

**PROCEEDINGS
OF THE
COUNCIL
OF THE
CITY OF ROCHESTER
2005**

ROCHESTER, NEW YORK

Officials 2005

William A. Johnson, Jr.
Mayor

Jeffrey T. Carlson⁽¹⁾
Deputy Mayor

Richard W. Hannon⁽²⁾
Assistant to the Mayor
Deputy Mayor

Marisol O. Lopez
Chief of Staff

William J. Ansbro
Director of Budget & Efficiency

Wendell L. Bellamy
Director of Human Resource Management

Bridgette Burch White⁽³⁾
Director of Communications
Assistant to the Mayor

Cedric L. Alexander⁽⁴⁾
Acting Police Chief

Vincent J. Carfagna
Director of Finance

Rodric C. Cox-Cooper
Neighborhood Empowerment Team Director

Edward J. Doherty
Commissioner of Environmental Services

Robert J. Duffy⁽⁵⁾
Police Chief

Linda S. Kingsley
Corporation Counsel

R. Fashun Ku
Commissioner of Economic Development

Floyd A. Madison
Fire Chief

John M. Merklinger
Director of Emergency Communications

Carol Nersinger⁽⁶⁾
Library Director

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

Paula V. Smith⁽⁷⁾
Library Director

Linda M. Stango
Commissioner of Community Development

(1) Deceased, July 20, 2005

(2) Assistant to the Mayor until July 24, 2005; Deputy Mayor beginning July 25, 2005.

(3) Director of Communications throughout 2005; also Assistant to the Mayor beginning July 25, 2005.

(4) As of April 1, 2005.

(5) Retired, March 31, 2005.

(6) Resigned, April 4, 2005

(7) Acting Library Director, March 22, 2005; Library Director effective October 17, 2005.

Members of Council 2005

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
Tim O. Mains Councilmember-at-Large	10 The Highlands, 14622
Adam C. McFadden Councilmember, South District	74 Marlborough Road, 14619
Wade S. Norwood Councilmember-at-Large	74 Appleton Street, 14611
William F. Pritchard Councilmember-at-Large	250 Rosedale Street, 14620
Robert J. Stevenson..... Councilmember, Northwest District	77 Albemarle Street, 14613

City Clerk's Office 2005

Carolee A. Conklin..... City Clerk
Daniel B. Karin Deputy City Clerk
Georgia S. DeBever⁽¹⁾ Senior Legislative Assistant
Birth A. Manigault⁽²⁾ Senior Legislative Assistant
Rebecca M. McNamara Legislative Assistant
Bernard J. Christopher Legislative Aide Part-time
Candice A. Bianchi⁽³⁾ Senior Legislative Clerk
Michael Ann Flynn⁽⁴⁾ Receptionist
Betsy P. Indivino⁽⁵⁾ Legislative Assistant
Dorothy A. Sullivan Legislative Clerk Part-time
Carol A. Supernault..... Legislative Clerk Part-time
Linda Vazquez⁽⁶⁾ Legislative Clerk

- (1) Retired, March 4, 2005.
- (2) Promoted from Legislative Assistant, March 5, 2005.
- (3) Promoted from Clerk III, July 1, 2005.
- (4) Promoted from Clerk III, March 14, 2005.
- (5) Promoted from Receptionist, March 5, 2005.
- (6) Hired, March 21, 2005.

Standing Committees of The City Council 2005

Finance & Public Safety
Douglas, Curran, Stevenson

Housing & Economic Development
Norwood, McFadden, Pritchard

Parks, Public Works, & the Environment
Stevenson, Curran, McFadden

Public Services & the Arts
Mains, Douglas, Pritchard

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.

REGULAR MEETING
JANUARY 18, 2005

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.

Recognition Ceremony

Retirement:

- City Clerk's Office
- Bernard Christopher
- Dept. of Environmental Services
- Matthew Coley
- RPD
- William Benwitz
- Carolyn Miller
- Rundel Library
- Ilene Montana

APPROVAL OF THE MINUTES
By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of December 21, 2004, 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. 3790-7
 - Quarterly Reports. 3791-7

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:

Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Consolidated Community Development Plan Project Int. No. 19 No Speakers.

Approving Changes In The Pavement Width Of Atlantic Avenue Between The Railroad Overpass And North Winton Road Int. No. 15 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
January 18, 2005

To the Council:

The Housing & Economic Development Commit-

tee recommends for adoption the following entitled legislation:

Int. No. 1 - Authorizing The Sale Of Real Estate

Int. No. 2 - Amending Ordinance No. 2004-310 Relating To The Sale Of Real Estate

Int. No. 3 - Authorizing Agreements And Appropriating Funds For The Rehab Rochester Program

Int. No. 4 - Establishing \$30,000 As Additional Compensation For A Professional Services Agreement For Continued Provision Of Real Estate Title Services

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

Int. No. 19 - Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Consolidated Community Development Plan Project

The following entitled legislation is being held in committee:

Int. No. 20 - Chapter 20 Lead Poisoning Prevention Code

Int. No. 21 - Amending Chapter 90 Of The Municipal Code With Respect To Lead-Based Paint Poisoning Prevention

Respectfully submitted,

- Wade S. Norwood
- Adam C. McFadden
- William F. Pritchard
- Gladys Santiago
- HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-1 And
Ordinance No. 2005-2
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

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

Property Sales

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

The next property is a vacant lot that was sold at public auction. The purchaser will construct a mixed-use structure that will contain a first level office and a

second level owner occupied apartment.

The next property is a structure that is being sold to the former owner. The purchase price includes all delinquent City taxes, interest and penalties.

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

The last property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to its size.

Amendment

The Division of Real Estate is requesting that Ordinance No. 2004-310, passed on September 28, 2004 and which authorized the sale of 52 Lyndhurst Street as a single-family structure, be amended to authorize the sale of 52 Lyndhurst Street as a two-family. It has been determined that a two-family use for the structure is legal and allowable within the district.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-1

Ordinance No. 2005-1
(Int. No. 1)

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	Legal Use	Price
S.B.L.#	Purchaser	
526-528 Jefferson Av. 120.60-2-70	1 Family Ray Knight, Jr.	\$2,300
85 Lill St. 106.30-1-54	1 Family Savoy Burke	2,000

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

Address: 228-238 Bay St.
S.B.L.#: 106.43-3-37&36
Price: \$50
Purchaser: Mark Horn

Section 3. The Council hereby further approves the sale of the following parcel of improved property by former owner:

Address: 994 Clifford Av.
S.B.L.#: 106.33-2-36
Price: \$5,458.73
Purchaser: Mary Hall

Section 4. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: 157 Lapham St.
S.B.L.#: 090.44-1-64
Price: \$500
Purchaser: Franklin B. Lucas, Jr.

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

Address: 44 Taylor St.
S.B.L.#: 120.34-2-50
Sq. Ft.: 2034±
Purchaser: Sandra Merritt

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. 2005-2
(Int. No. 2)

Amending Ordinance No. 2004-310 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2004-310, relating to the sale of real estate, is hereby amended by changing the legal use of the parcel at 52 Lyndhurst Street, as approved in Section 1, from single family to two family.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-3
Re: Rehab Rochester Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Rehab Rochester Program. This legislation will:

1. Authorize the receipt of a \$300,000 grant from the New York State Affordable Housing Corporation (AHC), appropriate the funds for use in the Rochester Rehab Program; and
2. Authorize an agreement with the AHC and any other agreements necessary for implementation of the program.

The Rehab Rochester Program provides grants to income-eligible households for the rehabilitation of owner-occupied, single-family houses. Households

with incomes not exceeding 60% of the median family income (MFI) will be eligible to participate. The AHC requires the following residency periods for participants in the program: 1) two years if the AHC funds are less than or equal to \$5,000, 2) five years if more than \$5,000 and less than or equal to \$10,000, and 3) 114 months if more than \$10,000.

The proposed appropriation will provide grants of up to \$25,000 for the rehabilitation of up to twenty-four (24) structures. The AHC award will be matched with \$300,000 from an existing Rehab Rochester appropriation, Ordinance #2002-316.

The AHC awarded these funds at its November 2004 meeting of the Members of the AHC. This brings the total amount to \$900,000 awarded to the City in 2004 by the AHC for the Rehab Rochester Program. City Council previously passed legislation authorizing the receipt of AHC funds for the Rehab Rochester Program on April 20, 2004 and May 18, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-3
(Int. No. 3)

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. 2005-4
Re: Agreement - Real Estate Title Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an additional allocation for an agreement with Independent Title Agency, LLC, 99 Ridgeland Road, for the continued provision of real estate title services. The additional amount authorized will be \$30,000, to be financed from the 2004-05 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 December 17, 2002.

At that time, it was expected that approximately 1,750 foreclosure searches and approximately 170 sale or acquisition searches would be required during 2004-05. However, it is now projected that 1,800 foreclosure searches and 250 sale or acquisition searches will actually be needed.

On July 22, 2003, the Council authorized an additional allocation of \$40,000 to supplement the 2002-03 agreement with Independent. This proposed allocation will supplement the 2004-05 agreement with Independent and will bring the total cost of the 2004-05 agreement to \$203,400.

The following fees per parcel will continue to be applicable:

Service	Fee
Preliminary (10-year) search	\$ 95
Update of prior preliminary search	70
Full (60-year) search, with prior preliminary search	175
Full search, without prior preliminary search	235

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-2.

Ordinance No. 2005-4
(Int. No. 4)

Establishing \$30,000 As Additional Compensation For A 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 \$30,000, or so much thereof as may be necessary, is hereby established as the additional 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. Said amount shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-5
Re: Agreement - 2005 Consolidated Community Development Plan

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement for \$30,000 with ICF Consulting, Fairfax VA for services related to the preparation of the 2005 Consolidated Community Development Plan. The Plan is required by the U.S.

Department of Housing and Urban Development to fulfill application requirements for the Community Development Block Grant, Home Investments Partnerships, American Dream Downpayment Initiative, Emergency Shelter Grant, and Housing Opportunities for Persons with Aids programs.

In addition, this legislation will:

1. Amend the 2004-05 Consolidated Community Development Plan by transferring \$30,000 within the Improve the Housing Stock and General Property Conditions Allocation from the Neighborhood Parks/Playgrounds account to a new account for the Consolidated Community Development Plan Project.
2. Appropriate \$30,000 of the above funds to finance the agreement with ICF Consulting.

ICF will prepare the Community Profile, Housing Needs Assessment and Housing Market Analysis to be incorporated into the 2005 Consolidated Community Development Plan. It is anticipated that this work will be completed in March 2005.

Seven organizations were solicited in the request for proposal process and the RFP was published in the Democrat & Chronicle; three proposals were received. After review by a City staff committee, ICF Consultants was selected for the project.

The 2005 Plan will include a strategic plan and an annual action plan. The strategic plan contains a community development needs assessment, a housing market analysis and long term strategies to meet priority needs. The annual plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-5
(Int. No. 19)

Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Consolidated Community Development Plan Project

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

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Neighborhood Parks/Playground Account shall be reduced by the sum of \$30,000 and said amount shall be transferred to a new account for the Consolidated Community Development Plan Project.

Section 2. The Mayor is hereby authorized to enter into an agreement with ICF Consultants for the preparation of a Community Profile, Housing Needs Assessment and Housing Market Analysis for inclusion in the 2005 Consolidated Community Development Plan.

Section 3. 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 nec-

essary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 20
Re: City of Rochester
Lead Poisoning Prevention Code

Transmitted herewith for your approval is an entirely new Chapter for the City Code to be known as the Lead Poisoning Prevention Code (LPPC). Much of the contents obtained within this proposal were first recommended to Council by the Coalition to Prevention Lead Poisoning last summer. I have made several relatively minor changes to that original substantive document.

Previously (in both 2003 and 2004) I proposed legislation to designate peeling paint in pre-1978 homes as a health and safety violation. In 2004 I also proposed a resolution that endorsed a pledge made by the Mayor and County Executive at last spring's Lead Summit to add inspections for lead hazards to the Move-In/Move-Out inspections performed on Department of Human & Health Services housing. As of this date, no discussion, debate or action has been taken on any of my prior proposals.

Among its many provisions, this new and comprehensive proposal would:

1. Require owners of housing identified as "target housing" to obtain and file a "Certificate of Lead Poisoning Prevention Code Compliance"
2. Adopt a highly targeted code enforcement model that will first address those properties posing the greatest risks
3. Establish licensing and notification requirements to assure use of "lead-safe work practices"
4. Assure that lead hazard control properties are maintained on an ongoing basis
5. Assure compliance with federal requirements regarding the disclosure of known lead hazards at the time of sale, leasing, and other specified transfers or activities
6. Promote enforcement
7. Create a Housing Registry of lead-safe properties
8. Facilitate access to public records containing the most up-to-date information available regarding lead safety with respect to individual residential properties
9. Ensure that tenants are protected from any retaliatory action

- 10. Coordinate local enforcement efforts with existing state and federal laws

The Lead Poisoning Prevention Code seeks to implement a systemic, proactive, "primary prevention" strategy. It includes the assurance that lead hazard controlled properties are maintained on an ongoing basis so that they remain free of lead hazards.

The existence of lead-based paint hazards in the City of Rochester is most common, and presents the most serious risk, for young children in rental housing built before 1978. Lead-based paint poses health hazards to adults as well as children.

It is in the public interest for all persons to know whether lead-based paint hazards in a property have been controlled so that occupants can make informed housing decisions about the health hazards to which they, their families and guests may be exposed.

Respectfully submitted,
Tim O. Mains, Chair
Public Services, Health & the Arts

Introductory No. 20

CHARTER AND CODE OF THE CITY OF ROCHESTER, NEW YORK

**CHAPTER 60
LEAD POISONING PREVENTION CODE**

Article 1: General Requirements: Certificates of Lead Paint Review; Lead-Safe Housing Standards

- § 60-101. Title.
- § 60-102. Findings.
- § 60-103. Definitions.
- § 60-104. Covered Housing; Requirement to Obtain and File a "Certificate of Lead Poisoning Prevention Code Compliance".
- § 60-105. When a Certificate Must Be Obtained and Filed; Substitution of Report of Certified Lead Inspection, Hazard Risk Assessment.
- § 60-106. Standards for Issuance of Certificate.
- § 60-107. Reviews of Denials of Certificates.
- § 60-108. Inspection by Department; Enforcement.
- § 60-109. City Review for Compliance with Other Laws.
- § 60-110. Emergency Actions, Weather Complications, Case-by-Case Waivers.
- § 60-111. Failure to Comply with "Certificate of Lead Poisoning Prevention Code Compliance" Filing Requirement.
- § 60-112. Records.

Article 2: Notification, Lead Safe Work Practices, and Ongoing Maintenance Requirements

- § 60-201. Definitions.
- § 60-202. Applicability.
- § 60-203. Notification requirements.
- § 60-204. Occupant protection and worksite preparation.
- § 60-205. Safe work practices.
- § 60-206. Ongoing lead-based paint maintenance and reevaluation activities.
- § 60-207. Non-compliance.
- § 60-208. Enforcement.
- § 60-209. Penalties and procedures for violations.

Article 3: Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease

of Residential Property

- § 60-301. Findings.
- § 60-302. Purpose and Goal.
- § 60-303. Definitions.
- § 60-304. Education and Outreach.
- § 60-305. Disclosure Obligations Prior to the Transfer of Real Property.
- § 60-306. Disclosure Obligations Upon Receiving Notice of Lead Paint in a Rental Unit.
- § 60-307. Obligations of Child Care Providers.
- § 60-308. Database of Properties that are Lead-Based Paint Free.
- § 60-309. Enforcement; Private Right of Action.

Article 4: Protections for Occupants; Right to Vacate Premises; Private Right of Enforcement; Housing Registry

- § 60-401. Purpose.
- § 60-402. Prohibition of Retaliatory Action.
- § 60-403. Notification to County of Lead Hazardous Conditions.
- § 60-404. Designation of Uncorrected Lead Hazardous Conditions as Rent Impairing Violations; Notice to Owner and Tenants.
- § 60-405. Notice to Tenants of Right to Have Premises Free of Conditions That Are Detrimental to Health and Safety.
- § 60-406. Documentation of Conditions.
- § 60-407. Right to Vacate.
- § 60-408. Private Right of Enforcement of Lead Poisoning Prevention Code.
- § 60-409. Database of Lead Safe Properties.

Article 5: Enforcement

Article 1

General Requirements:
Certificate of Lead Poisoning Prevention Code Compliance;
Lead-Safe Housing Standards

Contents:

- § 60-101. Title.
- § 60-102. Findings, purpose and structure.
- § 60-103. Definitions.
- § 60-104. Covered Housing; Requirement to Obtain and File a "Certificate of Lead Poisoning Prevention Code Compliance".
- § 60-105. When a Certificate Must Be Obtained and Filed; Substitutes for Filing of Certificates; Duration of Certificate.
- § 60-106. Standards for Issuance of Certificate.
- § 60-107. Reviews of Denials of Certificates.
- § 60-108. Inspection by Department; Enforcement.
- § 60-109. City Review for Compliance with Other Laws.
- § 60-110. Emergency Actions, Weather Complications, Case-by-Case Waivers.
- § 60-111. Failure to Comply with Certificate Filing Requirement.

§ 60-112. Records.

property have been controlled so that occupants can make informed housing decisions about the health hazards to which they, their families and guests may be exposed.

§ 60-101. Title.

Chapter 60 of the Code of the City of Rochester shall be known as the "Lead Poisoning Prevention Code of the City of Rochester, New York" (LPPC).

§ 60-102. Findings, purpose and structure.

A. The Council finds as follows:

- (1) Lead poisoning poses a serious health threat to adults and children in the City of Rochester.
- (2) Children are particularly susceptible to the hazards of lead-based paint since their bodies are still developing and since they are more likely to ingest lead-contaminated dust through hand-to-mouth contact. Fetuses are also vulnerable to the effects of lead paint because pregnant women can transfer lead to their fetuses, which can result in adverse developmental effects.
- (3) Low levels of lead in a fetus or young child can lead to reduced intelligence and attention span, learning disabilities, hearing impairment, and behavior problems.
- (4) Children living in older poorly maintained homes are disproportionately at risk for lead-based paint hazards.
- (5) Childhood lead poisoning causes enormous societal costs, including medical costs and special education costs.
- (6) A minute amount of lead can cause elevated blood lead levels resulting in serious and irreversible developmental damage, particularly in children age six years of age and younger.
- (7) Lead hazards, including paint, soil and dust hazards both from deteriorated lead-based painted and from lead-based paint on friction, impact and chewable surfaces, as well as from soil, are the primary cause elevated blood lead levels and irreversible developmental damage in children.
- (8) Properties built before 1978 are the most likely to contain lead-based paint hazards.
- (9) Residential properties, both rental and homeowner, are more likely than are non-residential properties to be a cause of elevated lead blood levels in young children.
- (10) The existence of lead-based paint hazards in the City of Rochester is most common, and presents the most serious risk, for young children in rental housing built before 1978. Lead-based paint poses health hazards to adults as well as children.
- (11) Lead-based paint poses health hazards to adults as well as children.
- (12) It is in the public interest for all persons to know whether lead-based paint hazards in a

- (13) It is essential to the overall public safety of persons in the City of Rochester, and particularly for children six years of age and younger, that they be protected from lead-based paint hazards including lead-based paint that is deteriorated, or present in chewable surfaces, friction surfaces, or impact surfaces, and that they be protected from other exposures to lead in the environment, such as soil, that can result in adverse human health effects.

B. Purpose and structure.

- (1) This Article establishes a requirement that certain housing, identified as "target housing" will be subject to examination for lead-based paint hazards and will be required to obtain a "Certificate of Lead Paint Poisoning Prevention Code Compliance" upon a determination by EPA certified lead assessors, inspectors, or technicians that the housing has made this code's requirements for demonstrating that no lead-based paint hazards are present.
- (2) The requirement to obtain an examination will be triggered by notices sent by the City to owners of the housing identified as the most likely to contain lead hazards, including housing determined in a regular Property Code inspection under Chapter 90 to have damaged or deteriorated paint in buildings constructed prior to 1978. The City will send notices in a systemic code enforcement model, with notices first to be sent to target housing located in the census tracts which have been identified in the Center for Governmental Research's 2002 report "Lead Poisoning Among Young Children in Monroe County", as those with the highest risk of containing lead-based paint hazards.
- (3) The examination standards to be used to determine whether lead-based paint hazards are present are those used for "clearance testing" as established in federal regulations at 24 CFR Part 35, Subpart R, as modified by this Code, in addition to an initial visual assessment. Dust wipe samples shall be taken of bare soil and of porches in order to determine the presence, regardless of source, of lead-based paint hazards.
- (4) Once a lead-based paint hazard has been identified, that condition is to be remedied in accordance with lead-safe work practice and notification requirements set out in Article 2.

§ 60-103. Definitions.

The following terms used in this Chapter or in materials referenced by this Chapter are defined in Appendix 1:

Abatement; Bare soil; Certified; Certified Lead Inspector; Certified Lead Assessor; Chewable surface; Clearance examination; Common Area; Component; Composite sample; Deteriorated paint; Department; Dry sanding; Dust-lead

hazard; Dwelling unit; Encapsulation; Enclosure; Environmental intervention blood lead level; Evaluation; Expected to reside; Friction surface; g, mg and *g; Hazard reduction; HEPA vacuum; Impact surface; Inspection; Interim controls; Interior window sill; Lead-based paint; Lead-based paint hazard; Lead-based paint inspection; Lead hazard screen; Mortgagee; Mortgagor; Multifamily property; Occupant; Owner; Paint; Paint testing; Paint removal; Painted surface; Permanent.; Play area; LPPC; Reevaluation; Rehabilitation; Replacement; Residential property; Risk assessment; Single-family property; Single room occupancy (SRO); Soil-lead hazard; Standard treatments; Substrate; Target housing; Tenant; Unit; Unit turnover; Visual assessment; Wet sanding or wet scraping; Window trough; Worksite; Zero-bedroom dwelling.

§ 60-104. Covered Housing; Requirement to Obtain and File a "Certificate of Lead Poisoning Prevention Code Compliance".

A. Requirement to Obtain and File Certificate.

Subject to the implementation priorities established by the City and other triggering circumstances described in § 60-105, all owners of target housing as described in Paragraph B will, by September 1, 2005 be required to file with the Department a "Certificate of Lead Poisoning Prevention Code Compliance" as described in paragraph C.

B. Target Housing.

(1) Included housing.

Except as provided in paragraph (2), for the purposes of this Chapter, target housing includes all residential rental housing in the City of Rochester constructed prior to 1978, and all owner-occupied residential units constructed prior to 1960, except that with respect to

- * owner-occupied housing,
- * or housing designated by a state or federal housing program as having been developed for the elderly or for persons with disabilities, and
- * "zero bedroom" housing,

such housing is not considered target housing unless a child who is 6 years of age or younger resides in or is expected to reside in such housing, or is likely to play in or around such housing. "Zero bedroom" housing is an efficiency or studio apartment, or any other unit in which the living area is not separated from the sleeping area.

Target housing includes mixed-use (residential and non-residential) properties, provided however, that with respect to the non-residential portions of such properties, the standards described in § 60-106 apply only to spaces such as entryways, hallways, corridors, passageways, stairways, or other common areas that serve the residential portions of those properties.

(2) Non-included housing.

Target housing does not include

- * dormitory housing, institutional housing, other group quarters, or
- * the rental of individual rooms in residential dwellings,
- * unoccupied residential property that is to be demolished, provided that the property is to remain unoccupied until such demolition, and provided further that if the property has remained unoccupied for more than 120 days an owner or occupant of an adjacent property or any neighborhood organization may request the Department to require the filing of a "Certificate of Lead Poisoning Prevention Code Compliance" with respect to the exterior portions of such property. In such a case the Department shall require the filing of the Certificate unless the demolition is scheduled to be completed pursuant to the terms of a fully executed contract to perform such demolition within 60 days of the request to the Department.

C. Content and Scope of a "Certificate of Lead Poisoning Prevention Code Compliance".

(1) "Certificate of Lead Poisoning Prevention Code Compliance". [§35.1340]

A "Certificate of Lead Poisoning Prevention Code Compliance" is a certification on a form prescribed and made available by the Department, executed by a certified lead inspector, or lead-based paint risk assessor confirming that an examination of the property has been made and that as of the date of the certification the examiner found the property to be in compliance with the standards described in § 60-106. In order to minimize the costs of obtaining Certificates, the City encourages the training and EPA certification of "lead-sampling technicians" to perform the functions authorized for such technicians under applicable requirements and regulations.

A "technician" for the purposes of this Code, is a person who has successfully completed a training course for sampling technicians (or a discipline of similar purpose and title) that is developed or accepted by EPA or a State authorized by EPA pursuant to 40 CFR part 745, subpart Q, and that is given by a training provider accredited by EPA or a State for training in lead-based paint inspection or risk assessment, provided a certified risk assessor or a certified lead-based paint inspector approves the work of the sampling technician and signs the report of the clearance examination. A technician may not perform clearance examinations after abatement activities.

The term technician shall also include a person licensed or certified by EPA or a State to perform clearance examinations without the approval of a certified risk assessor or certified lead-based paint inspector, provided that a clearance examination by such a licensed or certified technician shall be

performed only for a single-family property or individual dwelling units and associated common areas in a multi-unit property, and provided further that a clearance examination by such a licensed or certified sampling technician shall not be performed using random sampling of dwelling units or common areas in multifamily properties, except that a clearance examination performed by such a licensed or certified sampling technician is acceptable for any residential property if the clearance examination is approved and the report signed by a certified risk assessor or a certified lead-based paint inspector.

