the existing two 12 foot travel lanes in each direction to a single lane in each direction at the roundabout. The roundabout will also eliminate the slip ramps connecting northbound South Plymouth Avenue with eastbound Ford Street and eastbound Ford Street with southbound South Plymouth Avenue. A study of the accident history along the street showed that the removal of these slip ramps would reduce accidents in this area.

The proposed design services cost and the estimated cost of construction, including inspection and contingencies, is \$4,231,500, which is expected to be financed as follows:

Category	Design	Construction	Total
Monroe County	\$ 94,500	\$2,305,500	\$2,400,000
City Bonds			
Street	-0-	1,049,000	1,049,000
Water	-0-	642,000	642,000
City Cash			
Street	53,000	-0-	53,000
Water	22,500	-0-	22,500
Gateway	-0-	65,000	65,000
Total	\$170,000	\$4,061,500	\$4,231,500

The County's participation is in accordance with the 131K Agreement authorized by the City Council on April 14, 1981. The Gateway Improvements funding will be used to pay for the additional cost of enhanced street lighting fixtures proposed to be installed as part of the project.

FRA Engineering, P.C. is being recommended because of their qualifications. The cost of the design services will be financed from cash capital allocations of the Department of Environmental Services (\$53,000 from Fiscal Year 2000-01), water cash capital allocations of the Department of Environmental Services (\$22,500 from 1999-2000), and anticipated reimbursements from Monroe County (\$94,500).

Construction of the South Plymouth Avenue Public Improvement project is scheduled to begin in spring 2003 and to be substantially completed in spring 2004. A public informational meeting for South Plymouth Avenue was conducted on April 8, 2002. A copy of the minutes of this meeting is attached.

The proposed pavement width and geometric changes on South Plymouth Avenue was presented to the Traffic Control Board on June 18, 2002. A public hearing on these changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-144

Ordinance No. 2002-368
(Int. No. 407)

Approving The South Plymouth Avenue Public Improvement Project And Changes In Pavement Width Of South Plymouth Avenue And At The Intersection Of South Plymouth Avenue And Ford Street

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

Section 1. The Council hereby approves the engineering planning report for the South Plymouth Avenue Public Improvement Project.

Section 2. The Council hereby approves the following changes in the pavement width as a part of the South Plymouth Avenue Public Improvement Project:

a. On South Plymouth Avenue:

- 1) A narrowing from a variable existing width of 40 feet to 45 feet, to 40 feet, beginning at a point 563 feet south of Barton Street to a point 498 feet south of Barton Street, and;
- 2) A taper from a variable existing width of 45 feet to 50 feet to a variable width of 40 feet to 28 feet beginning from the latter point to 365 feet south of Barton Street, and;
- 3) A narrowing of 22 feet, from the existing width of 50 feet to the proposed width of 28 feet, beginning at the latter point to 307 feet south of Barton Street, and;
- 4) A narrowing of 6 feet, from the existing width of 50 feet to the proposed width of 44 feet, to create a 14 foot travel lane and an 8 foot parking lane in each direction, beginning at the latter point to Ford Street.

b. On the west side of South Plymouth Avenue:

- 1) An additional narrowing of 8 feet, to eliminate the parking lane beginning at a point 60 feet south of Barton Street to a point 104 feet north of Barton Street, and;
- 2) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 216 feet south of Jefferson Avenue to a point 158 feet north of Jefferson Avenue, and;
- 3) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point

142 feet south of Magnolia Street to a point 65 feet north of Magnolia Street, and;

- 4) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 49 feet south of Fuller Place to a point 49 feet north of Fuller Place, and;
- 5) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 60 feet south of Flint Street to a point 57 feet north of Flint Street, and;
- 6) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 352 feet south of Columbia Avenue to a point 256 feet south of Columbia Avenue, and;
- 7) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 106 feet south of Columbia Avenue to a point 60 feet north of Columbia Avenue, and;
- 8) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 44 feet south of Coulton Place to a point 44 feet north of Coulton Place, and;
- 9) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 58 feet south of Bartlett Street to a point to 238 feet north of Bartlett Street.

c. On the east side of South Plymouth Avenue:

- 1) An additional narrowing of 8 feet, to eliminate the parking lane beginning at a point 46 feet south of Luther Circle to a point 51 feet north of Luther Circle, and;
- 2) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 66 feet south of Cottage Street to a point 86 feet north of Cottage Street, and;
- 3) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 376 feet south of Magnolia Street to a point 112 feet north of Magnolia Street, and;
- 4) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 41 feet south of Mt. Pleasant Park to a point 37 feet north of Mt. Pleasant Park, and;
- 5) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 63 feet south of Flint Street to a point 63 feet north of Flint Street, and;
- 6) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 45 feet south of Fenwick Street to a point 36 feet north of Fenwick Street, and;
- 7) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 54 feet south of Violetta Street to a point 43 feet north of Violetta Street, and;
- 8) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 46 feet south of Ethel Street to a point 120 feet north of Ethel Street, and;

November 19, 2002

- 9) An additional narrowing of 8 feet to eliminate the parking lane, beginning at a point 46 feet south of Doran Street to a point to 238 feet north of Bartlett Street.
- d. Geometric changes at the intersection of Ford Street and South Plymouth Avenue which will replace the existing signalized intersection with a modern traffic roundabout. These changes are:
 - 1) The installation of an circular, 81 foot diameter center island, and;
 - 2) The installation of a 17 foot wide circulatory traffic lane around the island, and;
 - 3) A taper on Ford Street from an existing width of 24 feet on either side of the median to a variable width of 24 feet to 12 feet on either side of the median beginning 380 feet east of South Plymouth Avenue to South Plymouth Avenue, and;
 - 4) A taper on Ford Street from an existing width of 24 feet on either side of the median to a variable width of 24 feet to 12 feet on either side of the median beginning 380 feet west of South Plymouth Avenue to South Plymouth Avenue, and;
 - 5) The removal of the slip ramps connecting Ford Street and South Plymouth Avenue.

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. 2002-369
(Int. No. 408)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The South Plymouth Avenue Public Improvement Project

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

Section 1. The sum of \$170,000, 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, PC, for design services related to the South Plymouth Avenue Public Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$53,000 shall be funded from the 2000-01 Cash Capital Allocation, \$22,500 shall be funded from the 1999-2000 Cash Capital Allocation and \$94,500 is hereby appropriated from anticipated reimbursements from the County of Monroe.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas

To the Council:

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

Int. No. 409 - Cancellation Of Taxes And Charges

Int. No. 410 - Establishing Maximum Compensation For Professional Services Agreements For Medical Services

Int. No. 411 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Negotiations Services

Int. No. 412 - Amending The Municipal Code With Respect To Depositions For Noise Violations

Int. No. 413 - Local Law Amending The City Charter With Respect To The Deputy Chief Of Police/Operations

Int. No. 414 - Authorizing An Application And Agreement With Respect To Unsafe Driving And Amending The 2002-03 Budget

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-370
Re: Cancellation or Refund of Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$102,487.42.

The amount of \$37,665.78, or 36.75% of the total, relates to nine properties that had code violation charges or property rehabilitation charges added to the 2002-03 City and School tax bill. The charges were attributed to former property owners.

The amount of \$1,881.44, or 1.84% of the total, relates to one property that had been sold prior to taxable status date resulting in a change to a Homestead classification. The property was taxed using the Non-Homestead rate for the 2002-03 City and School taxes.

A total of \$54,029.54, or 52.72% of the total, relates to five properties that had property tax exemptions that were not included in the calculation of the 2002-03 City and School taxes.

The sum of \$8,910.66, or 8.69% of the total, relates to five properties where delinquent refuse or water charges were added to the 2002-03 City and School tax bills in error.

If this cancellation is approved, total cancellations thus far for 2002-03 will be \$127,964.88.

	Accounts	Amounts
City Council	21	\$103,987.42
Administrative	67	23,977.46
Total	88	\$127,964.88

These cancellations represent .062% of the tax receivables as of July 1, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-370
(Int. No. 409)

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 City taxes and charges.

S.B.L. #	Class	Amount
Address	Tax Year	Canceled
Code Violations attributed to Former Owner		
090.490-0001-055	H	
703 Flower City Pk	2003	\$
2,700.00		
090.840-0001-012	H	
55 Malling Drive	2003	
2,042.18		
105.710-0002-021	H	
96 Holworthy St.	2003	
1,350.00		
107.550-0003-087	H	
556 Parsells Ave.	2003	
2,250.00		
107.690-0001-015	H	
555 Hayward Ave.	2003	
1,200.00		
120.360-0002-034	H	
12-12.5 King St.	2002	
1,882.20		
1,929.90		
120.360-0002-037	H	
18-18.5 King St.	2002	
11,546.80		
1,264.70		
120.710-0002-021	H	
111 Roxborough Rd.	2003	
7,900.00		
120.760-0002-067.1	H	
929 S. Plymouth Ave.	2002	
1,100.00		
2,500.00		
Sub-total		\$
37,665.78		

Classification Change

106.750-0001-055	H	
84 Prince St.	2003	\$
1,881.44		

Tax Exemptions not applied for 2003 Fiscal Year

106.540-0001-030.1	N	
548 St. Paul St.	2003	\$
2,994.79		
106.720-0001-022	N	
37-59 Delevan St.	2003	
18,493.04		
120.640-0002-078.4	H	
80 Thurston Rd.	2003	
5,534.22		
121.490-0001-011.1	N	
159 Alexander St.	2003	
25,534.97		
121.750-0002-058	H	
146-148 Laburnam Cres.	2003	—
1,472.52		
Sub-total		\$
54,029.54		

Refuse/Water Charges applied in Error

105.700-0001-076	H	
157 Belknap St.	2003	\$
3,240.00		
106.770-0001-027.1	N	
223 Oak St.	2003	
1,133.64		
121.570-0003-014	N	
411 Meigs St.	2003	
1,614.93		
122.450-0002-009	N	
685 Park Ave.	2003	
1,894.59		
136.380-0001-032.00	N	
1070A Mt. Hope Ave.	2003	—
1,027.50		
Sub-total		\$
8,910.66		
Total		
\$102,487.42		

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. 2002-371
Re: Agreements - Employee Medical Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing agreements for medical service for City employees with:

1. Dr. Boris Shmigel, 1425 Portland Avenue, who will continue to provide medical services for Police and Fire Department uniformed personnel, at an annual base fee of \$48,000 and fixed unit costs for special services; and
2. Strong Occupational and Environmental Medicine, 601 Elmwood Avenue, which will provide medical services for remaining City civilian personnel at fixed unit costs for special

services.

The cost of the agreements will be funded from the 2002-03 and future budgets for Undistributed Expense and the Rochester Police and Fire Departments.

Proposals for the provision of medical services were solicited from seven organizations. Three proposals were received. The proposals were evaluated by a committee consisting of representatives from the Bureau of Human Resource Management, DES, DPRHS, Police, Fire and Law Departments.

Dr. Shmigel, of Rochester General Hospital, has provided medical services to various City employees since 1985. The most recent agreement for such services was authorized by the City Council on May 11, 1999.

Dr. Shmigel is recommended based upon comparative fees, past performance, and an exemplary working relationship with the management and rank-and-file of the uniformed forces to continue to provide service to Police and Fire. Strong was selected because of its ability to provide a number of physicians; Strong deals exclusively with Occupational Health and has a proven ability to provide referrals with a variety of specialists when needed.

Under the proposed agreement, Dr. Shmigel will continue to provide the following services upon request or need:

1. Qualifying examinations for application for selected police, fire, and emergency communications positions;
2. Emergency and routine treatment for fire and police personnel injured on duty;
3. Annual health assessments for all fire personnel and select police personnel (e.g., scuba squad members);
4. Other tests (e.g., vision) requested by the City;
5. Tetanus and hepatitis B immunizations for designated employees;
6. Review of tests for controlled substances;
7. Medical consultations, as required;
8. Referrals to specialists, as appropriate;
9. Expert witness services in medical claims cases; and
10. All related record-keeping.

Under the proposed agreement, Strong will provide the following services upon request or need:

1. Screening evaluations for applications for non-uniformed personnel and follow-up exams, as appropriate;
2. Physical exams for applicants for school crossing guard positions;
3. Special physical exams for employees who have physical difficulty performing their assigned duties;
4. Physical exams for personnel returning to duty

from long-term injury or illness;

5. Other special physical exams required by the Public Employees Safety and Health Act;
6. Audiograms for personnel with potential exposure to excessive work-place noise;
7. Other tests (e.g., vision) requested by the City;
8. Tetanus and hepatitis B immunizations for designated employees;
9. Review of tests for controlled substances;
10. Medical consultations, as required;
11. Referrals to specialists, as appropriate;
12. Expert witness services in medical claims cases; and
13. All related record-keeping.

The agreements will have an initial term of two years with provision for renewal for two additional one-year periods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-145

Ordinance No. 2002-371
(Int. No. 410)

Establishing Maximum Compensation For Professional Services Agreements For Medical Services

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

Section 1. The sum of \$48,000, 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 Boris Shmigel, M.D. for medical services for uniformed police and fire employees for a term not to exceed two (2) years, with an option to renew for an additional two (2) one-year periods. Said amount shall be funded from the 2002-03 and subsequent budgets for Undistributed Expense, subject to approval of subsequent budgets. The amount authorized herein shall provide full payment for all regular medical services under the agreement. The agreement shall also provide for additional special services, the fees for which may be established in the agreement and which shall not exceed funds available in the annual budgets for the Rochester Police Department and the Rochester Fire Department for this purpose.

Section 2. The Mayor is further authorized to enter into an agreement with Strong Occupational and Environmental Medicine for medical services for civilian City employees for a term not to exceed two (2) years, with an option to renew for an additional two (2) one-year periods. The agreement shall provide for all regular medical services and for additional special services, the fees for which may be established in the agreement and which shall not exceed funds available in the annual budgets for Undistributed Expense for this purpose.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-372
Re: Amendatory Agreement - Labor Relations Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an amendatory professional services agreement with Daniel Wissman for representation of the City's interests in the binding arbitration process with the Rochester Police Locust Club, Inc. for the establishment of a successor to the expired labor agreement with the Locust Club.

The City initiated a contract with Mr. Wissman in December, 2001, for services related to the arbitration. City Council three times subsequently authorized amendments to the contract that raised the compensation level above the initial \$10,000 amount to its current maximum level of \$61,500. Council's most recent authorization was in July 2002. The proposed amendment would increase this amount by \$12,000, to a new maximum level of \$73,500. Mr. Wissman's hourly rate of \$75.00 remains unchanged. The source of funding for the amendment will be the 2002-03 Budget for Undistributed expenses.

The amendment is required because the amount of time required for preparation, hearings and testimony, and executive session meetings has been greater than anticipated. One specific element that extended the process was the introduction, late in the process, of an ultimately accepted proposal to establish a contract covering four years, rather than the two years initially envisioned.

The amendment will provide for approximately 160 additional hours, plus miscellaneous expenses. Notwithstanding a similar representation made by the Administration in July, this amendment will be sufficient to conclude Mr. Wissman's contractual services. A copy of the final arbitration award covering fiscal years 2001-02, 2002-03, 2003-04, and 2004-05 is on file in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-146

Ordinance No. 2002-372
(Int. No. 411)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Negotiations Services

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

Section 1. The sum of \$12,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Daniel Wissman for labor negotiations services. Said amount shall be funded from the 2002-03 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-373
Re: Code Amendment - Noise Depositions

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation amending the City Code to permit the use of depositions by citizens to file noise complaints. As you are aware, public concern about noise levels has been increasing. Whether it is from loud parties or loud construction sites, from "boom boxes" carried by pedestrians or from car radios cruising City neighborhoods, noise is an increasingly irritating intrusion on the quality of life in our neighborhoods.

Chapter 75 of the City Code sets clear standards for what constitutes unacceptable noise levels. The legislation regulates amplified sound emanating from properties and vehicles and it establishes hours of operation for commercial activities such as construction sites to minimize their impact on adjacent neighbors. It was first approved by City Council on October 23, 1973, and substantially amended on February 2, 1983. On July 14, 1998, further amendments were made to increase the fines for violations and to permit towing of vehicles found in violation of the noise standards.

Despite the clear standards that exist in this legislation, it is difficult to enforce noise standards precisely because noise is so ephemeral. In responding to a complaint about a loud party, for example, a Police Officer will typically ask that the noise be reduced. However, once the Officer leaves, the noise levels can increase again to unacceptable levels. Repeat visits by the Police to the same location will result in violations being issued; however, because of the priority system used to dispatch Police calls, noise complaints often cannot receive an immediate response.

Similarly, noise caused by pedestrians or by vehicles may disturb an entire street or even a whole neighborhood, but it is very difficult to cite violators because of the transient nature of the violation. Calls for Police service can be in vain if the violator is blocks or even miles away before an Officer arrives on the scene, or if the offender has turned down the radio as the Police approach their vehicle. Under current law, if the Officer has not witnessed the violation, no citation can be issued.

The proposed amendment would provide another tool to address this problem. Citizens who have witnessed an incident will be able to sign a deposition that can be used by the Police Department to issue notices of violation. Similar authority exists for violations of Chapter 31, Dogs. It is anticipated that this authority will further empower our citizens to improve the quality of life in their neighborhoods by providing them with a means to take action against offenders.

Respectfully submitted,
William A. Johnson, Jr. Lois J. Giess
Mayor President, City Council

Councilmember Douglas moved to amend Introductory No. 412.

The motion was seconded by Councilmember Curran.

The motion was adopted unanimously.

Ordinance No. 2002-373
(Int. No. 412, As Amended)

Amending The Municipal Code With Respect To Depositions For Noise Violations

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

Section 1. There is hereby added to the Municipal Code the following new section:

§ 75-21. Filing of depositions by citizens.

Any person who observes or has knowledge of a violation of this chapter may file a signed deposition, under oath, with a police officer, specifying the objectionable conduct, the date thereof, and the name and address, if known, of the alleged violator. A police officer shall investigate each complaint and, if the complaint is supported by probable cause, issue a notice of violation therefor.

Section 2. After this ordinance has been in effect for a period of one year, the Mayor shall provide a report to the City Council on the usage and effectiveness of citizens' depositions in noise cases.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 13
Re: Charter Amendment - Assignment of Responsibility in the Absence of the Chief of Police

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation to amend the City Charter to clarify the responsibilities of the Deputy Chief of Police / Operations in the Police Department.

Section 8A-1 (B) of the City Charter specifies that "A Deputy Chief of Police designated by the Chief of Police shall assume the responsibilities, duties, and authority of the office of Chief of Police and shall act generally for and in place of the Chief of Police during the absence of the Chief of Police."

The present table of organization of the Police Department reflects two positions at the deputy level; a third deputy-level position has been changed to a non-sworn position, Director of Organizational Development. To ensure consistency with filings and representations that have been made to the New York State Department of Civil Service and with departmental operational policy and practice, the general reference to "a Deputy" shall be changed to a specific reference to "the Deputy Chief of Police/Operations".

This change will have no effect on the operations and functioning of the Police Department. In the absence of the Deputy Chief of Police/Operations, the Chief

may, at his discretion, designate another person to assume the duties of the Chief.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 13
(Int. No. 413)

Local Law Amending The City Charter With Respect To The Deputy Chief Of Police/Operations

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 subsection B of Section 8A-1 of the City Charter, relating to the Chief of Police, to read in its entirety as follows:

B. The Deputy Chief of Police/Operations shall assume the responsibilities, duties and authority of the office of Chief of Police and shall act generally for and in place of the Chief of Police during the absence of the Chief of Police.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-374
Re: State Grant to Reduce Unsafe/Aggressive Driving

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Governor's Traffic Safety Committee (GTSC), for receipt of a grant in the amount of \$25,536 under the Selective Traffic Enforcement Program (STEP) Reduce Unsafe/Aggressive Driving program.

GTSC funds will reimburse overtime expenses for sworn officers of the Police Special Operations Section, Traffic Unit who will target aggressive driving behaviors of motorists in the city. Aggressive driving for this project refers to failure to yield the right of way, following too closely, unsafe passing or erratic driving within or between lanes, and disregard for traffic control devices, such as, traffic signals or stop signs. The funds will reimburse overtime expenses for enforcement activity over a 12-month period ending October 31, 2003.

The legislation also proposes to amend the Police Department's 2002-03 budget by \$17,000 to reflect the portion of the grant to be expended during the current year.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2002-374
(Int. No. 414)

Authorizing An Application And Agreement With Respect To Unsafe Driving And Amending The 2002-03 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 under the Selective Traffic Enforcement Program (STEP) to reduce unsafe/aggressive driving.

Section 2. Ordinance No. 2002-194, the 2002-03 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 \$17,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:45 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
December 17, 2002

Present - President Giess, Councilmembers Curran, Douglas, Mains, Griswold, Norwood, Santiago, Stevenson, Thompson - 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:

DES received an national award form the American Public Works Association for restoration of the Ford St. Bridge.

Carolee A. Conklin, City Clerk, was named to the Municipal Clerk Honor Roll.

APPROVAL OF THE MINUTES

By Councilmember Curran

RESOLVED, that the minutes of the Regular Meeting of November 19, 2002, 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. 3707-7

THE COUNCIL PRESIDENT - PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

None received.

PUBLIC HEARINGS

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

Authorizing Amendatory HOME Program Plans And Authorizing An Agreement For The Northwest Community Services Owner Occupant Rehab Program Int. No. 425 No speakers.

Authorizing An Amendatory 2002-03 Community Development Program Plan And Authorizing An Agreement For The Technical Assistance Program Int. No. 426 No speakers.

Amending The Municipal Code With Respect To The Official Map, As Amended Int. No. 447 No speakers.

Amending The Municipal Code With Respect To The Comprehensive Plan, As Amended Int. No. 448 No speakers.

Approving Change In Traffic Flow On Van Street Between Alexander Street And Hamilton Street From Two-Way To One-Way Northbound Int. No. 435 No speakers.

Local Improvement Ordinance - Areaway Abandonment At 21 Richmond Street As A Part Of The Richmond Street Public Improvement Project Int. No. 436 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
December 17, 2002

To the Council:

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

Int. No. 417 - Authorizing The Sale Of Real Estate, As Amended

Int. No. 418 - Amending Ordinance No. 2002-314 Relating To The Sale Of Real Estate

Int. No. 419 - Granting An Easement To RG&E

Int. No. 420 - Authorizing A Lease Agreement For The Continued Lease Of Space For The Goodman Police Section

Int. No. 421 - Authoring The Acquisition And Sale Of Real Estate

Int. No. 422 - Approving A Grant Agreement For The YWCA Affordable Rental Housing Project

Int. No. 423 - Authorizing An Agreement For The Operation Of Municipal Parking Lots No. 3 And No. 6

Int. No. 424 - Local Law Amending The City Charter To Enable The Establishment Of Business Improvement Districts

Int. No. 454 - Resolution Approving Rules And Regulations Governing Relocation Payments For Property Appropriated By The City For Non-Federally-Assisted Projects

Int. No. 456 - Approving The Sale Of 772-774 North Clinton Avenue And An Amendment To The Loan To Grant Agreement

Int. No. 458 - Designating Parcels For Urban Renewal To Be Known As The Erie Canal Urban Renewal District

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

Int. No. 425 - Authorizing Amendatory HOME Program Plans And Authorizing An Agreement For The Northwest Community Services Owner Occupant Rehab Program

Int. No. 426 - Authorizing An Amendatory 2002-03 Community Development Program Plan And Authorizing An Agreement For The Technical Assistance Program

Int. No. 446 - Amending The Municipal Code With Respect To Fees, As Amended

Int. No. 447 - Amending The Municipal Code With Respect To The Official Map, As Amended

Int. No. 448 - Amending The Municipal Code With Respect To The Comprehensive Plan, As Amended

Respectfully submitted,
Wade S. Norwood
Benjamin L. Douglas (Abstained vote on Int. No. 422.)
Nancy K. Griswold
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2002-375,
2002-376, and 2002-377
Re: Sale of Real Estate

R2010: Campaign Nine - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the following real estate transactions:

1. The sale of 25 properties
2. Amendment of a prior ordinance
3. Granting of a permanent easement

Sales

The first three properties were sold at the July 1, 2002 Public Auction. The properties will be rehabilitated in accordance with their legal uses, and the purchasers will be required to complete the rehabilitation within nine months of the conditional closing.

The next four properties are vacant lots that were sold at the July 1, 2002 Public Auction, subject to the acceptance of a development proposal. The parcel located at 82-88 Conkey Avenue will be developed as a parking lot to be used in conjunction with the church located at 69 Conkey Avenue. The other three properties will be fenced and landscaped and combined with the purchasers' adjoining properties.

The next two properties are structures that were sold through the September 20, 2002 Request for Proposal Sale. The property at 1026 Clinton Avenue South will be rehabilitated as a delicatessen/catering business, and the properties at 425 & 433 North Street will be developed as a bookstore and landscaped area.

The next property is a portion of 36 Wilkins Street that is being sold for its appraised value to the adjoining owner to accommodate the construction of a driveway.