(2) Limitations and Content of Certification.

The "Certificate of Lead Poisoning Prevention Code Compliance" shall specifically provide that the review was conducted in accordance with the requirements of the Rochester Lead Poisoning Prevention Code, for the purpose of decreasing the risk of exposure to lead hazards. The Certificate shall state that the issuance of the Certificate does not assure that the property will remain free of lead hazards after the date of the issuance of the Certificate. The Certificate shall additionally include the statement that in order to provide maximum protection from lead hazards it is essential that property be maintained so that paint is kept in a non-deteriorated condition, and that friction, impact and chewable surfaces that contain lead-based paint be regularly washed and treated as described in the EPA pamphlet "Protect Your Family From Lead in Your Home" and a copy of that material shall be provided with the Certificate.

(3) Non-interference With Other Laws.

The "Certificate of Lead Poisoning Prevention Code Compliance" shall additionally state that it has been issued solely for the purpose of compliance with the filing requirements of the Rochester Lead Poisoning Prevention Code, and that the property remains subject to any additional requirements regarding property maintenance, lead poisoning prevention and disclosure of known or possible hazards that are imposed by any other local, state, or federal laws.

(4) Identification of Property Covered by Certificate.

A "Certificate of Lead Poisoning Prevention Code Compliance" may be issued for an entire building or for an individual housing unit within a building, provided however, that the Certificate shall clearly identify the unit or units inspected and to which the Certificate is applicable and shall cover all units for which a Certificate of Occupancy has been issued pursuant to Chapters 39 and 90 of this Code. The review for lead hazards shall include an examination of all common areas accessible to the covered unit(s) and the Certificate shall describe the common areas examined.

(5) Requirement to Post Notice.

The Department shall make available a notice to occupants of all properties subject

to the Certificate requirement advising them of the hazards of lead paint exposure and describing the requirements of the Lead Poisoning Prevention Code. The owner (or other responsible party) shall post the notice in a location readily visible to unit occupants (such as the inside of a closet door, provided the notice will not be obscured). The notice shall be securely affixed in a manner that will reduce the likelihood that it will be removed or damaged. The notice shall specifically advise occupants of the procedures, including a phone number for assistance, to request the Department to require a further inspection for lead hazards.

§ 60-105. When a Certificate Must Be Obtained and Filed; Substitutes for Filing of Certificates; Duration of Certificate.

A. Except as provided for in paragraph B below, owners (including purchasers) of target housing are required to file with the Department the "Certificate of Lead Poisoning Prevention Code Compliance" described in § 60-104 upon the occurrence of any one of the following:

- (1) The Department has sent the owner or responsible party a "Notice to File a Certificate of Lead-Poisoning Prevention Code Compliance." Such notices shall advise the owner or responsible party that the Certificate must be filed within 120 days of the date of the issuance of the Notice. The Notice shall provide the recipient with information describing how to obtain a current list of qualified EPA certified lead paint inspectors or risk assessors who are registered with the Department as qualified to issue the Certificate;
- (2) Upon citation of the property for peeling or deteriorated paint under the Property Code of the City of Rochester (Chapter 90 of this Code), or of the Property Maintenance Code for New York State, or of the New York State Public Health Law, or other applicable law. In such cases, the Certificate shall be obtained within 60 days of the notice of violation unless a shorter time period is deemed appropriate based upon the severity of the hazard; or
- (3) Upon transfer of a single-family house to an owner-occupant when the purchasing household includes a child six years of age or younger and the property had previously been subject to a Certificate requirement, but the prior owner had exercised the option to file a Homeowner Statement in lieu of a Certificate pursuant to Paragraph B below. When housing is subject to a Certificate requirement by virtue of such a transfer, it shall be the obligation of the purchaser, not the seller, to obtain the Certificate, and such Certificate shall be obtained within 120 days of the date of closing.
- (4) Upon transfer of a single-family house where the unit is to be occupied as rental property and the property had previously been subject to a Certificate requirement, but the prior owner had exercised the option to file a Homeowner Statement in lieu of a Certificate pursuant to Paragraph B below. When housing is subject to a Certificate

requirement by virtue of such a transfer, it shall be the obligation of the purchaser, not the seller, to obtain the Certificate, and such Certificate shall be obtained within 120 days of the date of closing.

- (5) Upon the expiration of a Certificate as provided in Paragraph D below.
- B. In lieu of the filing of a "Certificate of Lead Poisoning Prevention Code Compliance," an owner or responsible party may file with the Department:
- (1) A certification by lead paint inspector or risk assessor that the property has been determined in a lead-based paint inspection conducted in accordance with the federal regulations at 24 CFR §35.1320(a) not to contain lead based paint provided however that the property has been inspected pursuant to those requirements within the last 12 months. In such case, the results of additional test(s) by a certified lead-based paint inspector or risk assessor may be used to confirm or refute a prior finding. [§35.115]
 - (2) A certification by a lead paint inspector or risk assessor that all lead-based paint in the property has been identified, removed, and clearance has been achieved in accordance with federal regulations found at 24 CFR §§35.1320, 35.1325 and 35.1340, provided however that the property has been inspected pursuant to those requirements within the last 12 months. This exemption does not apply to residential property where enclosure or encapsulation has been used as a method of hazard control. [§35.115]
 - (3) A certification by the Rochester Housing Authority or other state or federal supervising agency which regulates an assisted housing program stating that the property is in compliance with the inspection and clearance requirements of the state program or, with respect to federally assisted housing, the requirements of 24 CFR Part 35, provided however that with respect to the federal Housing Choice Voucher program the property has been inspected pursuant to those requirements within the last 12 months.
 - (4) With respect to single-family, owner-occupied units homeowners may, in lieu of the Certificate, file a notarized statement, sworn under penalty of perjury, that no child age six or under resides in or spends substantial time at the dwelling.

C. Duration of Certificate.
The duration of a "Certificate of Lead Poisoning Prevention Code Compliance" is as follows:

- (1) When a unit has been determined to contain no lead-paint hazards, the duration of the Certificate shall be one year. Prior to the expiration of that time, a new Certificate shall be obtained, and thereafter Certificates at the property shall have a duration of three years. If in the course of any further examinations the unit is determined to contain lead-hazards, the Certificate duration shall then be shortened as provided in

sub-paragraph 2 below.

- (2) When a unit is found to contain lead-paint hazards, a plan for controlling the hazards using lead-safe work practices shall be prepared and controls put in place within sixty (60) days. If the unit fails a clearance examination a new plan requiring hazard controls shall be implemented within thirty (30) days. Once the dwelling passes a clearance inspection, a Certificate with a six-month duration shall be issued. Thereafter new Certificates shall be renewed at six month intervals until such time as the unit passes clearance without the need for new controls. At that point the unit will be issued first a one-year Certificate and then three-year Certificates as provided for in paragraph 1.

C. Duration of Certificate [ALTERNATE PROVISION]

The duration of a "Certificate of Lead Poisoning Prevention Code Compliance" is as follows:

- (1) Properties passing clearance standards.

When a unit has been determined to contain no lead-paint hazards, the duration of the Certificate shall be one year. Prior to the expiration of that time, a new Certificate shall be obtained, and thereafter Certificates at the property shall have a duration of three years. If in the course of any further examinations the unit is determined to contain lead-hazards, the Certificate duration shall then be shortened as provided in sub-paragraph 2 below.

- (2) Properties failing to pass clearance standards; reevaluation requirements.

When a unit is found to contain lead-paint hazards, a plan for controlling the hazards using lead-safe work practices shall be prepared and controls put in place within sixty (60) days. Once the unit has passed the clearance examination, a Certificate shall be issued subject to the requirement that a reevaluation shall be conducted no later than two years from completion of lead hazard reduction. Subsequent reevaluation shall be conducted at intervals of two years, plus or minus 60 days. To be exempt from additional reevaluation, at least two consecutive reevaluations conducted at such two year intervals must be conducted without finding lead based paint hazards or a failure of an encapsulant or enclosure. If however, a reevaluation finds lead based paint hazards or a failure, at least two more consecutive reevaluations conducted at such two year intervals must be conducted without finding lead-based paint hazards or a failure.

D. Prioritization for Issuance of Notices.

In implementing this section, the Department shall send its Notices prioritized by the risk categories identified in the 2002 Center for Governmental Research report, "Lead Poisoning Among Young Children in Monroe County," and using the CGR methodology, shall identify the order and timing for the sending of the notices, with the highest priority being given to the census tracts and types

of housing identified as the housing most likely to pose risks of lead-poisoning hazards. The Department shall issue the Notices in a manner and at a rate calculated substantially to comply with the City's goal to eliminate childhood lead poisoning by the year 2010. The Department shall direct its highest monitoring and enforcement initiatives at properties which have been identified in public health records as having housed more than one child with an elevated blood lead level of higher than 10 $\mu\text{g}/\text{dcl}$.

§ 60-106. Standards for Issuance of Certificate. [Mostly from 24 CFR §35.1340, "Clearance"]

In order to be eligible for issuance of a "Certificate of Lead Poisoning Prevention Code Compliance", the following standards and procedures must be complied with:

A. Qualified personnel. A certification of compliance with the standards for issuance of a "Certificate of Lead Poisoning Prevention Code Compliance" shall be performed by:

- (1) A certified risk assessor;
- (2) A certified lead-based paint inspector;
- (3) A person who has successfully completed a training course for sampling technicians (or "sampling technicians," or other description of a discipline with a similar purpose and title) that is developed or accepted by EPA and that is given by a training provider accredited by the EPA for training in lead-based paint inspection or risk assessment, provided a certified lead-based paint inspector approves the work of the sampling technician and signs the report of the clearance examination.

B. Examination requirements.

- (1) Examinations shall include a visual assessment, dust sampling, submission of samples for analysis for lead, interpretation of sampling results, and preparation of a report. Examinations shall be performed in dwelling units, common areas and exterior areas in accordance with this section and the steps set forth at 40 CFR 745.227(e)(8). If examinations are being performed for more than ten dwelling units of similar construction and maintenance, as in a multifamily property, random sampling for the purposes of examinations may be conducted in accordance with the provisions established for clearance examinations in 40 CFR 745.227(e)(9).
- (2) A visual assessment shall be performed to determine if deteriorated paint surfaces and/or visible amounts of dust, debris, paint chips or other residue are present. Both exterior and interior painted surfaces shall be examined for the presence of deteriorated paint. If deteriorated paint or visible dust, debris or residue are present in areas subject to dust sampling, they must be eliminated prior to the continuation of the clearance examination, except elimination of deteriorated paint is not required if it has been determined, through paint testing or a lead-based paint inspection, that the deteriorated paint is not lead-based paint.

If exterior painted surfaces have been disturbed by hazard reduction, maintenance or rehabilitation activity, the visual assessment shall include an assessment of the ground and any outdoor living areas close to the affected exterior painted surfaces. Visible dust or debris in living areas shall be cleaned up and visible paint chips on the ground shall be removed.

- (3) Dust samples shall be wipe samples and shall be taken on floors, including porches, and, where practicable, interior windowsills and window troughs, and bare soil. Dust samples shall be collected and analyzed in accordance with 24 CFR § 35.1315.

C. Report.

The Certificate examiner shall ensure that an examination report is prepared that provides documentation of the examination, as well as any hazard reduction or maintenance activity that has taken place. When abatement is performed, the report shall be an abatement report in accordance with 40 CFR 745.227(e)(10). Otherwise, the report shall include the following information:

- (1) The address of the residential property and, if only part of a multifamily property is affected, the specific dwelling units and common areas affected.
- (2) The following information:
 - (a) The date(s) of the examination;
 - (b) The name, address, and signature of each person performing the examination, including certification number;
 - (c) The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips;
 - (d) The results of the analysis of dust samples, in $\mu\text{g}/\text{sq. ft}$, including soil samples, by location of sample; and
 - (e) The name and address of each laboratory that conducted the analysis of the dust samples, including the identification number for each such laboratory recognized by EPA under section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b)).
- (3) If hazard reduction or maintenance activity has taken place:
 - (a) The start and completion dates of the hazard reduction or maintenance activity;
 - (b) The name and address of each firm or organization conducting the hazard reduction or maintenance activity and the name of each supervisor assigned;
 - (c) A detailed written description of the hazard reduction or maintenance activity, including the methods used, locations of exterior surfaces, interior rooms, common areas, and/or components where the hazard reduction activity occurred, and any suggested monitoring of encapsulants or enclosures;

and

- (d) If soil hazards were reduced, a detailed description of the location(s) of the hazard reduction activity and the method(s) used.

D. Clearance Standards.

Where a lead hazard had been identified, the clearance standards in 24 CFR §35.1320(b) (2), including soil-lead hazard standards, shall be met before a "Certificate of Lead Poisoning Prevention Code Compliance" may be issued and filed. With respect to porches, the standard required for clearance shall be 400 $\mu\text{g}/\text{sq. ft.}$ provided however, that if a porch is found to contain more than 40 $\mu\text{g}/\text{sq. ft.}$ the inspector, assessor or technician shall advise the occupants of the unit that the porch constitutes a potential lead-paint hazard that requires continued caution and that the occupants should read and follow closely the information in the EPA brochure regarding lead safe maintenance practices such as frequent washing, and that brochure shall be provided to the occupants with the relevant passages highlighted.

E. Clearance failure.

All surfaces represented by a failed clearance sample shall be re-cleaned or treated by hazard reduction, and retested, until the applicable clearance level set in 24 CFR §35.1320(b)(2) and this Code are met.

F. Requirement to Avoid Conflict of Interest Regarding Clearance Inspection.

All examinations shall be performed by persons or entities independent of those persons performing hazard reduction or maintenance activities. No examinations shall be performed by the owner or an employee of the owner.

§ 60-107. Reviews of Denials of Certificates.

Whenever a "Certificate of Lead Poisoning Prevention Code Compliance" has been denied, the owner or other responsible party may request the Department to conduct an inspection of the property to establish that the property complies with the requirements of § 60-106. In the event the Department confirms that the property does not comply with those standards the Department shall send a written notice to the owner specifying that it has determined that a "Certificate of Lead Poisoning Prevention Code Compliance" has properly been denied and stating the action that must be taken prior to authorization for issuance of the Certificate. The Department's action with respect to this determination shall be reviewable in an Article 78 proceeding pursuant to the Civil Practice Law and Rules (CPLR) for the State of New York.

§ 60-108. Inspection by Department; Enforcement.

- A. The Department itself shall conduct or cause to be conducted an inspection for lead paint hazards utilizing the standards described in § 60-106 upon the request of any lawful occupant of a building other than the owner of rental property, or with respect to potential exterior hazards, by an adjoining property owner or occupant or any other person who may be affected by an exterior lead hazard. In addition, the Department upon its own initiative, or as part of a program for systematic code enforcement, or upon sufficient cause having been shown to believe that a lead hazard exists,

may conduct or authorize a lead-hazard inspection by an EPA certified lead inspector or certified lead assessor. If the owner of the property does not voluntarily consent to an inspection and a current occupant of the property does not authorize the inspection, a warrant shall be obtained.

"Sufficient cause" for the purposes of this section shall include, but not be limited to, information obtained from any certified lead hazard inspector or assessor, any professional housing contractor, or any social services worker or health care professional offering credible information that a potential lead paint hazard exists. The Department shall provide forms for such persons to submit to the City their basis for belief that a lead hazard is present.

- B. The City shall defend any City employee who is sued for negligence, error, omission, misfeasance, malfeasance or nonfeasance arising out of the employee's duties in enforcing this code. The City shall indemnify such employee in the event any judgment is recovered against such employee arising out of the employee's duties in enforcing this code, unless the employee's conduct is determined to be willfully or grossly negligent.

§ 60-109. City Review for Compliance with Other Laws. [§35.150]

If the City determines that a state or federal law, ordinance, code or regulation provides for evaluation or hazard reduction in a manner that provides a comparable level of protection from the hazards of lead-based paint poisoning to that provided by the requirements of the LPPC, and that adherence to the requirements of the LPPC, would be duplicative or otherwise cause inefficiencies, the City may by general written waiver signed by the Commissioner or her / his designee, modify or waive some or all of the requirements of the LPPC in a manner that will promote efficiency while ensuring a comparable level of protection.

§ 60-110. Emergency Actions, Weather Complications, Case-by-Case Waivers. [§35.115 and 35.160]

- A. For emergency actions necessary to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage (such as when a property has been damaged by a natural disaster, fire, or structural collapse), occupants shall be protected from exposure to lead in dust and debris generated by such emergency actions to the extent practicable. This exemption applies only to repairs necessary to respond to the emergency. The requirements of this Chapter apply to any work undertaken subsequent to, or above and beyond, such emergency actions.
- B. Performance of an evaluation or lead-based paint hazard reduction or lead-based paint abatement on an exterior painted surface as required under this Chapter may be delayed for a reasonable time during a period when weather conditions render impossible the completion of conventional construction activities, provided however, that this limitation shall continue only for the period in which work cannot be performed in the work safe manner as provided for herein.
- C. On a case-by-case basis the Department, subject to limitations on its legal authority to do so, may waive any provision of the LPPC. Any such

waiver must be in writing on a form prepared by the Department and signed by the Commissioner or her/his designee.

§ 60-111. Failure to Comply with "Certificate of Lead Poisoning Prevention Code Compliance" Filing Requirement

No owner subject to the filing requirements of § 60-105 shall lease a vacant rental unit for occupancy unless he or she has filed with the Department the required "Certificate of Lead Poisoning Prevention Code Compliance". A violation of this provision shall be enforceable as provided for in Articles 4 and 5 of this Chapter.

§ 60-112. Records. [§35.175]

The responsible party, as specified in the LPPC, shall keep a copy of each notice, evaluation, and clearance or abatement report prepared pursuant to or in connection with the requirements of this Chapter shall be kept for three years, and any records applicable to a portion of a residential property for which ongoing lead-based paint maintenance and/or reevaluation activities are required shall be kept and made available for review by the City or public until at least three years after such activities are no longer required.

Article 2:

Notification, Lead-Safe Work Practices, and Ongoing Maintenance Requirements.

Contents:

§ 60-201. Definitions.

§ 60-202. Applicability.

§ 60-203. Notification requirements.

§ 60-204. Occupant protection and worksite preparation.

§ 60-205. Safe work practices.

§ 60-206. Ongoing lead-based paint maintenance and reevaluation activities.

§ 60-207. Non-compliance.

§ 60-208. Enforcement of Lead Safe Work Practice Requirements.

§ 60-209. Penalties and procedures for violations.

§ 60-201. Definitions. [New Orleans Sec. 82-311]

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accredited laboratory means a laboratory that operates within the EPA National Lead Laboratory Accreditation Program.

Adjacent properties means properties that adjoin the regulated area of the property in question, including at the corners of lot lines.

Certified means that the State of New York has identified an individual as having completed training and other requirements to permit the safe execution of lead risk assessments and inspections, or lead hazard reduction and control work.

Chemical removal of paint shall mean the removal of paint by paint strippers containing a hazardous substance designated by the Consumer Product Safety Commission (CPSC), the Occupational Safety and Health Administration (OSHA), or the U.S. Environmental Protection Agency (EPA) in any way that is not in compliance with the most current CPSC, OSHA, or EPA guidelines, set forth in 16 C.F.R. § 1303.1, 29 C.F.R. § 1926.62, and 40 C.F.R. § 261.3, § 261.32, and 40 C.F.R. § 745.223, respectively.

Containment barriers means measures that prevent the migration of lead paint contaminants. Containment barriers shall be at least as effective at protecting human health and the environment as those contained in the most recent HUD Guidelines, as defined below.

Contractor means any person who undertakes, or offers to undertake or purports to have the capacity to undertake or submits a bid to take, or does by himself or herself or by or through others take, any action that may or will disturb or remove paint. For purpose of this article, "contractor" shall also include subcontractors.

Director means, for purposes of this article, the Director of the NET office.

Disturb or remove paint means any action that creates friction, pressure, heat or a chemical reaction upon any lead-based paint on an exterior surface so as to abrade, loosen, penetrate, cut through or eliminate paint from that surface. This term shall include all surface preparation activities that are performed upon a surface containing lead-based paint.

Excessive airborne lead concentrations shall be defined according to regulations promulgated by the United States Occupational Safety and Health Administration. "Excessive airborne lead concentrations," for the purposes of this article, shall be those defined by the Occupational Safety and Health Administration at 29 C.F.R. 1926.62 which are currently defined as lead concentrations exceeding the permissible exposure limit (PEL) of 50 mcg/m³ as a time-weighted average over eight hours. Airborne lead concentrations exceeding the action level of 30 mcg/m³ as a time-weighted average trigger additional personal protective equipment and practices.

Excessive lead-containing dust is lead in surface dust including but not limited to dust on interior window sills, window troughs, floors, and soil as defined according to regulations promulgated by the United States Environmental Protection Agency at 40 C.F.R. § 745.227. These standards are currently defined as 250 micrograms per square foot ($\mu\text{g}/\text{sq. ft}$) for interior window sills, 400 $\mu\text{g}/\text{sq. ft}$ for window troughs, 40 $\mu\text{g}/\text{sq. ft}$ for floors, 400 parts per million for bare soil in play areas, and 1200 parts per million for soil in non-play areas of a yard. In addition, Article 1 of this Code establishes a standard of 400 $\mu\text{g}/\text{sq. ft}$ for porches (any entry-way that would not be included as part of an interior inspection).

Exterior means the outside of a building or metal structure and the areas around it within the boundaries of the property, including the outside of any detached structures, including but not limited to, outside and common walls, stairways, fences, light wells, breeze ways, sheds and garages.

Heat removal of paint shall mean the removal of paint by open flame or by the use of a heat gun or other device generating temperatures equal to or more than 1100 degrees Fahrenheit (40 C.F.R. § 745.227).

HEPA vacuum means a high efficiency particulate air filter capable of filtering 99.7 percent of fine particles of dust of 0.3 microns or larger in size.

HUD guidelines means the most recent Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing promulgated by the United States Department of Housing and Urban Development (HUD), issued pursuant to 42 U.S.C. § 1017 (1994).

Interior means the inside of a building or a partially enclosed exterior surface such as porch or balcony areas that are readily accessible to children, ages six and under.

Lead-based paint testing means testing of surfaces to determine the presence of lead-based paint performed by an independent certified risk assessor/inspector, in accordance with the HUD Guidelines, or EPA lead hazard regulations at 40 C.F.R. § 745.227. Where testing includes bulk paint samples, such samples are analyzed by an accredited laboratory.

Lead-based substances means any plaster, putty, paint, varnish, shellac or other coating on surfaces with lead in excess of 1.0 mg/cm² (milligrams per square centimeter) as measured by x-ray fluorescence (XRF) detector or laboratory analysis or in excess of 0.5 percent by weight, also expressed as 5,000 ppm (parts per million), 5,000 µg/g (micrograms per gram), or 5,000 mg/kg (milligrams per kilogram) as measured by laboratory analysis or as currently defined by state or federal standards.

Manual scraping is the practice of removing paint via hand tools that predominantly creates paint chips as opposed to dust.

Metal structure means any structure that is not a building and which has exterior surfaces made of steel or other metal, such as bridges, billboards, walkways, water towers, steel tanks, and roadway or railway overpasses.

Occupant means any person, especially children, living, sleeping, cooking, eating in, or actually having possession of a building, except that a guest will not be considered an occupant.

Other methods of paint removal shall include, but not be restricted to, the removal of paint via confined power washing, sanding with a HEPA-vacuum attachment and abrasive blasting.

Owner means any person or agent of the owner who alone, jointly, or severally with others, shall have:

- (1) Legal title to any premises or building, with

or without accompanying actual possession therefore; and/or

- (2) Charge, care, or control of any premises or building as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.

Person means a natural person, his or her heirs, executors, administrators or assigns, and to the extent allowable by law, a firm, joint stock company, business concern, association, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid, or other legal entity.

Power washing is the practice of cleaning painted surfaces or removing paint via a pressurized stream of water.

Prohibited practices means work practices prohibited under this article.

Qualified laboratory means an academic research laboratory with a record of peer review publications on the topic of lead. A homeowner, contractor, or other individual may submit samples to a qualified laboratory to determine the presence of lead.

Readily accessible means when, in the judgment of the Director of the department of health, or his designated representative, a lead-based substance is in a flaking, peeling or chipping condition on a surface from which it may be chewed or ingested by children who inhabit or frequent the premises.

Regulated area means an area in which work is being performed that disturbs or removes paint, and to which access is restricted in order to prevent migration of paint contaminants. "Regulated area" shall also include any area contaminated with lead paint contaminants as a result of a breach or lack of containment barriers or a violation of the containment requirement set forth in section 317(a).

Responsible party means either: (1) the owner of the property where the owner or the owner's employees or persons otherwise under the control of the owner are performing the activities regulated under this article; or (2) the owner and the contractor where the owner has entered into a contract with another to carry out the activities regulated under this article.

Surface means the outermost layer up to one-eighth inch of the superficial area of a building, including, but not limited to, the outermost layer of superficial areas of the walls, ceilings, floors, stairs, windows, window sills, window frames, window sashes, doors, door frames, baseboards, and woodwork of a building.

Unconfined power sanding or grinding shall mean the use of electric or hydraulic powered sanding or grinding tools for the removal of paint that do not have attachments that while sanding or grinding paint simultaneously vacuum dust and chips into a HEPA filtered vacuum device along with ground cover or otherwise contain and control chips and dust from being released into the environment.

§ 60-202. Applicability. [New Orleans Sec. 82-316]

A. Generally.

No person shall disturb or remove lead paint, or in any other way generate excessive, lead containing dust or excessive airborne lead concentrations as defined in § 60-201 during work on the interior or exterior of any existing building or structure except in accordance with the requirements of this article with respect to occupant protections, worksite preparation, and safe work practices.

B. Exemptions.

This article shall not apply to activities that disturb or remove paint where those activities are being performed on buildings on which construction was completed after December 31, 1977 or on new construction.

C. Presumption of Lead Paint.

- (1) For purposes of this article, all paint on the interior or exterior of any residential building on which the original construction was not completed prior to January 1, 1978, shall be presumed to be a lead-based substance.
- (2) For purposes of this article, all paint on the exterior of any non-residential structure completed prior to January 1, 1978 shall be presumed to be a lead-based substance. Any person seeking to rebut this presumption shall establish through lead-based paint testing or other means satisfactory to the Director, that the paint on the building or structure in question is not lead-based paint.

§ 60-203. Notification requirements. [New Orleans Sec. 82-318]

A. Contents of notice.

Except as exempted by this Article, prior to the commencement of work that will involve disturbing or removing lead-based paint (or presumed lead-based paint), the owner or other person acting on his or her behalf, shall provide written notice to the Director either in person, by certified mail, or by fax, describing the:

- (1) Location of the project;
- (2) Scope of work;
- (3) Methods and tools for paint disturbance and/or removal;
- (4) Approximate age of the building;
- (5) Anticipated job start and completion dates for work subject to this article;
- (6) Use and tenure of the building (residential or nonresidential, and whether it is owner-occupied or rental property);
- (7) Dates by which the responsible party has or will fulfill any tenant or adjacent property notification requirements as described in § 60-203 pars. D, E, and F below; and
- (8) Name, address, telephone number, and if available, fax and pager number, of the party who will perform the specified work;

- (9) Identifying information regarding the Lead Safe Work Practices course taken by the persons performing the work, including the date of completion and the name of the person or agency who provided the training;

- (10) Containment procedures to be used;

- (11) Relocation procedures and options for occupants, if any.

B. Form of notice.

The Director shall make available to the public a form that complies with the requirements of § 60-203, par. A, and contains blank spaces for the required information.

C. Sign required when exterior lead-based paint (or presumed lead-based paint) is disturbed.

Not later than the commencement of any activity subject to this article, the owner, or the contractor when the owner has entered into a contract with a contractor to perform work on the exterior of a building or structure, that is subject to this article, shall post signs in a location or locations clearly visible to the adjacent properties stating the following:

LEAD WORK IN PROGRESS

PUBLIC ACCESS TO WORK
AREA PROHIBITED

POSTED IN ACCORDANCE
WITH CHAPTER 60, ARTICLE
2, OF THE CITY OF ROCHESTER
LEAD POISONING PREVEN-
TION CODE

FOR FURTHER INFORMATION,
PHONE: -----

The sign required by this subsection shall be not less than 24 inches square, and shall be in large boldface capital letters no less than one-half inch in size. The Director shall make available to the public a sample form that complies with these requirements and states the required information in English and Spanish. The sign required by this subsection shall remain in place until the time that the work subject to this subsection has been completed.

Where it is not possible to post signs in a conspicuous location or locations clearly visible to the adjacent properties, the owner, or where the owner has entered into a contract with a contractor to perform work subject to this article, the contractor shall provide the notice in written form, such as a letter or memorandum, to the occupants of adjacent properties.

D. Notice to tenants.

Where work subject to the requirements of this article is to be performed on the interior or exterior of buildings occupied by one or more tenants, not less than three business days before work subject to this article is to commence, the owner shall provide the following information:

- (1) Contents of notice.

Provide written notice to tenants of the building on which the work is being performed that lead-related work is being performed. This notice shall be in compliance with the EPA pre-renovation notification rules set forth in 40 C.F.R. § 745, including the "acknowledgement and certification statement" procedures described therein, and shall include notice in the form of a sign, letter, or memorandum; and shall prominently state the following:

Work is scheduled to be performed beginning [date] on this property that may disturb or remove lead-based paint. The persons performing this work are required to follow federal, state, and local laws regulating work with lead-based paint. You may obtain information regarding these laws, or report any suspected violations of these laws, by calling the Director of the NET Office at _____. The owner of this property is also required to provide tenants with a copy of the U.S. Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead in Your Home".

The Director shall make available to the public a form that states the required information in English and Spanish.

(2) Availability of pamphlet.

The owner shall provide to all tenants in the building, the U.S. Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead in Your Home",

E. Notice by contractor.

Where work subject to the requirements of this article is being performed by a contractor, the contractor shall at least three business days prior to the commencement of work on residential property subject to this article, notify the property owner of potential lead hazards during the project by delivering the U.S. Environmental Protection Agency pamphlet entitled "Protect Your Family From Lead in Your Home".

F. Early commencement of work by owner.

A property owner may commence, or may authorize a contractor to commence, work subject to this article less than three business days after providing notices required above when the property owner determines that such work must be commenced immediately to correct an emergency condition when a delay would pose an immediate threat to the safety or well-being of the building's occupants or to correct life-safety hazards.

G. Early commencement of work requested by tenant.

Upon written request of a tenant, an owner may commence or authorize a contractor to commence, work subject to this article on that tenant's premises less than three business days after providing notices required in subsections § 60-203 par. D and E above.

H. Notice by paint retailer, tool or equipment sup-

plier.

Sellers, retailers of paint, or anyone (including tool libraries) renting or selling tools or equipment that is commonly used for purposes that disturb painted surfaces shall be required to post a sign which informs the purchasers of paint as follows:

For buildings or structures constructed prior to 1978, Article 2 of the City of Rochester Lead Paint Poisoning Prevention Code, (Chapter 60 of the Code of the City of Rochester) requires, that in the course of removing or disturbing old paint, you use certain containment measures such as ground cover when scraping paint from surfaces and/or a HEPA vacuum attachment when power sanding lead paint from surfaces. You must also notify the City of Rochester via a form provided by the City available from this retailer or by calling _____.

I. Notifying bidders.

In any instance where a property owner or contractor is requesting bids for work that is subject to this article, the property owner or contractor shall notify all bidders of any paint inspection reports verifying the presence of any lead-based paint in the regulated area of the proposed project.

§ 60-204. Occupant protection and worksite preparation [HUD regs, 24 CFR §35.1345]

This section establishes procedures for protecting dwelling unit occupants and the environment from contamination from lead-contaminated or lead-containing materials during certain hazard reduction activities.

A. Occupant protection.

(1) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite), until after hazard reduction work has been completed and clearance, if required, has been achieved.

(2) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, except if:

(a) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead hazards;

(b) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards, and debris is provided;

(c) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or

environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or

- (d) Treatment of the interior will be completed within 5 calendar days, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, treatment does not create other safety, health or environmental hazards; and, at the end of work on each day, the worksite and the area within at least 10 feet (3 meters) of the containment area is cleaned to remove any visible dust or debris, and occupants have safe access to sleeping areas, and bathroom and kitchen facilities.

- (3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

B. Worksite preparation.

- (1) The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.
- (2) A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated; or, for an exterior hazard reduction activity, where it is easily read 20 feet (6 meters) from the edge of the hazard reduction activity worksite. Each warning sign shall be as described in 29 CFR 1926.62(m), except that it shall be posted irrespective of employees' lead exposure and, to the extent practicable, provided in the occupants' primary language.

§ 60-205. Safe work practices [§35.1350]

A. Prohibited methods.

Methods of paint removal listed in 24 CFR §35.140 shall not be used.

B. Occupant protection and worksite preparation.

Occupants and their belongings shall be protected, and the worksite prepared, in accordance with §60-204. A person performing this work shall be trained on hazards and either be supervised or have successfully completed one of the specific courses in accordance with 24 CFR §35.1330(a)(4). [Note: reflects 3/21/04 amendment to HUD reg]

C. Specialized cleaning.

After hazard reduction activities have been completed, the worksite shall be cleaned using cleaning methods, products, and devices that are successful in cleaning up dust-lead hazards, such as a HEPA vacuum or other method of equivalent efficacy, and lead-specific detergents or equivalent.

D. De minimis levels.

Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than:

- (1) 20 square feet (2 square meters) on exterior surfaces;
- (2) 2 square feet (0.2 square meters) in any one interior room or space; or
- (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include window sills, baseboards, and trim.

§ 60-206. Ongoing lead-based paint maintenance and reevaluation activities. [§35.1355]

A. Ongoing Maintenance.

- (1) Once a unit has been determined to have lead-based paint hazards, maintenance activities shall be conducted in accordance with paragraphs A(2)-(6) of this section. [Reflects 6/21/04 amendment to HUD regulations]
- (2) Owners shall visually inspect for deteriorated paint at unit turnover and every twelve months.
- (3) (i) Deteriorated paint. All deteriorated paint on interior and exterior surfaces located on the residential property shall be stabilized in accordance with standards set out in 24 CFR §35.1330(a)(b), except for any paint that an evaluation has found is not lead-based paint.
(ii) Bare soil. All bare soil shall be treated with standard treatments in accordance with §35.1335(d) through (g), or interim controls in accordance with §35.1330(a) and (f); except for any bare soil that a current evaluation has found is not a soil-lead hazard.
- (4) Safe work practices, as required by § 60-205, shall be used when performing any maintenance or renovation work that disturbs paint that is known to be, or presumed to be, lead-based paint.
- (5) Any encapsulation or enclosure of lead-based paint or lead-based paint hazards which has failed to maintain its effectiveness shall be repaired, or abatement or interim controls shall be performed in accordance with 24 CFR §§35.1325 or 35.1330, respectively.
- (6) Clearance testing of the worksite shall be performed at the conclusion of repair, abatement or interim controls in accordance with 24 CFR §35.1340.

- (7) Each dwelling unit shall be provided with written notice asking occupants to report deteriorated paint and, if applicable, failure of encapsulation or enclosure, along with the name, address and telephone number of the person whom occupants should contact. The language of the notice shall be in accordance with 24 CFR §35.125(c)(3). The designated party shall respond to such report and stabilize the deteriorated paint or repair the encapsulation or enclosure within 30 days.

B. Re-evaluation.

Re-evaluation shall be conducted in accordance with this paragraph, and the designated party shall conduct interim controls of lead-based paint hazards found in the re-evaluation.

- (1) Re-evaluation shall be conducted if hazard reduction has been conducted to reduce lead-based paint hazards found in a risk assessment or if standard treatments have been conducted, except that reevaluation is not required if any of the following cases are met:
- An initial risk assessment found no lead-based paint hazards;
 - A lead-based paint inspection found no lead-based paint; or
 - All lead-based paint was abated in accordance with 24 CFR §35.1325, provided that no failures of encapsulations or enclosures have been found during visual assessments conducted in accordance with 24 CFR §35.1355(a)(2) or during other observations by maintenance and repair workers in accordance with 24 CFR §35.1355(a)(5) since the encapsulations or enclosures were performed.
- (2) Re-evaluation shall be conducted to identify:
- Deteriorated paint surfaces with known or suspected lead-based paint;
 - Deteriorated or failed interim controls of lead-based paint hazards or encapsulation or enclosure treatments;
 - Dust-lead hazards; and
 - Soil that is newly bare with lead levels equal to or above the standards in 24 CFR §35.1320(b)(2).
- (3) Each re-evaluation shall be performed by a certified risk assessor.
- (4) Each re-evaluation shall be conducted in accordance with the following schedule if a risk assessment or other evaluation has found deteriorated lead-based paint in the residential property, a soil-lead hazard, or a dust-lead hazard on a floor or interior windowsill. (Window troughs are not sampled during re-evaluation.)
- The first re-evaluation shall be conducted no later than two years from completion of hazard reduction.
 - Subsequent re-evaluation shall be conducted at intervals of two years, plus or minus 60 days.
- (5) To be exempt from additional re-evaluation, at least two consecutive reevaluations conducted at such two-year intervals must be conducted without finding lead-based paint hazards or a failure of an encapsulation or enclosure. If, however, a reevaluation finds lead-based paint hazards or a failure, at least two more consecutive reevaluations conducted at such two year intervals must be conducted without finding lead-based paint hazards or a failure.
- (6) Each re-evaluation shall be performed as follows:
- Dwelling units and common areas shall be selected and re-evaluated in accordance with 24 CFR §35.1320(b).
 - The worksites of previous hazard reduction activities that are similar on the basis of their original lead-based paint hazard and type of treatment shall be grouped. Worksites within such groups shall be selected and reevaluated in accordance with §35.1320(b).
- (7) Each re-evaluation shall include reviewing available information, conducting selected visual assessment, recommending responses to hazard reduction omissions or failures, performing selected evaluation of paint, soil and dust, and recommending response to newly-found lead-based paint hazards.
- Review of available information. The risk assessor shall review any available past evaluation, hazard reduction and clearance reports, and any other available information describing hazard reduction measures, ongoing maintenance activities, and relevant building operations.
 - Visual assessment. The risk assessor shall:
 - Visually evaluate all lead-based paint hazard reduction treatments, any known or suspected lead-based paint, any deteriorated paint, and each exterior site, and shall identify any new areas of bare soil;
 - Determine acceptable options for controlling the hazard; and
 - Await the correction of any hazard reduction omission or failure and the reduction of any lead-based paint hazard before sampling any dust or soil the risk assessor determines may reasonably be associated with such hazard.
 - Reaction to hazard reduction omission or failure. If any hazard reduction control has not been implemented or is

failing (e.g., an encapsulant is peeling away from the wall, a paint-stabilized surface is no longer intact, or gravel covering an area of bare soil has worn away), or deteriorated lead-based paint is present, the risk assessor shall:

- (i) Determine acceptable options for controlling the hazard; and
 - (ii) Await the correction of any hazard reduction omission or failure and the reduction of any lead-based paint hazard before sampling any dust or soil the risk assessor determines may reasonably be associated with such hazard.
- (d) Selected paint, soil and dust evaluation.
- (i) The risk assessor shall sample deteriorated paint surfaces identified during the visual assessment and have the samples analyzed, in accordance with 40 CFR 745.227(b)(3)(4), but only if reliable information about lead content is unavailable.
 - (ii) The risk assessor shall evaluate new areas of bare soil identified during the visual assessment. Soil samples shall be collected and analyzed in accordance with 40 CFR 745.227(d)(8)-(11), but only if the soil lead levels have not been previously measured.
 - (iii) The risk assessor shall take selected dust samples and have them analyzed. Dust samples shall be collected and analyzed in accordance with 24 CFR §35.1320(b). At least two composite samples, one from floors and the other from interior windowsills, shall be taken in each dwelling unit and common area selected. Each composite sample shall consist of four individual samples, each collected from a different room or area. If the dwelling unit contains both carpeted and uncarpeted living areas, separate floor samples are required from the carpeted and uncarpeted areas. Equivalent single-surface sampling may be used instead of composite sampling.
- (8) The risk assessor shall provide the designated party with a written report documenting the presence or absence of lead-based paint hazards, the current status of any hazard reduction and standard treatment measures used previously and any newly conducted evaluation and hazard reduction activities. The report shall include the information in 40 CFR 745.227(d)(11), and shall:
- (a) Identify any lead-based paint hazards previously detected and discuss the effectiveness of any hazard reduction or standard treatment measures used, and list those for which no measures have

been used.

- (b) Describe any new hazards found and present the owner with acceptable control options and their accompanying reevaluation schedules.
- (c) Identify when the next re-evaluation, if any, must occur, in accordance with the requirements of paragraph (b)(4) of this section.

C. Response to the re-evaluation.

- (1) Hazard reduction omission or failure found by a re-evaluation. The designated party shall respond in accordance with paragraph B(7)(c)(i) of this section to a report by the risk assessor of a hazard reduction control that has not been implemented or is failing, or that deteriorated lead-based paint is present.
- (2) Newly-identified lead-based paint hazard found by a reevaluation. The designated party shall treat each:
 - (a) Dust-lead hazard or paint lead hazard by cleaning or hazard reduction measures, which are considered completed when clearance is achieved in accordance with 24 CFR §35.1340.
 - (b) Soil-lead hazard by hazard reduction measures, which are considered completed when clearance is achieved in accordance with 24 CFR §35.1340.

§ 60-207. Non-Compliance. [from New Orleans Sec. 82-318]

A. Complaints.¹

Any person who believes that an activity is being carried out in violation of this article may orally or in writing notify the Director that he or she believes such violation is taking place. The Director shall cause a written record to be made of the complaint, which record shall be retained and made available for public inspection.

B. Response to complaint.

Upon receiving a complaint, the Director shall:

- (1) Review the complaint;
- (2) Determine whether a valid notification form has been filed, if required, for the property in compliance with the requirements of § 60-203; and
- (3) Where deemed necessary by the Director, conduct an inspection at the job site to determine the validity of the complaint.

C. Evaluation of complaint.

When determining the validity of a complaint, if the Director or his or her designee is not able to observe the actual performance of any work practices constituting violations of the performance standards of § 60-203, the Director shall investigate and consider the following:

- (1) The containment measures and work tools

being used by the responsible party;

- (2) The color(s) of paint being disturbed or removed by the responsible party;
- (3) The color(s), quantities, nature, and locations of alleged visible lead paint contaminants;
- (4) The colors, locations, and conditions of paint on adjacent properties to determine if such paint could be a source of the alleged visible lead paint contaminants;
- (5) Any work being performed on adjacent properties which could be a source of the alleged visible lead paint contaminants; and
- (6) Any other relevant evidence that the Director determines in the exercise of his or her discretion would help to determine whether a violation of this article has occurred.

¹ [Not in New Orleans ordinance, but necessary to make sense of the next paragraph calling for a "response".]

§ 60-208. Enforcement of Lead Safe Work Practice Requirements. [from New Orleans Sec. 82-320]

In addition to the enforcement authority provided in Article 5, the Director is authorized as follows:

A. Authority of Director to sample.

Subject to limitations on entry and inspections referenced in paragraph D below, the Director may collect paint, dust, and soil samples from, or apply an X-ray fluorescent (XRF) analyzer to, the property where the work is being performed and from adjacent properties in order to determine the validity of a complaint.

B. Enforcement authority.

The Director may, following issuance of a notice of violation, require as a condition of resuming work, that the responsible party conduct a special inspection by a certified risk assessor in order to establish that the regulated area is in compliance with this article.

C. Stop work orders.²

The Director may stop any work that is disturbing or removing lead paint or otherwise generating lead paint contaminants in violation of this article or the construction, alteration or repairs of any metal structure or building subject to the requirements of this article when, in the opinion of the Director, such work is being done in violation of any of the provisions of this article. The Director shall notify the owner of the property or the owner's agent to suspend all work, and any such persons shall forthwith stop work and suspend all building activities until the stop-work has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served either by delivering it personally or by posting it conspicuously where the work is being performed and sending a copy of it by mail. The work shall be stopped immediately and shall not be resumed without authorization. Violations of stop-work orders may be referred to the Municipal Code

Violations Bureau.

D. Remediation/specific performance.

The Director shall have the authority to immediately issue an order:

- (1) To the owner or occupants to eliminate the hazard within a reasonable and specified period of time, after the issuance of such order when it is determined that, after an investigation, any location at which lead dust, lead chips or other lead-contaminated wastes are, or were handled, or otherwise came to be located, may create a danger to public health or the safety of any person or to the environment;
- (2) Remove any workers, except those needed to abate the hazard, from the project work area until the condition is corrected in order to prevent further project activity;

² New Orleans provision revised to parallel Rochester 39-211 provision.

- (3) Evacuate appropriate portions of the site and vicinity until the condition is corrected.

E. Authority to enter upon property or inspect.

The Director or her/his designee is authorized to enter upon properties for and inspect for the purposes of enforcement of this Article in the same manner and subject to the same procedures applicable to enforcement of the Chapter 90, the Property Maintenance Code.

§ 60-209. Penalties and procedures for violations. [Par. B from New Orleans Sec. 82-321]

A. Violations of this Article are subject to the enforcement penalties and procedures provided for in Article 5 of this Chapter.

B. Alternative penalty.

A court in which a judicial enforcement proceeding is pending, or the Municipal Code Violations Bureau in an administrative proceeding, may suspend any penalty imposed upon the condition that the responsible party attend and complete a training course approved by the state in lead-safe work practices. Any such course must be taken and completed within 30 days of the hearing held pursuant to this Code. The failure of the responsible party to submit proof of attendance and satisfactory completion of the course, including certification from the instructor or provider of the course, shall result in the penalty and any fees becoming immediately due and payable. This alternative remedy shall only be available to persons who have not previously completed such a training course, and who have not been previously found by the Director to be in violation of this article.

Article 3:

Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property

Contents:

§ 60-301. Purpose and Goal.

§ 60-302. Definitions.

§ 60-303. Education and Outreach.

§ 60-304. Disclosure Obligations Prior to the Transfer of Real Property.

§ 60-305. Disclosure Obligations Upon Receiving Notice of Lead Paint in a Rental Unit.

§ 60-306. Continuing Obligation to Report Conditions in Rental Properties; Right to Vacate Hazardous Units Upon Disclosure and Failure to Correct.

§ 60-307. Enforcement; Private Right of Enforcement.

§ 60-301. Purpose and Goal.

A. Purpose.

In 1992 the United States Congress enacted The Residential Lead-Based Paint Hazard Reduction Act, 42 USC 4852d, (commonly known as "Title X"), to address the problem of lead-based paint hazards in our nation's homes. Section 1018 of Title X requires disclosure of known information about lead-based paint or lead-based paint hazards for most residential properties constructed before January 1978. The purpose of the federal disclosure requirements is to educate the public about the nature of the dangers posed by those hazards and to inform individuals about the existence of potential lead hazards in the properties in which they may reside.

This Article augments the disclosure requirements of the federal lead paint hazard disclosure law as follows:

- (1) by extending the definition of properties subject to the disclosure requirement ("target housing"),
- (2) by clarifying the applicability of that law to certain types of tenancies, particularly oral month-to-month tenancies,
- (3) by requiring disclosure with respect to additional types of transfers (including transfers other than sale, i.e., involuntary transfers, transfers among family members and other transfer that do not involve "consideration", and specifically including sales in foreclosure and property deeded in lieu of foreclosure), and
- (4) by establishing mechanisms to assure compliance with the provisions of state, federal and local hazard disclosure requirements through local sanctions for violations.

In addition, this Article establishes a "private right of enforcement" available to purchasers, lessees (including all tenants and occupants of a property), neighbors, community organizations and any other persons or organizations affected by the failure to disclose the existence of lead-based paint and known lead-based paint hazards as required by this Article.

B. Goal.

The goal of this Article is to reduce lead poisoning for all persons in the City of Rochester and, in particular to immediately reduce, and by the year 2010 eliminate, incidents of lead poisoning in children in the City of Rochester.

C. Scope and Applicability.

(1) The requirements of this Article apply to all housing covered by Title X ("target housing" as defined at 24 CFR §35.86) and, in addition, to:

- (a) Properties acquired through foreclosures and other involuntary transfers including but not limited to private foreclosures, bank foreclosures, tax foreclosures, dispositions in bankruptcy proceedings, and non-judicial foreclosures, and deeds in lieu of foreclosure;
- (b) Rentals subject to short fixed-term leases (i.e. leases of a fixed duration of 100 days or less with no provision for renewal);
- (c) Renewals of tenancies, regardless of the date of the inception of the tenancy, where the landlord has not yet disclosed the existence of lead-based paint or known lead hazards or the landlord has come into new information regarding the presence of lead-based paint or lead-based paint hazards;
- (d) Rental units intended as "housing for the elderly" and housing for "persons with disabilities"; and
- (e) Efficiency ("0-bedroom") dwellings;
- (f) Any other transfer of residential property which was built prior to January 1978, or is known to contain lead-based paint or lead-based paint hazards, regardless of whether that transfer was for legal consideration (including gift transfers and bequeathed property).

(2) Exemptions.

This Article shall not apply to:

- (a) Properties that are certified lead-based paint free by a certified lead inspector.
- (b) Properties that are used for dormitory housing, unless children six years of age or under reside in such housing or are expected to reside there.
- (c) Nursing homes or assisted living facilities.

§ 60-302. Definitions. [was § 60-30c].

The definitions found in the implementing regulations for Title X of the federal Department of Housing and Urban Development at 24 CFR §35.86 shall apply except that the term "target housing" shall be read to include the housing identified in § 60-301 and the term "Lessee" shall be specifically construed to include all "month-to-month" tenancies and tenancies in all target housing regardless of whether those tenancies were

created by written or oral leases.

In addition, for the purposes of this requirements added to the federal law by this Article, the following terms shall have the following meanings:

Agent means any party who enters into a contract with a seller or lessor, for the purpose of selling or leasing pre-1978 housing.

Certified Lead Inspector means a person who is certified by the EPA to conduct inspections for lead-based paint.

Certified Risk Assessor means a person who is certified by the EPA to conduct risk assessments.