The next eight properties were sold at the October 16, 2002 Rochester Homestead Lottery for \$1.00. The purchasers will be required to rehabilitate the structures within eighteen months of closing, and to occupy them as their primary place of residence for a minimum of five years.

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

Amendment

On October 15, 2002, City Council authorized the sale of 327 Clifford Avenue, 18-24 Lee Place and 2-2.5 Short Street to Brett Sheffield. Since that time, other properties he owns have been cited for code violations. Mr. Sheffield must resolve those issues prior to purchasing any City owned properties. The proposed amendment would cancel those three sales.

Easement

The proposed legislation would grant a permanent easement to Rochester Gas & Electric Corporation on City owned vacant land located at 7 Thomas Street. The easement is required to install utility facilities in order to provide service to a house located at 496 Upper Falls Boulevard. The easement area will be 5' wide by 100' in length and will be located along the southern property line. The easement will be granted for the sum of \$100.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AB-147

Councilmember Norwood moved to amend Introductory No. 417.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2002-375
(Int. No.417, As Amended)

Authorizing The Sale Of Real Estate And Amending Ordinance No. 2002-349

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 SBL#	Legal Use Purchaser	Price
[30 Dayton St 091.80-2-35	2 Family Maxine & John King]	\$17,200
243-245 Hawley St 120.76-1-62	2 Family Eric Robinson	3,100
18 Lloyd St 120.75-3-31	2 Family Eric Robinson	1,700

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address SBL#	Purchaser	Price
82-88 Conkey Ave 106.29-2-23.2	Benjamin Harris	\$ 50
368 Fourth St 106.51-3-5	Fadhl Mohammed	1,100
498-504 Hudson Ave 106.41-2-47&48	Coburg Homes, Inc.*	400
202-204 Lewis St 106.66-1-23&22	Alba Santos	50

* Officers: Robert Keiffer, Margaret Keiffer

Section 3. The Council hereby further approves the sale of the following parcels of improved property by request for proposal sale:

Address SBL#	Purchaser	Price
1026 Clinton Ave S 121.74-5-45	Joseph Margiotta	\$12,000
425 & 433 North St 106.56-1-36.1&34	Rocco Pellegrino	20,000

Section 4. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address:	Pt of 36 Wilkins St
SBL#:	Pt. of 106.23-2-32.1
Price:	\$100
Purchaser:	David Santiago

Section 5. The Council hereby further approves the sale of the following parcels of improved property by homestead lottery:

Address	Legal Use
---------	-----------

SBL#	Purchaser
87 Avenue C 106.21-1-77	1 Family Elisa Underwood
361 Cottage St 135.27-2-3	1 Family Sheree Colson
321 Fourth St 106.51-2-19	1 Family Hector Rivera
675 Frost Ave 120.66-1-68	1 Family Latoria Nesmith
26 Kohlman St 091.78-3-16	1 Family Isse Abokar & Khadija Ahmed
192 Rohr St 106.35-2-75	1 Family Erica Brown
391 Saxton St 105.75-1-5	1 Family Ernestina Feliz
22 Zimbrich St 091.71-2-93	1 Family Sally Lewis

Section 6. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address SBL#	Purchaser	Sq. Ft.
[EH 266 Flint St 120.76-1-35	Willie & Ruby Harrison	2715±]
[WH 266 Flint St 120.76-1-35	Dorothy Smith	2715±]
22 Malvern St 105.35-4-30	Eric R. Carlston	2640
[297] 279 Troup St 120.44-2-81.1	Allison B. Hannah	4280±
425 Verona St 105.68-3-45	Philip Siragusa	2805
EH 268 Wilkins St Pt. of 106.24-1-71	Darin L. Proctor	1734
WH 268 Wilkins St Pt. of 106.24-1-71	Lloyd Cuyler, Jr.	1734

Section 7. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges or because these charges have been included in the purchase price.

Section 8. Ordinance No. 2002-349, relating to acceptance of an easement at 125 Fulton Avenue, is hereby amended by changing the name of the owner from Providence Housing Development Corporation to Providence Westside Housing Development Fund Company, Inc.

Section 9. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-376
Int. No. 4118)

Amending Ordinance No. 2002-314 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2002-314, relating to the sale of real estate, is hereby amended by deleting authorization for the sale of 327 Clifford Avenue, 18-

24 Lee Place and 2-2.5 Short Street to Brett Sheffield, as approved in Section 1 thereof.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-377
(Int. No. 419)

Granting An Easement To RG&E

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

Section 1. The Council hereby approves the granting of a permanent easement to the Rochester Gas & Electric Corporation for the sum of \$100 over a portion of the City-owned parcel at 7 Thomas Street for the installation and maintenance of utilities to service a house at 496 Upper Falls Boulevard.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-378
Re: Lease Agreement: RPD Goodman
Section

R2010: Campaign Nine: Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing a one-year lease with an option for a one-year renewal between the City and the Waring Plaza Corporation for the continued use of the premises at 262 Waring Road by the Goodman Section of the Rochester Police department.

The Goodman Police Section has occupied this space for more than fifteen years. The current lease will expire on December 31, 2002. The new lease will commence January 1, 2003 and expire on December 31, 2003.

The proposed lease will keep the rental amount and lease terms the same as in the previous lease agreement. The monthly and yearly cost for this agreement is as follows:

Square footage:	5,500
Cost per square foot:	\$4.95
Monthly rent:	\$2,268.75
Total annual rent:	\$27,225.00

The source of funds is the 2002-03 and future Budgets of the Police Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-148

Ordinance No. 2002-378
(Int. No. 420)

Authorizing A Lease Agreement For The Continued Lease Of Space For The Goodman Police Section

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 Waring Plaza Corporation for the continued lease of approximately 5,500 square feet of space at 262 Waring Road to be used by the Goodman Police Section of the Rochester Police Department. The agreement shall extend for a term of one year, with one additional one-year renewal option.

Section 2. The lease agreement shall obligate the City to pay an amount not to exceed \$27,225 in annual rent. Said amount shall be funded monthly from the Police Department Operating 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-379
Re: Acquisition & Sale of
508-510 Lyell Avenue

R2010: Campaign Nine - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition and sale of a property located at 508-510 Lyell Avenue. The property is a 24' x 80' property with a vacant one-story commercial structure owned by the International Union of Operating Engineers, Local 71. The acquisition cost will be \$26,000, which was established through an appraisal prepared by Kevin L. Bruckner, M.A.I. The total acquisition amount, including demolition and closing costs, will not exceed \$42,000 and will be funded from the 2001-02 Cash Capital Allocation for acquisition.

After the property has been acquired and the structure has been demolished, the remaining vacant lot will be sold for its appraised value to the adjoining owner, Emilio Savina, at 506 Lyell Avenue to be developed as a parking lot.

As you will recall, on May 16, 2000, Council approved a change in the direction of traffic on Murray Street between Otis Street and Lyell Avenue. The neighbors had petitioned the City for such a change in an attempt to combat illegal activities that were occurring on Murray Street. One result of the change was that the business owned by Mr. Savina (Savina Kitchens) near the corner of Murray Street had reduced access to his business. Council asked the Administration to develop alternatives to mitigate the impact on Mr. Savina's business. The proposed acquisition and resale is the best alternative to provide such mitigation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-149

Ordinance No. 2002-379
(Int. No. 421)

Authorizing The Acquisition And Sale Of Real Estate

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

Section 1. The Council hereby approves the acquisition of 508-510 Lyell Avenue, SBL #105,650-1-57, from the current owner, the I. U. O. E. Local 71 Building, Inc. for the sum of \$26,000. Upon acquisition of the parcel, the City shall demolish the structure on the parcel.

Section 2. The acquisition, closing costs and demolition costs shall obligate the City to pay an amount not to exceed \$42,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2001-02 Cash Capital Allocation.

Section 3. The Council hereby further approves the sale of 508-510 Lyell Avenue, after demolition of the structure thereon, for its appraised value, to Emilio Savina, for development as a parking lot to service the business at 506 Lyell Avenue.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-380
Re: YWCA Affordable Rental Housing -
1330-1340 Portland Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the development of an affordable rental housing project at 1330-1340 Portland Avenue by the YWCA of Rochester and Monroe County, Inc. This legislation will authorize a grant agreement in the amount of \$150,000, which will be funded from various City Development Fund (CDF) housing allocations, as follows:

Pre-1997-98	\$ 14,871
1997-98	2,608
1998-99	17,500
1999-2000	83,551
2000-01	<u>31,470</u>

\$150,000

The YWCA has become a resourceful developer of assisted housing that serves at-risk female headed households, combining supportive services with affordable rental units. The YWCA's housing portfolio numbers 112 units, which include emergency, transitional and permanent housing types.

The YWCA is now undertaking a project at 1330-1340 Portland Avenue, which straddles the City-Irondequoit border. This existing 12-unit building, with six units in the City and six in Irondequoit, has been donated to the YWCA by the Meran Company (Natapow Management Group) and will be fully renovated as 8 two-bedroom and 4 three-bedroom apartments. The apartments will have rents affordable to households with incomes less than 50% of the Rochester MSA median family income.

The project has an estimated cost of \$862,000. The

State of New York has reserved \$55,926 in low-income housing tax credits over each of the next ten years for the project and the Federal Home Loan Bank of New York has awarded a \$90,000 grant. In addition, the Town of Irondequoit and County of Monroe have each made grant awards, of \$150,000 and \$50,000 respectively, for the project.

The proposed City funding of \$150,000 would be in the form of an affordable rental project grant, with an affordability and regulatory period of 50 years. The property will remain on the tax rolls and pay full taxes.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-150

Ordinance No. 2002-380
(Int. No. 422)

Approving A Grant Agreement For The YWCA Affordable Rental Housing Project

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

Section 1. The Mayor is hereby authorized to enter into a grant agreement with the YWCA of Rochester and Monroe County, Inc. for funding for the YWCA Affordable Rental Housing Project at 1330-1340 Portland Avenue.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$150,000, and of said amount, or so much thereof as may be necessary, \$14,871 shall be funded from the pre-1997-98 City Development Funds, \$2,608 shall be funded from the 1997-98 City Development Fund, \$17,500 shall be funded from the 1998-99 City Development Fund, \$83,551 shall be funded from the 1999-2000 City Development Fund and \$31,470 shall be funded from the 2000-01 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife is an employee of one of the affiliated agencies.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-381
Re: Agreements - Municipal Parking Lots

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement for operation of Municipal Lot No. 3, located at 15 Manhattan Square Drive, and Lot No. 6, located at the southwest corner of North

Union Street and University Avenue. Each parking lot contains 40 spaces.

Over the past two years, the parking lots have not generated any revenue. However, an increasing demand for parking at the Strong Museum and parking for events in this area provide for potential new revenue generation.

To provide for operation of both parking lots, the Division of Municipal Parking solicited proposals from twenty-two (22) organizations. Two (2) proposals were received.

Fairway Parking, Inc., is being recommended to operate the parking lots based upon a comparison of proposed payments to the City.

Organization	Monthly payment to City
Fairway Parking, Inc.	\$500 per month
Allright New York Parking, Inc.	Did not meet the criteria of the proposal request

Under the terms of proposed operating agreement, besides payment of the specified amount, Fairway Parking, Inc., will be responsible for:

1. Operation of the lots, using a self-pay honor pay box;
2. Maintenance of the lots, including cleaning, snow removal, landscape care, and when necessary, re-stripping the pavement markings and applying new asphalt topping.
3. Payment of the costs of all utilities;
4. Provision of insurance and a performance bond.

The proposed operating agreement will have an initial term of three years with provision for two additional one-year terms at the option of the City. The City may terminate the operating agreement for future development purposes with a ninety-day written notice to the operator.

Fairway Parking, Inc. will make a recommendation to the Division of Municipal Parking regarding the rates to be charged at these parking lots.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-151

Ordinance No. 2002-381
(Int. No. 423)

Authorizing An Agreement For The Operation Of Municipal Parking Lots No. 3 And No. 6

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 Fairway Parking, Inc. for the operation of Municipal Parking Lot No. 3, located at 15 Manhattan Square Drive and Municipal Parking Lot No. 6, located at the southwest corner of North Union Street and University Avenue, for a term of three years, with an option for two additional one-year terms. The City may terminate the agree-

ment on ninety days notice if either lot is needed for development purposes. The agreement shall obligate the operator to pay all expenses associated with the parking lot, including any utility costs, pure waters capital charges, water consumption charges and the cost of insurance and performance bonds. The operator shall also be required to maintain the parking lot, including cleaning, snow removal, landscape care, and when necessary, re-stripping the pavement markings and applying new asphalt topping.

Section 2. The agreement shall obligate Fairway Parking, Inc. to pay to the City the sum of \$6,000 annually for said agreement, payable in equal monthly amounts.

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:

Local Law No. 1
Re: Business Improvement Districts

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation to authorize the creation of Business Improvement Districts (BIDs) in the City of Rochester. Such authorization is a necessary prerequisite to the actual creation of any such districts under Article 19-A of the General Municipal Law.

For over twenty-five years, the City has worked with neighborhood businesses and business organizations to promote commerce, to expand the tax base, to generate jobs, and to improve the quality of life in our neighborhoods. Programs as various as the Commercial Façade Program, the Business AfterCare Grants, and the Neighbors Shopping Neighborhoods have been brought to the table as tools to improve our commercial districts.

Despite a number of impressive achievements, many of our neighborhood commercial districts are struggling in the face of increasing competition provided by suburban malls. It is clear that there will never be enough governmental assistance to overcome the inherent competitive disadvantages these businesses face. In order that individual businesses not only survive, but thrive, they have begun to think of themselves as parts of a larger whole.

Over the past several years, a number of business associations have begun to discuss the possibility of forming BIDs as a mechanism to foster a sense of common purpose and to begin to capitalize on the potential sense of group identity that is inherent on many of our neighborhood commercial strips. Park Avenue, Dewey Avenue, La Avenida and Thurston Road as coherent districts could forge a powerful sense of identity that could help compete more effectively with the more well-known suburban malls.

Once this legislation is approved, there is still a process that any individual BID must complete, and that City Council must authorize, to enable the actual creation of a specific district. However, this first step must be taken before any group can petition the City

to form a BID. It is anticipated that the first such application may be made next year.

Respectfully submitted,
William A. Johnson, Jr.,
Mayor

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2002-25
(Int. No. 454)

Because the local law that was passed by Council originally designated as Local Law No. 14 of 2002 was not signed by the Mayor until 2003, it has been designated as Local Law No. 1 of 2003.

Local Law No. 1
(Int. No. 424)

Local Law Amending The City Charter To Enable The Establishment Of Business Improvement Districts

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 10A-4:

Section 10A-4. Business Improvement Districts.

Business Improvement Districts may be established or extended in the City pursuant to the provisions of Article 19-A of the General Municipal Law.

Section 2. This local law shall take effect 45 days from the date of its adoption.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Mains - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2002-25
Re: Approving Rules Governing
Relocation Benefits and Procedures

R2010: In Support of Campaign 7
Quality Service

Transmitted herewith for your approval is legislation approving rules and regulations governing relocation payments for property appropriated by the City for non-federally assisted projects. These rules have not been updated since November 13, 1979 and various benefit limits and procedures have become outdated. This amendment is intended to increase the maximums that are allowed by law and provide a clearer process for determining eligibility for relocation benefits.

The proposed rules will:

1. Increase the total residential owner/tenant payment from \$300 to \$1,000.
2. Increase the total maximum business or non profit owners/tenants payment from \$15,000 to \$25,000.

The maximums are based on the limits that are permitted by Section 74(b) of the NYS General Municipal Law.

Resolution Approving Rules And Regulations Governing Relocation Payments For Property Appropriated By The City For Non-Federally-Assisted Projects

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

Section 1. The Council hereby approves and adopts the following rules and regulations established by the Director of Finance pursuant to Section 74-b of the General Municipal Law, regarding relocation payments for property appropriated by the City for non-federally-assisted projects.

I. Residential Properties.

- A. The City shall pay to an eligible displaced residential occupant his or her actual moving and related expenses, or a fixed expense and dislocation allowance, both as defined for federally-assisted projects in the Federal Relocation Provisions, up to a maximum of \$1,000 per household.
- B. The City shall pay to an eligible displaced residential occupant who relocates to a new residence within the City of Rochester an additional "replacement housing payment" of up to \$500, provided that the total payment to an eligible displaced residential occupant, pursuant to both A and B hereof, may not exceed \$1,000 per household.

II. Businesses and Nonprofit Organizations.

- A. The City shall pay to an eligible displaced business or nonprofit organization either its actual moving and related expenses or, where the business or organization chooses to move itself, a moving allowance determined in advance by the City based on one or more bids solicited by the business or organization from a moving company.
- B. In addition, the City shall pay to an eligible displaced business or nonprofit organization its actual expenses incurred in relocating and reestablishing its operation at a replacement site, up to \$10,000.
- C. In lieu of payments under A and B above, an eligible displaced business or nonprofit organization may elect to receive a fixed payment equal to its average annual net earnings.
- D. Computation of amounts due under this section II shall be the same as for federally-assisted projects, as set forth in the Federal Relocation Provisions, except for the following:
 1. No payments shall be made unless the displaced business or nonprofit organization relocates within the City of

Rochester. All costs incurred must be related to such move within the City.

- 2. The maximum amount payable under C shall be \$25,000.
- 3. The maximum amount payable under this section II shall be \$25,000.

III. General Provisions

A. "Federal Relocation Provisions" shall mean and include:

- 1. Subchapter II, "Uniform Relocation Assistance", of Chapter 61, "Uniform Relocation Assistance and Real Property Acquisition Policies for Federal and Federally Assisted Programs", of Title 42, "Public Health and Welfare", of the United States Code (42 USC 4621 et seq.).
- 2. Subpart D, "Payments For Moving and Related Expenses", of Part 24, "Uniform Relocation Assistance and Real Property Acquisition For Federal and Federally Assisted Programs", of Subtitle A, "Office of the Secretary of Transportation", of Title 49, "Transportation", of the Code of Federal Regulations (49 CFR 24.301 et seq.).
- 3. The "Uniform Relocation Assistance and Real Property Acquisition Policies Act, Residential Moving Expense and Dislocation Allowance Payment Schedule" established by the Federal Highway Administration pursuant to 49 CFR 24.302 (presently shown at www.fhwa.dot.gov/realstate/fixsch96.htm).
- 4. Handbook 1378, "Tenant Assistance Relocation and Real Property Acquisition", published by the U. S. Department of Housing and Urban Development, Office of Community Planning and Development.
- 5. To the extent that the listed federal provisions are modified or superseded by future amendments, these regulations shall be construed to incorporate and refer to such future replacement provisions.

B. The limitations set forth herein are not intended to apply to payments the City is obligated to make under the law of eminent domain.

Section 2. These rules and regulations shall replace those adopted by the Council on November 13, 1979, by Resolution No. 79-85.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-382
Re: Authority to Extend the Term of

the Loan to Grant Agreement of the Community Microenterprise Center and Transfer Ownership

R 2010: Economic Vitality

Transmitted herewith for your approval is legislation requesting:

1. Authorization to:

- A) Amend the term of a \$50,000 Targeted Commercial Area Loan to Grant to Marilyn Tedeschi. The existing term is from September 30, 1998 to October 1, 2003. The new term will be from April 1, 2001 to March 1, 2006.
- B) Extend the credits (noted in the promissory note) against the new five year term of the Targeted Commercial Area Loan to Grant Agreement. Credits applied after 3/1/03 are subject to the 100% complete renovation of the Community Microenterprise Center.
- C) Allow assumption of the Targeted Commercial Area Loan to Grant Agreement by the Community Microenterprise Center Inc. The Center shall not submit an application for a tax exemption during the term of the loan to grant agreement. The City expresses no opinion as to the eligibility of the property for such an exemption by this requirement.

2. Authorization to transfer ownership of 772-774 North Clinton Avenue from Marilyn Tedeschi to the Community Microenterprise Center Inc. (CMC), a 501(c) (3) corporation.

Funds were used to assist in the purchase and renovation of a vacant building located at 772-774 North Clinton Avenue. This building now houses a micro business center for entrepreneurs. The Community Microenterprise Center opened in April 2001 and currently has four business tenants: Love for Children, Within Arm's Reach, Totally Unique and S & L Creations.

The building is 80% completed and has received a partial certificate of occupancy. It is anticipated that all work will be completed by February 2003. The total cost of renovations was \$322,000.

Charitable donations have provided the funds necessary to do the bulk of improvements to the property. In order to satisfy current donors and in order to solicit additional donations, ownership must transfer to the CMC Inc.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-382
(Int. No. 456)

Approving The Sale Of 772-774 North Clinton Avenue And An Amendment To The Loan To Grant Agreement

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

Section 1. The Council hereby approves the sale of 772-774 North Clinton Avenue from Marilyn Tedeschi to the Community Microenterprise Center Inc.

Section 2. The Mayor is hereby authorized to enter into an amendatory loan to grant agreement for the Community Microenterprise Center at 772-774 North Clinton Avenue whereby the term of said loan to grant shall be extended to March 1, 2006 and the time to complete objectives to obtain the applicable credits may also be extended. Said loan to grant may be assumed by the Community Microenterprise Center Inc., provided that the Community Microenterprise Center Inc. may not submit an application for a tax exemption for said property prior to the end of the term of the loan to grant. Through this requirement, the Council expresses no opinion on the eligibility of said property for a tax exemption.

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. 2002-383
Re: Urban Renewal District Designation -
Erie Canal Revitalization Area

R2010: Healthy Urban Neighborhoods;
Economic Vitality; Tourism
Destination

Transmitted herewith for your approval is legislation designating the Erie Canal Revitalization Area as an Urban Renewal District. The proposed designation is intended to facilitate the redevelopment of the area through the construction of a stadium by Rochester Rhinos Stadium, LLC (RRS).

This area is generally bounded...

on the East by the rear property line of parcels on the west side of Saratoga Avenue, from Lind Street to the northern boundary of 448 Smith Street;

on the West by the east side of West Broad Street from the railroad tracks south to the northern boundary of 766 West Broad Street;

on the North by the southern boundary of the railroad tracks from West Broad Street to Oak Street, then along the southern boundary of Lind Street to the western lot line of 5 Lind Street;

on the South by the north side of Smith Street from 760 Smith Street easterly to the intersection of Oak Street, and northerly along the east side of Oak Street to a point opposite the north lot line of 448 Smith Street, and along that lot line to the rear lot line of the properties on the west side of Saratoga Avenue.

The attached map illustrates the project boundaries.

The district would be composed of 16.48 acres of vacant City-owned land and would include the portion of Oak Street between Lind Street and the project's southern boundary as illustrated on the map. The Council will be presented with legislation to abandon that portion of the street in the future as well as to authorize the sale of the land to RRS.

As you are aware, NY State has allocated \$15 million for this important project and the principals of RRS are working to secure the remainder of the estimated \$23 million total project cost. As detailed in the Memorandum of Understanding signed by Mayor Johnson and Frank DuRoss, President of RRS, there will be no additional assistance requested of the City for the project.