Certified Sampling technician means a person as described in 24 CFR § 35.1340 as a person qualified to perform clearance examinations, that is, a person who is "a technician licensed or certified by EPA . . . to perform clearance examinations without the approval of a certified risk assessor or certified lead-based paint inspector, provided that a clearance examination by such a licensed or certified technician shall be performed only for a single-family property or individual dwelling units and associated common areas in a multi-unit property, and provided further that a clearance examination by a such a licensed or certified sampling technician shall not be performed using random sampling of dwelling units or common areas in multifamily properties, except that a clearance examination performed by such a licensed or certified sampling technician is acceptable for any residential property if the clearance examination is approved and the report signed by a certified risk assessor or a certified lead-based paint inspector.

Common Area means a portion of a building generally accessible to all residents/users including, but not limited to, hallways, stairways, laundry, and recreational rooms.

Department means the Department of Community Development of the City of Rochester.

Director means the Director of NET of the City of Rochester or his or her legally designated representative.

Lead-Based Paint means paint or other surface coating containing lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

Lead-Based Paint Free means pre-1978 housing that has been found by a Certified Lead Inspector to be free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

Lead-Based Paint Hazard means any condition that may cause exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse health effects, including lead based paint hazards as defined by EPA regulations (40 C.F.R. § 745.65), which provide numerical standards for lead in dust, soil, and paint.

Lead Hazard Evaluation Report means any rea-

sonably obtainable records and reports pertaining to lead-based paint and/or lead-based paint hazards in pre-1978 housing.

Lead-Based Paint Inspection means a surface-by-surface investigation to determine the presence of lead-based paint as provided in section 302(c) of the Lead-Based Paint Poisoning and Prevention Act [42 U.S.C. 4822].

Lead Poisoning Prevention Settlement means a cash contribution or in-kind service to a project designed to advance primary prevention of lead poisoning, which a party agrees to in partial settlement of an enforcement action, but which the party is not otherwise legally obligated to perform.

Lead Poisoning Prevention Code Certificate means a certificate obtained in accordance with Article 1 of this Code.

Lead Safe Work Practice means the methods and standards designed to avoid the creation of lead-based paint hazards during work that disturbs painted surfaces in pre-1978 housing, including refraining from unsafe practices that generate lead-contaminated dust and incorporating measures to protect occupants and workers and minimize the dispersal of lead-contaminated dust and including the requirements of Article 2 of this Code.

Lessee means any person or entity that enters into an agreement to lease, rent, or sublease housing built before 1978.

Lessor means any individual or entity that offers housing built before 1978 for lease, rent, or sublease.

Purchaser means any person who acquires residential property that was built before 1978 or that is known to contain lead-based paint or lead-based paint hazards, regardless of whether that property was gifted, sold, or in any other manner transferred.

Risk Assessment means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including:

- (1) Information gathering regarding the age and history of the housing and occupancy by children age 6 and under;
- (2) Visual inspection;
- (3) Limited wipe sampling or other environmental sampling techniques;
- (4) Other activity as may be appropriate; and
- (5) Provision of a report explaining the results of the investigation.

Seller, in addition to the persons described in the definition at 24 CFR § 35.86, includes any person transferring title to target housing as defined in § 60-301, regardless of whether consideration is provided for the transfer.

Tenant means any occupant of a leased or subleased property. When a distinction is intended to limit the applicability of this Article to the named

Lessee of a residential unit, the term "Lessee" shall be used.

Violation means an individual's failure to comply with any requirement of this Article, and each failure to comply with any provision of this Article constitutes a separate violation.

§ 60-303. Education and Outreach.

A. Information³

The Department shall inform the public, including owners of residential property being sold or leased, their agents, and child care providers of their rights and responsibilities under this Article, and shall prepare a lead hazard "Evaluation Upon Sale" checklist and an "Evaluation Upon Leasing" checklist to be made available to all sellers, lessors, or other transferors of title or interests in real property which shall be used to comply with the requirements of § 60.304 below.

B. Pamphlet

The Department shall make available the EPA educational pamphlet entitled "Protect Your Family From Lead in Your Home." The Department shall prepare and distribute an insert to accompany the EPA pamphlet. The insert shall summarize the provisions of this Article as well as any other applicable lead poisoning prevention laws and shall be provided in the same language as the EPA pamphlet.

³ [Drafter note: inspection list is to be designed to put seller on notice of potentially hazardous conditions, including specifically deteriorated paint conditions - particularly in windows and other impact or chewable surfaces - and should be similar in format to the HUD Section 8 Housing Quality Standards inspection form, but focusing on potential paint hazards. The form checklist should include in the heading the year the property was built, or best estimate of that date.]

§ 60-304. Due Diligence and Disclosure Obligations Prior to the Sale or Lease of Residential Property.

A. Due Diligence Obligations.

(1) Sellers.

Prior to the sale, or other transfer of title of any residential property built prior to 1978 or other property that is known to contain lead-based paint or lead-based paint hazards, the seller, or transferor, or agent acting on his or her behalf, shall inspect the property, or cause an inspection to be made of the property using the "Evaluation Upon Sale" checklist prepared and made available by the City pursuant to § 60.303 to determine whether any deteriorating paint conditions exist, including chalking, chipping, flaking, cracking, peeling or otherwise damaged or deteriorated paint, and if so, whether any bare soil is reasonably proximate to the deteriorating paint, and whether paint dust or paint chips are visible, provided however, that properties for which a Lead Poisoning Prevention Code Certificate has been obtained pursuant to Article 1 of this Code shall be exempt from this inspection requirement. The checklist prepared pursuant to this provision is to be signed and dated by the seller and the

person completing the inspection together with sufficient information to identify and contact that person. An original of the completed checklist is to be provided to the purchaser or other transferee, and a copy of the checklist signed by the purchaser or transferee, acknowledging receipt of the checklist, is to be retained by the seller.

(2) Lessors.

Prior to the leasing or subleasing of any residential property built prior to 1978 or other property that is known to contain lead-based paint or lead-based paint hazards, the lessor or sub-lessor or agent acting on his or her behalf, shall inspect the property, or cause an inspection to be made of the property using the "Evaluation Upon Leasing" checklist prepared and made available by the City pursuant to § 60.303 to determine whether any deteriorating paint conditions exist, including chalking, chipping, flaking, cracking, peeling or otherwise damaged or deteriorated paint, and if so, whether any bare soil is reasonably proximate to the deteriorating paint, and whether any paint dust or paint chips are visible, provided however, that properties for which a Lead Poisoning Prevention Code Certificate has been obtained pursuant to Article 1 of this Code shall be exempt from this inspection requirement. The checklist prepared pursuant to this provision is to be signed and dated by the lessor and the person completing the inspection together with sufficient information to identify and contact that person. An original of the completed checklist is to be provided to the lessee, and a copy signed by the lessee, acknowledging receipt of the checklist, is to be retained by the lessor.

B. Disclosure Obligations

Before a purchaser or tenant is obligated under any contract to purchase or lease target housing, the seller or lessor shall:

- (1) Provide the purchaser or tenant with the EPA lead hazard information pamphlet and an insert as prescribed by the Department; and
- (2) Disclose to the purchaser or tenant, both orally and in writing, the presence of any known or presumed lead-based paint and/or lead-based paint hazards; including specifically the presence of any conditions identified in the evaluation required by paragraph A above; and
- (3) Provide the purchaser or tenant with a copy of any lead hazard evaluation reports or other records or reports pertaining to the dwelling which evidence the existence of lead-based paint or lead-based paint hazards, and the evaluation checklist described in paragraph A above; and
- (4) Disclose to the purchaser or tenant whether a Lead Poisoning Prevention Code Certificate was required for the property pursuant to Article 1 and, if so, whether the Certificate has been obtained; and
- (5) Allow the purchaser or tenant at least 10

days to conduct a risk assessment or lead-based paint inspection of the property.

C. Acknowledgment

All contracts or oral agreements for the purchase or leasing of property constructed prior to 1978 or other properties which are known to contain lead-based paint or lead based paint hazards must be accompanied by a written copy of the federal Lead Warning Statement and an Acknowledgment signed by the purchaser or tenant.

The Acknowledgment must state that the purchaser or tenant has:

- (1) Read the Lead Warning Statement and understands its contents; and
- (2) Received an EPA lead-hazard information pamphlet and the locally supplemented insert; and
- (3) Received oral and written disclosure from the seller, lessor, or their agent concerning any known lead-based paint and/or lead-based paint hazards; and
- (4) Received any lead hazard evaluation reports and other required information; and
- (5) Had at least 10 days to conduct a risk assessment or inspection for the presence of lead-based paint and/or hazards in the property before becoming obligated under the contract to purchase or lease the housing.

D. Lead Warning Statement

- (1) Every contract for sale of target housing shall contain the federal Lead Warning Statement in large type on a separate sheet of paper attached to the contract. The Lead Warning Statement shall state as follows:

“Every purchaser of any interest in residential real property on which a residential dwelling was build prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller’s possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.”

- (2) Every contract for lease of target housing shall contain the federal Lead Warning Statement in large type on a separate sheet of paper.

The Lead Warning Statement shall state the following:

“Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.”

- (3) In addition, with respect to leases of target housing, the federal Lead Warning Statement shall be supplemented with the following statements:

“As a tenant, you are entitled to protections under federal, state, and local laws. Your landlord cannot prevent you from enforcing your rights by threatening to evict you, by refusing to renew your lease, by threatening to raise your rent, or by taking any other action in retaliation for your contacting the city or a federal or state, agency to enforce your rights. If your landlord fails to tell that your house or apartment contains lead paint or has lead paint hazards, or takes or threatens to take any action in retaliation for you having attempted to enforce your right to lead-safe housing, you have the right to make sure your landlord complies with the law and to be compensated for any financial damages you suffer if he or she has not complied with the law, including the cost of obtaining a lead paint inspection by a person certified to do lead paint inspections.

“All tenants whose landlords are required to be given this notice have rights under the City of Rochester’s “Lead Poisoning Prevention Code” (Chapter 60 of the Rochester City Code, available at the public library). Those protections, under certain circumstances, include having your obligation to pay rent “abated” (suspended) if your landlord fails to remove any lead-based paint violations within six months after having been cited by the city’s code enforcement authorities to remove those hazards. A court may later determine that your rent obligation is suspended until those violations are remedied, but you do not have an absolute right to withhold your rent and you should not withhold your rent unless you have first obtained advice from a lawyer. Legal Assistance may be available at no charge to your by calling _____. Even if you may be entitled to withhold your rent, in order to raise a claim for rent abatement in a court action or other proceeding you may be required to deposit all of your rent due with the Court until the issue can be decided by a judge. In addition, if you or any residents or guests in your apartment have caused or contributed to creating

the hazardous condition, you may lose all or a portion of your claim to a reduction of rent.

“In addition to the rights provided under state law and otherwise provided by the Rochester Lead Poisoning Prevention Code, if lead hazards in your house or apartment are not controlled within 60 days after you have been told about those hazards, you may, but are not required to, vacate the dwelling unit without being liable for any further obligations under your oral or written lease agreement.”

E. Disclosure to Agents.

A seller or lessor shall disclose to any agent working on behalf of the seller or lessor all known information about lead-based paint and/or lead-based paint hazards.

F. Agents.

- (1) Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing target housing, the agent, on behalf of the seller or lessor, must inform the sellers of their obligations under this Article and ensure compliance with the requirements of this Article.
- (2) This section shall apply to any agent working on behalf of a buyer or tenant that receives all or partial compensation from a seller or lessor.
- (3) Agents who have complied with their duties under this section shall not be liable for a purchaser or lessor’s failure to disclose lead-based paint or lead-based paint hazards, so long as the lead hazards were not disclosed to the agent.

§ 60-306. Continuing Obligation to Report Conditions in Rental Properties; Right to Vacate Hazardous Units Upon Disclosure and Failure to Correct.

A. Continuing Obligation of Lessors

Upon obtaining information subsequent to the leasing of a subject residential property which pertains to the existence of lead-based paint or the presence of lead-based paint hazards that has not been previously disclosed or was not previously available, the lessor shall provide written notification to all building occupants regarding such conditions.

B. Right of Tenants to Vacate Hazardous Units Upon Failure to Correct.

In addition to the rights provided under state law and otherwise provided by the Rochester Lead Poisoning Prevention Code, if lead hazards in the dwelling unit are not controlled within 60 days after disclosure takes place, the tenant may, but is not required to, vacate the dwelling unit without violating the lease agreement.

§ 60-307. Enforcement; Private Right of Action.

A. Enforcement by City.

Violations of this Article are subject to enforce-

ment as provided in Article 5. With respect to the claims related specifically to violations of this Article, however, no fines shall be assessed unless it has been proved that the property owner’s violation of this Article was willful, and the court or Municipal Code Violations Bureau is to be lenient in assessing fines with respect a first time violation unless it is shown that the property owner’s violation was in willful disregard of the disclosure requirements of this Article. Additionally, no fine is to be assessed under this Article until such time as the City has made available the materials required to be provided under § 60-303.

B. Enforcement by private parties.

In conjunction with a private enforcement action or proceeding as authorized by §60-408, a person aggrieved by a violation of this Article shall have available all of the remedies that would be available in a private right of enforcement action or proceeding commenced under the Title X, 42 USC §§ 4852d(b)(3) and (5); but extended to the types of housing covered by this Article and the additional disclosure requirements contained herein.

[Drafter note: The provisions from the April 1 draft regarding Child Care Facilities have been deleted. It was the belief of the workgroup that those provisions should be addressed in a later amendment to the Lead Poisoning Prevention Code.]

Article 4:

- Protections For Occupants;
- Right To Vacate Premises;
- Private Right Of Enforcement;
- Housing Registry

Contents:

- § 60- 401. Purpose.
- § 60- 402. Prohibition of Retaliatory Action.
- § 60- 403. Notification to County of Lead Hazardous Conditions.
- § 60- 404. Designation of Uncorrected Lead Hazardous Conditions as Rent Impairing Violations; Notice to Owner and Tenants.
- § 60- 405. Notice to Tenants of Right to Have Premises Free of Conditions That Are Detrimental to Health and Safety.
- § 60- 406. Documentation of Conditions.
- § 60- 407. Right to Vacate.
- § 60- 408. Private Right of Enforcement of Lead Poisoning Prevention Code.
- § 60- 409. Database of Lead Safe Properties.

§ 60- 401. Purpose.

It is the purpose of this Article to assure that residents of rental properties are protected from any form of retaliation or other adverse consequences as a result of asserting their rights (or having others assert protec-

tions on their behalf) under the City of Rochester's Lead Poisoning Prevention Code or under any other local, state or federal law intended to provide protections against lead poisoning, and to further assure that mechanisms are available for enforcement of those laws.

It is the further purpose of this Article to facilitate the effectiveness of existing state laws governing the use and occupancy of rental properties to the extent to which those laws may be available for purposes related to the prevention of lead poisoning, including Social Services Law §143-b, Real Property Law §§223-b and 235-b, and Real Property Actions and Proceedings Law § 755.

Finally, this Article provides mechanisms to help tenants obtain lead-safe housing by increasing the availability to the public of information regarding lead-safe properties, and under certain circumstances, permitting tenants to vacate property that may be unsafe. This Article advances that purpose by making sure that courts are provided with information regarding lead-based paint related conditions to facilitate the effective enforcement of local, state, and federal protections related to lead safety in the prosecution or defense of judicial proceedings.

For the purposes of this Chapter, laws and code protections regarding damaged or deteriorated paint in buildings constructed prior to 1978 shall be deemed to be complaints related to laws intended to facilitate the prevention of lead poisoning.

§ 60-402. Prohibition of Retaliatory Action.

- A. It is unlawful for an owner, or any person acting on his or her behalf, to take any retaliatory action toward a tenant who reports a suspected lead-based paint hazard to the owner or to the Department. Retaliatory actions include but are not limited to any actions that materially alter the terms of the tenancy (including rent increases and non-renewals) or interfere with the occupants' use of the property.
- B. There shall be a rebuttable presumption that any attempt by the owner to raise rents, curtail services, refuse to renew or attempt to evict a tenant within six months after any report to the Department or the owner or any enforcement action in connection with a suspected lead hazard is a retaliatory action in violation of this section, except that in instances of nonpayment of rent or commission of waste upon the premises by the tenant no such presumption shall apply. After six months from the date of the reporting of a suspected lead hazard, or the most recent activity related to any enforcement action, the defense of retaliatory eviction shall remain available to the tenant, but without the benefit of the presumption created by this section.
- C. The provisions of this section shall not be given effect in any case in which it is established that the condition from which the complaint or action arose was caused by the tenant, a member of the tenant's household, or a guest of the tenant. Nor shall it apply in a case where a tenancy was terminated pursuant to the terms of a lease as a result of a bona fide transfer of ownership.

§ 60-403. Notification to County of Lead Hazardous Conditions.

With respect to households in which renters are in

receipt of assistance through the Monroe County Department of Health and Human Services, the City of Rochester shall send notices to the County, to the tenant, and to the City Court describing any lead hazardous conditions that have been identified (including the existence of any damaged or deteriorated paint in a dwelling built prior to 1978), and to include in the content of such notices the information necessary to facilitate implementation of the protections afforded to residents under Social Services Law § 143-b.

§ 60-404. Designation of Uncorrected Lead Hazardous Conditions as Rent Impairing Violations; Notice to Owner and Tenants.⁴

⁴ [Drafter note: The language in this provision parallels the language of Multiple Residence Law 305-a that addresses conditions identified by the State Building Codes Council as "rent impairing." The Council no longer updates that list, which was prepared prior to the enactment state and federal lead-paint statutes].

- A. Lead hazardous conditions in multiple dwellings (buildings with three or more residential units) that have gone uncorrected for more than six months after notice to the owner constitute "rent impairing violations." The initial notice sent by the Department with respect to any violation of this Chapter relating to conditions in a rental shall be provided to both the owner and the tenant and shall advise that the violation to which the notice is addressed will constitute a rent impairing violation in the event the lead hazardous condition remains uncorrected for more than six months.
- B. If a violation is not cancelled or removed of record within six months after the date of such notice of such violation, then for the period that such violation remains uncorrected after the expiration of said six months, no rent shall be recovered by any owner for any premises in such multiple dwelling used by a resident thereof for human habitation in which the condition constituting such rent impairing violation exists, provided, however, that if the violation is one that requires approval of plans by the department for the corrective work and if plans for such corrective work shall have been duly filed within three months from the date of notice of such violation by the Department to the owner last registered with the Department, the six-months period aforementioned shall not begin to run until the date that plans for the corrective work are approved by the department; if plans are not filed within said three-months period or if so filed, they are disapproved and amendments are not duly filed within thirty days after the date of notification of the disapproval by the Department to the person having filed the plans, the six-months period shall be computed as if no plans whatever had been filed.
- C. A court in considering whether a violation of this Chapter is to be treated as a rent-impairing violation, shall take into consideration, weather and other conditions, which may mitigate against the ability of the property owner to control the lead hazardous condition.
- D. If a condition constituting a rent impairing violation exists in the part of a multiple dwelling used in common by the residents or in the part under the control of the owner thereof, the violation shall be deemed to exist in the respective premises of each resident of the multiple dwelling.
- E. The provisions of this section shall not apply if

(i) the condition referred to in the Department's notice to the owner last registered with the department did not in fact exist, notwithstanding the notation thereof in the records of the Department; (ii) the condition which is the subject of the violation has in fact been corrected, though the note thereof in the department has not been removed or cancelled; (iii) the violation has been caused by the resident from whom rent is sought to be collected or by members of his family or by his guests or by another resident of the multiple dwelling or the members of the family of such other resident or by his guests, or (iv) the resident proceeded against for rent has refused entry to the owner for the purpose of correcting the condition giving rise to the violation.

F. To raise a defense under this section in any action to recover rent or in any special proceeding for the recovery of possession because of non-payment of rent, the resident must affirmatively plead and prove the material facts under this section, and must also deposit with the clerk of the court in which the action or proceeding is pending at the time of filing of the resident's answer the amount of rent sought to be recovered in the action or upon which the proceeding to recover possession is based, to be held by the clerk of the court until final disposition of the action or proceeding at which time the rent deposited shall be paid to the owner, if the owner prevails, or be returned to the resident if the resident prevails. Such deposit of rent shall vitiate any right on the part of the owner to terminate the lease or rental agreement of the resident because of nonpayment of rent.

G. Nothing in this section shall in any way affect the right of a tenant to proceed with rights secured under any other federal, state, or local law.

§ 60-405. Notice to Tenants of Right to Have Premises Free of Conditions That Are Detrimental to Health and Safety.

A. With respect to lead hazardous conditions in all rental properties for which the City has sent the owner a notice of violation, the Department shall notify tenants residing in such properties that the owner has been cited for such violations, and shall include with that notification the information that the tenant may be entitled to assert protections afforded by the state Real Property Law § 235-b, (the state Warranty of Habitability law) with respect to such violations, and shall be notified of the possibility that the violation may become a rent-impairing violation if it remains uncorrected for more than six months, and of the procedural right to request a stay of any eviction proceeding based upon non-payment of rent as provided for in Real Property Actions and Proceedings Law § 755.

B. The notification sent to the tenant pursuant to paragraph A shall additionally advise the tenant that legal assistance that may be available to assert the protections afforded by the laws described therein. The notice to tenants shall include then name of any law office that has identified itself as a provider of such free legal services, and shall include the contact information provided by that office.

§ 60-406. Documentation of Conditions.

A. To further fair and expeditious judicial enforcement of the rights and protections of the City of

Rochester's Lead Poisoning Prevention Code and other laws intended to provide protections against lead poisoning, the city shall make available to the City Court (and upon request by a party or by the court itself, to any other court of appropriate jurisdiction), certified records in a format complying with Rule 4518 of the Civil Practice Law and Rules, to establish:

(1) That a complaint has been filed with the city regarding the property within the protections of the anti-retaliation provisions of this Code or the state Real Property Law §223-b, including the date of the complaint, the name of the person or persons who filed the complaint, and the disposition of that complaint.

(2) That the household includes persons who are in receipt of public assistance and that the Department has notified the County of lead-based paint related conditions at the property that it has determined are dangerous, hazardous, or detrimental to life or health within the meaning of Social Services Law §143-b.

(3) That the property is a multiple dwelling subject to as that term is defined in §60-404, and that the owner has been sent a notice by the Department that a lead hazardous condition exists that such violation is now deemed to be a designated rent impairing violation under that law, including certification as to the date of the sending of that notice.

(4) That the owner of a rental unit covered by the state Real Property Law §235-b (i.e., any rental unit) has been sent a notice of a lead-based paint related condition existing in the unit that may be dangerous, hazardous, or detrimental to life, health or safety, including the date of the notification, and date of the Department's most recent determination as to whether the condition has yet been corrected.

B. The notice shall state whether or not the Department has been able to ascertain whether the condition to which the notice was addressed was created by a resident or residents of the unit.

§ 60-407. Right to Vacate.

A. Any resident of a rental dwelling unit in which the Department has notified the residents that there is a lead-based paint condition in the unit or common areas that the Department has determined may be detrimental to life, health or safety, shall have the right to vacate that unit, and if the tenant so chooses, may elect to terminate the lease, provided that condition was not created by a resident of the premises. If the tenant elects to terminate the lease for the unit, he or she shall have no future rent obligation under that rental agreement from the date the tenant vacates the unit.

B. No tenant is required to vacate a unit pursuant to this section, and the exercise of the right to vacate shall not affect any right the resident may have to compel repairs to the unit, or to return to the unit under an existing lease should the tenant choose not to terminate the lease. The Department shall ensure that tenants who have been advised that a condition exists that may be detrimental to their

health and safety are additionally advised of the risks associated with remaining on the premises, and shall be provided the EPA educational pamphlets available with respect to lead safety.

§ 60-408. Private Right of Enforcement of Lead Poisoning Prevention Code.

- A. Any person aggrieved by violations of this Chapter, including but not limited to any purchaser (or intended purchaser) of target housing, any tenant (or intended tenant) of target housing, any neighbor of the target housing, or organization whose purposes encompass the enforcement of health and safety laws related to lead-based paint poison prevention, may bring an action or proceeding in a court of competent jurisdiction for damages and for injunctive relief, including specific performance with respect to the requirements of this Chapter. Any person initiating a judicial action or proceeding under this provision who substantially prevails in such action or proceeding, shall be entitled to treble damages, as well as costs and attorneys' fees reasonably expended in prosecuting that action or proceeding.
- B. The remedy provided by this section shall be in addition to those provided for under federal law by 42 USC § 3545; by Title X, 42 USC §§ 4852d(b)(3) and (5); and by the Toxic Substances Control Act, 15 USC § 2601.

§ 60-409. Database of Properties for Which A Rochester Lead Poisoning Prevention Code Certificate Has Been Filed; Voluntary Registry.

- A. The Department shall establish and maintain a database identifying all properties for which a Lead Poisoning Prevention Code Certificate is required to be filed under Article 1 of this Chapter, which shall indicate whether or not such Certificate has been filed and the date of filing. In addition, an owner who has voluntarily obtained such a Certificate may have his or her property added to the database.
- B. In addition to the database described in Paragraph A, the City shall create and maintain, either directly or by contract, a Voluntary Housing Registry to which shall be added, on request of the owner, the address and contact information for any property for which the owner demonstrates that an EPA certified lead assessor, inspector, or technician affirms that a lead hazard clearance examination has been conducted and that, as of the date of that examination (which shall be provided in the Registry), there were no lead hazards detected.
- C. Any owner of a property constructed on or after January 1, 1978 shall be entitled to have the description (address) and contact information for that property included in the Voluntary Housing Registry created in Paragraph B.
- D. The databases created to pursuant to this section shall be kept available for "walk-in" inspection by the public and shall be made available on the internet. No person requesting access shall be required to complete a Freedom of Information Request in order to view this database or be required to submit any other forms which might deter access.

[Drafter Note: we have to make sure we get the City Court administrative judge to agree to a mechanism for making these notifications retrievable by the

court - such as a computer database that the City will maintain that is accessible by the court in the manner used by the NYC Civil Court.]

Article 5:

Enforcement

[To be added: Provisions to parallel those used for Part 90, but encouraging leniency with respect to first time offenses and taking into consideration the newness of the law and special circumstances related to the expense of compliance, the availability of funding and technical complexities]

Held in committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 21
Re: Lead-Based Paint Poisoning Prevention

R2010: Campaign 3 - Health, Safety & Responsibility
Campaign 4 - Environmental Stewardship
Transmitted herewith for your approval is legislation which will amend Chapter 90 of the City Code by adding provisions which will protect residents from exposure to lead-based paint hazards and, thereby, reduce the incidence of lead poisoning in the community, particularly among young children.

While adults can suffer adverse health effects from exposure to lead, those most at risk are fetuses and children under age six. The dangers of exposure to lead-based paint hazards, especially to young children, are well documented and pose a serious public health threat. According to the Centers for Disease Control and Prevention, "Lead is a poison that affects virtually every system in the body" and is particularly harmful to brain and nervous system development. Childhood lead poisoning can result in reduced intelligence, low attention span, and reading and learning disabilities, and has been linked to juvenile delinquency, behavioral problems, and other adverse health effects. The consequent costs to society are enormous. Other than the most extreme cases, childhood lead poisoning may go undiagnosed and untreated, since most poisoned children have no obvious symptoms.

Over the past twenty-five years, the removal of lead from gasoline, food canning and other sources has been successful in reducing national blood lead levels by over 80 percent. Still, each year approximately 1,000 local children are found to have excessive levels of lead in their blood, making lead poisoning the number one childhood environmental health problem in Monroe County, according to Dr. Andrew Doniger, Director of the Monroe County Department of Public Health. The latest available data for Monroe County is from 2003, when 1,019 children six years of age or younger were found to have blood lead levels exceeding 9.9 micrograms per deciliter.

Higher childhood blood lead levels are associated with lower household income and residence in older rental housing. Minority populations are disproportionately impacted by the problem.

Lead-based paint in housing is the major remaining source of lead exposure and is responsible for most cases of childhood lead poisoning today. Generally, the older the home, the greater the amount of lead-

based paint to be found. The use of lead-based paint was highest in housing built before 1960. It was completely banned for residential use in 1978 by the Consumer Product Safety Commission. According to the 2000 Census, there were 69,825 pre-1960 occupied housing units in the City of Rochester, of which 37,604 (54%) were renter-occupied.

Lead poisoning is a preventable environmental health condition. If properly maintained, a lead-based paint can remain in place and not present a hazard. Housing can be made "lead-safe" and, therefore, remain safe for habitation.

The proposed legislation contains provisions and standards modeled after the federal regulatory requirements promulgated by: the United States Department of Housing & Urban Development at Title 24 CFR Part 35 - Lead-Based Paint Poisoning Prevention in Certain Residential Structures; the United States Environmental Protection Agency at Title 40 CFR Part 745 - Lead-Based Paint Poisoning Prevention in Certain Residential Structures; and the United States Department of Labor at Title 29 CFR Part 1926.62 - Safety and Health Regulations for Construction - Lead; and incorporates some provisions by reference. In so doing, it is our intent to establish consistency between the City's local lead poisoning prevention efforts and those of these federal agencies.

"Primary prevention" is a public policy approach to lead poisoning prevention which was embraced at the federal level through the enactment of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Public Law 101-550; U.S.C. 48851 et seq.). The proposed legislation embraces primary prevention in its operation. Specifically, the legislation provides for:

1. As part of a Certificate of Occupancy inspection and other inspections of residential properties, deteriorated paint will now be addressed as a potential hazard upon a presumption that lead-based paint is present in pre-1978 properties, unless determined otherwise through an evaluation of the property by a qualified professional;
2. The presence of deteriorated paint in a pre-1978 property is considered to be a lead-based paint hazard requiring correction using lead-safe work practices, including precautions to protect occupants and residents of adjoining properties from exposure to lead hazards;
3. Properties where lead-based paint hazards have been corrected are required to pass a clearance examination;
4. Protection of tenants rights which prohibit retaliatory evictions; and
5. Maintenance of a publicly accessible database of properties which have undergone lead-based paint hazard reduction and control utilizing federal funds and properties which have been granted a Certificate of Occupancy after the effective date of this legislation.

I believe that this legislation will establish an effective primary prevention approach to prevent lead-based paint poisoning, which both respects the seriousness of this public health issue and is feasible in its implementation.

Respectfully submitted,
William A. Johnson, Jr.

Mayor

Introductory No. 21

AMENDING CHAPTER 90 OF THE MUNICIPAL CODE WITH RESPECT TO LEAD-BASED PAINT POISONING PREVENTION

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

Section 1. Chapter 90 of the Municipal Code, Property Conservation Code, is hereby amended by renumbering Article III as Article IV, renumbering Sections 90-45 and 90-46 as Sections 90-70 and 90-71, respectively, and by adding a new Article III thereof to read in its entirety as follows:

Article III. Lead-Based Paint Poisoning Prevention.

§90-50. Policy and intent.

It is the policy of the City of Rochester to help prevent the poisoning of its residents by requiring that the presence of deteriorated lead-based paint in and on pre-1978 residential structures and on pre-1978 non-residential structures be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present in order to prevent human exposure to such hazards.

§90-51. Legislative findings.

- A. Lead poisoning poses a serious public health threat to children and adults in the City of Rochester.
- B. Younger children are particularly susceptible to the hazards of lead-based paint since their bodies are still developing. Fetuses are also vulnerable to the effects of lead-based paint because pregnant women can transfer lead to their fetuses, which can result in adverse developmental effects.
- C. Low levels of lead in a fetus or young child can result in reduced intelligence and attention span, learning disabilities, hearing impairment, and behavior problems.
- D. A minute amount of lead can cause elevated blood lead levels resulting in serious and irreversible developmental damage, particularly in children under the age of six years.
- E. Childhood lead poisoning causes enormous societal costs, including medical costs and special education costs.
- F. Exposure to lead hazards from deteriorated lead-based paint is a primary cause of elevated blood lead levels in humans.
- G. Structures built before 1978 are the most likely to contain lead-based paint hazards.
- H. Residential properties are more likely than are non-residential properties to be a source of exposure to lead-based paint hazards by children.
- I. Children living in older, poorly maintained homes are disproportionately at risk for lead-based paint hazards.
- J. The exposure to lead-based paint hazards in the City of Rochester is most common, and presents the most serious risk, to young children residing

in rental housing built before 1978.

- K. It is essential to the overall public health of persons in the City of Rochester, and particularly for children younger than six years of age, that they be protected from exposure to lead-based paint hazards.

§90-52. Definitions.

ABATEMENT means any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of "PERMANENT"). Abatement includes: (1) The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and (2) All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

CERTIFIED means licensed or certified to perform such activities as risk assessment, lead-based paint inspection, or abatement supervision by the United States Environmental Protection Agency (EPA) in accordance with 40 CFR Part 745, Subpart L.

CERTIFIED LEAD-BASED PAINT INSPECTOR means an individual who has been trained by an accredited training program, as defined by 40 CFR §745.223, and certified by EPA pursuant to 40 CFR §745.226 to conduct lead-based paint inspections. A certified lead-based paint inspector also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CERTIFIED RISK ASSESSOR means an individual who has been trained by an accredited training program, as defined by 40 CFR §745.223, and certified by EPA pursuant to 40 CFR §745.226 to conduct risk assessments. A certified risk assessor also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CHEWABLE SURFACE means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

CLEARANCE EXAMINATION means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards, as defined in this Article, exist in the dwelling unit or worksite.

COMMON AREA means a portion of a residential property that is available for use by occupants of more than one dwelling unit. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, on-site day care facilities, porches, basements, attics, garages and boundary fences.

COMPONENT means an architectural element of a dwelling unit or common area identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.

CONTAINMENT means the physical measures taken

to ensure that dust and debris created or released during lead-based paint hazard reduction are not spread, blown or tracked from inside to outside of the worksite.

DETERIORATED PAINT means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

DRY SANDING means sanding without moisture and includes both hand and machine sanding.

DUST-LEAD HAZARD means surface dust that contains a dust-lead loading (area concentration of lead) at or exceeding the levels promulgated by the EPA pursuant to section 403 of the Toxic Substances Control Act.

DWELLING UNIT means a: (1) Single-family dwelling, including attached structures such as porches and stoops; or (2) Housing unit in a structure that contains more than 1 separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of 1 or more persons.

ENCAPSULATION means the application of a covering or coating that acts as a barrier between the lead-based paint and the environment and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent (see definition of "PERMANENT").

ENCLOSURE means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed to be permanent (see definition of "PERMANENT").

EVALUATION means a risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

FRICTION SURFACE means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

g means gram, mg means milligram (thousandth of a gram), and ug means microgram (millionth of a gram).

HAZARD REDUCTION means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

HEPA VACUUM means a vacuum cleaner device with an included high- efficiency particulate air (HEPA) filter through which the contaminated air flows, operated in accordance with the instructions of its manufacturer. A HEPA filter is one that captures at least 99.97 percent of airborne particles of at least 0.3 micrometers in diameter.

IMPACT SURFACE means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

INTERIM CONTROLS means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

LEAD-BASED PAINT means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

LEAD-BASED PAINT HAZARD means any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

LEAD-BASED PAINT INSPECTION means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

LEAD HAZARD INFORMATION PAMPHLET means the most recent publication of the LEAD HAZARD INFORMATION PAMPHLET developed by the EPA, the United States Department of Housing and Urban Development and the Consumer Product Safety Commission pursuant to Section 403 of the Toxic Substances Control Act (15 U.S.C. 2686), entitled "Protect Your Family From Lead in Your Home".

OCCUPANT means a person who inhabits a dwelling unit.

OWNER means a person, firm, corporation, nonprofit organization, partnership, government, guardian, conservator, receiver, trustee, executor, or other judicial officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. The definition includes a vendee who possesses the title, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.

PAINT STABILIZATION means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

PAINT TESTING means the process of determining, by a certified lead-based paint inspector or risk assessor, the presence or the absence of lead-based paint on deteriorated paint surfaces or painted surfaces to be disturbed or replaced.

PAINT REMOVAL means a method of abatement that permanently eliminates lead-based paint from surfaces.

PAINTED SURFACE TO BE DISTURBED means a paint surface that is to be scraped, sanded, cut, penetrated or otherwise affected by rehabilitation work in a manner that could potentially create a lead-based paint hazard by generating dust, fumes, or paint chips.

PERMANENT means an expected design life of at least 20 years.

REDUCTION means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

REHABILITATION means the improvement of an existing structure through alterations, incidental additions or enhancements. Rehabilitation includes repairs necessary to correct the results of deferred maintenance, the replacement of principal fixtures and components, improvements to increase the efficient use of energy, and installation of security devices.

REPLACEMENT means a strategy of abatement that entails the removal of building components that have surfaces coated with lead-based paint and the installation of new components free of lead-based paint.

RESIDENTIAL PROPERTY means a dwelling unit, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences and play equipment affixed to the land, belonging to an owner and available for use by residents, but not including land used for agricultural, commercial, industrial or other non-residential purposes, and not including paint on the pavement of parking lots, garages, or roadways.

RISK ASSESSMENT means: (1) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and (2) The provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

SOIL-LEAD HAZARD means bare soil on residential property that contains lead equal to or exceeding levels promulgated by the U.S. Environmental Protection Agency pursuant to section 403 of the Toxic Substances Control Act.

TENANT means the individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit.

VISUAL ASSESSMENT means a visual examination for, as applicable: (1) Deteriorated paint; (2) Visible surface dust, debris and residue as part of an inspection, a risk assessment or clearance examination; or (3) The completion or failure of a lead-based paint hazard reduction measure.

WET SANDING or **WET SCRAPING** means a process of removing loose paint in which the painted surface to be sanded or scraped is kept wet to minimize the dispersal of paint chips and airborne dust.

WINDOW TROUGH means the area between the interior window sill (stool) and the storm window frame. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered.

WIPE SAMPLE means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques", or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust".

WORKSITE means an interior or exterior area where lead-based paint hazard reduction activity takes place.

There may be more than one worksite in a dwelling unit or at a residential property.

§90-53. Presumption.

- A. For purposes of this article, all paint on the interior or exterior of any residential building on which the original construction was completed prior to January 1, 1978 shall be presumed to be lead-based.
- B. For purposes of this article, all paint on the exterior of any non-residential structure on which the original construction was completed prior to January 1, 1978 shall be presumed to be lead-based.
- C. Any person seeking to rebut these presumptions shall establish through the means set forth in Section 90-55 that the paint on the building or structure in question is not lead-based paint.

§90-54. Inspection for deteriorated paint.

All inspections performed as part of an application for a Certificate of Occupancy, pursuant to Section 90-16 of the City Code, a renewal of a Certificate of Occupancy, or based upon the filing of a complaint, shall include an inspection for deteriorated paint.

§90-55. Remedy for deteriorated paint.

Following an inspection which results in the detection of deteriorated paint, the condition may be corrected only by one of the following methods:

- A. Certification by a lead-based paint inspector or risk assessor that the property has been determined through a lead-based paint inspection conducted in accordance with the federal regulations at 24 CFR §35.1320(a) not to contain lead-based paint, provided, however, that the property has been inspected pursuant to those requirements.
- B. Certification by a lead-based paint inspector or risk assessor that all lead-based paint in the property has been identified, removed, and clearance has been achieved in accordance with federal regulations found at 24 CFR §§35.1320, 35.1325 and 35.1340, provided however that the property has been inspected pursuant to those requirements since the deteriorated paint was last detected.
- C. Certification by the Rochester Housing Authority or other state or federal supervising agency which regulates an assisted housing program stating that the property is in compliance with the inspection and clearance requirements of the housing program or, with respect to federally assisted housing, the requirements of 24 CFR Part 35, provided, however, that with respect to the Federal Housing Choice Voucher program, the property has been inspected pursuant to those requirements since the deteriorated paint was last detected.
- D. Certification by a risk assessor that: (1) all lead-based paint and hazards in the property have been identified; (2) all lead-based paint hazards have been reduced and controlled; and (3) that clearance has been achieved, in accordance with federal regulations found at 24 CFR §§35.1320, 35.1330 and 35.1340; provided, however, that the property has been inspected pursuant to those requirements since the deteriorated paint was last detected.

§90-56. Standards for clearance examination and report.

The remedy available through Section 90-55D shall require that a clearance examination be completed for a property upon which deteriorated paint has been detected in accordance with the following requirements:

- A. Qualified personnel. Certification of clearance shall be issued by:
 - (1) A certified risk assessor; or
 - (2) A certified lead-based paint inspector.
- B. Required activities.
 - (1) For Certificate of Occupancy inspections, a clearance examination shall include a visual assessment, dust sampling, submission of samples for analysis for lead, interpretation of sampling results, and preparation of a report. Examinations shall be performed in dwelling units, common areas and exterior areas in accordance with this section and the steps set forth at 40 CFR 745.227(e)(8) and (9). For complaint driven inspections, the dwelling unit or common area complained of shall be inspected.
 - (2) A visual assessment shall be performed to determine if deteriorated paint surfaces and/or visible amounts of dust, debris, paint chips or other residue are present. Both exterior and interior painted surfaces shall be examined for the presence of deteriorated paint. If deteriorated paint and visible dust, debris or residue are present in areas subject to dust sampling, they must be eliminated prior to the continuation of the clearance examination. If exterior painted surfaces have been disturbed by the hazard reduction, maintenance or rehabilitation activity, the visual assessment shall include an inspection of the ground and any outdoor living areas close to the affected exterior painted surfaces. Visible dust or debris in such outdoor living areas shall be cleaned up and visible paint chips on the ground shall be removed.
 - (3) Dust samples shall be wipe samples and shall be taken on floors, including porches, and, where practicable, interior windowsills and window troughs. Dust samples shall be collected and analyzed in accordance with 24 CFR §35.1315.
- C. Report.

The clearance examiner shall ensure that an examination report is prepared that provides documentation of the examination.

 - (1) The report shall include the following information:
 - (a) The address of the residential property and, if only part of a multi-family property is affected, the specific dwelling units and common areas affected.
 - (b) The date(s) of the examination;
 - (c) The name, address, and signature of each person performing the examination, in-

cluding their EPA certification number;

- (d) The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips;
- (e) The results of the analysis of dust samples, in ug/sq.ft., by location of sample; and
- (f) The name and address of each laboratory that conducted the analysis of the dust samples, including the identification number for each such laboratory recognized by EPA under section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b)).

- (2) When abatement is performed, the report shall be an abatement report in accordance with 40 CFR §745.227(e)(10).

D. Clearance standards.

Where a lead-based paint hazard has been identified, the dust-lead standards in 40 CFR §745.65(b) shall be met before a Certificate of Occupancy may be issued or a violation cleared. With respect to porches, the standard required for clearance shall be 400 ug/sq. ft., provided however, that if a porch is found to contain more than 40 ug/sq. ft., the inspector or assessor shall advise the occupants of the premises that the porch constitutes a potential lead-based paint hazard that requires continued caution and that the occupants should read and follow closely the information in the lead hazard information pamphlet regarding lead safe maintenance practices such as frequent washing, and that pamphlet shall be provided to the occupants.

E. Requirement to avoid conflict of interest regarding clearance inspection.

All examinations shall be performed by persons or entities independent of those performing hazard reduction or maintenance activities.

§90-57. Lead-safe hazard reduction and control.

- A. No person shall disturb or remove lead-based paint, or in any other way generate excessive dust or debris during work on the interior or exterior of any existing building or structure except in accordance with the requirements of this Section and Sections 90-58 and 90-59.

B. Exemptions.

This Section shall not apply to activities that disturb or remove paint where the activities are being performed on buildings on which construction was completed on or after January 1, 1978.

C. Sign required when exterior lead-based paint (or presumed lead-based paint) is disturbed:

- (1) Not later than the commencement date of any lead-based paint hazard reduction work, the owner, or the contractor when the owner has entered into a contract with a contractor to perform such work on the exterior of a building or structure, shall post signs in a location or locations clearly visible to the adjacent properties stating the following:

LEAD-BASED PAINT HAZARD
REDUCTION WORK IN PROGRESS

PUBLIC ACCESS TO WORK AREA
PROHIBITED

POSTED IN ACCORDANCE WITH
CHAPTER 90 OF THE CITY OF
ROCHESTER CODE

FOR FURTHER INFORMATION,
PHONE -----

- (2) The sign required by this subsection shall be not less than 24 inches square and shall be in large boldface capital letters no less than one-half inch in size, and shall contain the notification in both English and Spanish. The sign required by this subsection shall remain in place until the lead-based paint hazard reduction work has been completed.

- (3) Where it is not possible to post signs in a conspicuous location or locations clearly visible to the adjacent properties, the owner, or where the owner has entered into a contract with a contractor to perform lead-based paint hazard reduction work, the contractor shall provide the notice in written form, such as a letter or memorandum, to the occupants of adjacent properties.

E. Notice to tenants.

Where lead-based paint hazard reduction work is to be performed on the interior or exterior of buildings occupied by one or more tenants, not less than three business days before any lead-based paint hazard reduction work is to commence, the owner shall provide the following information:

(1) Contents of notice.

Provide written notice to tenants of the building on which the work is being performed that lead-based paint hazard reduction work is being performed. This notice, which shall be in both English and Spanish, shall be in compliance with the EPA pre-renovation notification rules set forth in 40 CFR Part 745, Subpart E, shall be in the form of a sign, letter or memorandum, and shall prominently state the following:

Work is scheduled to be performed beginning [date] on this property that may disturb or remove lead-based paint. The persons performing this work are required to follow federal and local laws regulating work with lead-based paint. You may obtain information regarding these laws, or report any suspected violations of these laws, by calling the City of Rochester at _____ (a number to be designated by the City). The owner of this property is also required to provide tenants with a copy of the lead hazard information pamphlet.

- (2) The owner shall provide all tenants in the building with a copy of the lead hazard information pamphlet.

F. Notice by contractor.

Where lead-based paint hazard reduction work is being performed by a contractor on residential property, the contractor shall at least three business days prior to the commencement of such work, notify the property owner of potential lead hazards during the project by delivering to the owner a copy of the lead hazard information pamphlet.

G. Early commencement of work by owner.

A property owner may commence, or may authorize a contractor to commence, lead-based paint hazard reduction work less than three business days after providing notices required above when such work must be commenced immediately to correct an emergency condition, such as work necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

H. Early commencement of work requested by tenant.

Upon written request of a tenant, an owner may commence or authorize a contractor to commence, lead-based paint hazard reduction work on that tenant's unit less than three business days after providing notices required in subsection E above.

§90-58. Occupant protection and worksite preparation.

A. Occupant protection.

- (1) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite) until after hazard reduction work has been completed and clearance has been achieved.
- (2) Occupants shall be temporarily relocated before and during hazard reduction activities, except if:
 - (a) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead hazards;
 - (b) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards and debris is provided;
 - (c) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or
 - (d) Treatment of the interior will be completed within 5 calendar days, the worksite is

contained so as to prevent the release of leaded dust and debris into other areas, treatment does not create other safety, health or environmental hazards; and, at the end of work on each day, the worksite and the area within at least 10 feet of the containment area is cleaned to remove any visible dust or debris, and occupants have safe daily access to sleeping areas, and bathroom and kitchen facilities.

- (3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

B. Worksite preparation.

- (1) The worksite shall be prepared, including the placement of containment barriers, to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.
- (2) A warning sign shall be posted at each entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated. Each warning sign shall be as described in 29 CFR §1926.62(m), except that it shall be posted irrespective of employees' lead exposure and, to the extent practicable, provided in the occupants' primary language.

§90-59. Safe work practices.

A. Lead-based paint shall not be applied to any exterior or interior surface.

B. Prohibited methods.

The following methods of paint removal listed in 24 CFR §35.140 shall not be used:

- (1) Open flame burning or torching.
- (2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- (3) Abrasive blasting or sandblasting without HEPA local exhaust control.
- (4) Heat guns operating above 1100 degrees Fahrenheit or charring the paint.
- (5) Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1.0 foot of electrical outlets, or when treating defective paint spots totaling no more than 2 square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.

- (6) Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR §1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration regulations at 29 CFR §§1910.1200 or 1926.59, as applicable to the work.

C. Worksite preparation.

The worksite shall be prepared in accordance with Section 90-58B.

D. Specialized cleaning.

After hazard reduction activities have been completed, the worksite shall be cleaned using cleaning methods, products and devices that are successful in cleaning up dust-lead hazards, such as a HEPA vacuum or other method of equivalent efficacy, and lead-specific detergents or equivalent.

E. *De minimis* levels.

Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than:

- (1) 20 square feet on exterior surfaces;
- (2) 2 square feet in any one interior room or space; or
- (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

§90-60. Emergency actions, weather conditions.

- A. For emergency actions necessary to safeguard against imminent or immediate danger to human life, health or safety, or to protect property from further structural damage, including demolitions ordered pursuant to Sections 47A-16B & C of the Municipal Code, occupants shall be protected from exposure to lead in dust and debris generated by such emergency actions to the extent practicable. This exemption does not apply to any work undertaken subsequent to, or above and beyond such emergency actions, other than the demolitions noted above.
- B. Performance of lead-based paint hazard reduction or lead-based paint abatement on an exterior painted surface as required under this Article may be delayed for a reasonable time during a period when weather conditions render impossible the completion of conventional construction activities, provided however, that this limitation shall continue only for the period in which work cannot be performed in the work safe manner as provided for herein.

§90-61. Exemptions.

This Article shall not apply to properties taken by a governmental entity in a foreclosure proceeding which are vacant and secured and: (1) scheduled for demolition, or (2) scheduled for sale within twelve months.

§90-62. Prohibition of retaliatory action.

- A. It is unlawful for an owner, or any person acting on his or her behalf, to take any retaliatory action toward a tenant who reports a suspected lead-based paint hazard to the owner or to the City. Retaliatory actions include but are not limited to any actions that materially alter the terms of the tenancy (including rent increases and non-renewals) or interfere with the occupants' use of the property.
- B. There shall be a rebuttable presumption that any attempt by the owner to raise rents, curtail services, refuse to renew or attempt to evict a tenant within six months after any report to the City or the owner or any enforcement action in connection with a suspected lead hazard is a retaliatory action in violation of this section, except that in instances of nonpayment of rent or commission of waste upon the premises by the tenant no such presumption shall apply. After six months from the date of the reporting of a suspected lead hazard, or the most recent activity related to any enforcement action, the defense of retaliatory eviction shall remain available to the tenant, but without the benefit of the presumption created by this section.
- C. The provisions of this section shall not be given effect in any case in which it is established that the condition from which the complaint or action arose was caused by the tenant, a member of the tenant's household, or a guest of the tenant. Nor shall it apply in a case where a tenancy was terminated pursuant to the terms of a lease as a result of a bona fide transfer of ownership.