The designation of the district is a required first step for the project. If the designation is approved, the required SEQOR review will be performed and a formal plan for the district will be developed and submitted to the Planning Commission and the Council for approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-152

Ordinance No. 2002-383
(Int. No. 458)

Designating Parcels For Urban Renewal To Be Known As The Erie Canal Urban Renewal District

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

Section 1. The Council hereby finds and declares that the area in the City of Rochester hereinafter described, which includes the parcels known as 900 West Broad Street, SBL #105.75-02-06.1; 524 Oak Street, SBL #105.76-01-057; 480 Smith Street, SBL #105.76-01-50.1, and a portion of Oak Street, is sub-standard and unsanitary and is appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and hereby designates the same as an urban renewal area to be known as the Erie Canal Urban Renewal District. Said area is described as follows:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point in the northeasterly line of West Broad Street at a point 243.25 feet northwesterly from the northwest street line of Smith Street;

- Thence 1) N 45° 40' 56" W along the northeasterly line of West Broad Street a distance of 348.11 feet more or less to an angle point in the West Broad Street right-of-way line;
- Thence 2) N 65° 50' 06" W along the northerly line of West Broad Street a distance of 543.35 feet to an angle point in the West Broad Street right-of-way line;

- Thence 3) Continuing along the northeasterly right-of-way line of West Broad Street and it's various courses a distance of 255.54 feet said point being the northwest corner of Lot 2 as shown on a map prepared by Bergmann Associates and filed in the Monroe County Clerk's Office in Liber 255 of maps at page 3;

- Thence 4) Easterly and along the northerly line of said Lot 2 and it's easterly extension a distance of 355.29 feet more or less to the centerline of the former Moore Street;
- Thence 5) Northerly along the centerline of the former Moore Street a distance of 4.1 feet more or less to the westerly extension of the northerly line of said Lot 2;
- Thence 6) Easterly along said extension and the northerly line of said Lot 2 a distance of 524 feet more or less to the southwesterly line of Oak Street;
- Thence 7) Northwesterly along the southwesterly line of Oak Street to the southwesterly extension of the southeasterly right-of-way line of Lind Street;
- Thence 8) Northeasterly along said extension and the Lind Street right-of-way a distance of 353.5 feet more or less to the northwest corner of Lot 23 of the John Williams Tract;
- Thence 9) Southeasterly along the southwesterly lines of Lots 23, 22 and 21 of the John Williams Tract a distance of 120 feet more or less to the northwest corner of Lot 20;
- Thence 10) Southwesterly along the southwesterly extension of the northwesterly line of Lot 20 a distance of 17 feet to a point;
- Thence 11) Southeasterly and parallel with the southwesterly line of said Lot 20 a distance of 40 feet more or less to the southwesterly extension of the southeasterly line of said Lot 20;
- Thence 12) Northeasterly along said extension a distance of 17 feet to the southwest corner of Lot 20;
- Thence 13) Southeasterly along the southwesterly lines of Lots 19 through 8 and part of Lot 7 a distance of 496.94 feet to the northwesterly line of lands owned now or formerly by Maguire Properties, Inc.;
- Thence 14) Southwesterly along the northwesterly line of lands owned by Maguire Properties, Inc. and it's southwesterly extension a distance of 381 feet more or less to the southwesterly right-of-way line of Oak Street;
- Thence 15) Southeasterly along the right-of-way line of Oak Street to an angle point;
- Thence 16) Southerly along the right-of-way line of Oak Street a distance of 14.12 feet to the northwesterly right-of-way line of Smith Street;
- Thence 17) Southwesterly along the right-of-

way line of Smith Street a distance of 320.32 feet to the southwest corner of Lot 3 as shown on a map recorded in the Monroe County Clerk's Office in Liber 255 of maps at page 3;

- Thence 18) Northwesterly along the southwesterly line of said Lot 3 a distance of 123.25 feet to a point;
- Thence 19) Northeasterly along said Lot 3 a distance of 25.50 feet to a point;
- Thence 20) Northwesterly along the southwesterly line of said Lot 3 a distance of 120 feet to the southeasterly line of said Lot 2;
- Thence 21) Southwesterly along the southeasterly line of said Lot 2 a distance of 125.50 feet to the point or place of beginning.

Section 2. The Council finds that this area is blighted, deteriorated or deteriorating due to the presence of distressed and underutilized land, and that the conditions of the area are hampering and impeding proper economic development, and are inimical to the public health, safety, morals and welfare of the inhabitants of the City of Rochester and the State of New York. Designation of this area as a urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-384
Re: Northwest Community Services
Owner Occupant Rehab Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Northwest Community Services Owner Occupant Rehabilitation Program. This legislation will:

1. Reduce the following ordinances by said amounts:	
Ord. 92-399, (Home Moderate Rehab)	\$23,225
Ord. 94-024, (South Wedge CHDO)	2,034
Ord. 94-374, (Owner Occupant Rehab Program)	4,560
Ord. 96-105, (Owner Occupant Rehab Program)	5,478
Ord. 97-284 (Home Reoccupation Grant)	3,508
Ord. 97-284 (HUD Owner Occupant Program)	500
Ord. 97-212 (Rehab Rochester)	240
Ord. 99-049 (West Square Manor)	455
	\$40,000

- 2. Reappropriate the HOME funds listed above for the proposed project.
- 3. Authorize an agreement with Northwest Community Services (NCS) for the administration

and distribution of these funds.

NCS has received approval to provide rehabilitation grants to owner occupants using a recent award from the Federal Home Loan Bank Board of New York (FHLBB) and the City. The program will provide up to 20 grants to income-eligible owner-occupants. Each owner would be eligible to receive a grant of up to \$15,500. The total cost of the program would be \$310,000 and will be funded as follows:

FHLBB	\$200,000	(\$10,000/structure)
City (Residential Assistance Program)	70,000	(\$3,500/structure)
City (Reprogrammed HOME funds)	<u>40,000</u>	(\$2,000/structure)
	<u>\$310,000</u>	

The funds will be used to make necessary repairs to owner-occupied structures located within three targeted areas, Susan B. Anthony, Brown Street and the Northwest Gateway. The Northwest Gateway is a strategic planning area bounded by Lake Avenue, Driving Park, Lexington Avenue and Wren Street. Eligible repairs include but are not limited to roof, heating, electrical, plumbing and weatherization. All repairs will be completed to HUD Housing Quality Standards.

The owners must be within 80% of the median income and will be required to remain in the property for five (5) years.

The funds being reprogrammed are from rehabilitation contracts that were completed and the full amounts were not used.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-384
(Int. No. 425)

Authorizing Amendatory HOME Program Plans And Authorizing An Agreement For The Northwest Community Services Owner Occupant Rehab Program

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

Section 1. The Council hereby approves an amendment to the Community Development Program Plans whereby HOME Program Funds previously appropriated in the following ordinances shall be reduced and transferred to new accounts in the same years to fund the Northwest Community Services Owner Occupant Rehab Program as follows: Moderate Rehabilitation Program, Ordinance No. 92-399, \$23,225; Community Housing Development Organizations, Ordinance No. 94-24, \$2,034; Owner Occupant Rehabilitation Program, Ordinance No. 94-374, \$4,560 and Ordinance No. 96-105, \$5,478; Rehab Rochester Program, Ordinance No. 97-212, \$240; Home Reoccupation/Vacant Property Grant Program, Ordinance No. 97-284, \$4,008; West Square Manor, Ordinance No. 99-49, \$455. The ordinances referenced herein are hereby amended to reduce the amounts appropriated from HOME Program funds for the specific purposes and in the specific amounts set forth herein.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Northwest Community Services for the Owner Occupant Rehab Program.

Section 3. 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, is hereby reappropriated from the HOME Program funds reduced and transferred in Section 1 hereof.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-385
Re: Business Development And Technical Assistance Program

R2010: Economic Vitality

Transmitted herewith for your approval is legislation to amend the 2002-03 Community Development Program. This legislation will:

1. Authorize the transfer within the Improve the Housing Stock and General Property Conditions allocation \$29,000 from the Rehab Rochester account to a new account for the Business Development and Technical Assistance Program.
2. Appropriate \$29,000 from the Improve the Housing Stock and General Property Conditions allocation to fund the Urban League of Rochester for the Business Development Division's (ULRBDD) Technical Assistance Program.
3. Authorize an agreement for a program with the Urban League of Rochester to provide a Business Planning Workshop series, one-on-one consultations and retail business skills training.

ULRBDD has operated the program since 1987. ULRBDD has targeted women, low income and minority entrepreneurs. In addition, as part of its outreach efforts to the Spanish-speaking community, bilingual program promotion materials have been developed for all new program components. The program curriculum has included business plan development, financial statements and marketing plan development. Skills training and consultation have been provided to a wide range of businesses.

This agreement will be narrower in scope as follows:

1. Provide evening business planning workshops to existing retail and consumer service businesses that have been open for less than one year, have not previously completed a small business planning course, and are applying for the Business Assistance Program (BAP) and potentially, the BAP AfterCare Matching Grant.

The curriculum topics will include:

- A. Business Planning/The Business Plan

- B. Marketing, Advertising, Sales Promotion & Publicity
- C. Where's the Cash? Financial Management
- D. Tax Forms & Filings
- E. Effective Business Communications
- F. Building a Better Credit Record/ Ins & Outs of Business Banking

Three workshop series will be conducted between January 1 and June 30, 2003.

- 2. One-on-one consultation with existing business owners as described below:
 - A. Three follow-up consultations with business owners who have successfully completed the evening business planning workshops. These consultations will allow more in-depth attention to and guidance with issues specific to the individual business owner.
 - B. Retail Business Ownership Training in to business owners with operations located in commercial areas that have been rated "not currently viable" and "moderately viable" with a special emphasis on those targeted for revitalization. Owners will learn how to improve buying techniques, identify additional sources of supply, improve merchandising and establish procedures to ensure successful retail operations.

Topics include:

- *Techniques of buying
- *Merchandise Assortment Plan
- *Display Merchandising by Classification
- *How to Work with Resources (vendor/ buyer relationships)
- * Cooperative Advertising
- * Retail Procedures and Forms
- * Loss Prevention

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-153

Ordinance No. 2002-385
(Int. No. 426)

Authorizing An Amendatory 2002-03 Community Development Program Plan And Authorizing An Agreement For The Technical Assistance Program

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

Section 1. The Council hereby approves an amendment to the 2002-03 Community Development Program Plan whereby, within the Improving

the Housing Stock and General Property Conditions Allocation, the sum of \$29,000 shall be transferred from the Rehab Rochester Account to a new account for the Technical Assistance Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Urban League of Rochester, N.Y., Inc. for the Technical Assistance Program.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$29,000, 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 2002-03 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance Nos. 2002-386, 2002-387,
And 2002-388
Re: Zoning Fees and Technical Amendments

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the new Zoning Ordinance, Official Map Amendments, the Comprehensive Plan, and Amusement Game Licenses as follows:

Zoning Ordinance

The legislation will add a new Article XXV, the fee schedule for special zoning process applications. The fees will become effective upon the enactment of the new Zoning Code on January 1, 2003.

In 1999, new zoning fees were adopted under the 1975 Zoning Ordinance after an analysis of the processing costs associated with each of the special applications and comparisons with fees in other communities. These existing fees are recommended either to be maintained at current levels or slightly increased. New fees are proposed for significantly modified or new zoning processes.

The following fees are proposed to be maintained as approved in 1999:

- Variances
- Special Permits
- Amendments (Zoning Map, Text and amendments to existing IPDs , PDs or MIPDs)
- Subdivisions
- Minor Site Plan Reviews
- Administrative Appeals

The following fees are recommended to be increased based on increased processing time, new notification requirements and prior undervaluation:

Administrative Adjustment	from \$ 60	to \$100
Cluster	from \$120	to \$250
Landmark Designation	from \$100	to \$200
Certificate of Non-conformity	from \$ 60	to \$150
Interpretation	from \$ 60	to \$100

Minor Subdivision from \$ 20 to \$ 50

The following new fees are proposed for new or modified zoning processes resulting from new provisions in the Zoning Code:

Establishment of a Planned Development from \$400 to \$750

The Planned Development process is a three step process consisting of the review of three separate submittals: the Concept Plan, the Detailed Plan and the Final Plan. Each submittal requires the same amount of staff work as a site plan review in addition to City Planning Commission, Project Review Committee and City Council actions. These developments require a high level of staff review and facilitation.

Certificate of Appropriateness from \$0 to \$100

Certificates of Appropriateness requiring Preservation Board approval will require a public hearing, with neighborhood notification and a published notice. Under the 1975 Code, there were no hearing requirements. Although the processing of a Certificate of Appropriateness demands as much staff time as the special permit and variance processes, and in some cases more, it is recommended that the fee be kept low so as not to be excessive or to penalize residents in Preservation Districts seeking to upgrade their properties. Certificates of Appropriateness approved by the Director of Zoning will not require a fee.

Certificate of Zoning Compliance (CZC) (when no building permit is required) from \$0 to \$50

Currently there is no fee for a CZC application. The proposed fee would apply only to CZC approvals, which do not also require a building permit. These issuances involve staff processing and often an accompanying City inspection. CZC approval only is issued for temporary uses, landscaping, and repairs in kind in Preservation Districts, and requests for in-depth legal use analysis.

Major Site Plan Review from \$250 to \$500

Major Site Plan Review applications require referral to the Project Review Committee for recommendation. This new committee will become a new staffing function of the Division of Zoning. Special meetings will be facilitated; public notification is required and recommendations must be prepared. Major Site Plan Reviews will typically require a greater number of referrals, public notification, and intensive staff processing and facilitation.

Official Map Amendment from \$400 and \$500 to \$500 and \$600

The OMA process will now be conducted by two City departments. The Department of Environmental Services (DES) will now conduct the staff review of the project and the Division of Zoning will conduct the public hearing process. A fee to cover certain DES staffing costs is proposed in addition to the costs associated with the Planning Commission and City Council public hearing processes.

The fee for a street abandonment is still recommended to be higher than other Official Map Amendments because of the intensive staff work associated with the review, referral and inspection after approval.

The Planning Commission is scheduled to hold a public hearing on the proposed changes on December 9, 2002 and subsequently to make a recommendation to City Council. Their recommendation will be transmitted to Council as soon thereafter as possible.

Official Map Amendment

The procedures and regulations for Official Map Amendments (OMAs) were included within the 1975 Zoning Ordinance. As part of the Zoning revision project, it has been recommended that OMAs are more properly dealt with as a category of their own, since they include substantial reviews by other City departments, especially the City Engineer, all of which are beyond the limits of Zoning. The proposed amendment would transfer the entire OMA section from Chapter 115, the recently rescinded Zoning Ordinance, to Chapter 76, Official Map.

Comprehensive Plan

When the City Council adopted the Comprehensive Plan Renaissance 2010, it was included in a new Section 130 of the Municipal code. During the Zoning revision project, it was noted that several references to Planning Documents and Procedures that impact the Comprehensive Plan still exist within the Zoning Ordinance. The proposed legislation would renumber those sections and transfer them to Chapter 130 so that all legislation relating to the Comprehensive Plan is included in one location.

Amusement Game Licenses

On June 18, 2002, City Council approved a package of fee increases as part of the adoption of the 2002-03 Budget. One of those increases, for Amusement Game Licenses, had been considered by the Administration but rejected. Inadvertently, it was included in the package of increases that Council approved. The proposed legislation would reverse that increase. Since the Budget Bureau was aware of the decision not to recommend the fee increase, they did not anticipate any additional revenue from it; therefore, the proposed legislation will have no impact on the City budget.

A public hearing on the Zoning changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AB-154

Councilmember Norwood moved to amend Introductory No. 446.

The motion was seconded by Councilmember Griswold.

The motion was adopted unanimously.

Ordinance No. 2002-386
(Int. No. 446, As Amended)

Amending The Municipal Code With Respect To Fees And The Zoning Code Effective Date

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

Section 1. There is hereby added to the Municipal Code the following new Article XXV of Chapter 120, Zoning Code:

ARTICLE XXV. FEES.

Section 120-209. Fee schedule.

The following fees shall be charged upon application for the following actions:

Action	Code	Fee
Official Map Amendment		
Planning Commission	120-190	\$200
City Council	120-190	\$200
Department of Environmental Services	Chap. 76	\$100
Street Abandonment		
Planning Commission	120-190	\$200
City Council	120-190	\$200
Department of Environmental Services	Chap. 76	\$200
Amendment (Zoning Map and Text and amendments to existing IPD's and PD's)		
Planning Commission	120-190	\$200
City Council	120-190	\$200
Planned Development	120-190	\$750
Cluster Development	120-192	\$250
Special Permit	120-192	\$250
Site Plan Review		
Minor	120-191	\$250
Major	120-191	\$500
Variance - Use, [and] Area and Official Map	120-195	\$250
Administrative Adjustment	120-191	\$100
Interpretation	120-191	\$100
Administrative Appeal	120-195	\$100
Landmark Designation		
Rochester Preservation Board	120-193	\$100
City Planning Commission	120-193	\$100
Certificate of Appropriateness	120-194	\$100
Certificate of Zoning Compliance (when no permit is required)	120-189	\$50
Certificate of Nonconformity	120-191	\$150
Hazardous materials audit (M-IPD-No. 2)	115-68	\$120
Hazardous materials evaluation (M-IPD-No. 2)	115-68	Actual cost
Minor Subdivision approval (administrative action only)	Ch. 128	\$50
Subdivision approval	Ch. 128	\$200

B. The sum of fifty dollars (\$50.) shall constitute a nonrefundable application fee. Upon written request by the applicant and for good cause, an applicant who withdraws an application prior to the issuance of a decision or findings may request a refund from the Commissioner. If a withdrawal request is made within one

(1) week of the application, a refund shall be limited to any portion of the fee paid in excess of fifty dollars (\$50.). If a withdrawal request is made at least one (1) week but not more than two (2) weeks after the application, a refund shall be limited to any portion of the application fee paid in excess of fifty dollars (\$50.), or seventy-five percent (75%) of the application fee paid, whichever is less. If a withdrawal request is made more than two (2) weeks after the application, a refund shall be limited to any portion of the application fee paid in excess of fifty dollars (\$50.), or fifty percent (50%) of the application fee paid, whichever is less. A refund request must be made within one (1) month of submission of an application.

Section 2. Section 3 of Ordinance No. 2002-201, which amended Section 29-11 of the Municipal Code to change the fee for amusement games licenses from \$25 to \$50, is hereby repealed, thereby returning the fee to \$25. Section 8 of Ordinance No. 2002-201, which amended Section 80-3 of the Municipal Code to change the fee for pawnbrokers licenses from \$250 to \$500, is hereby repealed, thereby returning the fee to \$250.

Section 3. Section 120-3 of the Municipal Code, Applicability, as added by Ordinance No. 2002-326, adopting the new Zoning Code, is hereby amended by amending subsection G thereof to read in its entirety as follows:

G. Effective Date.

This Chapter shall take effect on January 1, 2003. Whenever used in this Chapter, the term "effective date" shall mean January 1, 2003.

Section 4. Section 1 and Section 3 of this ordinance shall take effect on January 1, 2003 and Section 2 shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-387
(Int. No. 447, As Amended)

Amending The Municipal Code With Respect To The Official Map

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 to read in its entirety as follows:

Chapter 76. Official Map.

§ 76-1. Map part of chapter.

The Map showing the streets, highways and parks heretofore laid out, adopted and established by law, is hereby readopted and declared to be a part of this chapter and is hereby established as the Official Map of the City of Rochester.

§ 76-2. Official Map: definition, purpose, effect and amendments.

The Official Map shall be a subsidiary part of the

Comprehensive Plan which shall be developed, adopted and amended in accordance with the procedure hereinafter established. The Official Map herein defined is the Official Map authorized by § 26 of the New York General City Law.

§76-3. Official Map: Description.

The Official Map shall show the streets and parks laid out, adopted and established in the city and shall be final and conclusive with respect to the location and width of streets and highways and the location of parks shown thereon.

§76-4. Official Map Amendment.

- A. Street abandonment. An amendment of the Official Map abandoning a dedicated right-of-way may be initiated by City Council, the Planning Commission or by the owner/owners of affected properties.
- B. Street renaming. An amendment of the Official Map renaming an existing dedicated street may be initiated by City Council, the City Planning Commission, or by the owners of seventy-five percent (75%) of the affected properties.
- C. Street memorialization. A memorialization of an existing dedicated street may be initiated by City Council, the Planning Commission or by owners of 51% of the affected properties.
- D. Other. An amendment of the Official Map, including but not limited to the widening of existing streets, may be initiated by City Council, the Planning Commission, the City Engineer or by the owner/owners of property affected by the proposed amendment.
- E. Amendments shall be initiated by an application addressed to the City Council and filed with the City Engineer. A nonrefundable application fee to help defray all administrative costs of the hearings shall accompany each such application.

§76-5. Official Map Variance.

- A. An Official Map Variance is a variance which would permit the erection of a building, structure or other improvement within the bed of a street or highway shown on the Official Map of the City or which would permit erection of a building on a lot not served by an improved street.
- B. Upon the adoption of the Official Map, as amended, no permit for any building, structure or other improvement in the bed of any street or highway shown thereon shall be issued by any official, board or agency of the City unless an Official Map Variance has been authorized by the Zoning Board of Appeals following review by the City Engineer. In addition, no permit for any building shall be issued unless a street shown on the Official Map, as amended, and improved in accordance with the requirements of the Subdivision Ordinance, gives access to such building or unless a performance bond in lieu of such improvement has been provided in accordance with the provisions of § 36 of the New York General City Law and the Rochester Subdivision Code or unless an Official Map Variance from such requirements has been granted by the Zoning Board of Appeals.

- C. No Official Map Variance shall be approved unless the applicant shall establish the following:

- (1) No reasonable return. The subject lot or parcel is not capable of yielding a reasonable return if used for its present use or developed, redeveloped or used for any other use permitted or specially permitted by this chapter (and not prohibited by any other applicable law) in the district in which such lot or parcel is located unless some encroachment on a mapped street or highway is allowed or unless building in the absence of an improved street is allowed. Such inability to yield a reasonable return must be shown by specific facts, and the unsupported opinion of the owner or those appearing for him shall not be accepted as establishing such inability. Proof that the property cannot be used for its highest or best use unless such encroachment or building is allowed or that it could be used more profitably if such encroachment or building were allowed shall not, alone, be sufficient to establish such inability.
- (2) No other remedy. There is no means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit the economic use of the subject lot or parcel.
- (3) Lapse of ten (10) years. With respect to permits to build in the bed of a mapped street or highway, the Board of Appeals may find a lack of fair return in any case where a street or highway has been shown on the Official Map for ten (10) years or more and where the city has not acquired the property included within such mapped street or highway, commenced condemnation proceedings to acquire it, or reconfirmed the street or highway by adoption of the Official Map.
- (4) Lack of access: additional condition. For purposes of a variance from the requirements prohibiting construction on any parcel not having access to an improved street, lack of fair return shall require proof, in addition to proof of each of the conditions set forth above, that the particular circumstances do not require the proposed structure to have access to an existing or proposed street. Such conditions shall be expressly set forth in the resolution granting the variance and the notice informing the applicant thereof and in any zoning permit based thereon.

§76-6. Application for Official Map Amendment and Official Map Variance.

- A. The application shall be in such form and contain such information as may from time to time be established by general rule of the City Engineer with respect to Official Map Amendments and by the Director of Zoning with respect to Official Map Variances[.]. Applications shall be accompanied by a fee established by City Council from time to time. Fees are not required with applications by the City Council, Planning Commission or City

agencies. Applications [but] shall in no event contain less than the following information:

- (1) The name and address of the owner-applicant.
- (2) The name, residence and the nature and extent of the interest, as defined by § 809 of the General Municipal Law of New York, of any state officer or any officer or employee of the City of Rochester or the County of Monroe in the owner-applicant, if known to the applicant.
- (3) The address(es) of the affected property(ies).
- (4) A map showing the proposed change in the Official Map.
- (5) A statement of the reason and necessity for the proposed change.
- (6) A statement of any other applications relating to the affected property which have been or are intended to be filed pursuant to this chapter, the Subdivision Code or the Building Code.
- (7) A statement of the present use of the affected property and proposed change in such use.
- (8) Such other and further information as the City Engineer or the Planning Commission may deem to be necessary or appropriate to a full and proper consideration and disposition of the particular application.
- (9) In the case of street renamings or memorializations, the following additional information will be required:
 - [a] A Right-of-Way Naming Act Application approved by the 911 Program Office pursuant to Resolution 366, the Monroe County Right-of-Way Naming Act, in accordance with the New York State "Right-of-Way Naming Act of 1987".
 - [b] A statement documenting the significance of the proposed name.
 - [c] A statement documenting the significance of the existing street name.
 - [d] In the case of a street renaming, a petition containing the signatures of 75% of the owners on the affected street.
 - [e] In the case of a memorialization of a street, a petition containing the signatures of 51% of the owners on the affected street.
 - [f] A statement documenting the significance of the person to be honored.
- (10) Street naming and renaming for a person shall also be subject to the following:
 - [a] Applications requesting the naming or renaming of a portion of a street

shall be prohibited. A continuous street must have the same name throughout its length.

- [b] Streets may not be named or renamed after a living person, except they may be named after a family prominent in local history even if family members are alive.
- [c] An application for a naming or renaming shall not be filed until after the first anniversary of the person's death.

- B. Upon receipt of a completed application for an Official Map Amendment, the Director of Zoning shall schedule an information meeting before the City Planning Commission, which shall be held within thirty (30) days from receipt of the completed application, pursuant to the procedures set forth in Chapter 120 of the Municipal Code, Zoning Code. Mailed notice for the public hearing before City Council shall be sent by registered mail, return receipt requested, to the person and address noted on the last preceding real property tax notice issued on the property affected by such application. Any comments from the City Engineer must be received by the Director of Zoning at least five (5) days prior to the public hearing.
- C. Within sixty-two (62) days from receipt of a completed Official Map Variance application, the Director of Zoning shall schedule a public hearing with the Zoning Board of Appeals, pursuant to the procedures for Variances set forth in Chapter 120 of the Municipal Code, Zoning Code. Within ten (10) days from the receipt of a completed Official Map Variance application, the Director of Zoning shall refer the application to the City Engineer. The City Engineer may submit comments on any application no later than five (5) days before the date of the hearing.

§76-7. Plan filing.

Upon adoption of an Official Map Amendment, the City Engineer shall cause certified copies thereof to be placed on file in the offices of the Planning Commission, City Clerk and Director of Zoning and shall cause a certificate evidencing the adoption of such amendment, to be filed with the County Clerk of Monroe County.

Section 2. It shall be the duty of the City Clerk immediately upon the adoption of this ordinance to file with the Clerk of the County of Monroe a certificate showing that the City of Rochester has established an Official Map.

Section 3. This ordinance shall take effect on January 1, 2003.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2002-388
(Int. No. 448, As Amended)

Amending The Municipal Code With Respect To The Comprehensive Plan

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

Section 1. Section 130-1 of the Municipal Code, Comprehensive Plan, is hereby amended by renumbering said Section as Section 130-5 and by changing the title to read "Rochester 2010: The Renaissance Plan".