§90-63. Notification to county of lead-based paint hazards.

The City shall continue to send notices to the County of Monroe listing any health and safety violations found in properties inspected by the City. Any lead-based paint hazards that have been identified shall be included in that list.

§90-64. Database for properties.

- A. The City shall maintain a database, accessible to the public, of all residential properties where lead hazards have been identified, reduced and controlled with funds received by the City from the United States Department of Housing and Urban Development which require that such a database be maintained. The City shall further maintain a database of all residential properties granted a Certificate of Occupancy after the effective date of this ordinance.
- B. The databases created pursuant to this section shall be kept available for "walk-in" inspection by the public. No person requesting access shall be required to complete a Freedom of Information request in order to view this database.

Section 2. Section 90-14 of the Municipal Code, Property maintenance, is hereby amended by repealing subsection A thereof, and by relettering Subsections B and C as Subsections A and B, respectively.

Section 3. This ordinance shall take effect sixty days after the date of its adoption.

Held in committee.

By Councilmember Mains
January 18, 2005

To the Council:

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

Int. No. 5 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 6 - Amending Ordinance No. 2004-279 And The 2004-05 Budget With Respect To The Adolescent Pregnancy Prevention Services Program

Respectfully submitted,
 Tim O. Mains
 Benjamin L. Douglas (Abstained Vote on Introductory No. 5 & Introductory No. 6)
 William F. Pritchard
 Gladys Santiago
 PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-6 And
 Ordinance No. 2005-7
 Re: Agreements - CONECTS Program

R2010: Campaign 1 - Involved Citizens
 Campaign 2 - Educational Excellence
 Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to the Adolescent Pregnancy Prevention Services Program. This legislation will:

1. Authorize an agreement with the New York State Office of Children and Family Services for the receipt of a grant of \$319,700, appropriate these funds to implement the CONECTS program;
2. Authorize agreements with these CONECTS agencies in the following amounts to be funded from the aforementioned grant:

Charles Settlement House, Inc.	\$ 34,480
Junior Achievement	2,800
Society for the Protection & Care of Children	123,950*
Cameron Community	11,050
YWCA of Rochester and Monroe County	<u>60,000</u>
Total	\$232,280

[*\$60,000 will support the TAPSS program; \$63,950 will support prevention];

3. Re-appropriate \$12,498 of \$14,248 in remaining funds originally authorized in Ordinance No. 2004-279 (and originally appropriated for use with the Adolescent Pregnancy Prevention Services Program). These funds were unable to be used because of the late passage of the NY State Budget; and
4. Amend the 2004-05 Budget by \$12,500 to include the amount in #3 for the purchase of educational programs and supplies for the Adolescent Pregnancy Prevention Services Program.

The Metro Council on Teen Potential and the NYS OCFS reserve the right to allocate the grant funds between subcontractors as needed during the contract year. The City will receive \$87,420 of the grant funds for administrative costs.

The CONECTS program, initiated in 1984, is a consortium of the above agencies. The Metro 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. A summary of these services is included in the attached project description.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AE-3

Ordinance No. 2005-6
 (Int. No. 5)

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:

Organization	Amount
Charles Settlement House, Inc.	\$34,480
Junior Achievement	2,800
Society for the Protection & Care of Children (TAPSS)	60,000
Society for the Protection & Care of Children (Prevention)	63,950
Cameron Community Center	11,050
YWCA of Rochester & Monroe County	60,000

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$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 Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

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

Ordinance No. 2005-7
(Int. No. 6)

Amending Ordinance No. 2004-279 And The 2004-05 Budget With Respect To The Adolescent Pregnancy Prevention Services Program

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

Section 1. Ordinance No. 2004-279, amending Ordinance No. 2004-12, relating to the Adolescent Pregnancy Prevention Services Program, is hereby amended by reducing the amount authorized and appropriated therein for an agreement with the Society for the Protection and Care of Children by the sum of \$12,498.

Section 2. Ordinance No. 2004-162, the 2004-05 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 \$12,500, which amount is hereby reappropriated from the funds reduced in Section 1 to fund the Adolescent Pregnancy Prevention Services Program.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

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

By Councilmember Stevenson
January 18, 2005

To the Council:

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

Int. No. 7 - Authorizing An Agreement With The County Of Monroe With Respect To A Water Conduit Easement

Int. No. 8 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$85,000 Bonds Of Said City To Finance The Cost Of Acquisition Of A Permanent Easement For Construction Of A Portion Of The City's Water Supply Conduit

Int. No. 9 - Resolution Approving Appointments And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 10 - Authorizing An Amendatory City-County Agreement For Expressway Lighting

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

Int. No. 15 - Approving Changes In The Pavement Width Of Atlantic Avenue Between The Railroad Overpass And North Winton Road

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE
Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-8 And
Ordinance No. 2005-9
Re: Phase 1 of the Conduit Modernization
Pipe Replacement Program: Easement
Acquisition and Issuance of Bonds

R2010: Campaign 4 - Environmental
Stewardship
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation relating to Conduit Modernization for a section of Water Supply Conduit 1. This legislation will:

1. Authorize an agreement with Monroe County for acquiring a permanent easement along a portion of the County's Lehigh Valley Linear Trail (LVLT) within the Towns of Mendon and Rush for the purpose of installing and maintaining a water supply conduit; and
2. Authorize the issuance of bonds in the amount of \$85,000 and appropriate the proceeds thereof to finance the cost of the acquisition of the easement.

In May 2004, City Council authorized Bergmann Associates to design and inspect the replacement of approximately 2.7 miles of Water Supply Conduit 1 located in the Towns of Mendon and Rush. During the preliminary design phase, an alternative alignment for a 1.7-mile section of the replacement conduit was identified and investigated. This alternative alignment is located between Junction Road and Pinnacle Road and is parallel to the existing Conduit 1 alignment.

The proposed LVLT alignment offers several advantages over the existing alignment, including facilitating environmental impacts and permitting requirements; providing easier access for maintenance; and eliminating several complicated installation points.

The County will defer the trail work until the conduit replacement work has been completed, which eliminates the need for the City to restore the trail surface. The cost of acquiring this easement, \$85,000, is the estimated cost to regrade and surface this section of the trail. Use of the LVLT by the City will also require the Alienation of Parklands, a process that the County has initiated.

This project is a successful joint City-County effort, and includes reduced costs for both governments, reduced disruption to the community, and improved stewardship of environmental resources. The net cost

savings to the City associated with utilizing the LVL T alignment is estimated to be \$130,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-4

Ordinance No. 2005-8
(Int. No. 7)

Authorizing An Agreement With The County Of Monroe With Respect To A Water Conduit Easement

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

Section 1. The Mayor is hereby authorized to enter into agreement with the County of Monroe for the acquisition of a permanent easement for maintenance and construction of a portion of the City's Water Supply Conduit along the County's Lehigh Valley Linear Trail in the Towns of Mendon and Rush.

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, shall be funded from a bond ordinance adopted for this purpose.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-9
(Int. No. 8)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$85,000 Bonds Of Said City To Finance The Cost Of Acquisition Of A Permanent Easement For Construction Of A Portion Of The City's Water Supply Conduit

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of a permanent easement for construction of a portion of the City's Water Supply Conduit along the County of Monroe's Lehigh Valley Linear Trail in the Towns of Mendon and Rush ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$85,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$85,000 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 \$85,000 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 \$85,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.21(a) of the Law, is thirty (30) years.

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-1
Re: Appointment - Downtown
Enhancement District Advisory
Committee

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of six people to the Downtown Enhancement District Advisory Committee.

Establishment of the committee was specified by the local improvement assessment legislation that was approved by the City Council on May 16, 1989. The prescribed responsibilities of the committee are to:

- Monitor the performance of district services;
- Review the annual budget for the district prepared by the Mayor; and
- Make a recommendation to the City Council with respect to that budget.

The committee consists of 13 persons representing property owners and tenants within the district. The members are intended to fairly represent large and small properties, owners and tenants, Zone 1 properties and Zone 2 properties.

The two-year terms of committee members are staggered to prevent expiration of all terms in any one year. The terms of six members of the committee expired in December 2004. Two of these six members have resigned, resulting in two vacancies. The new terms of those six members will expire on December 31, 2006. The terms of the remaining seven members are scheduled to expire on December 31, 2005.

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
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Appointments:

Eileen Broderick Conifer Realty 183 East Main Street Conifer Realty	12/31/06
Gary Young Hyatt Regency Hotel 125 East Main Street Hyatt Regency Hotel	12/31/06

Reappointments:

James Costanza Temple Building 14 Franklin Street Temple Building	12/31/06
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Wes Plant The West Group 50 Broad Street East The West Group	12/31/06
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Rosemarie Sprague Executive Office Building Suite 316 36 West Main Street Executive Office Building	12/31/06
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Jennifer Hessley Costanza Enterprises 14 Franklin Street Costanza Enterprises	12/31/06
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Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-5.

Resolution No. 2005-1
(Int. No. 9)

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 of the following persons to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Expiration</u>
<u>Affiliation</u>	
Eileen Broderick Conifer Realty	12/31/06
Gary Young Hyatt Regency Hotel	12/31/06

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

<u>Name</u>	<u>Expiration</u>
<u>Affiliation</u>	
James Costanza Temple Building	12/31/06
Wes Plant The West Group	12/31/06
Rosemarie Sprague Executive Office Building	12/31/06
Jennifer Hessley Costanza Enterprises	12/31/06

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-10
 Re: Agreement - Monroe County,
 Expressway Lighting

R2010: Campaign 3 - Health, Safety
 and Responsibility
 Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Monroe County relating to the lighting of expressways within the city.

The original agreement was authorized by the City Council on March 20, 1984 and later amended on March 14, 1995. The agreement addresses expressway lighting and maintenance responsibilities. The City and County street lighting staff have worked together and concur that the City pay for energy and perform any necessary maintenance to ensure that the lights are operating. The City will assume those responsibilities for the following City streets that service the expressway:

<u>Street Limits</u>	<u>No. of Lights</u>
Byron Street	
Mt. Hope Ave. - South Ave.	8
Ford Street	
Main St. to and including Boy's Club, and Ford St. to east end	12
Howell Street	
Monroe Ave. - Broadway	4
Pitkin Street	
Main St. - Howell St.	21
St. Paul St. off-ramp	
Inner Loop - St. Paul St.	2
Cumberland Street	
St. Paul St. - Inner Loop	3
Spring Street	
1490 Pedestrian walkway at Spring St.	<u>2</u>
Total	52

The County will continue to maintain the underground facilities for the State. In the event of a pole knock-down, the City will perform the maintenance and the County will replace the pole.

The annual energy costs are estimated at \$4,500 and maintenance at \$800. The costs will be funded from the 2004-05 Budget of the Department of Environmental Services.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment AE-6

Ordinance No. 2005-10
 (Int. No. 10)

Authorizing An Amendatory City-County Agreement For Expressway Lighting

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 County of Monroe regarding expressway maintenance and lighting. The amendatory agreement shall require the City to pay for energy and perform necessary maintenance

to ensure that the lights are operating on certain City streets that service the expressways. Such costs shall be funded from the annual City budgets.

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. 2005-11
 Re: Atlantic Avenue Public Improvement
 Project (Railroad to North Winton
 Road)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing changes in pavement widths as part of the Atlantic Avenue Public Improvement Project. The changes on Atlantic Avenue are as follows:

1. Beginning at a point 180' west of Crouch Street, for a distance of 177 feet, a decrease of 4 feet, from 32 feet to 28 feet to the intersection with Crouch Street;
2. From the intersection of Crouch Street, for a distance of 915 feet, an increase of 3 feet, from 25 feet to 28 feet to a point 45 feet west of Bowman Street;
3. A 175-foot transition from 28 feet to 41 feet, which matches the existing width;
4. From Culver Road eastward a 205-foot transition, from 50 feet to 30 feet;
5. An increase of 2 feet, from 28 feet to 30 feet from the latter point easterly for 70 feet increasing 8 feet from 28 feet to 36 feet for a distance of 685 feet for recessed parking;
6. An increase of 2 feet, from 28 feet to 30 feet from the latter point easterly to a point 70 feet west of Coventry Avenue;
7. From the latter point a transition from 30 feet to the existing 28 feet width for a distance of 55 feet;
8. An increase from 28 feet to 30 feet between Van Bergh Avenue and DeMallie Street for a distance of 277 feet;
9. An increase from 28 feet to 30 feet between Amsterdam Road and Marion Street for a distance of 616 feet;
10. A decrease of 4 feet, from 28 feet to 24 feet for a distance of 25 feet to provide a bump out at the pedestrian crossing beginning 310 feet easterly of Amsterdam Road; and
11. Beginning at a point 190 feet west of Winton Road, a 120-foot transition from the existing 28 feet to 37 feet; and an increase of 5 feet from 32 feet to 37 feet extending to the intersection with Winton Road.

Design of the Atlantic Avenue Public Improvement Project by FRA Engineering, P.C. was authorized by Council on March 23, 2004. The project features include rehabilitation, reconstruction and reconfiguration of the roadway, intersection improvements, installation of new drainage, curbs, sidewalks, a water distribution system, signage, pavement markings, and tree plantings.

The proposed pavement width changes on Atlantic Avenue will provide service for three different types of land use.

Commercial (Railroad to Culver Rd.) - one 14-foot travel lane in each direction with an additional east-bound left turn lane at Culver Road.

Light Commercial and School (Culver Rd. to Coventry Ave.) - one 10 to 11-foot travel lane in each direction with a left turn lane at Culver Road. Additionally, there will be a 7-foot shoulder area along the south curb line and an 8-foot recessed parking area along the north side, adjacent to East High School. This recessed parking area was requested by the Rochester City School District (RCSD) and will be funded from RCSD sources.

Residential (Coventry Ave. to Winton Rd.) - one 14-foot travel lane in each direction with no on-street parking except the blocks between Van Bergh and DeMallie Avenues, and Amsterdam Road and Marion Street. Those areas will have one 11-foot lane in each direction and an 8-foot parking lane along the south curb line.

Land acquisitions will be required at the southwest corners of Atlantic Avenue at Culver Road and Atlantic Avenue and Winton Road for increased curb radius and pavement widening respectively. Authorization for the acquisitions will be requested at a future Council meeting.

The proposed changes were presented to the public at a meeting on November 17, 2004. Minutes of this meeting are attached. The proposed pavement width changes were endorsed by the City's Traffic Control Board on December 21, 2004.

Design of the project will be completed in spring 2005 and it is anticipated that construction will begin in summer 2005. This project is included in the 2004-05 Capital Improvement Program; the cost is currently estimated at \$4,965,000.

A public hearing on the changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-7

Ordinance No. 2005-11
(Int. No. 15)

Approving Changes In The Pavement Width Of Atlantic Avenue Between The Railroad Overpass And North Winton Road

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 Atlantic Avenue:

1. A decrease of 4 feet, from 32 feet to 28 feet, beginning at a point 180 feet west of Crouch Street, for a distance of 177 feet easterly, to the intersection with Crouch Street.
2. An increase of 3 feet, from 25 feet to 28 feet, from the intersection of Crouch Street for a distance of 915 feet easterly, to a point 45 feet west of Bowman Street; and,
3. A transition easterly for a distance of 175 feet from 28 feet to 41 feet which matches the existing width.
4. A transition from 50 feet to 30 feet from Culver Road easterly for a distance of 205 feet; and
5. An increase of 2 feet, from 28 feet to 30 feet from the latter point easterly for a distance of 70 feet, increasing 8 feet from 28 feet to 36 feet for a distance of 685 feet easterly for recessed parking; and
6. An increase of 2 feet, from 28 feet to 30 feet from the latter point easterly to a point 70 feet west of Coventry Avenue.
7. From the latter point a transition easterly for a distance of 55 feet from 30 feet to the existing 28-foot width.
8. An increase from 28 feet to 30 feet between Van Bergh Avenue and DeMallie Street for a distance of 277 feet.
9. An increase from 28 feet to 30 feet between Amsterdam Road and Marion Street for a distance of 616 feet; and
10. A decrease of 4 feet, from 28 feet to 24 feet, for a distance of 25 feet to provide a bump out at the pedestrian crossing beginning 310 feet easterly of Amsterdam Road.
11. A 120-foot transition from the existing 28 feet to 37 feet, beginning at a point 190 feet west of North Winton Road; and an increase of 5 feet from 32 feet to 37 feet extending to the intersection with North Winton Road.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
January 18, 2005

To the Council:

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

Int. No. 11 - Cancellation Of Taxes And Charges

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

Int. No. 13 - Resolution Approving Appointments To The Board Of Assessment Review

Int. No. 14 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 16 - Establishing Maximum Compensation For A Professional Services Agreement For Labor Relations Consultation Services And Amending The 2004-05 Budget

Int. No. 17 - 2004-05 Debt Resolution For The City School District

Int. No. 18 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$17,296,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-12
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 \$3,500.

An amount of \$3,500 or 100% of the total, relates to two properties that had code violation and rehabilitation charges levied against a former owner or in error.

If this cancellation is approved, total cancellations thus far for 2004-05 will be \$419,531.01.

	<u>Accounts</u>	<u>Amounts</u>
City Council	19	\$392,850.54
Administrative	88	26,680.47
Total	107	\$419,531.01

These cancellations represent .192% of the tax receivables as of July 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-12
(Int. No. 11)

Cancellation Of Taxes And Charges

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

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

- (a) Properties with Code Violations and Rehabilitation Charges that were invalid or attributed to a former owner:

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
090.730-0003-048	H	2005	\$1,000.00
306 Lake View Pk.			
107.620-0001-018	H	2005	2,500.00
321 Parsells Ave.			
Grand Total			\$3,500.00

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-13
Re: Authorization - Tax Cancellations and Refunds

R2010: Campaign 7 - Quality Service

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 2005.

Each year, approximately 64,700 tax bills are issued by the City. In 2004-05, these bills contained City and School taxes, charges and fees totaling \$173,144,803. Of this amount, taxes and charges totaling \$1,380,849 or .80% of the total levy, subsequently were determined to be erroneous and were canceled. These cancellations involved 2,350 accounts or 3.63% of the total number.

Pursuant to Section 556 of the N.Y.S Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions. Such delegation was initially approved by the Council on March 24, 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on January 27, 2004. During calendar year 2004 the Director of Finance authorized cancellations totaling \$30,268.91 for 103 accounts.

Reapproval of this delegation of authority is requested for 2005. 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

Ordinance No. 2005-13
(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 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-2
Re: Appointments - Board of
Assessment Review

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

James Donlon 286 Averill Avenue Rochester, NY 14620	Pamela Robinson 858 Arnett Boulevard Rochester, NY 14619
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Mr. Donlon will replace Christopher Tillitt, who has served two five-year terms and is therefore ineligible for reappointment. Mr. Donlon will be appointed to a five-year term through September 30, 2009.

Ms. Robinson will replace David Huyck, who has resigned; she will fill the remainder of that term through September 30, 2007.

Both Mr. Donlon and Ms. Robinson have served for many years as temporary members of the Board of Assessment Review. Both are real estate professionals and copies of their resumes are on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2005-2
(Int. No. 13)

Resolution Approving Appointments 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 James Donlon, 286 Averill Avenue, Rochester, NY 14620 to the Board of Assessment Review for a five-year term that will expire on September 30, 2009.

Section 2. The Council hereby approves the appointment of Pamela Robinson, 858 Arnett Boulevard, Rochester, NY 14619 to the Board of Assessment Review to fill the unexpired term of David Huyck through September 30, 2007.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Resolution No. 2005-3
Re: Temporary Appointments -
Board of Assessment Review

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

Ruth Brooks Ward 104 Melrose Street Rochester, NY 14619 14607	Peter J. Easterly 65 Beacon Street Rochester, NY
Thomas Lewis 1394 North Street Rochester, NY 14621 14607	Eileen M. Mance 95 Merriman Street Rochester, NY
Justin Underwood 91 Jewel Street Rochester, NY 14621 14613	Joe A. Ware, Sr. 496 Lakeview Park Rochester, NY

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

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

The City successfully utilized three-member as-

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

to the Police Department Budget, to finance the aforementioned agreement.

Under the provisions of the agreement, J. Martin Solutions will provide consulting services on labor rela-

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. 2005-3
(Int. No. 14)

**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 2005:

- | | |
|---|--|
| Ruth Brooks Ward
104 Melrose Street
Rochester, NY 14619 | Peter J. Easterly
65 Beacon Street
Rochester, NY 14607 |
| Thomas Lewis
1394 North Street
Rochester, NY 14621 | Eileen M. Mance
95 Merriman Street
Rochester, NY 14607 |
| 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. 2005-14
Re: Agreement with J. Martin Solutions,
Inc. for Labor Relations Consultation
Services and Budget Amendment

R2010: Campaign 3 - Health, Safety and
Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement between the City and J. Martin Solutions, Inc. 4446 Hibbard Rd, Holley, NY 14470, in an amount not to exceed \$25,000 for the provision of labor relations consultation services to the Police Department; and
2. Amend the 2004-05 Budget by transferring \$25,000 from the Contingency allocation

tions matters, including participating in strategy sessions and conducting or assisting with research. The rate of pay will be \$90 per hour, not to exceed \$600 per day. The principal of J. Martin Solutions is John M. Girvin, who coordinated labor relations matters for the Police Department, prior to his retirement last year. His expertise will facilitate the City's contract negotiations with the Rochester Police Locust Club, for a successor to the collective bargaining agreement expiring on June 30, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-14
(Int. No. 16)

Establishing Maximum Compensation For A Professional Services Agreement For Labor Relations Consultation Services And Amending The 2004-05 Budget

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and J. Martin Solutions, Inc. for labor relations consultation services for the Rochester Police Department. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$25,000 from the Contingency Account to the Rochester Police Department to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-4 And
Ordinance No. 2005-15
Re: Capital Improvement Program -
City School District

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

1. Establish \$17,296,000 as the maximum amount of debt to be authorized on behalf of the District during 2004-05; and
2. Authorize the issuance of bonds in that amount and appropriate the proceeds thereof to making capital improvements to existing school buildings in the School District.

At its meeting of December 16, 2004, the Board of Education approved a capital plan that details the use of these funds for improvements and maintenance of educational facilities, fixtures, and equipment. The request was forwarded to the Mayor and City Council for approval of the borrowing required to implement this plan.
By City Council policy, borrowing in any fiscal

year may not exceed the principal on outstanding debt redeemed during that year. During 2004-05, the City School District will redeem \$19,793,887 in principal. Since the requested limit is less than the principal redeemed, the request complies with the Council's debt limit.

A copy of the District's 2004-05 CIP bond request for Long-term Facility Improvements and New Construction is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-8

Resolution No. 2005-4
(Int. No. 17)

2004-05 Debt Resolution For The City School District

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Rochester, that it is the intent and policy of the City to limit the amount of bonds and notes authorized for City School District purposes in fiscal year 2004-05 to \$17,296,000, which is less than the amount of debt to be redeemed in fiscal year 2004-05; and

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

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

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

BE IT FURTHER RESOLVED, that to insure continued awareness of and adherence to this policy, each separate request for authorized debt shall be accompanied by a report in which the amount of debt

actually authorized is compared to the amount of debt herein established as a limit.

This resolution shall take effect immediately.

Adopted unanimously.

Ordinance No. 2005-15
(Int. No. 18)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$17,296,000 Bonds Of Said City To Finance The Cost Of Construction And Renovation Of Various Public School Buildings Within The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance certain costs of construction and renovation of various public school buildings within the City. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$17,296,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$17,296,000 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 \$17,296,000 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 \$17,296,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The existing buildings are of Class "A" construction as defined by Section 11.00 a.11.(a) of the Local Finance Law, and the period of probable usefulness of said specific objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.12.(a)(1) of the Law, is twenty (20) years. A specific list of all such costs of construction and renovation is on file with the City in the Office of the Director of Finance.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment

of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

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

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

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

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

Section 9. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember Mains abstained vote because he is an employee of the Rochester City School District.

The meeting was adjourned at 9:00 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

SPECIAL COUNCIL MEETING
JANUARY 20, 2005
5:45 P.M.

Present - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 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.

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

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-16
Ordinance No. 2005-17, And
Resolution No. 2005-5

Re: Fast Ferry

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the Fast Ferry. The legislation will:

- 1. Amend Ordinance No. 2004-383 to allow the establishment of a limited liability company to purchase and operate the fast ferry, instead of a not-for-profit corporation.
- 2. Authorize an Operating Agreement for the limited liability company.
- 3. Approve appointments to the Board of Managers of the limited liability company.

Upon further legal research, the Law Department and outside counsel have determined that the best vehicle for the purchase and operation of a ferry is a limited liability company. This company will have all of the powers and duties set forth in Ordinance No. 2004-383. The necessary amendments are submitted to make this change.

The Operating Agreement will allow the limited liability company to purchase the ferry and operate the ferry service in accordance with the requirements of the amended Ordinance No. 2004-383. The City will be the sole member of the limited liability company. The Operating Agreement shall prohibit the limited liability company from entering into any further debt, disposing of any assets, or amending the articles of organization or the operating agreement, without the consent of the City. The assets of the limited liability company shall be distributed to the City upon its dissolution. The limited liability company shall provide monthly, quarterly and annual financial information to the City.