Section 2. There is hereby added to Chapter 130 of the Municipal Code the following new Sections 130-1 through 130-4, which constitute renumbered subsections A-D of Section 115-23 of the Municipal Code, Zoning Ordinance, which is being replaced on January 1, 2003 by a new Zoning Code:

Section 130-1. Comprehensive Plan: definition.

- A. For the purpose of this chapter, the Comprehensive Plan shall consist of the city's future land use development goals, policies and/or programs as they are contained in the adopted portions of the following:
 - (1) Renaissance 2010 Plan;
 - (2) Zoning Code and Official Zoning Map;
 - (3) Subdivision Ordinance;
 - (4) Official Street Map;
 - (5) Capital Improvement Program;
 - (6) Functional Street Classification Map; and
 - (7) Adopted Urban Renewal Plans.

Section 130-2. Comprehensive Plan: purpose and effect.

The Comprehensive Plan, or any part thereof, shall be considered an official statement of the City of Rochester with respect to the existing and developing character of various areas of the city; the proper objectives, standards and direction for the future maintenance, growth and development of the city; the means to be employed to protect existing character or development and to encourage future development that will be in the best interest of the city; and the actions and programs to be undertaken by the city with respect to its future maintenance and development. The Comprehensive Plan shall serve as a guide and resource for city officials and agencies in the performance of their duties but, except as otherwise provided in this chapter and the codes and ordinances of the city, shall not be binding upon them.

Section 130-3. Comprehensive Plan: amendment.

Because the Comprehensive Plan consists of a number of related ordinances and documents, it shall be deemed to be amended as its subsidiary parts are amended or otherwise changed. Such amendments shall be adopted in accordance with the procedures set forth in other parts of the Code of the City of Rochester, such as Chapter 120 and Chapter 128 of the Code. In those instances where an amendment procedure is not otherwise provided in the Code of the City of Rochester, amendments to the Comprehensive Plan shall be adopted in accordance with the procedures set forth in § 120-90.

Section 130-4. Review of public projects; scope of review.

- A. In addition to the authority set forth in Chapter 120, Zoning Code, the City Planning Com-

mission shall review and report on all matters relating to the location of any highway, park, square, playground or recreation ground or public open space within the city; the discontinuance, closing or abandonment of a public highway; and any other land use matters of city-wide impact and importance referred to it by the Commissioner of Community Development, Mayor or City Council.

(1) Procedure for review and construction.

- (a) Within 45 days of any such submission, the Planning Commission shall review such plans for conformity to the Comprehensive Plan and, if necessary, shall confer with the submitting agency with regard to suggested alterations and shall transmit either its approval or disapproval of such plans to the submitting agency, stating in detail the reasons for such recommendation.
- (b) If the Planning Commission has issued its approval or has failed to act with respect to a submission within 45 days or such longer period as may have been agreed to by the submitting agency, the submitting agency may then, but not before, proceed with work on the proposed project. If the Planning Commission has recommended disapproval, then the submitting agency shall undertake no work with respect to the proposed project unless it shall have first obtained express approval therefor from the City Council by ordinance duly adopted.
- (c) No City official, agency or department shall issue any permit, approval or authorization necessary in conjunction with any public project subject to this provision, nor issue or authorize any funds or expenditures for such project, unless the agency responsible for such project shall have first obtained the approval of the Planning Commission or the City Council as herein required.
- (d) In addition, the Mayor shall, before submitting the capital improvement program to the City Council, submit such program to the Planning Commission for its review and comments. The Mayor shall submit any comments of the Planning Commission to the City Council at the same time as the capital improvement program is submitted.

Section 3. There is hereby added to the Municipal Code the following new Section 130-6:

Section 130-6. Strategies.

A. The following studies and plans shall constitute implementing strategies for the Comprehensive Plan:

- (1) The Thoroughfare Plan,
- (2) The Downtown Cultural District Study,
- (3) The Development Concept Plan for the

Rochester Science Park,

(4) The Urban Cultural Park Management Plan,

(5) The Genesee River South Corridor Land Use and Development Plan,

(6) The Local Waterfront Revitalization Plan,

(7) The Brown's Race Land Use Plan, and

(8) The Strong Neighborhood Planning Study.

Section 4. This ordinance shall take effect on January 1, 2003.

Underlined material added.

Passed unanimously.

By Councilmember Griswold
December 17, 2002

To the Council:

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

Int. No. 427 - Establishing Maximum Compensation For A Professional Services Agreement For The Rhythm Nights Concert Series

Int. No. 428 - Establishing \$32,000 As Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Int. No. 429 - Establishing Maximum Compensation For A Professional Services Agreement With Writers & Books, Inc. For The Wordcrafter Program

Int. No. 430 - Authorizing An Agreement For The Rochester Effectiveness Partnership Project

Int. No. 452 - Establishing Maximum Compensation For A Sponsorship Solicitation Agreement For The 2003 MusicFest

Int. No. 453 - Establishing Maximum Compensation For An Agreement For The 2003 MusicFest

Respectfully submitted,
Nancy K. Griswold
Tim O. Mains
Tony M. Thompson
Gladys Santiago
PUBLIC SERVICES & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-389
Re: Agreement - B&R Productions -
Rhythm Nights Concert Series

R2010: Campaign #10 Center City;
Campaign #11 Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with B&R Productions, Inc. (principal: Bobby Warren), 76 Orchard Creek

Circle, Rochester, NY 14612, for booking national and regional artists for the 2003 "Rhythm Nights" concert series, and for vending food and beverages to the public during this four-part series at Manhattan Square Park.

The 2003 "Rhythm Nights" free concert series will take place on four Friday evenings at Manhattan Square Park on July 11, July 25, August 1, and August 8 and will feature national and regional jazz and rhythm and blues artists. This reflects a reduction of two concerts from the 2002 series as a result of the high cost of quality talent which will draw the diverse audience targeted for this series. B&R Productions, Inc. will also provide a production manager and hospitality for the artists.

City Council approved a similar agreement with B&R Productions on January 15, 2002. Last year, this series drew a diverse crowd of nearly 7,000 over six evenings at a cost of \$15,000. The cost of the 2003 series will be the same, but will only provide four events.

B&R Productions, Inc. will provide food and beverages for sale to the public in Manhattan Square Park during the four 2003 "Rhythm Nights" concerts, and will pay the City a flat fee of \$500 for exclusive vending rights in Manhattan Square Park during those concerts. They will also provide the City with 25% of net revenue from food and beverage sales from the four events. Last year, under a similar agreement, the net revenue for six events was \$373.41.

The maximum cost of this agreement will be \$15,000, with \$8,000 from the 2002-03 Budget of the Department of Parks, Recreation and Human Services and \$7,000 from the Rochester Events Network Trust Fund.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-389
(Int. No. 427)

Establishing Maximum Compensation For A Professional Services Agreement For The Rhythm Nights Concert Series

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 B&R Productions, Inc. for booking artists for the "Rhythm Nights" concert series at Manhattan Square Park. Of said amount, \$8,000 shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services and \$7,000 is hereby appropriated from the Rochester Events Network Trust Fund. The agreement shall also provide B&R Productions, Inc. exclusive rights to vend food and beverages to the public at the "Rhythm Nights" concert series, in exchange for the sum of \$500 and 25% of the net revenue from the food and beverage sales.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-390
Re: Agreement - Up All Night, Party
In The Park Concert Series

R2010: Campaign #10 Center City;
Campaign #11 Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Up All Night (principal: Gerard Fisher), 111 East Avenue, for booking national and regional artists for the 2003 "Party in the Park" concert series. The maximum cost of this agreement will be \$32,000, which will be funded from the Rochester Events Network (\$20,000) and the 2003-2004 Budget of the Department of Parks, Recreation and Human Services (\$12,000).

The concert series will be presented on eight consecutive Thursday evenings in Manhattan Square Park beginning on June 19 and ending on August 7. For each of these concerts, Up All Night will provide artists for both the opening and the national headline acts. It will also provide a production manager and hospitality for the artists.

City Council authorized on December 18, 2001 for a similar agreement with Up All Night. The concerts in last year's series attracted approximately 3500 people per week. This figure is consistent with the attendance of the 2001 series.

As in the last four years, this agreement includes a revenue-sharing component providing the City with 25% of net food and beverage sales during the concerts. In 2002, a total of \$16,832 in revenue was received by the City. This reflects a 29% increase in City revenue over the 2001 series.

Up All Night produces more than 250 events each year. Because it is able to offer multiple events to performers, it typically is able to negotiate lower fees than the City usually obtained. We calculate that this leverage in booking will save the City over \$15,000 in talent fees.

For the eighth consecutive year, funding from the 2002-03 Budget of Parks, Recreation & Human Services will remain at the same level of \$12,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-390
(Int. No. 428)

Establishing \$32,000 As 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 \$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 Up All Night for talent booking services for the "Party in the Park" concert series. Of said amount, \$20,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$12,000 shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget. The agreement shall also provide Up All Night exclusive rights to vend food and beverages to the public at the "Party in the Park" concert series, in

exchange for 25% of the net revenue from the food and beverage sales.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-391
Re: Agreement - Writers & Books,
Inc. Wordcrafter Program

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation authorizing an agreement with Writers & Books, Inc., 740 University Avenue, for the continuation of the City's Wordcrafter Program. The maximum cost of this agreement will not exceed \$15,600, and will be funded from the 2002-2003 Budget of the Department of Parks, Recreation and Human Services.

The Wordcrafter Program involves a series of language arts workshops designed to enhance language ability and creative expression for people of all ages and abilities through writing, reading, and the spoken word. The program activities address many of the goals of the Renaissance 2010 Campaign 2: Educational Excellence. The current agreement for the program was authorized by City Council on October 31, 2001.

Under the proposed agreement, Writers & Books will provide a minimum of eight youth and teen workshops, three adult workshops, and an Oral Histories workshop. Each workshop will be provided for 1.5 hours each week for 10 weeks at City Recreation/Community Centers.

The youth workshops will include activities to improve writing, language expression, reading skills and vocabulary through exercises such as writing in personal journals, letter writing, storytelling and theatre arts, and group writing. The adult workshops will teach traditional creative writing. The Oral Histories workshop will incorporate storytelling, writing and oral presentation.

Writers and Books will prepare all materials required for the workshops, and provide instructors. They will also publish an anthology of the participants' writing, and special booklets for individual workshops.

Under the current agreement, approximately 200 youth and 34 adults have participated in the program.

The agreement will have a term of one year, commencing on January 1, 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-391
(Int. No. 429)

Establishing Maximum Compensation For A Professional Services Agreement With Writers & Books, Inc. For The Wordcrafter Program

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

Section 1. The sum of \$15,600, 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 Writers & Books, Inc. for the continuation of the City's Wordcrafter Program. Said amount shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-392
Re: Agreement - Human Services Project

R2010: Campaign: #7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement for the following human services project:

Organization: Rochester Grantmakers Forum
Project: Rochester Effectiveness Partnership
Amount: \$10,000

The above project is considered a project with matching funds, and is eligible for up to five years of funding under the human services funding guidelines approved by the City Council in June, 1981. This project is in its fourth year of CDBG funding.

The cost of the agreements will be financed from the General Community Needs allocation of the 2002-03 Community Development Block Grant.

The Project Information/Budget form is attached.

Respectfully Submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-155

Ordinance No. 2002-392
(Int. No. 430)

Authorizing An Agreement For The Rochester Effectiveness Partnership 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 Rochester Grantmakers Forum for the Rochester Effectiveness Partnership Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2002-03 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 im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-393 And
Ordinance No. 2002-394
Re: Agreements - 2003 MusicFest

R2010: Campaign #8 - Tourism Destination;
Campaign #11 - Arts and Culture

Transmitted herewith for your approval is legislation relating to the 2003 MusicFest that will authorize agreements with the following organizations:

1. Rochester Broadway Theatre league, for talent booking, logistical management, ticket operations and marketing, at a maximum cost of \$807,000; and
2. Source One Marketing Communications, of Cincinnati, for festival development, sponsorship solicitation and volunteer recruitment, at a base cost of \$28,000 plus commissions of 15% of new sponsorship income and 5% of renewal sponsorship income.

The cost of the agreements will be financed from the 2002-03 and 2003-04 budgets of the Department of Parks, Recreation and Human Services and revenues from the MusicFest.

The 2003 MusicFest will represent the ninth annual event. RBTL has been involved with the Fest since 1997, when it assumed responsibility for site logistics. Its responsibilities have grown over the years and in 2001 it assumed responsibility for talent booking. The most recent agreement for provision of these services was authorized by the City Council on December 18, 2002.

Source One assumed responsibility for festival development, sponsorship solicitation and volunteer recruitment for the 2001 MusicFest after a nationwide search for these services was held in 2000.

The 2002 MusicFest was held at various locations throughout the city as well as at Genesee Valley Park July 14-21 and was attended by more than 81,100 people. Twenty-five percent of the weekend audience was from out of town, generating approximately \$700,000 of travel and tourism dollars into the community. Revenues exceed expenses as detailed in the budget:

	<u>2002</u>	<u>2003</u>
<u>Revenue</u>		
City	\$130,000	\$130,000
MF Trust Fund	100,000	100,000
Corporate Sponsors	214,500	300,000
Ticket Sales	403,971	230,000
Concessions	74,609	75,000
	<u>\$923,080</u>	<u>\$835,000</u>
<u>Expense</u>		
Music Production	\$482,097	\$520,000
Site	140,346	140,000
Concessions	35,094	35,000
Finance/Administration	30,368	22,000
Marketing/PR	103,333	90,000
Sponsor Development	34,350	28,000
	<u>\$825,588</u>	<u>\$835,000</u>

Surplus (Deficit) \$ 97,492 \$ 0

By Councilmember Stevenson
December 17, 2002

The 2003 MusicFest will be held July 13-20 at various locations throughout the city and culminate at Genesee Valley Park on July 19 and 20. The MusicFest Trust Fund has a current balance of \$510,847.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-393
(Int. No. 452)

Establishing Maximum Compensation For A Sponsorship Solicitation Agreement For The 2003 MusicFest

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

Section 1. The sum of \$28,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Source One Marketing Communications to provide sponsorship solicitation and service, festival development and volunteer coordination for the 2003 Rochester MusicFest. Said amount shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services. Source One Marketing Communications shall also be allowed to retain 15% of new sponsorship income and 5% of renewal sponsorship income, which amounts are hereby appropriated from anticipated revenue from the MusicFest Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2002-394
(Int. No. 453)

Establishing Maximum Compensation For An Agreement For The 2003 MusicFest

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

Section 1. The sum of \$807,000, 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 Broadway Theatre League to provide talent booking, logistical management, ticket operations and marketing for the 2003 Rochester MusicFest. Of said amount, \$475,100 shall be funded from the 2002-03 Budget of the Department of Parks, Recreation and Human Services, \$60,000 shall be funded from the 2003-04 Budget of the Department of Parks, Recreation and Human Services, contingent upon adoption of said budget, and \$271,900 is hereby appropriated from the MusicFest Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

To the Council:

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

Int. No. 431 - Establishing Maximum Compensation For A Professional Services Agreement For Concept Plans For A New Water Works Operations Center

Int. No. 432 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$119,000 Bonds Of Said City To Finance The Initial Cost Of Planning And Implementing The Design Of And The Construction Of A New City Operations Center Building

Int. No. 433 - Authorizing Agreements For Mechanical/Electrical/Plumbing Engineering Services

Int. No. 434 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of A New Riverside Cemetery Mausoleum

Int. No. 455 - Establishing Maximum Compensation For A Professional Services Agreement For Repairs At High Falls

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

Int. No. 435 - Approving Change In Traffic Flow On Van Street Between Alexander Street And Hamilton Street From Two-Way To One-Way Northbound

Int. No. 436 - Local Improvement Ordinance - Areaway Abandonment At 21 Richmond Street As A Part Of The Richmond Street Public Improvement Project

Int. No. 437 - Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The Richmond Street Public Improvement Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 431 And Int. No. 432.)
Tony M. Thompson
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-395 And
Ordinance No. 2002-396
Re: New Water Works Operation Center

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the new Operations Center for the Bureau of Water, Lighting and Parking Meter Operations. This legislation will:

- 1. Authorize an agreement with LaBella Associates, P.C., to provide the Concept Plans for a

new Operations Center; and

2. Authorize the issuance of bonds totaling \$119,000 and appropriate the proceeds thereof to finance the cost of this agreement.

The Rochester Water Works (RWW) has been in operation since 1876. The Department of Environmental Services, Bureau of Water, Lighting and Parking Meter Operations, as it is known today, is headquartered on a 7.398 acre parcel located at the intersection of Dewey Avenue and Felix Street. The original buildings of this multi-building complex were constructed in 1913 and the remaining buildings were constructed in the mid- to late-1930's. All the buildings have exceeded their useful life span and are in severe need of replacement.

The current site has severe environmental and geotechnical problems. Through its long history, the site has hosted a wide variety of uses. It has housed the City's Department of Public Works since 1920 and it has contained such items as horse stables, blacksmith shops, truck repair and service garages, body and paint shops, machine shops, carpenter shops, heavy equipment repair shops, fire hydrant repair and street lighting repair shops, material storage buildings and a former fuel depot (gasoline station). A segment of the former Erie Canal, subsequently used as a subway line by the Rochester Rapid Transit and Industrial Railroad, occupied the western portion of the site. The canal and subway bed have been filled with construction debris and miscellaneous fill to grade. The site has been confirmed as a local waste site by the Monroe County Environmental Management Council.

The present Water Works complex consists of Buildings 2A, 2, 2N, 3, 4, 5, 5-1/2 and 6. Street Lighting Offices are currently housed in the Parks and Recreation building at 400 Dewey Avenue. Parking Meter Operations are currently housed inside of the Washington Square Garage at 111 Woodbury Boulevard.

The current plan is to construct a new Water Bureau operations center at the existing site. All offices, equipment storage, shops and parking for the Water Bureau, Street Lighting, and Parking Meter Operations will be housed in the new structure. It is envisioned that the new complex will consist of a main office/administration building, a vehicle storage building/garage to house over 80 fleet vehicles, a material storage building with a loading dock to house the substantial inventory of parts and equipment, and a maintenance building for the water meter shop, the parking meter shop, hydrant repair shop and small equipment repair shop, and a covered storage shed for sand, gravel, and top soil. Employee and visitor parking will also be on site. The new facility will be fully accessible to the handicapped and will have the latest in communication (data and voice) technology and security measures.

Requests for Proposals were sent to 9 firms and 7 firms actually submitted proposals. LaBella Associations is recommended based upon previous experience, their proposal submitted and an interview with the firm. Under the proposed agreement, LaBella will provide a minimum of three concept plan alternatives with associated cost estimates for a new operations center on the existing site. The Concept Phase is expected to be complete in 9 months.

The project cost estimate totals \$10,850,000. The project will be funded through water debt (\$10,000,000), general debt for the street lighting expense (\$350,000), and parking debt for the meter

unit (\$500,000).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-156

Ordinance No. 2002-395
(Int. No. 431)

Establishing Maximum Compensation For A Professional Services Agreement For Concept Plans For A New Water Works Operations Center

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

Section 1. The sum of \$119,000, 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 concept plans relating to the construction of a new Water Works Operations Center. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

Ordinance No. 2002-396
(Int. No. 432)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$119,000 Bonds Of Said City To Finance The Initial Cost Of Planning And Implementing The Design Of And The Construction Of A New City Operations Center Building

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the initial cost of planning and implementing the design of and the construction of a new City Operations Center Building for the Bureau of Water, Lighting and Parking Meter Operations 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 in excess of \$119,000, and said \$119,000 is hereby appropriated therefor. The plan of financing includes the initial issuance of \$119,000 bonds of the City, and the levy and collection of an ad valorem tax on all taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$119,000 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 \$119,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00a.11(a) of the Law, is thirty (30) years.

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-397
Re: Agreements - Mechanical, Electrical,
Plumbing Engineering Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for mechanical, electrical, and plumbing engineering services required for building renovation projects:

<u>Organization</u>	<u>Address</u>
Bergmann Associates, Inc.	28 East Main Street
Erdman, Anthony & Associates, Inc.	2165 Brighton-Henrietta Town Line
Road	
LaBella Associates, P.C.	300 State Street
Pathfinder Engineers, LLP	3300 Monroe Avenue
Q-Tech Engineering, P.C.	217 West Commercial Street

Under the agreements, whenever various City-owned buildings require mechanical, electrical, plumbing engineering services, the selection of a specific company will be made depending upon the type of services required and the company's ability to do the work and to meet the City's schedule.

The costs of the services will be financed from the annual budgets of the departments that require the services, or from the proceeds of bond issues authorized for various projects.

Proposals for the provision of mechanical, electrical, plumbing engineering services were solicited from eight organizations; seven proposals were received. The five aforementioned organizations are recommended by the Department of Environmental Services.

Following is a list of building renovation projects for which services are expected to be required during 2002-03 and 2003-04:

<u>Building</u>	<u>Renovation</u>
Wisconsin Fire House, Engine 16	

- Sewer reconfiguration/replacement
- Security at Mt. Read Complex
- Security improvements (electric)
- Chestnut Fire House, Engine 17
- HVAC Study
- Monroe Library
- HVAC upgrade
- Adams Street Recreation Center
- Pool heat recovery system
- Clinton Baden Recreation Center
- Pool heat recovery system
- Genesee Valley Park
- Fire Alarm System replacement

Each of the agreements will have an initial term of one year with provision for two additional one-year renewals periods. Adjustment of the rates during the second and third year will be permitted, subject to approval by the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-397
(Int. No. 433)

Authorizing Agreements For Mechanical/Electrical/Plumbing Engineering 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 mechanical/electrical/plumbing engineering services as required by the City:

<u>Company</u>	<u>Address</u>
Bergmann Associates, Inc.	28 East Main Street
Erdman, Anthony & Associates, Inc.	2165 Brighton Henrietta Town Line Road
LaBella Associates, P.C.	300 State Street
Pathfinder Engineers, LLP	300 Monroe Avenue, Suite 302
Q-Tech Engineering, P.C.	217 West Commercial Street

Section 2. Each agreement shall have a term of one year, with provision for renewal for two additional one year periods. Each agreement shall provide for a service 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 City Engineer. The cost of said services 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. 2002-398

Re: Riverside Cemetery Mausoleum Design

R2010: Campaign #7, Quality Service

Transmitted herewith for your approval is legislation establishing maximum compensation of \$29,000 for an agreement with Schopfer Architects, LLP, 111 James Street, Syracuse, New York for schematic design/development services related to the construction of a third mausoleum building at Riverside Cemetery. The source of funds is the 2002-03 Cash Capital allocation (Cemetery Fund).

Construction of a third mausoleum building at Riverside Cemetery is an integral part of the Cemetery Improvement Plan. Estimated to cost approximately \$2.2 million, the new mausoleum will meet the increasing demand for crypt and niche spaces and is projected to generate gross revenues of \$ 7.0 million.

Schopfer, an architectural firm specializing in cemetery buildings and mausoleums, will develop a schematic design for the new building, detailed construction cost estimates, and marketing materials necessary for the sale of space in the building. Upon completion of the project, the pricing structure for the new building will be adopted and a "pre-sell" program initiated that is anticipated to generate sufficient up-front net revenue within five years to fully cover construction costs. Schopfer previously conducted a feasibility study related to the restoration and conversion of the New Chapel at Mount Hope Cemetery into a mausoleum. Mausoleum I at Riverside was constructed in 1988 at a cost of \$ 1.0 million and Mausoleum II was constructed in 1993 at a cost of \$ 1.2 million. To date, 87% of the available space has been sold including all niches and premium crypts.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-157

Ordinance No. 2002-398
(Int. No. 434)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of A New Riverside Cemetery Mausoleum

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

Section 1. The sum of \$29,000, 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 Schopfer Architects, LLP for schematic design/development services relating to the construction of a new mausoleum at the Riverside Cemetery. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-399

Re: Agreement - High Falls Repair - Overlook
At 60 Brown's Race and Granite Mills Park

R2010: Campaign 4 - Environmental Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with FRA Engineering, P.C., 245 Summit Point Dr., to provide design and construction administration at the overlook at 60 Browns Race and Granite Mills Park. The maximum cost of the agreement will be \$100,000, which will be financed from the 2002-03 Cash Capital allocation for the High Falls Complex.

In 1990, Council authorized an application to the New York State Office of Parks, Recreation and Historic Preservation for an Environmental Quality Bond Act grant to stabilize and preserve the remains of the Triphammer Forge Site and waterwheel. In addition, the Rochester City Waterworks Building in the historic Brown's Race District was converted to a museum and visitor's information center as the keystone redevelopment effort in this Urban Cultural Park. This Urban Cultural Park is located adjacent to the Genesee River and has been developed as a dynamic entertainment center and catalyst for redevelopment of the entire area.

In the summer of 2002, FRA Engineering, P.C., was hired to conduct a detailed condition survey of the High Falls District. As a result of deteriorating geologic conditions, the structural engineering firm recommended that the City immediately restrict pedestrian access on a portion of the overlook immediately adjacent to the river gorge at 60 Brown's Race and at Granite Mills Park located between the Visitor's Center and the Pont de Rennes. Both sites have been closed until measures can be taken to stabilize the areas and ensure safe public access.

The proposed agreement with FRA provides for the development of specifications for the stabilization of both areas, detailed cost estimates, and provision of administrative and technical oversight during the construction phase. It is anticipated that specifications and cost estimates will be completed no later than the end of March at which time a recommendation will be made as to the appropriate course of action and financing required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-399
(Int. No. 455)

Establishing Maximum Compensation For A Professional Services Agreement For Repairs At High Falls

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 FRA Engineering, P.C. for design and contract administration for the stabilization of the Genesee River Gorge overlook at 60 Browns Race and Granite Mills Park. 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 2002-

03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-400
Re: Change in Direction of Traffic Flow - Van Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation changing the direction of traffic flow on Van Street between Alexander Street and Hamilton Street from two-way to one-way (north bound).

This direction change has been requested through a petition from six of eight residents on the street (75%) in order to increase vehicle safety. Van Street is only 18' wide.

The Traffic Control board voted to endorse the street direction change at its October 15, 2002 meeting.

A public hearing on the change is required.

Respectfully submitted,
William A. Johnson
Mayor

Attachment No. AB-158

Ordinance No. 2002-400
(Int. No. 435)

Approving Change In Traffic Flow On Van Street Between Alexander Street And Hamilton Street From Two-Way To One-Way Northbound

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

Section 1. The Council hereby approves a change in direction of the traffic flow on Van Street between Alexander Street and Hamilton Street from two-way to one-way northbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1510
And Ordinance No. 2002-401
Re: Richmond Street Public Improvement Project (East Main Street - Pitkin Street)

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation regarding the Richmond Street Public Improvement Project (East Main Street - Pitkin Street) to:

- 1. Appropriate \$2,400 from the Local Improvement Fund to finance the cost of abandonment of an underground areaway; and

- 2. Authorize the subsequent assessment of this amount against the affected property to replenish the Local Improvement Fund.
- 3. Authorize a professional services agreement with Passero Associates for resident project representation services at a maximum cost of \$32,000, which will be funded from the proceeds of existing bond ordinances.

The Richmond Street Public Improvement Project consists of pavement reconstruction from East Main Street to Pitkin Street. It also includes new granite curbing, concrete sidewalks, driveway aprons, catch basins, hydrants, new water main and water services. Construction is scheduled to begin in the spring of 2003 and to be completed in the summer of 2003.

Passero Associates is performing the design for the improvements to various streets in the East End, including Richmond Street, as authorized by City Council on September 15, 1999 and November 20, 2001. Pavement width changes for Richmond Street were authorized by Council on April 16, 2002.

There is an areaway located at 21 Richmond Street; the property is owned by Bruce Miles. The owner has agreed to an abandonment and has requested that the City's Street Project contractor perform the work. The City, in accordance with City policy, will assist the property owner by financing his share of the areaway abandonment cost through a Local Improvement Ordinance. The cost of this work will be repaid at 1% over the City's borrowing rate in 2 equal annual installments. The City's share of the abandonment costs, pursuant to the City's Areaway Policy, is estimated at \$1,000 and will be financed from a prior bond ordinance for street purposes.

Passero is recommended to do the work because of the availability and qualifications of the personnel assigned to the project.

A meeting with Richmond Street business and property owners was held on January 10, 2002 and a public informational meeting was held on March 5, 2002. Minutes of this meeting have previously been forwarded to City Council. An additional public information meeting will be held prior to construction.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AB-159

Local Improvement Ordinance No. 1510
(Int. No. 436)

Local Improvement Ordinance - Areaway Abandonment At 21 Richmond Street As A Part Of The Richmond Street Public Improvement Project

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

Section 1. The Council hereby authorizes the special treatment of the areaway at 21 Richmond Street as part of the Richmond Street Public Improvement Project in the form of the abandonment of said areaway and the construction or reconstruction of the necessary incidentals thereto in accordance with plans and specifications prepared or approved by the City

Engineer.

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

Section 3. The limits of the District of Assessment for the improvements and work shall be the following property, in amounts not to exceed the following:

Address:	21 Richmond Street
SBL No.:	106.81-02-33
Owner:	Bruce Miles
Amount:	\$2,400

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 \$2,400, plus interest at a rate 1% above the City's "latest borrowing rate" on the unpaid balance, shall be assessed on the property within the limits of the district of assessment described above, in the amounts set forth above. The Council hereby deems such property to be benefited by such improvements and proper to be assessed therefor. The City's "latest borrowing rate" shall be the most recent rate at which the City shall have sold long-term bonds prior to the date of initial billing of the assessments.

Section 5. The assessments shall be billed after the completion of the improvements and work described, and shall be due in 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 \$2,400, 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

Ordinance No. 2002-401
(Int. No. 437)

Establishing Maximum Compensation For A Professional Services Agreement For Resident Project Representation Services For The Richmond Street Public Improvement Project

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 Passero Associates for resident project representation services for the Richmond Street Public Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$21,400 shall be funded from Bond Ordinance No. 2002-51 and \$10,600 shall be funded from Bond Ordinance No. 2000-127.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
December 17, 2002

To the Council:

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

Int. No. 438 - Cancellation Of Taxes And Charges

Int. No. 439 - Authorizing Agreements With The County Of Monroe For Funding For Police Services

Int. No. 440 - Authorizing An Application And Agreement With Respect To Special Traffic Details And Amending The 2002-03 Budget

Int. No. 441 - Resolution Establishing The Maximum Number Of Commissioners Of Deeds

Int. No. 442 - Amending The Municipal Code With Respect To Commissioners Of Deeds

Int. No. 443 - Resolution Approving An Appointment To The Board Of Assessment Review

Int. No. 444 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 449 - Establishing Maximum Annual Compensation For A Professional Services Agreement For Real Estate Title Services

Int. No. 450 - Appropriating Funds For The Local Law Enforcement Block Grant Program And Amending The 2002-03 Budget

Int. No. 451 - Amending The Municipal Code With Respect To Water Rates

Int. No. 457 - Establishing Maximum Compensation For A Professional Services Agreement For Medical Services For The Emergency Communications Department

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-402
Re: Cancellation or Refund of
Erroneous Taxes and Charges

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$14,006.14.

An amount of \$3,579.50, or 25.56% of the total, relates to two properties that had code violation charges or property rehabilitation charges added to the 2002-03 City and School tax bill. The charges were

attributed to former property owners.

A total of \$10,426.64 or 74.44% of the total, relates to one property that is exempt from general taxation for a period of 18 years per Ord. 95-325 adopted in September 1995. The property was recorded as partially taxable on the 2000, 2001 and 2002 Final Assessment Rolls.

If this cancellation is approved, total cancellations thus far for 2002-03 will be \$ 146,262.53.

	Accounts	Amounts
City Council	24	\$ 117,993.56
Administrative	82	
<u>28,268.97</u>		
Total	106	\$ 146,262.53

These cancellations represent .070% of the tax receivables as of July 1, 2002.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-402
(Int. No. 438)

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 City taxes and charges.

a. This property is exempted from general municipal tax for a period of 18 years per Ordinance No. 95-325. The property was recorded as partially taxable for the following Assessment Rolls:

S.B.L.#	Class	Amount
Address	Tax Year	Canceled
075.590-0001-002	NH	
2300 Lake Ave	2001	\$ 3,508.48
	2002	3,394.88
	2003	-
<u>3,523.28</u>		
Subtotal		\$10,426.64

b. Code violations and rehab charges attributed to former owner:

S.B.L.#	Class	Amount
Address	Tax Year	Canceled
121.760-0002-011	NH	
1 Alliance Ave	2003	\$2,200.00
091.770-0005-029	H	
140-42 Avenue D	2001	-
<u>1,379.50</u>		
Subtotal		\$ 3,579.50
Total		\$14,006.14

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 im-

mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-403
Re: Monroe County Reimbursements

R2010: Campaign 3: Health Safety
& Responsibility

Transmitted herewith for your approval is legislation authorizing three municipal cooperation agreements with Monroe County, for reimbursement of certain police activities. All agreements represent continuations of reimbursement programs of long standing. All agreements have been authorized by the County Legislature, and cover the period Jan. 1 - Dec. 31, 2002.

STOP-DWI

Under this agreement, the City will receive reimbursement of up to \$188,637 during 2002-03, for activities related to enforcement of the DWI/DWAI laws, and for suppression of alcohol sales to underage individuals. In addition, the funding will underwrite the purchase of blood alcohol testing devices, maintenance of radar equipment, and re-certification training on radar equipment. The program will fund over 3300 hours of overtime traffic enforcement, in addition to the underage enforcement details conducted by the RPD Tactical Unit.

Firearms Instructors

The County will reimburse the salaries and benefits of one Police Officer assigned as a firearms trainer at the Fire-Police Training Academy, up to the amount of \$55,675. This officer provides firearms training to RPD and to the Sheriff's Department, as well as to various town police forces and other law enforcement agencies. This reimbursement is reduced by 50% from previous years, and now covers only one officer, rather than two as in the past.

Public Safety Aid

Under continuation of the former downtown police aid program, the County will provide \$412,500 to the City under a municipal cooperation agreement, to reimburse the costs of police services to County residents residing or working in Rochester. These funds may be used for general police purposes, with no restrictions on the type or location of reimbursed services. This represents a 25% reduction in County support for this purpose, and is reflected in a municipal cooperation agreement that expires on September 30, 2002, rather than at the end of the calendar year. This reduction was not anticipated in the City budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-403
(Int. No. 439)

Authorizing Agreements With The County Of Monroe For Funding For Police 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 County of Monroe for funding under the New York State Stop-DWI Program, for reimbursement for the salaries and benefits of firearms instructors and ammunition for training, and for reimbursement for the costs of police services to County residents residing or working in Rochester.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-404
Re: Impaired Driving Deterrence Program

R2010: Campaign #3, Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing acceptance of a grant of \$15,000 from the New York State Governor's Traffic Safety Committee (GTSC) to implement special traffic details in high accident areas. Enforcement activity would be undertaken at least once each quarter over a 9-month period ending September 30, 2003.

Under this program, the Police Department would assign experienced officers to STOP DWI checkpoint and saturation patrols, stopping motorists and issuing summonses for violations of the NYS Vehicle and Traffic Law. The grant funds will reimburse the overtime salary cost of sworn officers; GTSC administrative regulations prohibit reimbursement of fringe benefit costs. Patrol details include at least 2 officers, a supervisory Sergeant and Patrol Lieutenant. Because of the modest level of funding provided, enforcement activity will target offense types that are most likely to cause accidents, such as illegal turns, unsafe lane changes, failure to obey a traffic control device, etc. Enforcement will be conducted in target areas, identified by the highest number of motor vehicle accidents: Lake Avenue, St. Paul Street, Monroe Avenue, Mt. Hope Avenue and East Main Street. It is also anticipated that officers will make arrests for drunk driving offenses. These arrests count toward the department-wide total that is used by the County to calculate the City's annual STOP DWI formula amount.

The proposed legislation will also amend the 2002-03 revenue and expense budget of the Police Department in the amount of \$10,000; the remainder of the grant will be included in the 2003-04 Budget.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-404
(Int. No. 440)

Authorizing An Application And Agreement With Respect To Special Traffic Details And Amending The 2002-03 Budget

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

Section 1. The Mayor is hereby authorized to sub-

mit an application to and enter into an agreement with the Governor's Traffic Safety Committee for funding for special traffic details in high accident areas.

Section 2. Ordinance No. 2002-194, the 2002-03 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 \$10,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2002-26 And
Ordinance No. 2002-405
Re: Commissioner of Deeds

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the issuance of Commissioner of Deeds. As you are aware, this Fall, both the City Clerk's Office and the Law Department thoroughly reviewed the legal status and requirements for the issuance of these licenses. That review resulted in a suggestion for minor improvements to the application form and highlighted the State requirement for the biannual establishment of maximum numbers for Commissioner of Deeds.

The first piece of proposed legislation establishes the number of Commissioners of Deeds at no more than 250 per year during calendar years 2003 and 2004. Since January 2002, fewer than 200 have been issued, so the 250, annual maximum is expected to be sufficient to meet projected demand.

In completing the aforementioned review, it became evident that the current fee charged for a Commissioner of Deeds does not fully cover the cost of administering the license. The second piece of proposed legislation amends Section 5-3 of the Municipal Code for qualifying Commissioner of Deeds by increasing the fee from \$10 to \$20. This fee has not changed since May 1990. Finally, the proposed legislation also amends Section 5-6 of the Municipal Code by directing the City Clerk to maintain a record of oath of office cards of officers of the City of Rochester.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-26
(Int. No. 441)

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 2003 and 2004,

there shall be appointed no more than 250 Commissioners of Deeds annually.

Section 2. This resolution shall take effect on January 1, 2003.

Adopted unanimously.

Ordinance No. 2002-405
(Int. No. 442)

Amending The Municipal Code With Respect To Commissioners Of Deeds

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

Section 1. Section 5-3 of the Municipal Code, Fees for qualifying Commissioners of Deeds, as amended, is hereby further amended by deleting the fee "ten dollars (\$10.)" where it is contained therein and by inserting in its place the fee "twenty dollars (\$20.)".

Section 2. Section 5-6 of the Municipal Code, Custody of oaths of office, is hereby amended to read in its entirety as follows:

§ 5-6. Custody of oaths of office.

The City Clerk shall maintain a record in card index form of oaths of office of officers of the City of Rochester.

Section 3. This ordinance shall take effect on January 1, 2003.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2002-27
Re: Appointment - Board Of
Assessment Review

Transmitted herewith for your approval is legislation to approve the reappointment of:

David P. Huyck
75 Berkeley Street
Rochester, NY 14607

to a five-year term on the Board of Assessment Review. Council appointed Mr. Huyck to a previous five-year term on November 18, 1997.

Mr. Huyck has been a professional appraiser for over twenty-five years, has SRA designation, and served as a temporary member of the Board of Assessment Review from 1994-1997, when he was appointed to the permanent Board. He has also served as the President of the Upstate New York Chapter of the Appraisal Institute. A copy of his resume is on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2002-27
(Int. No. 443)

Resolution Approving An Appointment To The Board Of Assessment Review

BE IT RESOLVED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the appointment of David P. Huyck, 75 Berkeley Street, Rochester, NY 14607 to the Board of Assessment Review for a five-year term which will expire on September 30, 2007.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2002-28
Re: Temporary Appointments -
Board of Assessment Review

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

- | | |
|---|--|
| Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619 | James P. Donlon
286 Averill Avenue
Rochester, NY 14620 |
| Michael R. Galitzdorfer
43 Field Street
Rochester, NY 14620 | Thomas Lewis
1394 North Street
Rochester, NY 14621 |
| Eileen M. Mance
95 Merriman Street
Rochester, NY 14607 | Pamela Robinson
858 Arnett Boulevard
Rochester, NY 14619 |
| Justin Underwood
91 Jewel Street
Rochester, NY 14621 | Joe A. Ware, Sr.
496 Lakeview Park
Rochester, NY 14613 |

Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that eight panelists would be sufficient for the workload in the coming cycle.

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

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

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

Respectfully submitted,
Lois J. Giess

President

Resolution No. 2002-28
(Int. No. 444)

Resolution Appointing Temporary Members To The Board Of Assessment Review

Section 1. The Council hereby appoints the following persons to serve as temporary members of the Board of Assessment Review during 2003:

- | | |
|---|--|
| Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619 | James P. Donlon
286 Averill Avenue
Rochester, NY 14620 |
| Michael R. Galitzdorfer
43 Field Street
Rochester, NY 14620 | Thomas Lewis
1394 North Street
Rochester, NY 14621 |

- | | |
|--|--|
| Eileen M. Mance
95 Merriman Street
Rochester, NY 14607 | Pamela Robinson
858 Arnett Boulevard
Rochester, NY 14619 |
| Justin Underwood
91 Jewel Street
Rochester, NY 14621 | Joe A. Ware, Sr.
496 Lakeview Park
Rochester, NY 14613 |

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

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-406
Re: Agreement - Real Estate Title Services

R2010: Campaign 7 - Quality service

Transmitted herewith for your approval is legislation authorizing an agreement with Independent Title Agency, LLC, 99 Ridgeland Road, for the continued provision of real estate title services, with two annual renewals. The maximum cost of the agreement will be \$173,400 per year, which will be financed from the Budget for Undistributed Expense for 2002-03, 2003-04, and 2004-05.

Each year, the City requires title services for properties that are involved in tax foreclosure proceedings and real estate sales. Currently, these services are provided by Independent under an agreement authorized by the City Council on October 17, 2000, and February 12, 2002.

To date, Independent has provided 1753 foreclosure searches and 162 sale or acquisition searches. During the term of the agreement, it is expected that 1750 foreclosure searches and 170 sale or acquisition searches will be required each year.

In September 2002, proposals to provide these services were solicited from 23 organizations. Only one proposal was received, from Independent. Independent is recommended because its prices are reasonable and it has demonstrated through past performance its ability to provide reliable services in a timely manner.

Under the proposed agreement, Independent Title

will provide title services, as well as prepare creditor notification letters for properties in foreclosure, for the following fees per parcel:

Service	Proposed Fee	Current Fee
Preliminary (10-year) report	\$ 95	\$ 95
Update of prior preliminary report	70	70
Full (60-year) report with prior preliminary search	175	175
Full search without prior preliminary search	235	235

These fees and the total authorized cost of the proposed agreement are the same as the current agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-406
(Int. No. 449)

Establishing Maximum Annual Compensation For A Professional Services Agreement For Real Estate Title Services

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

Section 1. The sum of \$173,400, 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 Independent Title Agency, LLC, for continued provision of real estate title services through June 30, 2004, with two options to renew which may extend the maximum term through June 30, 2006. Said amounts shall be funded from the 2002-03, 2003-04 and 2004-05 Budgets for Undistributed Expense, contingent upon approval of the latter years' budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-407
Re: LLEBG Program Funding

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation appropriating \$268,028 from the US Department of Justice's Local Law Enforcement Block Grant (LLEBG). On September 17, 2002, City Council authorized an application and acceptance of funding in the amount of \$425,702. The grant covers a two-year period commencing with the receipt of LLEBG funds.

Under six previous years' LLEBG programs, the City and Monroe County have provided funding for three programs: Operation Night Watch, Juvenile Aftercare Services, and a Juvenile Prosecutor. The 4th, 5th and 6th year LLEBG programs have provided

for the salaries and benefits of a Police Department Systems Programmer and Grants Specialist, and two part-time clerical/crime data entry personnel assigned to the Maple and Clinton patrol sections. Seventh year City-County LLEBG funding will continue to provide reimbursement for these positions. Also a portion of the City share (\$14,600) is planned for a youth violence initiative.

The City intends to utilize 50% of the combined entitlements of the City of Rochester and the County of Monroe (\$227,274), in line with the joint spending program that was approved for first year LLEBG funding. A public hearing was held on October 3 to review the proposed utilization of 7th year LLEBG funds. In addition, the Juvenile Justice Advisory Council has reviewed the proposed spending plan and issued its advisory recommendation. The spending program was approved in both instances.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-407
(Int. No. 450)

Appropriating Funds For The Local Law Enforcement Block Grant Program And Amending The 2002-03 Budget

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

Section 1. There is hereby appropriated from Local Law Enforcement Block Grant Program funds the sum of \$253,428, or so much thereof as may be necessary, to fund the Juvenile Aftercare, Night Watch and Juvenile Prosecutor Programs of the County of Monroe.

Section 2. Ordinance No. 2002-194, the 2002-03 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Administration by the sum of \$14,600, which amount is hereby appropriated from Local Law Enforcement Block Grant Program funds for a Youth Violence initiative.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2002-408
Re: Water Rates

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation to implement increases in water consumption charges, meter rates and fire protection fees. The increases are approximately 7% and will yield additional revenue of \$1,700,000. The attached schedule details the proposed rate changes.

The proposed rate adjustment is required to meet inflationary cost increases in operations and to maintain an ambitious capital improvement program and regular transfers to the General Fund. Recently, the water fund has also faced unanticipated cost increases for enhanced security in the wake of post-9/11 concerns, and for the purchase of water as a result of drought

conditions during parts of 2001 and 2002.

The last general water rate increase went into effect in July 2000. During the past eight years, water rates have been increased by an average of only 1.2% per year.

Respectfully submitted,
William A. Johnson, Jr.,
Mayor

Attachment No. AB-160

Ordinance No. 2002-408
(Int. No. 451)

Amending The Municipal Code With Respect To Water Rates

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

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection (A)(1)(a) thereof to read in its entirety as follows:

(a) Schedule of rates.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$2.29
20,000 to 620,000	2.09
Over 620,000	1.64

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection (A)(2) thereof to read in its entirety as follows:

(2) Base charge.

Size of Meter (inches)	Charge per Month
Up to 3/4	\$ 4.79
1	25.68
1-1/2	38.04
2	50.90
3	127.22
4	254.24
6	381.11
8	508.01
10	635.02

Section 3. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsections C(1), (2) and (3) thereof to read in its entirety as follows:

(1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2	\$ 26.75
4	53.50
6	105.26
8	210.50
10	310.76
12	447.28

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 4	\$ 94.67
6	126.19
8	252.41
10	372.27

(3) Holly high-pressure consumption charge.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$4.58
20,000 to 620,000	4.18
Over 620,000	3.28

Section 4. This ordinance shall take effect on January 1, 2003.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Ordinance No. 2002-409
Re: Agreement - University of Rochester Medical Center Occupational and Environmental Medicine, Cumulative Trauma Disorders

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with University of Rochester Medical Center Occupational and Environmental Medicine, 601 Elmwood Avenue, Rochester, New York, for services relating to cumulative trauma disorders in the Emergency Communications Department. Authorization is sought for an initial two year term commencing on January 1, 2003, through December 31, 2004, with renewal options for two additional one year terms. The maximum program year cost of this agreement will be \$13,000, which will be financed from the present 2002-03 fiscal year and future annual appropriations of the Emergency Communications Department.

Cumulative trauma disorders - such as carpal tunnel syndrome, tendinitis and ganglion cysts - result from the need to repeat the same or similar motion over extended periods of time. Such disorders are not uncommon in the Emergency Communications Department, whose personnel typically must enter significant amounts of data into computers from constrained positions.

In 1993, the NYS Department of Labor inspected the Emergency Communications Department. As a result of this inspection, it directed that the City establish a medical management program to evaluate the prevalence of such injuries and to provide for the appropriate treatment and rehabilitation. To comply with this directive, on August 9, 1994, the City Council authorized an agreement with The Health Connection at Park Ridge Hospital for various services relating to cumulative trauma disorders. A successor agreement was authorized with CONCENTRA Managed Care Services.

This agreement has also expired. Proposals for the provision of similar services in the future were solicited from 11 organizations. Proposals were received from two organizations; Occupational Health Connection, an affiliate of Unity Health System and

Occupational Health + Rehabilitation Inc., and the University of Rochester Medical Center Occupational and Environmental Medicine. A committee comprised of personnel from the Bureau of Human Resource Management and the Emergency Communications Department reviewed the proposals and recommended awarding the contract to University of Rochester Medical Center Occupational and Environmental Medicine. The committee found that the University of Rochester Medical Center Occupational and Environmental Medicine's proposed services best met the service needs of ECD, and at a lower cost than the other proposal.

Under the proposed agreement, University of Rochester Medical Center Occupational and Environmental Medicine (OEM) will:

Assist in the development of medical protocols for physicians who are evaluating Emergency Communications Department employees for musculoskeletal injuries and illnesses.

Establish baseline evaluations for current and new Emergency Communications Department employees for the presence of musculoskeletal injuries and illnesses.

Review baseline documentation for Emergency Communications Department employees already available and where needed, gather additional information on Emergency Communications Department staff.

Provide quarterly and yearly reporting of current status with regard to original baseline information.

Monitor and report employees at risk and provide referrals for treatment.

Coordinate treatment with employees' individual physicians and other medical providers as needed.

Participate in and help establish a training program for Emergency Communications Department management, employees and staff to educate them regarding overexertion injuries and early symptoms. OEM will provide recommendations for tools, procedures, and policies to reduce these types of injuries.

Provide quarterly monitoring of employees evaluated at high risk for cumulative trauma disorders.

Recommend appropriate treatment, rehabilitation, return-to-work and injury prevention strategies for employees out of work due to musculoskeletal injuries using established medical protocols.

Review, upon request by the City, current and prior documentation, provide employee examinations at OEM facilities, and provide on-site observations, interviews, and consulting at the 911 Center during all shifts (24 hours per day).

Complete and deliver quarterly documentation and additional documentation as needed to communicate with and answer all relevant questions from City management, employees' physicians, and referrals within five working days of completing a physical examination or evaluation.