I am also appointing the following City officials to the

Board of Managers of the limited liability company:

Jeffrey T. Carlson, Deputy Mayor

Edward J. Doherty, Commissioner of Environmental Services

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

William J. Ansbrow, Director of Budget and Efficiency

These members will provide the leadership and skills necessary for strong oversight of the ferry business. I also wish to recognize the efforts of Vincent J. Carfagna, Director of Finance, and Linda S. Kingsley, Corporation Counsel, in advancing this fast ferry project. Although both of these dedicated City officials would be excellent members of the Board, I have not appointed them because they will function as key advisors to the Board in their current positions.

I am also appointing Charles C. Barrentine, Director, Corporate Kodak Operating System, Eastman Kodak Company to the Board of Managers of the company. Mr. Barrentine will provide his private sector business expertise to the oversight of the ferry company.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-16
(Int. No. 22)

Amending Ordinance No. 2004-383 Relating To The Fast Ferry

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

Section 1. Ordinance No. 2004-383, relating to the creation of a fast ferry corporation, is hereby amended to read in its entirety as follows:

Ordinance No. 2004-383

Approving The Creation Of A Fast Ferry [Corporation] Company, As Amended

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

Section 1. The Council hereby authorizes the creation of a [not-for-profit corporation] limited liability company (the "LLC") to purchase and operate the fast ferry between Rochester and Toronto. The [corporation] LLC shall have the following powers and duties:

- a) Operating a ferry service between Rochester and Toronto or other Canadian ports; including the purchase or lease of a ferry or ferries and all necessary equipment to carry out the business plan;
- b) Incurring necessary debts to operate the ferry business;
- c) Hiring appropriate staff to operate the ferry business;
- d) Establishing and collecting fares and fees for the ferry business;

- e) Negotiating and entering into necessary agreements with United States and Canadian authorities, as well as private individuals and entities in order to operate the ferry business;
- f) Lease or purchase of real estate as necessary to operate the ferry business; and
- g) Any other powers and duties allowed under the New York State [Not-For-Profit Corporation] Limited Liability Company Law.

Section 2. The [corporation] LLC shall have a Board of [Directors] Managers of eleven (11) members. Eighty percent (80%) of the Board of [Directors] Managers shall be elected or appointed City officials [in order to meet the guidelines set forth in IRS Revenue Ruling 63-20]. The public members of the Board of Managers shall provide business, planning, engineering or other skills appropriate for oversight of the ferry business. The Mayor and City Council President shall be members ex officio of the Board of Managers. Of the remaining nine (9) members of the Board of Managers, the Mayor shall appoint five (5), of which four (4) shall be elected or appointed City officials, and the City Council President shall appoint four (4), of which three (3) shall be elected or appointed City officials. All appointments shall be subject to confirmation by City Council. There shall be at least one resident of each City Council District on the Board at all times. The members of the Board of Managers shall serve staggered three-year terms. In the case of a vacancy, the original appointing authority shall nominate a replacement to the City Council for confirmation.

Section 3. The City hereby agrees to guarantee the debts up to \$40,000,000 of the [not-for-profit corporation] LLC in order to enable it to borrow the necessary capital to purchase a fast ferry or ferries and operate the ferry business. The City shall [enter into an agreement with the not-for-profit corporation] adopt an Operating Agreement for the operation of the LLC, subject to City Council approval, [for the life of said guarantee] that will include requirements for regular reporting to the City Council, public [reporting] disclosure requirements that are consonant with the Freedom of Information [Act] Law, for business practices that are consonant with those of the City government, and for a structure that will permit appropriate financial reimbursements to the City in recognition of the initial investment the City has made in creating and guaranteeing the debts of [said corporation] the LLC.

Section 4. Should the Board of [Directors] Managers of the [not-for-profit corporation] LLC at any date decide to cease the intended function of the [corporation] LLC and sell the business, any reserves not required to meet the obligations of said corporation shall be returned to the City to the maximum amount allowed by law.

Section 5. The Mayor is hereby authorized to enter into such agreements as may be necessary in the interim to prepare for the initiation of the ferry service prior to the creation of the [not-for-profit corporation] LLC.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor and City Council President deem to be appropriate.

Section 7. This ordinance shall take effect immediately.

Section 2. This ordinance shall take effect immediately.

Bracketed language deleted; underlined language added.

Passed unanimously.

Ordinance No. 2005-17
(Int. No. 23)

Authorizing An Operating Agreement For The Limited Liability Company Formed By The City To Purchase The Spirit Of Ontario I And Operate A Fast Ferry Service

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

Section 1. The Mayor is hereby authorized to execute an Operating Agreement for the limited liability company formed by the City to purchase the Spirit of Ontario I and operate a fast ferry service between Rochester and Toronto or other Canadian ports. The Operating Agreement shall provide for the City to be the sole member of the limited liability company; prohibit any further debt by the limited liability company, without the consent of the City; prohibit the disposal of any assets of the limited liability company, without the consent of the City; prohibit any amendments to articles of organization which form the limited liability company, and the operating agreement, without the consent of the City; provide for the assets of the limited liability company to be distributed to the City upon its dissolution; provide for monthly, quarterly and annual financial information to the City; and allow the limited liability company to support the City's efforts to promote tourism, to encourage and effect economic and social development in the City, and to alleviate and lessen the burdens of City government.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Resolution No. 2005-5
(Int. No. 24)

Resolution Approving Appointments By The Mayor To The Rochester Ferry Company LLC

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

Section 1. The Council hereby approves the following appointments by the Mayor of City officials to the Board of Managers of the Rochester Ferry Company LLC for so long as they shall hold those City offices:

William J. Ansbro, Director of Budget and Efficiency, to a three-year term through December 31, 2007;

Loretta C. Scott, Commissioner of Parks, Recreation and Human Services, to a two-year term through December 31, 2006;

Edward J. Doherty, Commissioner of Environmental Services, to a two-year term through December 31, 2006;

Jeffrey T. Carlson, Deputy Mayor, to a one-year term through December 31, 2005.

Section 2. The Council hereby further approves the appointment by the Mayor of Charles C. Barrentine, Director, Corporate Kodak Operating System, Eastman Kodak Company, to the Board of Managers of the Rochester Ferry Company LLC for a three-year term through December 31, 2007.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember Mains abstained vote because he did not have sufficient information on the legislation to consider a vote on it.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-6
Re: Appointments - Rochester Ferry Company LLC

Transmitted herewith for your approval is legislation to approve the appointment of the following individuals to the Rochester Ferry Company LLC:

Benjamin L. Douglas
Councilmember, Northeast District

Wade S. Norwood
Councilmember-at-Large

Gladys Santiago
Councilmember-at-Large

Karen Noble Hanson
Director of Finance
Episcopal Diocese of Rochester

As you know, on December 21, 2004, Council authorized the creation of a not-for-profit corporation to own and operate ferry service to Canada. Since that time, additional legal review has resulted in the recommendation that the company be structured as a Limited Liability Company (LLC). Separate legislation to effect that change has been submitted by the Mayor. This revised legal structure requires that the members of the Board be called "Managers" rather than "Directors"; the basic responsibilities of the appointees remain the same.

The authorizing legislation also specified the composition of an eleven-member Board, with the Mayor and City Council President serving ex officio and the Mayor appointing five members and the Council President four members, all subject to City Council confirmation. Of the latter nine members, seven must be elected or appointed City officials, with the Mayor and President each appointing one private citizen.

The proposed legislation represents the four appointments allotted to the Council President. The terms of

the members will be staggered to avoid simultaneous expirations of the entire board.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2005-6
(Int. No. 25)

Resolution Approving Appointments By The President Of City Council To The Rochester Ferry Company LLC

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

Section 1. The Council hereby approves the following appointments by the President of the City Council of City officials to the Board of Managers of the Rochester Ferry Company LLC for so long as they shall hold those City offices:

Benjamin L. Douglas, Councilmember, Northeast District to a three-year term through December 31, 2007;

Gladys Santiago, Councilmember-at-Large, to a two-year term through December 31, 2006;

Wade S. Norwood, Councilmember-at-Large, to a one-year term through December 31, 2005.

Section 2. The Council hereby further approves the appointment by the President of the City Council of Karen Noble Hanson, Director of Finance, Episcopal Diocese of Rochester, to the Board of Managers of the Rochester Ferry Company LLC for a three-year term through December 31, 2007.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Councilmember Mains abstained vote because he did not have sufficient information on the legislation to consider a vote on it.

The meeting was adjourned at 6:12 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

**REGULAR MEETING
FEBRUARY 15, 2005**

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - None - 0.
The Council President requested the Council to rise

for a Moment of Silence.

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

Recognition Ceremony

Retirement:

Communications
Sharon Orienter

RPD

Charles F. Horst
*Elmer D. Laureano
*Thomas J. Tyler
*Hedwig M. Williams

DCD

*Lucille Baulkman

RFD

*David H. Luft

**Not attending meeting.*

APPROVAL OF THE MINUTES
By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of January 18, 2005 and the Special Meeting of January 20, 2005 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. 3792-7
Quarterly Reports. 3793-7

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

By President Giess - Petition from some of the Atlantic Area Residents opposing the Atlantic Avenue Project legislation regarding street parking. Petition No. 1608

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Resolution Approving Relocation To The New Monroe County Empire Zone Int. No. 31 No Speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
February 15, 2005

To the Council:

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

Int. No. 26 - Authorizing The Sale Of Real Estate

Int. No. 27 - Amending Ordinance No. 2004-2 Relating To The Sale Of Real Estate

Int. No. 28 - Authorizing The Sale Of Real Estate And Agreements For Housing Development

Int. No. 29 - Authorizing An Agreement For The Housing Mobility Program

Int. No. 30 - Authorizing An Amendatory Agreement For Design Services And Amending The 2004-05 Budget

Int. No. 32 - Authorizing A Lease Agreement For A Library Café

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

Int. No. 31 - Resolution Approving Relocation To The Monroe County Empire Zone

Respectfully submitted,
Wade S. Norwood (Did not vote on Introductory No. 26 and Introductory No. 28)
William F. Pritchard
Adam C. McFadden
Lois J. Giess
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-18 And
Ordinance No. 2005-19
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

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

Property Sales

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

The next property is a vacant lot that was sold at public auction subject to the acceptance of a development proposal. The purchaser will fence and landscape the parcel and combine it with her adjoining property.

The last property is a single-family structure that is being sold to the former owner. The purchase price includes all delinquent City taxes, interest and penalties.

Amendment

It is requested that Ordinance No. 2004-2, passed in January 2004 and authorizing the sale of 3 Lyell Av-

enue to The Seneca Group, be amended to authorize the parcel's sale to The Seneca Group of Western New York LLC. The name change was necessary when it was discovered that "The Seneca Group" already existed as a separate entity.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-9

Ordinance No. 2005-18
(Int. No. 26)

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
273 Alphonse St 106.33-2-51	1 Family Kristine Kruse	\$ 6,300
106 Atkinson St 121.37-2-32	2 Family Time Funding*	8,200
42 Bloss St 105.51-2-26	1 Family David Huber	3,800
196 Curtis St 105.41-1-36	1 Family Antoinette M. Hall	16,000
629 Dewey Av 105.34-1-56	1 Family Betty G. Rodriguez	4,000
388 First St 106.35-2-40	1 Family Betty G. Rodriguez	8,500
49 Grover St 120.47-2-12	1 Family Sammy P. Darling, Jr.	8,100
291-293 Hawley St 120.76-1-52	2 Family Antoinette M. Hall	5,000
423 Jay St 105.83-3-04	2 Family Patrick Michelson	5,400
184 Lewis St 106.66-1-27	2 Family Ruben Pimental	1,100
98 Michigan St 105.41-3-39	1 Family Leon Griggs, Jr.	11,900
90 Orchard St 120.27-1-68	1 Family Ed Hyman	3,100
31 Peck St 106.68-1-30	1 Family Patrick Michelson	2,100
183 Saratoga Av 105.59-2-31	1 Family Anthony B. Iwunor	2,700

*Officer: J. Paul Dhillon

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

Address: 102 Ontario St
S.B.L.#: 106.66-2-83
Price: \$50
Purchaser: Tomette R. Major

Section 3. The Council hereby further approves the sale of the following parcel of improved property to the former owner:

Address: 303 Browncroft Blvd
S.B.L.#: 122.27-2-5
Price: \$9,915
Purchaser: James Robert Malley and Eva M. Patry

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. 2005-19
(Int. No. 27)

Amending Ordinance No. 2004-2 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2004-2, relating to the sale of real estate, is hereby amended by changing the name of the purchaser of 3 Lyell Avenue, as approved in Section 3, from The Seneca Group to The Seneca Group of Western New York LLC (Officers: Thomas LaBue, Mitchell Rowe).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-20
Re: Flower City Habitat for Humanity

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the sale of 11 vacant parcels at their appraised value to Flower City Habitat for Humanity for housing development, and authorizing any agreements associated with the development of these parcels. The parcel addresses are:

- | | |
|-------------------|-------------------|
| 91 Silver Street | 95 Silver Street |
| 148 Silver Street | 152 Silver Street |
| 186 Silver Street | 190 Silver Street |
| 194 Silver Street | 20 Taylor Street |
| 35 Love Street | 39 Love Street |
| 43 Madison Street | |

The lots will be resubdivided into six buildable parcels. Habitat will construct a total of six homes through the 2005 construction season.

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 plus utilities.

Each family must contribute 500 hours of "sweat equity" in building a Habitat house, or contribute an equal amount of service at a neighborhood association or settlement house. The families also must attend workshops on home ownership. The purchasers will be required to reside in the houses for a minimum of five years.

The houses will be sold for between \$54,000 and \$64,000. Habitat will provide a 20-year mortgage with an interest rate of 0%.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-10

Ordinance No. 2005-20
(Int. No. 28)

Authorizing The Sale Of Real Estate And Agreements For Housing Development

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

Section 1. The Council hereby approves the sale of the following parcels of real estate to Flower City Habitat for Humanity, for their appraised value, for the construction of housing:

Address	SBL#
91 Silver Street	120.35-2-76
95 Silver Street	120.35-2-75
148 Silver Street	120.34-2-32
152 Silver Street	120.34-2-33
186 Silver Street	120.42-2-16
190 Silver Street	120.42-2-15
194 Silver Street	120.42-2-14
20 Taylor Street	120.42-2-13
35 Love Street	120.34-2-28.2
39 Love Street	120.34-2-28.1
43 Madison Street	120.36-147.2

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 authorized to enter such agreements as may be necessary to implement the housing development.

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. 2005-21
Re: Agreement - Wilson Commencement
Park Housing Mobility Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Wilson Commencement Park, 251 Joseph Avenue, in an amount not to exceed \$22,000 for the continuation of services for the Housing Choice Mobility Program; and appropriating said amount from the Improve the Housing Stock and General Property Conditions allocation (Fair Housing Activities) of the 2004-05 Community Development Block Grant to fund the agreement.

Wilson Commencement Park (WCP) has operated the Housing Choice Mobility Program since January 2000 as an element of the City's fair housing efforts. The program assists in reducing the concentration of poverty by providing mobility counseling (information about housing options and housing search services), in combination with comprehensive case management support services which foster self-sufficiency and upward mobility. The program encourages moves from poverty-impacted areas (greater than 20%) to areas of lower-poverty concentration. A modest amount of relocation assistance (i.e. security and utility deposits or moving expenses) is offered as an incentive. Program services are available to WCP's transitional housing residents and alumni, as well as community members who may use other WCP services.

The Housing Choice Mobility Program includes a landlord outreach component to introduce property owners in low poverty areas to WCP as a source of desirable tenant referrals. Communication is established with each landlord to exchange information about available units and potential tenants. Landlords are invited to visit the homes of WCP residents who are prospective tenants.

The most recent program agreement was authorized by City Council in July 2003. The program has a budget of \$50,772 which is being funded by a combination of funds from: Monroe County (\$16,500), Greater Rochester Association of Realtors' Charitable Foundation (\$5,000), WCP in-kind (\$7,272) and the proposed City appropriation (\$22,000). Following is a summary of program performance for 2003-2004:

Activity	Goal	Actual
Marketing meetings	48	48
Program participants enrolled	45	48
Mobility plans developed	45	44
Moves to low poverty areas	20	16

Several issues were identified which have impeded moves to low poverty areas:

- * Lack of affordable housing - The average income of assisted clients was 35% of median family income, while there is a significant shortage of units with rents which are affordable at that income, particularly in low poverty areas.
- * Poor credit history - The use of credit checks to screen potential tenants has become a standard practice among landlords and property managers and most clients have blemished credit histories.
- * Lack of stable employment - It was not uncommon for clients to have encountered employment

problems (layoffs or job termination) due to the general condition of the local economy, which resulted in their inability to secure better housing.

A lead poisoning prevention education and outreach initiative called "Learning About Lead" will be added as an additional element of WCP's efforts in 2005. This initiative would be incorporated into the mobility counseling program curriculum and be offered as a stand-alone service. It has a budget of \$5,400 and would be funded by the proposed appropriation. This effort will educate families on the hazards of lead, tenant-landlord responsibilities, and provide information about the City's LEAD Program. WCP will conduct monthly workshops, quarterly lead/health seminars, and provide case management services for up to ten clients.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-11

Ordinance No. 2005-21
(Int. No. 29)

Authorizing An Agreement For The Housing Mobility 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 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 \$22,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-22
Re: Community Design Services

- R2010: Campaign 1 - Involved Citizens
- Campaign 7 - Quality Services
- Campaign 9 - Healthy Urban Neighborhoods
- Campaign 10 - Center City

Transmitted herewith for your consideration is legislation related to the Community Design Services program. The legislation would:

1. Appropriate \$31,000 from the 2004-05 Community Development Block Grant Program to fund an amendatory agreement with the Rochester Regional Community Design Center (\$16,000) and support the design intern program

in the Department of Community Development (\$15,000);

2. Amend a current agreement with the Rochester Regional Community Design Center (RRCDC), Ordinance No. 2003-264 in the amount of \$30,000, by an additional \$16,000 for continuing design support services;
3. Amend the 2004-05 operating budget of the Department of Community Development Bureau of Planning by the addition of \$15,000 to support the design intern program.

The amendatory agreement with RRCDC will allow continuation of these services:

1. Assistance to community design initiatives and charrettes including technical support and recruitment of volunteer design professionals;
2. Continue training programs for city staff and boards on design principles and Zoning code provisions;
3. Develop public information and assistance programs supporting good design and the preservation of community character.

The design intern program recruits and hires college students and recent graduates in the design professions to work on design projects associated with the Neighbors Building Neighborhoods, Center City and Waterfront Plans in support of Renaissance 2010.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-22
(Int. No. 30)

Authorizing An Amendatory Agreement For Design Services And Amending The 2004-05 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 Rochester Regional Community Design Center for quality design support services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$16,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2004-05 Community Development Program.

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

Section 4. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$15,000 to fund a design intern program in the Bureau of Planning, which amount is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2004-05 Community Development Program.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-23
Re: Simply Crepes, LLC - Café Lease
at Central Library

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a five-year agreement with Simply Crepes, LLC, to operate a cafe within the Bausch and Lomb Public Library Building. The coffee shop will occupy approximately 1,600 square feet in the northeast corner of the building on the first floor (where the library bookshop formerly operated) and the upper mezzanine.

The Library will provide utilities and plumbing to the location, and Simply Crepes, LLC will be responsible for interior renovations. The Library will share space outside of the shop for tables and chairs and rest room facilities. Storage space of approximately 120 square feet will also be provided.

The Rochester Public Library is a chartered institution governed by the Board of Trustees, which authorized entering into an agreement with Simply Crepes at their January 26, 2005 meeting. However, since the Central Library buildings are City owned, City Council approval is also required.

Under the agreement, the contractor will pay the following fees to the Library:

- A base fee of \$200 per month.
- Two percent of the gross yearly sales over \$160,000.
- Monthly costs for maintenance and security coverage incurred by the Library when the Café is opened and the Library closed.

Since 1997, the Library has had a series of café operators in a space located on the riverside of the Rundel Memorial Building. During the last full year of operation, the Library café operators generated approximately \$60,000 in gross receipts. The businesses have not been successful because of a lack of street presence and the reduction of library staff due to budget reductions. It is believed that the new location will provide the street presence necessary for a successful and dynamic operation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-23
(Int. No. 32)
**Authorizing A Lease Agreement For A Library
Cafe**

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Simply Crepes, LLC for the operation of a cafe in the Bausch & Lomb Public Library Building for five years. The Library shall provide utilities and plumbing, shared space for tables

chairs and restroom facilities and storage space, while Simply Crepes, LLC shall be responsible for interior renovations.

Section 2. The lease agreement shall obligate Simply Crepes, LLC to pay the Library base rent of \$200 per month, 2% of gross yearly sales above \$160,000, and monthly costs for maintenance and security when the Library is not open.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-7
Re: Empire Zone Relocation - Manning
& Napier

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation approving the relocation requests of Manning & Napier Advisors, Inc. and its affiliate Manning & Napier Advisory Advantage Corporation. Approval by the City is required in order for them to become Empire Zone certified. They will relocate from 1100 Chase Square in the City of Rochester to 290 Woodcliff Drive in the Town of Perinton.

Manning & Napier Advisors, Inc. and Manning & Napier Advisory Advantage Corporation's lease will expire in July 2005. Given the growth of both companies, they need space that better fits their business needs. Several locations were considered; none within the City satisfied their criteria. Their new location at 290 Woodcliff Drive is located within the Monroe County Empire Zone. The Manning & Napier firms would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. However, Section 959 (a) (iii) of the NYS law only allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ if the "shift of operations" is approved by the municipality from which the company relocated.

As required by law, where the shift is from an area in a different municipality into another municipality's EZ, a public hearing must be held by the municipality from which the company is moving, and the local governing body of that municipality must approve, by resolution, the shift of operations. If the relocation procedure does not occur, the company will not qualify for EZ benefits.

In the past, we have had several companies who have relocated to the City Empire Zone from other municipalities. It was necessary for these companies to go through the same relocation procedures stated above so that they would qualify for EZ benefits in the city. To date, thirteen companies have relocated to the City EZ from other municipalities within Monroe County. Prior to this request, three city businesses have moved from the City to the County EZ.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-7
(Int. No. 31)

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Manning & Napier Advisors, Inc. and Manning & Napier Advisory Advantage Corporation (the "Companies"), providers of money management, investment advisory, consulting and related services with offices located at 1100 Chase Square, Rochester, New York 14604, will be relocating from the City of Rochester to 290 Woodcliff Drive in the Town of Perinton, and

WHEREAS, the Companies employed 218 people in 2004, including 14 residents of the City of Rochester, and

WHEREAS, the Companies looked at several locations in the City but were unable to find a suitable location that fit their business needs, and

WHEREAS, the Rochester City Council has heard public comments that extraordinary circumstances exist to warrant the relocation of the company to the Monroe County Empire Zone at a public hearing held on February 15, 2005 at the City Council Chambers,

NOW, THEREFORE, BE IT RESOLVED, that the Rochester City Council consents to the relocation of Manning & Napier Advisors, Inc. and Manning & Napier Advisory Advantage Corporation from the City of Rochester to the Monroe County Empire Zone in the Town of Perinton.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Mains
February 15, 2005

To the Council:

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

Int. No. 33 - Authorizing A Grant Agreement With Quad A For Kids And Amending The 2004-05 Budget

Int. No. 34 - Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

Respectfully submitted,
Tim O. Mains
William F. Pritchard
Benjamin L. Douglas
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-24
Re: Agreement - Quad A For Kids Grant

R2010: Campaign 3 - Health, Safety and

Responsibility
Campaign 4 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Quad A For Kids for the receipt of a \$10,000 grant and amending the 2004-05 Budget to reflect the grant.

Funds will be used to support the City Recreation Learn to Swim program for the following purposes: pool rental fees, custodial support, water safety instructors, lifeguards and tutoring at various recreation sites and schools. The Learn to Swim program is a collaboration with the American Red Cross, Quad A and the Rochester City School District.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-24
(Int. No. 33)

Authorizing A Grant Agreement With Quad A For Kids And Amending The 2004-05 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Quad A For Kids for the receipt of funding for a Learn to Swim Program at City recreation sites and schools.

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

Section 3. Ordinance No. 2004-162, the 2004-05 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 under the grant agreement authorized herein to fund the Learn to Swim Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-25
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 services related to the 2005 "Party in the Park" concert series. The maximum cost of this agreement will be \$65,000, and will be financed from the Rochester Events Network trust fund (\$45,000) and the 2005-06 Budget of the Department of Parks, Recreation and Human Services (\$20,000). Up All Night will be responsible for booking artists, producing the concerts, and soliciting sponsorship.

The concerts will be presented on ten consecutive Thursday evenings at the High Falls Festival Site, June

9 through August 11. Up All Night will provide artists for all opening and headline acts. It will also provide a production manager and hospitality for the artists.

City Council authorized similar agreements for eight Party in the Park and four Rhythm Nights concerts in 2004. The two series will be combined this year as 10 "Party in the Park" events. Attendance in 2004 was approximately 3500 people per week, which is consistent with 2003 figures.

As in the last five years, this agreement includes a revenue-sharing component providing the City with 25% of net food and beverage sales during the concerts. In 2004, the City received \$11,590.

This year, a sponsorship solicitation component has been added to the agreement. A fund-raising goal of \$35,000 has been established to specifically support the Party in the Park series.