Commit a licensed physician to provide medical review and serve as the liaison with the City.

Maintain professional competence regarding, and demonstrate compliance with OSHA and PESH regulations.

Coordinate with and assist City Occupational Health Consultants in providing medical care for Emergency Communications Department employees.

The cost of this agreement will be reimbursed by Monroe County under the 9-1-1 Operating Agreement authorized by the City Council on May 10, 1994.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2002-409
(Int. No. 457)

Establishing Maximum Compensation For A Professional Services Agreement For Medical Services For The Emergency Communications Department

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 annual compensation to be paid for a professional services agreement between the City and the University of Rochester Medical Center Occupational and Environmental Medicine for a medical management program relating to cumulative trauma disorders among employees in the Emergency Communications Department. The agreement shall extend for two years, with two one-year renewal options. Said amounts shall be funded from the 2002-03 and subsequent Budgets of the Emergency Communications Department, contingent upon approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By President Giess
December 17, 2002

To the Council:

The Committee Of The Whole recommends for adoption the following entitled legislation:

Int. No. 445 - Local Law Amending The City Charter With Respect To Council District Boundaries

Respectfully submitted,
Lois J. Giess (Absent) Gladys Santiago
Brian F. Curran Benjamin L. Douglas
Nancy K. Griswold Tim O. Mains
Wade S. Norwood (Absent) Robert J. Stevenson
Tony M. Thompson
COMMITTEE OF THE WHOLE

Received, filed and published.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 2

Re: Charter Amendment: Redistricting

Transmitted herewith for your approval is legislation to amend the City Charter with regard to the boundaries of the City Council districts. Subsequent to each decennial census, it is required that voting districts be reconfigured to reflect the "one person one vote" rule. Generally, that rule requires that districts vary by not more than 3% from an "ideal" number, which is defined as the total population divided by the number of districts. The current City population total is 219,744; dividing this number by four would mean that the "ideal" number for each Council district would be 54,936 persons.

An additional complication was introduced by the NY State redistricting process. As a result of differences in the Senate and Assembly Election District (ED) boundaries, numerous EDs were configured differently than they had been prior to the redistricting. Four of those reconfigured EDs straddled existing Council District boundaries. As a result of that fact, the first exercise required that each of the split EDs be assigned in its entirety to one of the existing Council Districts. The decisions about where to move each of the four EDs were driven by the population shifts that had taken place since 1990. The following chart details those changes:

Split ED	Prior Council District	New Council District	Population
21-13	East/Northeast	East	359
24-15	East/South	East	1,099
29-6	East/Northeast	East	763
27-22	Northwest/South	South	1,246

As a result of these adjustments, the existing District population figures are as follows:

Adjusted District	Population	Ideal	Variance	Percentage
Northeast District	54,150	54,936	-786	-1.4%
East District	56,144	54,936	1,208	2.2%
South District	53,981	54,936	-955	-1.7%
Northwest District	55,469	54,936	533	1.0%

As you can see, the current Council districts meet the existing standard, since no district varies by more than 2.2% from the ideal. However, in order to bring the districts still closer to the ideal number, and to make adjustments that allow the Districts to align better with recognized neighborhood boundaries, the following changes are being proposed:

ED	From District	To District	Population
29-04	East	Northeast	1,230
29-06	East	Northeast	763
29-11	East	Northeast	686
21-03	East	Northeast	704
21-04	East	Northeast	623
23-15	Northeast	East	824
23-23	Northeast	East	669
25-25	Northeast	East	1,019
27-17	Northwest	South	789

The results of these minor shifts would be as follows:

Proposed District	Population	Ideal	Variance	Percentage
Northeast District	55,644	54,936	708	1.28%
East District	54,650	54,936	-286	-0.52%
South District	54,770	54,936	-166	-0.30%
Northwest District	54,680	54,936	-256	-0.47%

The net result will be more equal districts, closer conformance with neighborhood boundaries, and more compact districts.

Respectfully submitted,

Lois J. Giess
President

Because the local law that was passed by Council originally designated as Local Law No. 15 of 2002 was not signed by the Mayor until 2003, it has been designated as Local Law No. 2 of 2003.

Local Law No. 2
(Int. No. 445)

Local Law Amending The City Charter With Respect To Council District Boundaries

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 subsections A-D of Section 5-3, Districts, to read in their entirety as follows:

- A. The Northeast District shall include all the area described within the boundaries as follows: Beginning at the intersection of the centerline of the Genesee River with the shore of Lake Ontario; Thence southerly along the centerline of the Genesee River to its intersection with the centerline of the Inner Loop; Thence easterly, and southerly along the centerline of the Inner Loop to its intersection with East Main Street; Thence along the centerline of East Main Street to its intersection with the centerline of North Goodman Street; Thence northerly along the centerline of North Goodman Street to its intersection with Clifford Avenue; Thence easterly along the centerline of Clifford Avenue to its intersection with Lyceum Street; Thence northerly along the centerline of Lyceum Street to its interception with Fernwood Park; Thence easterly along the centerline of Fernwood Park to its intersection with Walbar Street; Thence southerly along the centerline of Walbar Street to its intersection with Clifford Avenue; Thence easterly along the centerline of Clifford Avenue to its intersection with Woodman Park; Thence northerly along the centerline of Woodman Park to its intersection with Seymour Road; Thence easterly along the centerline of Seymour Road to the easterly boundary of the City; Thence northerly along the easterly boundary of the City to the northerly boundary of the City; Thence westerly along the northerly boundary of the City to a point 33 feet easterly from the centerline of Culver Road; Thence northerly

and parallel to the centerline of Culver Road to a point 33 feet northerly from the centerline of Hoffman Road produced easterly; Thence northwesterly parallel to the centerline of Hoffman Road to a point 33 feet easterly from the centerline of Wisner Road; Thence northerly and parallel to the centerline of Wisner Road to the southerly boundary of Durand Eastman Park; Thence easterly along the southerly line of Durand Eastman Park to the easterly line of Durand Eastman Park; Thence generally northerly along the easterly boundary of Durand Eastman Park to the shore of Lake Ontario; Thence westerly along the shore of Lake Ontario to the westerly line of Durand Eastman Park; Thence generally southerly along the westerly line of Durand Eastman Park to the intersection of the southerly line of Durand Eastman Park; Thence generally easterly along the southerly line of Durand Eastman Park to a point 33 feet westerly from the centerline of Wisner Road; Thence southerly and parallel to the centerline of Wisner Road to a point 33 feet south of the centerline of Hoffman Road produced westerly; Thence southeasterly and parallel to the centerline of Hoffman Road to a point 33 feet westerly from the centerline of Culver Road; Thence southerly and parallel to the centerline of Culver Road to the northerly boundary line of the City; Thence westerly along the northerly line of the City to the easterly line of the City on the east side of the Genesee River; Thence generally northerly along the said easterly City line to the shore of Lake Ontario; Thence northwesterly to the center of the Genesee River and the point of beginning.

- B. The East District shall include all the area described within the boundaries as follows; Beginning on the centerline of the Genesee River and its intersection with the centerline of the Inner Loop; Thence easterly, and southerly along the centerline of the Inner Loop to its intersection with East Main Street; Thence easterly along the centerline of East Main Street to its intersection with the centerline of North Goodman Street; Thence northerly along the centerline of North Goodman Street to its intersection of Clifford Avenue; Thence easterly along the centerline of Clifford Avenue to its intersection with Lyceum Street; Thence northerly along the centerline of Lyceum Street to its intersection with Fernwood Park; Thence easterly along the centerline of Fernwood Park to its intersection with Walbar Street; Thence southerly along the centerline of Walbar Street to its intersection of Clifford Avenue; Thence easterly along the centerline of Clifford Avenue to its intersection with Woodman Park; Thence northerly along the centerline of Woodman Park to its intersection with Seymour Road; Thence easterly along the centerline of Seymour Road to the easterly boundary of the City; Thence southerly along the easterly line of the City including the area known as Densmore Creek to the southerly boundary of the City; Thence westerly along the southerly boundary of the City to its intersection with Elmwood Avenue; Thence westerly along the centerline of Elmwood Avenue to its intersection with the centerline of South Goodman Street; Thence northerly along the centerline of South Goodman Street to its intersection of Rockingham Street; Thence westerly along the centerline of Rockingham Street to its intersection with

Mount Vernon Avenue; Thence northerly along the centerline of Mount Vernon Avenue to its intersection with Caroline Street; Thence easterly along the centerline of Caroline Street to its intersection with Meigs Street; Thence northerly along the centerline of Meigs Street to its intersection with Interstate 490; Thence generally northwest along the centerline of Interstate 490 and the Inner Loop to the centerline of the Genesee River; Thence northerly along the centerline of the Genesee River to its intersection of the Inner Loop and the place of beginning.

- C. The South District shall include all the area described within the boundaries as follows: Beginning at the intersection of the westerly boundary of the City with Buffalo Road; Thence easterly along the centerline of Buffalo Road to its intersection with the former New York Central Railway; Thence northeasterly along the former New York Central Railway to its intersection with Colvin Street; Thence southerly along the centerline of Colvin Street to its intersection with West Avenue; Thence easterly along the centerline of West Avenue to its intersection with West Main Street; Thence easterly along the centerline of West Main Street to its intersection with Brown Street; Thence northeasterly along the centerline of Brown Street to its intersection with Interstate 490; Thence easterly along the centerline of Interstate 490 to its intersection with the Inner Loop; Thence northeasterly along the centerline of the Inner Loop to its intersection with the Genesee River; Thence southerly along the centerline of the Genesee River to its intersection with Interstate 490; Thence southeasterly along the centerline of Interstate 490 to its intersection with Meigs Street; Thence southerly along the centerline of Meigs Street to its intersection with Caroline Street; Thence westerly along the centerline of Caroline Street to its intersection with Mount Vernon Avenue; Thence southerly along the centerline of Mount Vernon Avenue to its intersection with Rockingham Street; Thence southeasterly along the centerline of Rockingham Street to its intersection with South Goodman Street; Thence southerly along the centerline of South Goodman Street to its intersection with Elmwood Avenue; Thence easterly along the centerline of Elmwood Avenue to its intersection with the easterly boundary of the City; Thence generally southerly along the easterly boundary of the City to the southerly boundary of the City; Thence generally along the southerly boundary of the City, including Genesee Valley Park, to the westerly boundary of the City; Thence generally along the westerly boundary of the City, including the Rochester/Monroe County International Airport, to its intersection with Buffalo Road and the point of beginning.
- D. The Northwest District shall include all the area described within the boundaries as follows: Beginning at the intersection of the centerline of the Genesee River with the shore of Lake Ontario; Thence southerly along the centerline of the Genesee River to its intersection with the Inner Loop; Thence southwestwardly along the Inner Loop to its intersection with Interstate 490; Thence northwesterly along the centerline of Interstate 490 to its intersection with the centerline of Brown Street; Thence

southwesterly along the centerline of Brown Street to its intersection with West Main Street; Thence westerly along the centerline of West Main Street to its intersection with West Avenue; Thence westerly along the centerline of West Avenue to its intersection with Colvin Street; Thence northerly along the centerline of Colvin Street to its intersection with the former New York Central Railway; Thence southwesterly along the New York Central Railway to its intersection with Buffalo Road; Thence generally westerly along the centerline of Buffalo Road to the westerly boundary of the City; Thence northerly following the westerly boundary of the City to its intersection with the shore of Lake Ontario; Thence easterly along the shore of Lake Ontario to the centerline of the Genesee River and the point of beginning.

Section 2. This local law shall take effect 45 days after the date of its adoption.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Griswold, Mains, Norwood, Santiago, Stevenson, Thompson - 9.

Nays - None - 0.

The meeting was adjourned at 8:36 P.M.

CAROLEE A. CONKLIN
City Clerk

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**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2002**

Held February 12, 2002

Int. No 29 - Authorizing An Increase In The Pavement Width Of Strohm Street As A Part Of The Curb Replacement Program - Parks, Public Works and the Environment Committee

Held April 16, 2002

Int. No. 124 - Changing The Zoning Classification Of 420 Westfall Road From R-3 Low-Medium Residential To R-3/O-O Low-Medium Residential/Overlay Office - Housing and Economic Development Committee

Held August 20, 2002

Int. No. 283 - Authorizing License Agreements For Pay Telephones - Parks, Public Works and the Environment Committee

Held September 17, 2002

Int. No. 342 - Authorizing The Acquisition By Negotiation Or Condemnation Of Parcels For The West Ridge Road Improvement Project - Parks, Public Works and the Environment Committee

INDEX 2002 ABBREVIATIONS

Acq. - Acquire, Acquisition	Incr. - Increase
Adpt. - Adopted	Indus. - Industrial
Agree. - Agreement	Int. - Introductory, Introduced
Amend. - Amending, Amendment	L.I.O. - Local Improvement Ordinance
Appl. - Application	L.L. - Local Law
Approp. - Appropriate	Lftd. - Lifted
Appt. - Appoint	Litig. - Litigation
Arch. - Architect	Max. - Maximum
Assist. - Assistance	Mgr. - Manager
Auth. - Authorize	Mun. - Municipal
Bd. - Board	Ofc. - Office
Bldg. - Building	Off. - Official
Cap. - Capital	Ord. - Ordinance
Cert. - Certified	Pav. - Pavement
Chg. - Charges	Pk. - Park
Class. - Classification	Proj. - Project
Comm. - Commission, Committee, Community, Commercial	Pssd. - Passed
Comm. - Communication	Pub. - Public
Conserv. - Conservation	Purch. - Purchase
Constr. - Construction	R2010 - <i>Rochester 2010: The Renaissance Plan</i>
Ctr. - Center	R.E. - Real Estate
Decr. - Decrease	R.O.W. - Right-of-Way
Dedica. - Dedicate	Rec. - Recreation
Demon. - Demonstration	Rej. - Reject
Designa. - Designate	Renew. - Renewal
Dev. - Development	Resi. - Residential
Erron. - Erroneous	Reso. - Resolution
Est(s). - Estimate(s)	Rev. - Revenue
Ext. - Extension	Roch. - Rochester
Facil. - Facilities	Svs. - Services
FY - Fiscal Year	Tbld. - Tabled
Gar. - Garage	Tr. - Transmittal
H.R. - Home Rule	Var. - Various
Hear. - Hearing	Wid. - Width
	Zon. - Zoning

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Approval of sale of land in 14621 Industrial Park to Spex, LLC, Tr. letter, 310, Pub. hear., 292, Pssd., 311

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Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 45, Pssd., 46

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mental remediation at former APCO site located within the City at 79 Woodstock Road, Tr. letter, 85, Pssd., 87

Bond ord. auth. issuance of \$1,145,100 bonds to finance cost of certain street imps. related to Beach Ave. pedestrian access and parking lot imp. proj., Tr. letter, 87, Pssd., 89

Bond ord. auth. issuance of \$134,600 bonds to finance reconstruction of various water mains related to Beach Ave. pedestrian access and parking lot imp. proj., Tr. letter, 87, Pssd., 90

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Bond ord. auth. issuance of \$188,240 bonds to finance imps. to LaGrange Rec. Ctr./Playground, Tr. letter, 312, Pssd., 314

Bond ord. auth. issuance of \$218,700 bonds to finance additional cost of implementing environmental remediation at former APCO site located at 79 Woodstock Rd., Tr. letter, 317, Pssd., 318

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Auth. agree. for Rochester Safe Start Proj. and amend. 2002-03 Budget, Tr. letter, 241, Pssd., 242

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Establishing max. compensation for amend. agree. for Lake Ave. Pub. Improvement Proj., Tr. letter, 84, Pssd., 84

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Auth. agree. for baseball fields under Sector Targeted Funding Initiative Program, Tr. letter, 297, Pssd., 298

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Auth. agree. for Rochester Safe Start Proj. and amend. 2002-03 Budget, Tr. letter, 241, Pssd., 242

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Approp. interest on Local Law Enforcement Block Grant funds, Tr. letter, 64, Pssd., 64

Auth. grant agree. with New York State Division of Criminal Justice Svcs., Tr. letter, 114, Pssd., 114

Auth. sale of real estate and amend. Ord. No. 2002-71, 2002-38 and 2002-39 and auth. grant agree., Tr. letter, 115, Pssd., 117

Auth. submission of Consolidated Community Dev. Program; 2002-03 Annual Action Plan and execution of grant agreement with United States Dept. of Housing and Urban Development, Tr. letter, 122, Pssd., 123

Auth. grant agree. for Arts, Recreation & Tutoring Proj. and amending 2001-02 Budget, Tr. letter, 132, Pssd., 133

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

Auth. application and agree. for grant funds, Tr. letter, 210, Pssd., 211

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Approving sale of 772-774 North Clinton Ave. and amend. to loan to grant agree., Tr. letter, 365, Pssd., 366

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GREATER ROCHESTER HOUSING PARTNERSHIP, INC.

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 162, Pssd., 162

GREATER ROCHESTER METRO CHAMBER OF COMMERCE, INC.

Establishing \$50,000 as max. compensation for professional svcs. agree. with Greater Roch. Metro Chamber of Commerce, Inc. for Highway Beautification Proj., Tr. letter, 125, Pssd., 125

GRETA PROGRAM

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HANEY, PAUL E.

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HANDICAPPED PARKING PERMITS

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Reso. approving appointments to Roch. Economic Dev. Corp., (REDCO), Tr. letter, 182, Adpt., 182

HAWK FRAME & AXLE, INC.

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Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

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Auth. agree. for human svcs. proj., Tr. letter, 215, Pssd., 216

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Auth. decreases in pavement width of Henrietta St. as part of Henrietta St. Public Imp. Proj., Tr. letter, 151, Pub. hear., 145, Pssd., 151

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Auth. pavement width changes on Highland Ave. as part of Highland Ave. imp. proj., Tr. letter, 7, Pub. hear., 4, Pssd., 8

Bond ord. auth. issuance of \$2,360,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Highland Ave. imp. proj., Tr. letter, 111, Pssd., 113

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Establishing max. compensation for professional svcs. agree. and approp. funds for Highland Ave. imp. proj., Tr. letter, 111, Pssd., 114

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Establishing \$50,000 as max. compensation for professional svcs. agree. with Greater Rochester Metro Chamber of Commerce, Inc. for Highway Beautification Proj., Tr. letter, 125, Pssd., 125

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Bond ord. auth. issuance of \$65,750 bonds to finance costs of acq. and demolition of imps. on designated parcels of real property within the City's Home Expo/Challenged Street Proj., Tr. letter, 221, Pssd., 223

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Auth. sale of real estate and agree. for Susan B. Anthony Preservation District infill housing, Tr. letter, 14, Pssd., 16

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Approving property tax exemption and auth. in lieu of tax agreement for HOP Rental Proj., Tr. letter 15, Pssd., 17

Auth. loan agree. for Vermont Manor Rental Housing Proj. and amend. Ord. No. 2000-120, Tr. letter, 37, Pssd., 38

Auth. application and agree. relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 38, Pssd., 39

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Auth. amend. 2001-02 Community Development Program Plan and agree. for Float Loan for Near Westside Rental Proj., Tr. letter, 41, Pub. hear., 26, Pssd., 42

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Auth. amend. 2001-02 Community Development Program Plan and agree. for Float Loan for Canal Place Proj., Tr. letter, 43, Pub. hear., 26, Pssd., 43

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Approp. funds and auth. agree. for Home Purchase Assistance Program, Tr. letter, 166, Pssd., 166

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 Auth. agree. for lending awareness svcs., Tr. letter, 331, Pssd., 332
 Approving grant agree. for YWCA Affordable Rental Housing Proj., Tr. letter, 362, Pssd., 362
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 Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176
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Auth. agree. for Housing Mobility Program and amend. Ord. No. 2000-259, Tr. letter, 250, Pssd., 250

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HOUSING OPPORTUNITIES, INC.

Auth. sale of real estate and agree. for Susan B. Anthony Preservation District infill housing, Tr. letter, 14, Pssd., 16
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ICON ARCHITECTURE, INC.

Establishing max. compensation for professional svcs. agree. for East Main St. Initiative, Tr. letter, 342, Pssd., 343

INDEPENDENT TITLE AGENCY, LLC

Establishing \$12,000 as max. compensation for amend. professional svcs. agree. for continued provision of real estate title services, Tr. letter, 44, Pssd., 45
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JAY HAGUE PROPERTIES, INC.

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JONES, BARBARA J.

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KESSLER, IRVING L.

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Auth. lease agree. for Highland Police Section Office, Tr. letter, 264, Pssd., 265

KULA, JAMES

Reso. approving appointments to Electrical Examining Board, Tr. letter, 330, Adpt., 331

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Auth. agree. and approp. funds for Beach Ave. pedestrian access and parking lot imp. proj., Tr. letter, 87, Pssd., 91

Establishing max. compensation for professional svcs. agree. for environmental review services relating to CSXT train derailment cleanup, Tr. letter, 91, Pssd., 92

Auth. agree. and approp. funds for Port Access and Infrastructure Imps. Proj., Tr. letter, 127, Pssd., 131

Establishing max. compensation for amend. professional svcs. agree. for environmental review svcs. relating to CSXT train derailment cleanup, Tr. letter, 316, Pssd., 317

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Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 380, Pssd., 381

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LAGRANGE RECREATION CENTER

Bond ord. auth. issuance of \$188,240 bonds to finance imp. to LaGrange Rec. Ctr./Playground, Tr. letter, 312, Pssd., 314

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Auth. changes in pavement width of West Ridge Rd., Lake Ave. and Maplewood Dr., realignments and intersection and ramp changes, and establishing width of new streets as part of West Ridge Rd. Imp. Proj. from Hanford Landing Rd. to Veteran's Memorial Bridge, Tr. letter, 59, Pub. hear., 46, Pssd., 61

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Auth. agree. for Landlord and Tenant Svcs., Tr. letter, 167, Pssd., 168

LANDMARK SOCIETY OF WESTERN NEW YORK, INC.

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LANDRO, JOHN

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Establishing max. compensation for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., approp. funds and amend. ord. No. 2001-139, Tr. letter, 346, Pssd., 347

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LEACH, JOHN

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Establishing \$22,400 as max. compensation for professional svcs. agree. with LEaD for training and facilitation svcs., Tr. letter, 111, Pssd., 111

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Approp. funds and auth. agree. for Housing Rehabilitation and Lead Hazard Reduction Programs, Tr. letter, 295, Pssd., 296

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Auth. lease agree. for continued lease of space for Goodman Police Section, Tr. letter, 361, Pssd., 361

LECESSE CONSTRUCTION COMPANY

Establishing max. compensation for professional svcs. agree. for Rochester War Memorial Arena Expansion, Tr. letter, 277, Pssd., 278

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Establishing \$48,000 as max. compensation for legal svcs., Tr. letter, 266, Pssd., 267

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Auth. agree. for lending awareness svcs., Tr. letter, 331, Pssd., 332

LEWIS STREET CENTER

Auth. agree. for neighborhood ctr. improvements, Tr. letter, 34, Pssd., 34

LEWIS, THOMAS

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Reso. approving appointments to Board of Trustees of Rochester Public Library, Tr. letter, 39, Adpt., 40

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Establishing \$16,000 as max. comp. for professional svcs. agree. for Pre-Retirement Planning Svcs.,

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Auth. loan agree. for Vermont Manor Rental Housing Proj. and amend. Ord. No. 2000-120, Tr. letter, 37, Pssd., 38

Approving sale of real estate and loan agree. for Near Westside Rental Proj., Tr. letter, 41, Pssd. 42

Auth. amend. 2001-02 Community Development Program Plan and agree. for Float Loan for Near Westside Rental Proj., Tr. letter, 41, Pub. hear., 26, Pssd., 42

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Auth. exchange of real estate and loan to grant agree., Tr. letter, 71, Pssd., 72

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Auth. loan agree. for NEBCA Rental Proj., Tr. letter, 170, Pssd., 171

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Auth. agree. float loan for Interest Reserve Fund for Rental Rehabilitation Program, Tr. letter, 248, Pssd., 248

Approving sale of 772-774 North Clinton Ave. and amend. to loan to grant agree., Tr. letter, 365, Pssd., 366

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1497 - L.I.O. - Care and embellishment of var. neighborhood street malls for 2002, Tr. letter, 57, Pub. hear., 46, Pssd., 58

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L.I.O. - Areaway abandonment at 21 Richmond St. as part of Richmond St. Public Imp. Proj., Tr. letter, 383, Pub. hear., 358, Pssd., 384

Establishing max. compensation for professional svcs. agree. for resident proj. representation svcs. for Richmond St. Improvement Proj., Tr. letter 383, Pssd., 384

RIVER STREET

Establishing max. compensation for professional svcs. agree. for design svcs. for River St. Waterfront Pub. Imp. Proj., Tr. letter, 50, Pssd., 50

Bond ord. auth. issuance of \$400,000 bonds to finance cost of engineering and proj. design svcs. related to River St. Waterfront Pub. Imp. Proj., Tr. letter, 50, Pssd., 51

Establishing max. compensation for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., approp. funds and amend. ord. No. 2001-139, Tr. letter, 346, Pssd., 347

RIVERSIDE CEMETERY

Establishing max. compensation for professional svcs. agree. for design of new Riverside Cemetery Mausoleum, Tr. letter, 381, Pssd., 382

ROBINSON, PAMELA

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 21, Adpt., 22

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 387, Adpt., 388

ROCHESTER AREA COMMUNITY FOUNDATION

Approp. funds for human svcs. proj., Tr. letter, 63, Pssd., 63

Auth. agree. for Quad A For Kids Dev. Proj., Tr. letter, 158, Held, 159, Pssd., 292

Auth. agree. for Rochester Area Community Foundation, Tr. letter, 243, Pssd., 244

Auth. application and agree. for Teen Court, Tr. letter, 287, Pssd., 288

ROCHESTER BROADWAY THEATRE LEAGUE

Establishing max. compensation for amend. agree. for 2002 MusicFest, Tr. letter, 100, Pssd.,

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Auth. agree. and approp. funds for human svcs. proj. and amend. ord. regarding sources of funds, Tr. letter, 344, Pssd., 345
Establishing max. compensation for agree. for 2003 MusicFest, Tr. letter, 377, Pssd., 378

ROCHESTER COMMUNITY FOUNDATION
Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 135, Held, 135, Pssd., 159

ROCHESTER ECONOMIC DEVELOPMENT CORPORATION
Reso. approving appointments to Roch. Economic Dev. Corp., (REDCO), Tr. letter, 182, Adpt., 182

ROCHESTER EFFECTIVENESS PARTNERSHIP PROGRAM
Auth. agree. for Roch. Effectiveness Partnership Program, Tr. letter, 377, Pssd., 377

ROCHESTER ENVIRONMENTAL COMMISSION
Reso. approving appt. to Roch. Environmental Comm., Tr. letter, 92, Adpt., 92

ROCHESTER EVENTS NETWORK
Establishing \$15,000 as max. compensation for professional svcs. agree. for Rhythm Nights Concert Series and amending ord. No. 2001-409, Tr. letter, 8, Pssd., 9

ROCHESTER FATHERHOOD RESOURCE INITIATIVE
Auth. agree. for Roch. Fatherhood Resource Initiative Proj., Tr. letter, 158, Pssd., 159

ROCHESTER GAS & ELECTRIC CORPORATION
Granting easement to RG&E, Tr. letter, 359, Pssd., 361

ROCHESTER GENERAL HOSPITAL
Auth. agree. for human svcs. proj., Tr. letter, 215, Pssd., 216

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY
Reso. nominating various persons for membership on Roch.-Genesee Regional Transportation Authority, Tr. letter, 21, Adpt., 21
Auth. agree. with Roch.-Genesee Regional Transportation Authority for refueling of City vehicles, Tr. letter, 124, Pssd., 125
Auth. agree. for Access to Job Proj., Tr. letter, 226, Pssd., 227

ROCHESTER GRANTMAKERS FORUM
Auth. agree. for Roch. Effectiveness Partnership Program, Tr. letter, 377, Pssd., 377

ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION
Auth. agree. for Asset Control Area Partnership (ACAP) Program, Tr. letter, 162, Pssd., 163

ROCHESTER-MONROE COUNTY YOUTH BUREAU
Approving applications, agree. and 2002 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 61, Pssd., 63

ROCHESTER PHILHARMONIC ORCHESTRA
Establishing \$100,000 as max. compensation for

professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 274, Pssd., 274

ROCHESTER PRESERVATION BOARD
Reso. approving reappointment to Roch. Preservation Board, Tr. letter, 225, Adpt., 225
Reso. approving appointment to Roch. Preservation Board, Tr. letter, 255, Adpt., 255

ROCHESTER RECREATION SWIM TEAM
Establishing \$13,500 as max. comp. for professional svcs. agree. for continued operation of competitive swimming program for youth, Tr. letter, 238, Pssd., 239

ROCHESTER SAFE START PROJECT
Auth. agree. for Rochester Safe Start Proj. and amend. 2002-03 Budget, Tr. letter, 241, Pssd., 242

ROCHESTER SCIENCE PARK
Approving sale of 110 Science Parkway in Roch. Science Park to LeFrois Development, LLC, Tr. letter, 107, Pub. hear., 82, Pssd., 108

ROCHESTER STEP-OFF EDUCATIONAL FOUNDATION, INC.
Auth. agree. for human svcs. proj., Tr. letter, 237, Pssd., 238

ROCHESTER URBAN RENEWAL AGENCY
Approving sale by Roch. Urban Renewal Agency to Baden St. Settlement of Rochester, Inc. of 476-500 North Clinton Ave., also known as Parcel Z-2 in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 221, Pub. hear., 204, Pssd., 223

ROMEO, PETER
Reso. approving reappointment to Rochester Preservation Board, Tr. letter, 225, Adpt., 225

ROMEYN STREET
Changing zoning class. of 11-35 Orange St. and 14-34 Romeyn St. from R-2 Two-Family Residential and 583 Broad St. and 37 Romeyn St. from M Manufacturing Industrial to C02 Community Commercial, Tr. letter, 40, Pub. hear., 26, Held, 41, Pssd., 81
Abandonment of portion of Romeyn St. and sale of real estate, Tr. letter, 324, Pub. hear., 292, Pssd., 325

ROOSEVELT & CROSS, INC.
Auth. agree. with respect to underwriting svcs. for School District bond refunding, Tr. letter, 76, Pssd., 77

ROUTE I-490 WESTERN GATEWAY PROJECT
Auth. decreases in pavement width of Campbell St. and Wilder St. as part of Route I-490 Western Gateway Proj., Tr. letter, 150, Pub. hear., 145, Pssd., 151

RULES OF COUNCIL
Reso. adopting Rules of Council, Adpt., 4
Reso. to amend Rules of Council, Tr. letter, 260, Adpt., 261

RUNDEL PARK
Auth. increases in pavement width of Rundel Park as part of Rundel Park Pub. Improvement Proj., Tr. letter, 95, Pub. hear., 81, Pssd., 96
Auth. additional increases in pavement width

of Rundel Park as part of Rundel Park Public Imp. Proj., Tr. letter, 126, Pub. hear., 110, Pssd., 127
L.I.O. - Upgrading street lighting as part of Rundel Park Public Imp. Proj., Tr. letter, 152, Pub. hear., 145, Pssd., 153

RURAL/METRO MEDICAL SERVICES

Auth. amend. agree. with Rural/Metro Medical Svcs. for continued provision of emergency ambulance svcs., Tr. letter, 45, Pssd., 45; Tr. letter, 228, Pssd., 229

Establishing \$90,000 as max. compensation for professional svcs. agree. for motor vehicle collision repair svcs., Tr. letter, 49, Pssd., 50

Auth. agree. with Rural/Metro Medical Svcs. for continued provision of emergency ambulance svcs., Tr. letter, 257, Pssd., 260

RYAN, THOMAS P., JR.

Reso. nominating various persons for membership on Rochester-Genesee Regional Transportation Authority, Tr. letter, 21, Adpt., 21

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SMG, INC.

Auth. amend. agree. for operation of Blue Cross Arena at the War Memorial, Tr. letter, 66, Held, 67, Pssd., 134

Amending user fee for Blue Cross Arena at the War Memorial, Tr. letter, 66, Held, 67, Pssd., 135

SAFETY AND SECURITY FOR SENIORS PROJECT

Auth. agree. for Safety and Security for Seniors Proj., Tr. letter, 275, Pssd., 275

ST. JACOB STREET

Auth. increase in pavement width of St. Jacob St. as part of curb replacement program, Tr. letter, 214, Pub. hear., 204, Pssd., 214

ST. MARTIN'S PLACE

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

ST. MARY'S CHURCH

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

ST. PAUL STREET

Auth. changes in pavement width of St. Paul St. [and Mallng Dr.] as part of St. Paul St. Imp. Proj., Tr. letter, 149, Pub. hear., 145, Held, 150, Pssd., 236

SANDIA NATIONAL LABORATORIES

Establishing \$20,200 as max. compensation for professional svcs. agree. for security assessment of city facilities, Tr. letter, 281, Pssd., 282

SANTIAGO, GLADYS, COUNCILWOMAN

Abstention, Ord. No. 2002-13, p. 14; Ord. No. 2002-165, p. 166

Reso. for nomination and selection of vice president for Roch. City Council, Adpt. 1
Moved to amend Int. No. 350, Adpt., 279

SCHAUT, DENNIS

Reso. approving appointments to Electrical Examining Board, Tr. letter, 330, Adpt., 331

SCHOOLS

Bond ord. auth. issuance of \$21,479,000 bonds

to finance cost of constr. and renovations of various public school bldgs., Tr. letter, 24, Held, 25, Pssd., 26

SCHOPFER ARCHITECTS, LLP

Establishing max. compensation for professional svcs. agree. for design of new Riverside Cemetery Mausoleum, Tr. letter, 381, Pssd., 382

SCIENCE LINKAGES IN THE COMMUNITY

Auth. agree. and approp. funds for human svcs. proj. and amend. ord. regarding sources of funds, Tr. letter, 344, Pssd., 345

SCOTT, RUTH

Reso. approving appointments to Roch. Economic Dev. Corp., (REDCO), Tr. letter, 182, Adpt., 182

SEAR BROWN GROUP

Establishing \$729,100 as max. compensation for amend. professional svcs. agree. for environmental remediation of former APCO General Contractor's Site, Tr. letter, 85, Pssd., 86

Establishing max. compensation for professional svcs. agree. for Atlantic-Woodstock Subdivision, Tr. letter, 98, Pssd., 98

Establishing max. compensation for professional svcs. agree. for Lexington Ave. Imp. Proj. and approp. funds, Tr. letter, 283, Pssd., 284

Establishing \$874,800 as max. compensation for amendatory professional svcs. agree. for environmental remediation of former APCO General Contractor's site, Tr. letter, 317, Pssd., 319

SEAT BELT ENFORCEMENT

Auth. application and agree. with respect to Seat Belt Enforcement and amend. 2002-03 Budget, Tr. letter, 288, Pssd., 288

SECONDHAND DEALER LICENSE

Amend. Mun. Code with respect to fees, Tr. letter, 189, Pssd., 198

SECTION 108

Auth. Section 108 loan agree. for Sibley Bldg. Proj., Tr. letter, 229, Pssd., 229

SECTOR TARGETED FUNDING INITIATIVE PROGRAM

Auth. agree. with NEAD for Sector Targeted Funding Initiative Program, Tr. letter, 276, Pssd., 277

Auth. agree. with NEBCA for Sector Targeted Funding Initiative Program, Tr. letter, 277, Pssd., 277

Auth. agree. for baseball fields under Sector Targeted Funding Initiative Program, Tr. letter, 297, Pssd., 298

Auth. agree. with Ontario Beach Park Program Committee for historical signage under Sector Targeted Funding Initiative Program, Tr. letter, 298, Pssd., 299

Auth. agree. with Maplewood Neighborhood Assn. for Sector Targeted Funding Initiative Program, Tr. letter, 299, Pssd., 299

Auth. agree. with ArtWalk, Inc. for Sector Targeted Funding Initiative Program, Tr. letter, 299, Pssd., 300

Auth. agree. with Corn Hill Neighbors Assn. for Sector Targeted Funding Initiative, Tr. letter, 300, Pssd., 301

Auth. agree. with South Wedge Planning Comm. for Sector Targeted Funding Initiative Program, Tr. letter, 349, Pssd., 350

SECURITY

- L.I.O. - Security at Public Market, Tr. letter, 65, Pub. hear., 46, Pssd., 66
- Reso. of budgetary intent - Park security ATVs - \$9,600, Tr. letter, 184, Adpt., 185
- Establishing max. compensation for professional svcs. agree. for Water System Vulnerability Assessment and Security Study, Tr. letter, 281, Pssd., 282
- Establishing \$20,200 as max. compensation for professional svcs. agree. for security assessment of city facilities, Tr. letter, 281, Pssd., 282

SENECA MANOR DRIVE

- Approving property tax exemption and in-lieu-of-tax agree. for Keeler Park Apartments, Tr. letter, 265, Pssd., 266

SERRANO, EMILIO

- Reso. approving appointments to Roch. Economic Dev. Corp., (REDCO), Tr. letter, 182, Adpt., 182

SERVICE LEARNING INSTITUTE

- Auth. amend. 1999-2000 and 2000-01 Community Dev. Program Plans to transfer to funds to Good Grades Pay and Job Creation/Youth Development Accounts, Tr. letter, 101, Pssd., 102
- Auth. agree. for Service Learning Institute of Roch., Tr. letter, 256, Pssd., 256

SEWER(S)

- Bond ord. auth. issuance of \$587,000 bonds to finance cost of constr. and reconstruction of certain sewer imp. related to milling and resurfacing and residential street imp. programs, Tr. letter, 51, Pssd., 54
- Bond ord. auth. issuance of \$65,000 bonds to finance cost of constr. and reconstruction of certain sewer imp. related to Beach Ave. pedestrian access and parking lot imp. proj., Tr. letter, 87, Pssd., 91
- Amend. bond ord. no. 2000-128 relating to sewer improvements as part of 2000 milling and resurfacing and residential street improvement programs to reduce amount authorized and approp. therein, Tr. letter, 109, Held, 110, Pssd., 142
- Bond ord. auth. issuance of \$198,000 bonds to finance cost of constr. and reconstruction of certain sewer imp. related to Highland Ave. imp. proj., Tr. letter, 111, Pssd., 113
- Bond ord. auth. issuance of \$360,000 bonds to finance cost of constr. and reconstruction of certain sewer imp. related to Port Access Roads and Infrastructure Imps. Proj., Tr. letter, 127, Pssd., 131
- Bond ord. auth. issuance of \$205,000 bonds to finance additional cost of constr. and reconstruction of certain sewer imp. related to Milling and Resurfacing and Street Imp. Programs, Tr. letter, 147, Pssd., 148

SEXUALLY ORIENTED BUSINESS

- Amend. Mun. Code with respect to fees, Tr. letter, 189, Pssd., 198
- Amend. Chapter 98 of Mun. Code, Sexually Oriented Businesses, Tr. letter, 332, Pssd., 334

SHMIGEL, BORIS

- Establishing max. compensation for professional svcs. agree. for medical svcs., Tr. letter, 354, Pssd., 356

SIBLEY BUILDING

- Auth. Section 108 loan agree. for Sibley Bldg. Proj., Tr. letter, 229, Pssd., 229

SIDEWALK(S)

- L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2002 and expiring June 30, 2003, Tr. letter, 189, Pssd., 191

SIDEWALK CAFES

- Amend. mun. code with respect to sidewalk cafes, Tr. letter, 189, Pssd., 199

SIGNAGE

- Establishing \$77,000 as max. compensation for professional svcs. agree. for Center City Signage Proj., Tr. letter, 6, Pssd., 7
- Auth. application and agree. for grant funds, Tr. letter, 210, Pssd., 211
- Auth. agree. with Ontario Beach Park Program Committee for historical signage under Sector Targeted Funding Initiative Program, Tr. letter, 298, Pssd., 299
- Auth. agree. with Maplewood Neighborhood Assn. for Sector Targeted Funding Initiative Program, Tr. letter, 299, Pssd., 299

SMITH, PETER J., & COMPANY

- Establishing max. compensation for amendatory professional svcs. agree. for Zoning Ord. and Map Revision Proj., Tr. letter, 174, Pssd., 174

SNACK AND SUPPER PROGRAM FOR CHILDREN

- Auth. application and agree. for 2002-03 Snack and Supper Program for Children and amend. 2002-03 Budget, Tr. letter, 273, Pssd., 274

SNOW PLOWING/REMOVAL

- L.I.O. - Snow removal at Public Market, Tr. letter, 65, Pub. hear., 46, Pssd., 66
- L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2002 and expiring June 30, 2003, Tr. letter, 189, Pssd., 191
- Auth. agree. with New York State Dept. of Transportation for snow removal, Tr. letter, 281, Pssd., 281

SOCIETY FOR THE PROTECTION AND CARE OF CHILDREN

- Approving applications, agree. and 2002 administrative and program budgets of Roch.-Monroe County Youth Bureau, Tr. letter, 61, Pssd., 63

SOJOURNER HOUSE

- Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

SOLICITOR LICENSE

- Amend. Mun. Code with respect to fees, Tr. letter, 189, Pssd., 198

SOURCE ONE MARKETING COMMUNICATIONS

- Establishing max. compensation for sponsorship solicitation agree. for 2003 MusicFest, Tr. letter, 377, Pssd., 378

SOUTH EAST AREA COALITION

- Auth. agree. for Adopt-A-Block Program, Tr. letter, 48, Pssd., 49
- Auth. agree. relating to Graffiti Control Program, Tr. letter, 163, Pssd., 164
- Auth. agree. with neighborhood organizations for admin. of residential assist. program, Tr. letter, 172, Pssd., 173

SOUTHEAST ECUMENICAL MINISTRY

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

SOUTH PLYMOUTH AVENUE

Approving South Plymouth Ave. Pub. Imp. Proj. and changes in pav. width of South Plymouth Ave. and at intersection of South Plymouth Ave. and Ford St., Tr. letter, 350, Pub. hear., 329, Pssd., 353

Establishing max. compensation for professional svcs. agree. for design of South Plymouth Ave. Pub. Imp. Proj., Tr. letter, 350, Pssd., 353

SOUTH WEDGE LANDING

Auth. agree. relating to docks at South Wedge Landing, Tr. letter, 82, Pssd., 83

Auth. application and agree. for grant funds, Tr. letter, 210, Pssd., 211

SOUTH WEDGE PLANNING COMMITTEE

Auth. agree. relating to docks at South Wedge Landing, Tr. letter, 82, Pssd., 83

Auth. agree. with neighborhood organizations for admin. of residential assist. program, Tr. letter, 172, Pssd., 173

Auth. agree. with South Wedge Planning Comm. for Sector Targeted Funding Initiative Program, Tr. letter, 349, Pssd., 350

SOUTHWEST AREA NEIGHBORHOOD ASSOCIATION

Auth. agree. and approp. funds for human svcs. proj. and amending 2001-02 Budget, Tr. letter, 10, Pssd., 10

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 47, Pssd., 48

Auth. agree. for Adopt-A-Block Program, Tr. letter, 48, Pssd., 49

Auth. agree. for Southwest Arts & Cultural Ctr. Proj., Tr. letter, 100, Pssd., 100

Auth. agree. relating to Graffiti Control Program, Tr. letter, 163, Pssd., 164

Auth. agree. with SWAN for Neighborhood Recreation Program, Tr. letter, 314, Pssd., 314

SOUTHWEST ARTS & CULTURAL CENTER PROJECT

Auth. agree. for Southwest Arts & Cultural Ctr. Proj., Tr. letter, 100, Pssd., 100

SOUTHWEST COMMUNITY CENTER

Auth. agree. and approp. funds for human svcs. proj. and amending 2001-02 Budget, Tr. letter, 10, Pssd., 10

SPECIAL ASSESSMENT DISTRICTS

L.I.O. - Establishing operating and maintenance costs of Special Assessment Districts for streetscape enhancements, Tr. letter, 93, Pub. hear., 81, Pssd., 94

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 94, Pub. hear., 81, Pssd., 95

SPEX, LLC

Approval of sale of land in 14621 Industrial Park to Spex, LLC, Tr. letter, 310, Pub. hear., 292, Pssd., 311

SPIRITUS CHRISTI

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

STANTON STREET

Auth. changes in pavement width of Chili Ave., Turner St. and Stanton St. as part of Chili Ave. Imp. Proj., Tr. letter, 202, Pub. hear., 145, Pssd., 203

STATE STREET

Auth. agree. for State St. Underpass Access Imp. Proj., Tr. letter, 55, Pssd., 55

Bond ord. auth. issuance of \$130,000 bonds to finance cost of engineering and proj. design svcs. related to State St. Underpass Access Imp. Proj., Tr. letter, 55, Pssd., 56

STEPHENS, SANDRA

Reso. approving appointments to Roch. Economic Dev. Corp., (REDCO), Tr. letter, 182, Adpt., 182

STEVENSON, ROBERT J., COUNCILMAN

Reso. for nomination and selection of vice president for Roch. City Council, Adpt. 1

Moved to discharge Int. No. 123 from committee, Adpt., 127

Moved to amend Int. No. 123, Adpt., 127

Moved to discharge Int. No. 159 from comm., Adpt., 128

Moved to discharge Int. No. 160 from comm., Adpt., 129

Moved to discharge Int. No. 161 from comm., Adpt., 130

Moved to discharge Int. No. 162 from comm., Adpt. 131

Moved to discharge Int. No. 163 from comm., Adpt. 131

Moved to amend Int. No. 340, Adpt., 283

Moved to return Int. No. 342 to comm., Adpt., 286

STREET(S)

Establishing max. compensation for amendatory professional svcs. agree. for West Ridge Rd. Improvement Proj. and approp. funds, Tr. letter, 30, Pssd., 31

Bond ord. auth. issuance of \$4,142,000 bonds and the application of \$2,307,000 in current funds of the City to finance reconstruction of certain streets related to milling and resurfacing and residential street imp. programs, Tr. letter, 51, Pssd., 52

Bond ord. auth. issuance of \$553,000 bonds to finance reconstruction of various water mains related to milling and resurfacing program, Tr. letter, 51, Pssd., 53

Bond ord. auth. issuance of \$587,000 bonds to finance cost of constr. and reconstruction of certain sewer imp. related to milling and resurfacing and residential street imp. programs, Tr. letter, 51, Pssd., 54

L.I.O. - Care and embellishment of var. neighborhood street malls for 2002, Tr. letter, 57, Pub. hear., 46, Pssd., 58

Establishing max. compensation for amend. agree. for Lake Ave. Pub. Improvement Proj., Tr. letter, 84, Pssd., 84

Bond ord. auth. issuance of \$1,145,100 bonds to finance cost of certain street imp. related to Beach Ave. pedestrian access and parking lot imp. proj., Tr. letter, 87, Pssd., 89

Approving reopening of Wilson Blvd. from Ford St. to Elmwood Ave. and additional pavement changes to Wilson Blvd. and public access improvements to Bausch & Lomb Riverside Park, Tr. letter, 97, Pub. hear., 81, Pssd., 98

Amend. bond ord. no. 2000-128 relating to sewer improvements as part of 2000 milling and resurfacing and residential street improvement programs to reduce amount authorized and approp.

therein, Tr. letter, 109, Held, 110, Pssd., 142

Bond ord. auth. issuance of \$2,360,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Highland Ave. imp. proj., Tr. letter, 111, Pssd., 113

Bond ord. auth. issuance of \$230,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Port Access Roads and Infrastructure Imps. Proj., Tr. letter, 127, Pssd., 129

Amending Official Map by dedicating parcels to street purposes as part of Port Access Roads and Infrastructure Imps. Proj., Tr. letter, 127, Pub. hear., 110, Pssd., 132

Approving change in traffic flow on Achilles St. from Liberty Pole Way to Stillson St. from one-way eastbound to one-way westbound, Tr. letter, 142, Pub. hear., 111, Pssd., 143

Establishing \$80,000 as max. compensation for professional svcs. agree. for resident project representation svcs. for Maple St. Imp. Proj., Tr. letter, 148, Pssd., 149

Auth. acq. by negotiation or condemnation of parcels for West Ridge Rd. Imp. Proj., Tr. letter, 153, Pub. hear., 145, Held, 156; Pub. hear., 204, Pssd., 323

Amend. Official Map by dedication of Cunningham St., Tr. letter, 177, Pub. hear., 145, Pssd., 178

Auth. agree. for Street Condition Rating Update Study, Tr. letter, 282, Pssd., 283

Establishing max. compensation for professional svcs. agree. for Lexington Ave. Imp. Proj. and approp. funds, Tr. letter, 283, Pssd., 284

Auth. acq. by negotiation or condemnation of parcels for West Ridge Rd. Imp. Proj., Tr. letter, 284, Pub. hear., 261, Held, 286

Establishing max. compensation for amendatory professional svcs. agree. for Cobbs Hill Reservoir Dr. Rehabilitation Proj., Tr. letter, 320, Pssd., 320

Determinations and findings relating to acq. of parcels for West Ridge Rd. Imp. Proj., Tr. letter, 321, Pssd., 322

Determinations and findings relating to acq. of additional parcels for West Ridge Rd. Imp. Proj., Tr. letter, 323, Pssd., 324

Abandonment of portion of Romeyn St. and sale of real estate, Tr. letter, 324, Pub. hear., 292, Pssd., 325

Establishing max. compensation for amend. agree. for River St./Latta Rd./Lighthouse St. Pub. Imp. Proj., approp. funds and amend. ord. No. 2001-139, Tr. letter, 346, Pssd., 347

Approving South Plymouth Ave. Pub. Imp. Proj. and changes in pav. width of South Plymouth Ave. and at intersection of South Plymouth Ave. and Ford St., Tr. letter, 350, Pub. hear., 329, Pssd., 353

Approving change in traffic flow on Van St. between Alexander St. and Hamilton St. from two-way to one-way northbound, Tr. letter, 382, Pub. hear., 358, Pssd., 383

L.I.O. - Areaway abandonment at 21 Richmond St. as part of Richmond St. Public Imp. Proj., Tr. letter, 383, Pub. hear., 358, Pssd., 384

Establishing max. compensation for professional svcs. agree. for resident proj. representation svcs. for Richmond St. Improvement Proj., Tr. letter 383, Pssd., 384

STREET CLEANING

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2002 and expiring June 30, 2003, Tr. letter, 189, Pssd., 191

STREET CONDITION RATING UPDATE

STUDY

Auth. agree. for Street Condition Rating Update Study, Tr. letter, 282, Pssd., 283

STREET LIGHTING

Continuation of L.I.O. No. 1340 relating to Lyell Ave. I Street Lighting Upgrade Proj., Tr. letter, 94, Pub. hear., 81, Pssd., 95

Continuation of L.I.O. No. 1377 relating to Lyell Ave. II Street Lighting Upgrade Proj., Tr. letter, 94, Pub. hear., 81, Pssd., 95

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 94, Pub. hear., 81, Pssd., 95

L.I.O. - Upgrading street lighting as part of Rundel Park Public Imp. Proj., Tr. letter, 152, Pub. hear., 145, Pssd., 153

Acceptance of easement for street lighting at 125 Fulton Ave., Tr. letter, 329, Pssd., 330

STREET MALLS

L.I.O. - Care and embellishment of var. neighborhood street malls for 2002, Tr. letter, 57, Pub. hear., 46, Pssd., 58

STREET PAVEMENT WIDTH CHANGES

Auth. pavement width changes on Highland Ave. as part of Highland Ave. imp. proj., Tr. letter, 7, Pub. hear., 4, Pssd., 8

Auth. increases in pavement width of Ellington Rd. as part of Curb Replacement Program, Tr. letter, 30, Pub. hear., 26, Pssd., 30

Auth. increase in pavement width of Strohm St. as part of Curb Replacement Program, Tr. letter, 30, Held, 29

Auth. increases in pavement width of Lanark Crescent as part of Curb Replacement Program, Tr. letter, 58, Pub. hear., 46, Pssd., 59

Auth. increases in pavement width of Berwick Rd. as part of Curb Replacement Program, Tr. letter, 58, Pub. hear., 46, Pssd., 59

Auth. increase in pavement width of Elm Dr. as part of Curb Replacement Program, Tr. letter, 58, Pub. hear., 46, Pssd., 59

Auth. changes in pavement width of West Ridge Rd., Lake Ave. and Maplewood Dr., realignments and intersection and ramp changes, and establishing width of new streets as part of West Ridge Rd. Imp. Proj. from Hanford Landing Rd. to Veteran's Memorial Bridge, Tr. letter, 59, Pub. hear., 46, Pssd., 61

Auth. increases in pavement width of Richmond St. as part of Richmond St. Imp. Proj., Tr. letter, 92, Pub. hear., 81, Pssd., 93

Auth. increases in pavement width of Rundel Park as part of Rundel Park Pub. Improvement Proj., Tr. letter, 95, Pub. hear., 81, Pssd., 96

Auth. increases in pavement width of Lily St. as part of Lily St. Improvement Proj., Tr. letter, 96, Pub. hear., 81, Returned to comm., 97

Approving reopening of Wilson Blvd. from Ford St. to Elmwood Ave. and additional pavement changes to Wilson Blvd. and public access improvements to Bausch & Lomb Riverside Park, Tr. letter, 97, Pub. hear., 81, Pssd., 98

Auth. additional increases in pavement width of Rundel Park as part of Rundel Park Public Imp. Proj., Tr. letter, 126, Pub. hear., 110, Pssd., 127

Auth. changes in pavement width of St. Paul St. [and Mallory Dr.] as part of St. Paul St. Imp. Proj., Tr. letter, 149, Pub. hear., 145, Held, 150, Pssd., 236

Auth. decreases in pavement width of Campbell St. and Wilder St. as part of Route I-490 Western Gateway Proj., Tr. letter, 150, Pub. hear., 145, Pssd., 151

Auth. decreases in pavement width of Henrietta St. as part of Henrietta St. Public Imp. Proj., Tr. letter, 151, Pub. hear., 145, Pssd., 151

Auth. changes in pavement width of Chili Ave., Turner St. and Stanton St. as part of Chili Ave. Imp. Proj., Tr. letter, 202, Pub. hear., 145, Pssd., 203

Auth. increase in pavement width of St. Jacob St. as part of curb replacement program, Tr. letter, 214, Pub. hear., 204, Pssd., 214

Approving South Plymouth Ave. Pub. Imp. Proj. and changes in pav. width of South Plymouth Ave. and at intersection of South Plymouth Ave. and Ford St., Tr. letter, 350, Pub. hear., 329, Pssd., 353

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Auth. increase in pavement width of Strohm St. as part of Curb Replacement Program, Tr. letter, 30, Held, 29

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Establishing max. compensation for professional svcs. agree. for medical svcs., Tr. letter, 354, Pssd., 356

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SUSAN B. ANTHONY PRESERVATION DISTRICT

Auth. sale of real estate and agree. for Susan B. Anthony Preservation District infill housing, Tr. letter, 14, Pssd., 16

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Establishing \$13,500 as max. comp. for professional svcs. agree. for continued operation of competitive swimming program for youth, Tr. letter, 238, Pssd., 239

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Approving property tax exemption and auth. in lieu of tax agreement for HOP Rental Proj., Tr. letter 15, Pssd., 17

Auth. Director of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 19, Pssd., 20

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Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

TOMPKINS, TIM

Auth. lease agree. with Tim Tompkins for continued lease of space by Downtown Police Section, Tr. letter, 160, Pssd., 161

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Establishing max. compensation for professional svcs. agree. for design of Genesee Riverway Trail Neighborhood Connection Proj., Tr. letter, 348, Pssd., 348

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Establishing max. comp. for amend. professional svcs. agree. for training and consulting svcs., Tr. letter, 207, Pssd., 208

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TRIPHAMMER WATER TURBINE EXCAVATION PROJECT

Auth. application and agree. for grant funds, Tr. letter, 210, Pssd., 211

TRUANCY REDUCTION AND COUNSELING PROGRAM

Auth. agree. for Truancy Reduction and Counseling Program and amend. 2002-03 Budget, Tr. letter, 242, Pssd., 242

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Reso. approving appt. to Rochester Environmental Comm., Tr. letter, 92, Adpt., 92

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Auth. changes in pavement width of Chili Ave., Turner St. and Stanton St. as part of Chili Ave. Imp. Proj., Tr. letter, 202, Pub. hear., 145, Pssd., 203

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UNDERAGE ALCOHOL ENFORCEMENT

Auth. agree. with respect to Underage Alcohol Enforcement, Tr. letter, 64, Pssd., 65

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Auth. agree. with respect to Underage Tobacco Enforcement and amend. 2002-03 Budget, Tr. letter, 240, Pssd., 240

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Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 21, Adpt., 22

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Auth. agree. for neighborhood ctr. improvements, Tr. letter, 34, Pssd., 34

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UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES

Auth. agree. with respect to teen pregnancy prevention and amending 2002-03 Budget, Tr. letter, 278, Pssd., 279

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Approving continuation of Asset Control Area Partnership Program, Tr. letter, 105, Pssd., 106

Auth. submission of Consolidated Community Dev. Program; 2002-03 Annual Action Plan and execution of grant agreement with United States Dept. of Housing and Urban Development, Tr. letter, 122, Pssd., 123

Amend. Ord. No. 99-349 relating to participation in Asset Control Area Partnership (ACAP) Program, Tr. letter, 176, Pssd., 176

UNITED STATES DEPARTMENT OF JUSTICE

Amend. 2001-02 Budget with respect to emergency preparedness training equipment, Tr. letter, 99, Pssd., 100

Auth. agree. for Local Law Enforcement Block Grant Program, Tr. letter, 290, Pssd., 290

UNITED STATES, FEDERAL HIGHWAY ADMINISTRATION

Establishing max. comp. for agree. for Elmwood Ave. Bridge Rehab. Proj. and approving funds, Tr. letter, 212, Pssd., 214

UNITED WAY

Renaming United Way as Bragdon Place, Tr. letter, 29, Pub. hear., 26, Pssd., 30

UNITED WAY SERVICES CORPORATION

Auth. agree. for human svcs. proj., Tr. letter, 215, Pssd., 216

UNITY HEALTH SYSTEM

Auth. execution of agree. of cooperation pursuant to Section 73[1](aa) of Public Housing Law of New York State and approving issuance of bonds for Unity Health System/Genesee Campus Proj. by Village of East Roch. Housing Auth. in order for interest on bonds to qualify for exemption from federal income taxation, Tr. letter, 227, Pssd., 228

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Auth. agree. with respect to teen pregnancy prevention and amending 2002-03 Budget, Tr. letter, 278, Pssd., 279

Establishing max. compensation for professional svcs. agree. for medical svcs., Tr. letter, 354, Pssd., 356

Establishing max. compensation for professional svcs. agree. for medical svcs. for Emergency Communications Dept., Tr. letter, 390, Pssd., 391

UNSAFE DRIVING

Auth. application and agree. with respect to unsafe driving and amend. 2002-03 Budget, Tr. letter, 357, Pssd., 358

UP ALL NIGHT

Establishing \$32,000 as max. compensation for professional svcs. agree. for "Party In The Park"

concerts, Tr. letter, 376, Pssd., 376

UPPER FALLS URBAN RENEWAL PROJECT

Approving sale by Rochester Urban Renewal Agency to Baden St. Settlement of Roch., Inc. of 476-500 North Clinton Ave., also known as Parcel Z-2 in Upper Falls Urban Renewal Proj., NYR-188, Tr. letter, 221, Pub. hear., 204, Pssd., 223

UPSTATE FARMS COOPERATIVE, INC.

Changing zoning class. of 960-986 North Plymouth Ave. and 21 Bloss St. from R-3 Low Medium Residential to Planned Development PD#2-Upstate Farms Cooperative, Inc. and redesignating MIPD#4-Upstate Milk Cooperative as Planned Development PD#2-Upstate Farms Cooperative, Inc. and amend. current plan, Tr. letter, 119, Pub. hear., 110, Pssd., 122

URBAN LEAGUE OF ROCHESTER ECONOMIC DEVELOPMENT CORPORATION

Auth. agree. for Homeownership Initiative Program - \$85,000, Tr. letter, 168, Pssd., 169

Auth. agree. for Home Store, Tr. letter, 169, Pssd., 169

URBAN LEAGUE OF ROCHESTER, NEW YORK, INC.

Auth. agree. with Urban League of Roch., N.Y., Inc. to administer Business Development and Technical Assistance Program, Tr. letter, 12, Pssd., 13

Auth. agree. for Service Learning Institute of Roch., Tr. letter, 256, Pssd., 256

Auth. lease agree. with Urban League of Roch., NY, Inc., Tr. letter, 264, Pssd., 264

Auth. amend. 2002-03 Community Dev. Program Plan and auth. agree. for Technical Assistance Program, Tr. letter, 368, Pub. hear., 358, Pssd., 369

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Designating parcels for urban renewal to be known as Brooks Landing Urban Renewal District, Tr. letter, 250, Pssd., 252

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UTCHAT VISION

Establishing \$7,317 as max. comp. for amend. professional svcs. agree. for video production classes, Tr. letter, 218, Pssd., 218

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VAN STREET

Approving change in traffic flow on Van St. between Alexander St. and Hamilton St. from two-way to one-way northbound, Tr. letter, 382, Pub. hear., 358, Pssd., 383

VASQUEZ, JULIO

Reso. approving appointments to Roch. Economic Dev. Corp., (REDCO), Tr. letter, 182, Adpt., 182

VEHICLES

Auth. application and agree. with respect to alternate fuel vehicles and amend. 2002-03 Budget, Tr. letter, 320, Pssd., 321

VERMONT MANOR RENTAL HOUSING PROJECT

Auth. loan agree. for Vermont Manor Rental Housing Proj. and amend. Ord. No. 2000-120, Tr. letter, 37, Pssd., 38

VETERAN'S OUTREACH CENTER

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

VETERINARY SERVICES

Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 239, Pssd., 240

VILLAGE OF EAST ROCHESTER HOUSING AUTHORITY

Auth. execution of agree. of cooperation pursuant to Section 73(1)(aa) of Public Housing Law of New York State and approving issuance of bonds for Unity Health System/Genesee Campus Proj. by Village of East Roch. Housing Auth. in order for interest on bonds to qualify for exemption from federal income taxation, Tr. letter, 227, Pssd., 228

VISION FORD, INC.

Establishing \$90,000 as max. compensation for professional svcs. agree. for motor vehicle collision repair svcs., Tr. letter, 49, Pssd., 50

VOLUNTEENS

Auth. agree. for human svcs. proj., Tr. letter, 215, Pssd., 216

VOLUNTEERS OF AMERICA

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

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WXXI PUBLIC BROADCASTING

Establishing max. compensation for professional svcs. agree. with WXXI Public Broadcasting for City 12, Tr. letter, 82, Pssd., 82; Tr. letter, 326, Pssd., 327

Auth. lease agree. for Communi-Tech Proj., Tr. letter, 275, Pssd., 276

WALNUT STREET

Amend. Ord. No. 2001-253 relating to sale of real estate, Tr. letter, 329, Pssd., 330

WALZ, ELIZABETH

Reso. approving appointments to Board of Ethics, Tr. letter, 290, Adpt., 291

WAR MEMORIAL

Establishing \$36,900 as max. compensation for professional svcs. agree. for replacement of ice rink floor at Blue Cross Arena at the War Memorial, Tr. letter, 33, Pssd., 34

Auth. amend. agree. for operation of Blue Cross Arena at the War Memorial, Tr. letter, 66, Held, 67, Pssd., 134

Amending user fee for Blue Cross Arena at the War Memorial, Tr. letter, 66, Held, 67, Pssd., 135

Establishing max. compensation for professional svcs. agree. for Rochester War Memorial Arena Expansion, Tr. letter, 277, Pssd., 278

Granting easement to County of Monroe to construct pump house, Tr. letter, 296, Pssd., 297

WARE, JOE A., SR.

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 21, Adpt., 22; Tr. letter, 387, Adpt., 388

WARING PLAZA CORPORATION

Auth. lease agree. for continued lease of space for Goodman Police Section, Tr. letter, 361, Pssd., 361

WATER CONDUIT MODERNIZATION PROJECT

Bond ord. auth. issuance of \$235,000 bonds to finance cost of Phase I of construction of cathodic protection system for city water supply conduits, Tr. letter, 233, Pssd., 234

WATER MAIN(S)

Bond ord. auth. issuance of \$553,000 bonds to finance reconstruction of various water mains related to milling and resurfacing program, Tr. letter, 51, Pssd., 53

Bond ord. auth. issuance of \$134,600 bonds to finance reconstruction of various water mains related to Beach Ave. pedestrian access and parking lot imp. proj., Tr. letter, 87, Pssd., 90

Bond ord. auth. issuance of \$110,000 bonds to finance reconstruction of various water mains in the City related to Port Access Roads and Infrastructure Imps. Proj., Tr. letter, 127, Pssd., 130

Bond ord. auth. issuance of \$871,300 bonds, in addition to \$258,700 bonds previously auth. therefore, to finance reconstruction of various water mains related to 2002 Water Main Extension and Imp. Program, Tr. letter, 206, Pssd., 207

WATER, PURCHASE OF

Amend. 2001-02 Budget with respect to water, Tr. letter, 85, Pssd., 85

WATER RATES

Amend. mun. code with respect to water rates, Tr. letter, 205, Pssd., 205

Amend. Mun. Code with respect to water rates, Tr. letter, 389, Pssd., 389

WATER SYSTEM

Auth. acceptance of grant for water system records and amending 2002-03 Budget, Tr. letter, 232, Pssd., 233

Establishing max. compensation for professional svcs. agree. for Water System Vulnerability Assessment and Security Study, Tr. letter, 281, Pssd., 282

Amend. Ord. No. 2002-301 relating to Budget amend. for water system study, Tr. letter, 332, Pssd., 342

WATER, LIGHTING & PARKING METER OPERATIONS BUREAU

Establishing max. compensation for professional svcs. agree. for concept plans for new Water Works Operations Ctr., Tr. letter, 379, Pssd., 379

Bond ord. auth. issuance of \$119,000 bonds to finance initial cost of planning and implementing design and constr. of new City Operations Ctr. Bldg., Tr. letter, 379, Pssd., 380

WEBSTER AVENUE

Auth. agree. for funding for purchase of 112 Webster Ave., Tr. letter, 345, Pssd., 346

WEED & SEED GRANT PROGRAM

Amend. 2002-03 Budget of Roch. Police Dept., Tr. letter, 239, Pssd., 239

Amend. 2002-03 Budget for Pathways to Peace Program, Tr. letter, 243, Pssd., 243

WEIDER, JOHN R.

Reso. approving appointments to Board of Ethics, Tr. letter, 290, Adpt., 291

WEST MAIN BUSINESS ASSOCIATION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 48, Pssd., 49

WEST MAIN STREET COMMERCIAL REVITALIZATION

Approving business programs, Tr. letter, 180, Pssd., 182

WEST RIDGE ROAD

Establishing max. compensation for amendatory professional svcs. agree. for West Ridge Rd. Improvement Proj. and approp. funds, Tr. letter, 30, Pssd., 31

Auth. changes in pavement width of West Ridge Rd., Lake Ave. and Maplewood Dr., realignments and intersection and ramp changes, and establishing width of new streets as part of West Ridge Rd. Imp. Proj. from Hanford Landing Rd. to Veteran's Memorial Bridge, Tr. letter, 59, Pub. hear., 46, Pssd., 61

Auth. acq. by negotiation or condemnation of parcels for West Ridge Rd. Imp. Proj., Tr. letter, 153, Pub. hear., 145, Held, 156, Pub. hear., 204, Pssd., 323

Establishing max. comp. for amend. professional svcs. agree. for appraisal svcs. for West Ridge Rd. Imp. Proj., Tr. letter, 211, Pssd., 212

Auth. acq. by negotiation or condemnation of parcels for West Ridge Rd. Imp. Proj., Tr. letter, 284, Pub. hear., 261, Held, 286

Determinations and findings relating to acq. of parcels for West Ridge Rd. Imp. Proj., Tr. letter, 321, Pssd., 322

Determinations and findings relating to acq. of additional parcels for West Ridge Rd. Imp. Proj., Tr. letter, 323, Pssd., 324

WESTFALL ROAD

Changing zoning class. of 420 Westfall Rd. from R-3 Low-Medium Residential to R-3/O-O Low-Medium Residential/Overlay Office, Tr. letter, 106, Pub. hear., 82, Held, 107

WHITCOMB, ANDREA

Establishing \$30,000 as max. comp. for professional svcs. agree. with Andrea Whitcomb for continuation of "Greta Program", Tr. letter, 124, Pssd., 124

WILDER STREET

Auth. decreases in pavement width of Campbell St. and Wilder St. as part of Route I-490 Western Gateway Proj., Tr. letter, 150, Pub. hear., 145, Pssd., 151

WILSON BOULEVARD

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 94, Pub. hear., 81, Pssd., 95

Approving reopening of Wilson Blvd. from Ford St. to Elmwood Ave. and additional pavement changes to Wilson Blvd. and public access improvements to Bausch & Lomb Riverside Park, Tr. letter, 97, Pub. hear., 81, Pssd., 98

WILSON COMMENCEMENT PARK

Auth. agree. for fair housing, Tr. letter, 104, Pssd., 104

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

Auth. agree. for Housing Mobility Program and amend. Ord. No. 2000-259, Tr. letter, 250, Pssd., 250

WIRELESS TRANSMISSION

Auth. agree. for lease of City properties for wireless transmission sites, Tr. letter, 182, Pssd., 183

WISSMAN, DANIEL

Establishing max. comp. for amendatory professional svcs. agree. for labor negotiation svcs., Tr. letter, 218, Pssd., 218; Tr. letter, 356, Pssd., 356

WOODSTOCK ROAD

Bond ord. auth. issuance of \$182,300 bonds to finance additional cost of implementing environmental remediation at former APCO site located within the City at 79 Woodstock Road, Tr. letter, 85, Pssd., 87

Bond ord. auth. issuance of \$218,700 bonds to finance additional cost of implementing environmental remediation at former APCO site located at 79 Woodstock Rd., Tr. letter, 317, Pssd., 318

WORDCRAFTER PROGRAM

Establishing max. compensation for professional svcs. agree. with Writers & Books, Inc. for Wordcrafter Program, Tr. letter, 376, Pssd., 377

WRITERS & BOOKS, INC.

Establishing max. compensation for professional svcs. agree. with Writers & Books, Inc. for Wordcrafter Program, Tr. letter, 376, Pssd., 377

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(No Entries)

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YMCA

Auth. agree. and approp. funds for human svcs. proj., Tr. letter, 135, Held, 135, Pssd., 159

Auth. agree. for human svcs. proj., Tr. letter, 215, Pssd., 216; Tr. letter, 237, Pssd., 238

Approving grant agree. for YWCA Affordable Rental Housing Proj., Tr. letter, 362, Pssd., 362

YOUNG AUDIENCES

Auth. agree. and approp. funds for human svcs. proj. and amend. ord. regarding sources of funds, Tr. letter, 344, Pssd., 345

YOUNG EXPLOSIVES

Establishing \$50,000 as max. compensation for professional svcs. agree. for fireworks, Tr. letter, 133, Pssd., 134

YOUTH TRAINING

Appropriating funds for youth training projects and amending 2001-02 Budget, Tr. letter, 10, Pssd., 11

YWCA

Auth. application and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2000-169, Tr. letter, 175, Pssd., 176

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ZAUDERER, MAURICE

Reso. approving appointments to Roch. Economic Dev. Corp., (REDCO), Tr. letter, 182, Adpt., 182

ZONING

Changing zoning class. of 634 Hudson Ave. from C-2 Community Commercial to PD Planned Development #1-Holy Redeemer

(Northside Church of Christ) and adopting current plan for PD#1, Tr. letter, 17, Pub. hear., 4, Pssd., 19

Changing zoning class. of 11-35 Orange St. and 14-34 Romeyn St. from R-2 Two-Family Residential and 583 Broad St. and 37 Romeyn St. from M Manufacturing Industrial to C02 Community Commercial, Tr. letter, 40, Pub. hear., 26, Held, 41, Pssd., 81

Establishing moratorium on appl. for amend. to zoning ord. and map, Tr. letter, 104, Pub. hear., 108, Pssd., 105

Changing zoning class. of 420 Westfall Rd. from R-3 Low-Medium Residential to R-3/O-O Low-Medium Residential/Overlay Office, Tr. letter, 106, Pub. hear., 82, Held, 107

Changing zoning class. of 1020-1036 Maple St. from M Manufacturing Industrial to C-3 General Commercial District, Tr. letter, 118, Pub. hear., 110, Pssd., 119

Changing zoning class. of 960-986 North Plymouth Ave. and 21 Bloss St. from R-3 Low Medium Residential to Planned Development PD#2-Upstate Farms Cooperative, Inc. and redesignating MIPD#4-Upstate Milk Cooperative as Planned Development PD#2-Upstate Farms Cooperative, Inc. and amend. current plan, Tr. letter, 119, Pub. hear., 110, Pssd., 122

Amend. mun. code with respect to issuance of immediate tickets for commercial activities conducted in violation of zoning ord., Tr. letter, 174, Pssd., 175

Changing zoning class. of 639, 643, 647, 649 and 653-655 Jefferson Ave. from R-2 Two-Family Residential to C-1 Neighborhood Commercial, Tr. letter, 177, Pub. hear., 145, Pssd., 177

Amend. Mun. Code by adoption of new Zoning Code and Zoning District Map, Tr. letter, 267, Held, 269

Local Law amend. City Charter with respect to Planning and Zoning, Tr. letter, 267, Held, 270, Pssd., 308

Amend. Mun. Code by adoption of new Zoning Code and Zoning District Map, Tr. letter, 302, Pssd., 307

Amend. Ord. No. 2002-105 in regard to moratorium on zoning appl., Tr. letter, 311, Pub. hear., 292, Pssd., 312

Amend. Mun. Code with respect to references to Zoning Code, Tr. letter, 332, Pssd., 337

ZONING CODE/ORDINANCE AND MAP REVISION PROJECT

Establishing max. compensation for amendatory professional svcs. agree. for Zoning Ord. and Map Revision Proj., Tr. letter, 174, Pssd., 174

Amend. Mun. Code by adoption of new Zoning Code and Zoning District Map, Tr. letter, 267, Held, 269

Amend. Mun. Code by adoption of new Zoning Code and Zoning District Map, Tr. letter, 302, Pssd., 307

Amend. Mun. Code with respect to fees and Zoning Code effective date, Tr. letter, 369, Pssd., 371

Amend. Mun. Code with respect to Comprehensive Plan, Tr. letter, 369, Pub. hear., 358, Pssd., 375

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