The 2004 Party in the Park and Rhythm Nights concerts cost \$56,697 for talent and production. Part of that cost was off-set by a contribution from Up All Night of \$17,343 from food and beverage sales. This year, Rochester Events Network will increase their contribution (by \$18,000) for the first time since 1998. This increase is necessary in order to keep pace with growing talent costs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-25
(Int. No. 34)

Establishing Maximum Compensation For A Professional Services Agreement For The "Party In The Park" Concerts

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

Section 1. The sum of \$65,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Up All Night for talent booking services for the "Party in the Park" concert series. Of said amount, \$45,000 is hereby appropriated from the Rochester Events Network Trust Fund and \$20,000 shall be funded from the 2005-06 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.

By Councilmember Stevenson
February 15, 2005

To the Council:

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

Int. No. 35 - Authorizing A Lease Agreement For The Water & Lighting Bureau Operations Center, As

Amended

Int. No. 36 - Establishing Maximum Compensation For A Professional Services Agreement For A New Water Works Operations Center

Int. No. 37 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$750,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of A New City Operations Center Building

Int. No. 38 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Services For 80-100 Charlotte Street

Int. No. 39 - Amending Ordinance No. 2004-324 Relating To An Agreement For Flagging Services For The Lexington Avenue Public Improvement Project

Int. No. 40 - Amending The 2004-05 Budget With Respect To The Mt. Read Boulevard Bridge Rehabilitation Project

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Introductory No. 36 and Introductory No. 37)
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-26
Re: Lease Agreement for Water & Lighting Bureau

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with West End Business Center LLC for the lease of approximately 92,826 sq. ft. of office and warehouse space for temporary Water & Lighting Bureau facilities during the construction of the new operations center at 10 Felix Street. Approximately 10,539 sq. ft. of space on the second floor of Building #2 at 803 West Avenue will be occupied as offices for the Bureau's Administration and Engineering staff. Approximately 6,853 sq. ft. of office space and 75,434 sq. ft. of warehouse space in Building #4 at 811 West Avenue will be occupied by the Bureau's divisions of Materials and Equipment and Water Distribution.

In order to facilitate the construction of the new Water Operations Center, the design consultant, LaBella Associates, and the City's environmental quality staff has recommended that all current Water Bureau operations be moved off-site. This recommendation is based on the following factors:

- 1) Logistical conflicts and costs of maintaining an active use facility while demolishing several large buildings;
- 2) Need to stage and process large quantities of demolition-derived brick, concrete, and asphalt for reuse;
- 3) Removal and staging of structurally unsuitable

soils and fills;

- 4) The excavation and handling of up to 10,000 tons of environmentally contaminated soils and several thousand gallons of water; and
- 5) Staging of construction equipment and materials on-site.

The move will be made prior to the start of demolition and environmental remediation. It is anticipated that the temporary facilities will be needed for approximately two years through construction of the new facility, which is scheduled for completion in March 2007.

The term of the lease will be two years beginning on March 1, 2005. There will be a provision for renewing the lease agreement on a three (3) month rolling term beyond two years. The annual rental cost will be \$191,596 (\$2.06 per square foot) for the first year. An annual increment of 3% will result in a second year cost of \$197,296 (\$2.13 per square foot). The City will be responsible for paying for utilities, trash removal, cleaning and minor maintenance. The landlord will pay for building insurance, real estate taxes, and common area maintenance.

The cost of the lease will be funded from the current and future budgets of the Department of Environmental Services, Water Fund. Independent Real Estate appraiser, Kevin Bruckner, M.A.I., has reviewed the rental terms of the lease and determined that the rental amounts are within market range for office and warehouse space of this kind.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-26
(Int. No. 35, As Amended)

Authorizing A Lease Agreement For The Water & Lighting Bureau Operations Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with West End Business Center LLC for the lease of approximately 92,826 square feet of office and warehouse space in Buildings 2 and 4 at 803 and 811 West Avenue, to be used for a temporary Operations Center for the Bureau of Water & Lighting. The lease agreement shall extend for a term of two years, with additional three-month renewal options.

Section 2. The lease agreement shall obligate the City to pay an annual amount not to exceed \$191,596 in rent for the first year, with an annual increase of 3% thereafter. The City shall also be responsible for paying for utilities (which shall be prorated in Building 2 and for which the City shall pay \$18,450 annually for the first and second years, with an annual increase of 3% after the second year), trash removal, cleaning, and minor maintenance. The landlord shall be responsible for building insurance, real estate taxes and common area maintenance. Said amounts shall be funded from the Operating Budgets of the Department of Environmental Services.

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

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-27 And
Ordinance No. 2005-28
Re: Agreement - The Pike Company,
New Water Works Operations Center

- R2010: Campaign 4 - Environmental Stewardship
- Campaign 6 - Economic Vitality
- Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing:

- 1. An agreement with The Pike Company, 1 Circle Street, Rochester, NY 14607, for construction management services for the construction of the new Water Works Operations Center; and
- 2. The issuance of bonds in the amount of \$750,000 and the appropriation of the proceeds to finance this cost.

The Pike Company will provide control and oversight over the construction of the new Operations Center. Pike will: Provide coordination among the prime project contractors; be responsible for all construction related activities; be responsible for insuring that contractors adhere to contract requirements; assist in resolving any disputes between the City, the Architect and the contractors; and provide assistance during the bidding phase of the project.

The Water & Lighting Bureau issued a request for proposals to five firms in December 2004. Five firms submitted proposals. The Pike Company is recommended because they possess the skills, technical knowledge and abilities necessary to successfully complete the construction of the new Operations Center.

Work on this project will begin in February 2005, with demolition and environmental remediation to begin in May 2005. Construction of the new Operations Center will start in August 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-27
(Int. No. 36)

Establishing Maximum Compensation For A Professional Services Agreement 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 \$750,000, 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 Pike Company for construction management services for a new Water Works Operations Center. The agreement may extend until three (3) months after completion of a two year

guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

Ordinance No. 2005-28
(Int. No. 37)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$750,000 Bonds Of Said City To Finance The Additional Cost Of 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 additional cost of the construction of a new City Operations Center Building for the Bureau of Water, Lighting and Parking Meter Operations at 10 Felix Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$2,169,000. The plan of financing includes the issuance of \$750,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$119,000 bonds previously appropriated in Ordinance No. 2002-396 and \$1,300,000 bonds previously appropriated in Ordinance No. 2004-58, 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 \$750,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$750,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00a.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, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-29
Re: Agreement - Day Environmental,
Inc., 80-100 Charlotte Street

Brownfield Cleanup

Ordinance No. 2005-29
(Int. No. 38)

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with Day Environmental, Inc. in the amount of \$240,000 for the environmental cleanup of brownfield property located at 80-100 Charlotte Street. The cost of this agreement will be financed from a 2003 brownfield cleanup grant from the United States Environmental Protection Agency Brownfield Redevelopment Initiative. The grant for this site covers 80% of eligible costs up to a maximum of \$200,000. The City's matching share is 20% or \$40,000 which will be financed from the 2004-05 Budget, Cash Capital allocation.

The 80-100 Charlotte Street site is being prepared for construction of market rate housing and mixed-use facilities. The site formerly contained an electric motor repair shop, electrical warehouse, and offices.

In 2002, the City completed both Phase I and Phase II environmental site assessments, which documented subsurface petroleum contamination in the vicinity of a former underground gasoline storage tank system. Both soil and groundwater in the area of the storage tank are contaminated at concentrations which exceed soil cleanup objectives and groundwater standards. The New York State Department of Environmental Conservation (NYSDEC) has been notified of the suspected petroleum spill. Approximately 1,000 or more tons of petroleum-contaminated soil have been identified at the site.

In October 2004, a request for proposals was issued for project consulting services; six were received. Day Environmental is recommended based on the quality and scope of its proposal; experience with NYSDEC petroleum cleanup programs and City brownfield projects; and reasonableness of costs.

Under this agreement, Day Environmental will complete remedial planning activities, develop a cleanup action plan, implement a soil removal program, install a groundwater monitoring network to evaluate groundwater quality, and complete an exposure assessment. They will also evaluate groundwater remediation alternatives, develop a soil management plan, and design conceptual engineering controls to mitigate vapors and odors from entering any new building constructed over any residual contamination.

The budget for basic services under this agreement with Day Environmental will be \$181,500. The contingency amount will be \$58,500 for unanticipated conditions, institutional controls, and site restoration that may be required for redevelopment.

This agreement will have an initial term of one year with provisions for annual renewals for an additional two-year period based on mutual written agreement. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval. The planning for the cleanup and actual cleanup fieldwork is anticipated to take approximately six months to one year to complete, and the total project is anticipated take one to two years to complete.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-12

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Services For 80-100 Charlotte Street

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

Section 1. The sum of \$240,000, 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 cleanup services for the brownfield property at 80-100 Charlotte Street for a term of one year, with two one-year renewal options during which unit prices may be changed with approval of the City. Of said amount, \$200,000 is hereby appropriated from Brownfield Cleanup Grant funds from the United States Environmental Protection Agency and \$40,000 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-30
Re: Amending Ord. No. 2004-324 -
Lexington Avenue Public
Improvement Project (Mt. Read
Boulevard to Dewey Avenue)

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation amending Ordinance No. 2004-324, approved by Council in September 2004. The ordinance authorized an agreement with CSX Transportation, Inc., 4901 Belfort Road, Suite 130, Jacksonville, Florida, for flagging and inspection services. This amendment will increase the maximum cost by \$1,756 to \$17,276.

The proposed agreement will provide for construction flagging and inspection services by the railroad related to the installation of public improvements beneath the railroad bridge on Lexington Avenue as part of the Lexington Avenue Public Improvement Project. The cost of the agreement will be financed from a previous appropriation of federal reimbursements (\$13,821) and a bond appropriation (\$3,455), both approved by City Council in June 2004.

The work is being performed by Sealand Contracting Corporation. Construction began in summer 2004 and is expected to be completed in fall 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-13

Ordinance No. 2005-30
(Int. No. 39)

Amending Ordinance No. 2004-324 Relating To An Agreement For Flagging Services For The Lexington Avenue Public Improvement Project

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

Section 1. Ordinance No. 2004-324, relating to an agreement between the City and CSX Transportation Inc. for construction flagging and inspection services for the Lexington Avenue Public Improvement Project, is hereby amended by increasing the total amount to \$17,276, and of said amount, \$13,821 shall be funded from the appropriation made in Section 2 of Ordinance No. 2004-216 and \$3,455 shall be funded from Bond Ordinance No. 2004-217.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-31
Re: Mount Read Boulevard, RTE 940k
Bridge Rehabilitation Project

R2010: Campaign 5 - Regional Partnerships
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2004-05 Budget, Cash Capital, by \$115,600 to reflect anticipated reimbursements from the Eastman Kodak Company in partial payment for their share of costs toward the rehabilitation of the Kodak-owned bridge on Mount Read Boulevard.

In July 2002, City Council authorized agreements with the New York State Department of Transportation and the Eastman Kodak Company to participate in and administer the project.

The current cost estimate of the project is \$3,792,525. Of this amount, \$2,946,049, will be funded by the Federal government; \$494,412 will be funded by New York State; and \$109,964 will be funded by various private utilities. The remaining betterment share (\$242,100) will be funded by the Eastman Kodak Company, an increase of \$115,600 from the original estimates. No City funding will be used for this project.

The design is being undertaken by the NYSDOT and scheduled to be completed in the spring of 2005, construction is expected to begin in the summer of 2005 and be completed during the summer of 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-14

Ordinance No. 2005-31
(Int. No. 40)

Amending The 2004-05 Budget With Respect To The Mt. Read Boulevard Bridge Rehabilitation Project

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

Section 1. Ordinance No. 2004-162, the 2004-05 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 \$115,600, which amount is hereby appropriated from anticipated reimbursements from the Eastman Kodak Company to fund the Mt. Read Boulevard Bridge Rehabilitation Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
February 15, 2005

To the Council:

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

Int. No. 41 - Local Law Amending The City Charter With Respect To The Budget Estimate Of The City School District

Int. No. 42 - Amending The 2004-05 Budget With Respect To [Fire] Salaries And Wages And Additional Appropriations, As Amended

Int. No. 43 - Local Law Amending The City Charter With Respect To The Issuance Of Parking Tickets

Int. No. 44 - Authorizing An Application And Agreement With Respect To Seat Belt Enforcement And Amending The 2004-05 Budget

Int. No. 45 - Amending The 2004-05 Budget With Respect To Self Contained Breathing Apparatus Units For The Rochester Fire Department

Int. No. 440 - Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy I Program And Amending The 2004-05 Budget, As Amended

Int. No. 441 - Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy II Program And Amending The 2004-05 Budget, As Amended

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:

Local Law No. 1
Re: City School District Budget Format

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation regarding the format of the City School District budget. As you will recall, in June 2003, the Mayor proposed a local law that would have required that the format of the City School District's proposed budget match the current Charter requirements for the City's proposed budget.

The Finance & Public Safety Committee chose to hold the item for additional review, including a review of

the Charter requirements for the City's budget submission. That review was completed, and legislation to amend the Charter in regard to both the City's and the District's format requirements was submitted in December.

On December 23, 2003, City Council approved the Charter changes in regard to the City budget format, but deferred consideration of the changes to the District's budget format at the request of the Board of Education. The Board wanted additional time to review the proposed changes prior to City Council action. In response to that request, Council referred the item back to committee, where it died at the conclusion of that Council term.

Following extensive review by both the District Administration and the Board, a slightly revised version of the proposed budget format was adopted by the Board on December 16, 2004 in Resolution 2004-05:446; a copy of that Resolution is attached.

The proposed legislation is substantially the same as the item that City Council reviewed in 2003. Minor changes were made to Section D to clarify that the explanations of the year-to-year changes did not have to address items that represented a change of less than \$25,000 or 25%. Further, given the nature of the District's workforce, the position explanations required in Section F will permit summary level information for teachers and paraprofessionals. The proposed changes will be implemented for the 2005-06 Proposed Budget.

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

Benjamin L. Douglas
Chair, Finance & Public
Safety Committee

Attachment No. AE-15

Local Law No. 1
(Int. No. 41)

Local Law Amending The City Charter With Respect To The Budget Estimate Of 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 3-9, Annual budget estimate, by adding a new and currently unnumbered paragraph after the current subsections lettered A-Q relating to required information in the Mayor's budget estimate, to read in its entirety as follows:

No later than thirty-three (33) calendar days prior to the last regularly scheduled City Council meeting of June in each year, the Board of Education shall submit to the Mayor a budget estimate for the ensuing fiscal year. The classification of the estimate for the various operating units of the City School District shall be as uniform as possible, and, consistent with the Mayor's budget estimate, the Board of Education's estimate shall contain the following information:

A. An itemized estimate of the expense of conducting each operating unit for the ensuing

fiscal period.

- B. A statement of the expenditures by items for each operating unit for the last complete fiscal period.
- C. An estimate of the probable expenditures by items for each operating unit for the full twelve (12) months of the current fiscal period.
- D. The reasons for the proposed increases or decreases, of at least \$25,000 or 25%, in any items of the proposed estimate compared with the corresponding appropriation for the current fiscal period.
- E. A separate schedule from such operating units showing the proposed work program for the ensuing fiscal period.
- F. A schedule of positions for each operating unit's budget, showing the number of positions, titles, and pay brackets for each classification of positions assigned to each operating unit's budget for the current year and ensuing fiscal period. Such information for teachers and paraprofessionals shall be provided in a summary format.
- G. A statement showing the actual revenue for the prior budget year, estimated current year's revenue, and estimated revenue and other receipts during the ensuing fiscal period to produce the amount required for meeting the proposed expenditures.
- H. The amounts required for interest on the City School District's debt for sinking-fund installments, for maturing serial bonds, and for other maturing debt during the ensuing fiscal period.
- I. The amounts required for other fixed charges and for a contingent fund which may be established.
- J. An estimate of the probable deficit, if any, for the current fiscal period and of any residue of deficit from the next preceding fiscal period.
- K. The sum of Subsections A, H, I and J which, when adopted by the Council, shall constitute the annual budget estimate for the ensuing fiscal period.
- L. A multi-year projection of revenues and expenses.
- M. A five-year Capital Improvement Program.
- N. A table of contents, glossary, organization chart, salary schedules, summary of full-time positions by operating unit, summary of current year's budget amendments, index, and any other such general information that would assist in the review of the budget document.
- O. Such other information as the Superintendent may deem desirable or as may be required by the Board of Education.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

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. 2005-32
Re: 2004-05 Budget Amendment

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2004-05 Budget. This legislation will:

1. Transfer \$2,768,400 from Contingency to offset the increase in expenses of the following departments for a wage settlement, Enhanced Certificate of Use Program, minimum wage increase and maintenance of city owned lots.

Fire	\$1,956,700
NET	138,000
DPRHS	6,100
Library	21,600
Finance	800
DES	24,400
Undistributed	620,800

2. Transfer \$286,300 from Contingency, appropriate \$22,600, \$117,000, \$32,500 and \$600 from the fund balances of the Water Fund, Refuse Fund, Local Works Fund, and Parking Fund, respectively, and increase estimated interfund revenues by \$172,700 to fund an increase in appropriations to various departments for an increase in motor vehicle chargebacks due to increased fuel costs.

3. Fund a \$1.5 million increase in 2004-05 Cash Capital by transferring \$300,000 from Contingency and appropriating \$1,200,000 from the Local Works fund balance for the purchase of street sweepers that was originally planned for 2005-06.

Wage Settlement

When the 2004-05 budget was approved by City Council on June 22, 2004, negotiations concerning the labor agreement with the International Association of Firefighters (IAFF) - Local 1071 were still on-going. Accordingly, a provision for the incremental costs of these agreements had to be included in the Contingency Account.

On July 2, 2004, there was a negotiated settlement with the firefighters represented by IAFF for a five-year contract. It provided for a 3% retroactive salary increase effective July 1, 2003 and a 3% retroactive salary increase effective July 1, 2004. The year-end amendment for the 2003-04 budget approved by City Council on August 24, 2004 (Ordinance 2004-307) provided for the 3% retroactive adjustment for the first year of the contract. Fire command personnel also received a similar wage increase after the union settlement.

The proposed budget amendment will provide for the cost of the settlement affecting the 2004-05 budget by transferring funds from Contingency to:

Fire	\$1,956,700
Undistributed	618,500

Enhanced Certificate of Use Program

The enhanced Certificate of Use program was submitted for approval during the 2004-05 budget process and \$165,000 was included in the proposed operating budget for the bureau of Neighborhood Empowerment Teams (NET) for the implementation of the program. These funds were transferred to Contingency on June 22, 2004 (Ord. No. 2004-161) until City Council had sufficient time for consideration of the program. The enhanced C of U legislation was subsequently approved by City Council in November 2004 (Ord. 2004-369).

The proposed budget amendment will provide \$138,000 for the 2004-05 costs of implementing the enhanced Certificate of Use program by transferring funds from the Contingency to NET.

Minimum Wage Increase

The Departments of Parks, Recreation and Human Services (DPRHS), Rochester Public Library, and Finance employ personnel who are paid the Federal minimum wage. The New York State minimum wage was increased from \$5.15 per hour to \$6.00 per hour effective January 1, 2005. The proposed budget amendment will provide for a transfer of \$30,800 from the Contingency appropriation to the operating budgets of these departments for the estimated six-month impact of the increase as follows:

DPRHS	\$ 6,100
Rochester Public Library	21,600
Finance	800
Undistributed	2,300

Fuel Costs

The Department of Environmental Services (DES) receives an annual allocation for the purchase of gasoline and diesel fuel for use in City vehicles. The estimate for this allocation is usually calculated several months prior to the beginning of each fiscal year, vehicle fuel was budgeted at an average cost of \$1.07 per gallon. As you are aware, fuel costs significantly increased in May 2004. During the first two quarters of 2004-05, the actual average cost was \$1.43 per gallon. The proposed budget amendment will provide \$459,000 for the unanticipated increase in the unit cost of fuel.

Expenditures for the maintenance and operation of City vehicles are managed by DES Bureau of Equipment Services. A system of chargebacks is established so Equipment Services can recoup the majority of the expenses for services it provides to other City departments. The above increase in fuel will result in an estimated total increase in chargebacks in the amount of \$459,000, plus \$172,700 for the required accounting of the interfund revenue. The increases in departmental allocations are:

DES	\$376,400
Library	1,800
Admin/Mayor	600
Finance	400
DPRHS	25,900
Police	185,500
Fire	40,500
DCD	200

ECD	300
Council/Clerk	100

Maintenance of City Owned Vacant Lots

The Department of Environmental Services is responsible for maintaining most of the City-owned properties and vacant lots. During the first quarter of 2004-05, the expense for high grass cuttings exceeded the budgeted allocation due to a rainy summer that necessitated additional cuttings to keep pace with the growth rate of the grass, usually performed on an overtime basis. The proposed budget amendment will provide for a transfer of \$24,400 from Contingency to DES for the increase in services required.

Street Sweepers

The Capital Improvement Program (CIP) for 2004-05 through 2008-09 includes the planned funding for the replacement of twelve street sweepers in 2005-06. If the purchase of the vehicles is moved to 2004-05, it is anticipated this will reduce the operating maintenance costs for the sweepers as they are now five years old and are a unique piece of equipment with a large number of moveable parts. The proposed budget amendment is to increase the 2004-05 Cash Capital allocation by \$1,500,000 to provide for the pulling forward of the funding for these vehicles from 2005-06. The source of funds will be an appropriation of \$1,200,000 from the Local Works fund balance and a transfer of \$300,000 from Contingency.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-32
(Int. No. 42, As Amended)

Amending The 2004-05 Budget With Respect To [Fire] Salaries And Wages And Additional Appropriations

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

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$2,768,400 from the Contingency Account to the following departments for a wage settlement, Enhanced Certificate of Use Program, minimum wage increase and maintenance of city owned lots:

Fire	\$1,956,700
NET	138,000
DPRHS	6,100
Library	21,600
Finance	800
DES	24,400
Undistributed	620,800

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$286,300 from the Contingency Account; and by increasing the interfund revenue estimates [and appropriations] by the sum of \$172,700, [of which amount there is hereby appropriated from the fund balances of] and the revenue estimates and appropriations to the Water Fund by \$22,600, Refuse Fund by \$117,000, Local Works Fund by \$32,500 and Parking Fund by \$600, which amounts are hereby appropriated from fund balances to fund an increase in appropriations to the following departments for motor vehicle chargebacks:

DES	\$376,400
Library	1,800
Admin/Mayor	600
Finance	400
DPRHS	25,900
Police	185,500
Fire	40,500
DCD	200
ECD	300
Council/Clerk	100

Section 3. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$300,000 from the Contingency Account to the Cash Capital Allocation, and by increasing the revenue estimates and appropriations to the Cash Capital Allocation by the sum of \$1,200,000, which amount is hereby appropriated from the fund balance of the Local Works Fund, to fund the purchase of street sweepers.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 2
Re: Charter Amendment: Authorizing County Security to Issue Parking Citations

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation amending the City Charter to authorize Monroe County security employees to issue tickets for parking violations occurring on the streets in the vicinity of the County Office Building at 39 West Main Street and City Place at 50 West Main Street.

This authorization has been requested by the County Executive so that additional enforcement of parking restrictions near these County office buildings can be provided without additional cost to the City. Police officers, parking monitors and other City employees designated by the Chief of Police are already authorized to issue parking tickets. These additional authorizations may be made pursuant to the Municipal Home Rule Law and the Vehicle and Traffic Law.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 2
(Int. No. 43)

Local Law Amending The City Charter With Respect To The Issuance Of Parking 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 Section 8A-3 thereof, relating to the issuance of appearance tickets, by adding the following new sentence to the end of subsection C:

Employees of the County of Monroe holding civil service positions with security in the title may issue notices of violation returnable in the Parking Violations Bureau for traffic infractions constituting a parking violation occurring on the following streets: Irving Place from West Broad Street to West Main Street, West Main Street from South Plymouth Avenue to Irving Place, North Fitzhugh Street from Church Street south to the Civic Center Parking Garage entrance, West Broad Street from North Fitzhugh Street to Irving Place, School Alley from West Main Street to its south end, and Montgomery Alley from Church Street to West Main Street.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-33
Re: Agreement - Buckle Up! New York and Amending the Budget

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement between the City and the New York State Governor's Traffic Safety Committee (GTSC) to permit acceptance of GTSC funding in the amount of \$23,799 for the increased enforcement of the seatbelt law, as part of the "Buckle Up! New York" campaign, for the period October 1, 2004 through September 30, 2005. The legislation will also amend the 2004-05 Budget of the Police Department by \$17,800 to reflect the additional revenue and expense associated with the grant program. The remainder will be included in the 2005-06 budget request. The City has received GTSC funds annually since 1999. The most recent agreement was authorized by Council in November 2003.

The funds will be used to pay overtime to RPD officers who conduct traffic checkpoints. Traffic enforcement will be provided through the RPD Special Operations Section. Enforcement activity will include 375 hours of joint road checks with NY State Police officers, and 200 hours enforcement by RPD officers between waves.

Between October 2003 and September 2004, there were 18 enforcement details, with 7 miscellaneous traffic arrests and a total of 1,040 summons or tickets issued (304 for seatbelts, 49 for child restraints, and 687 other violations).

The "Buckle Up! New York" program involves high visibility enforcement, with a state-coordinated public information campaign, a high level of activity by NY State Police units, and "zero tolerance" - all violators will be issued tickets. This program offers funding to local police departments throughout the state, to encourage participation and increased enforcement of the seat belt laws.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-16

Ordinance No. 2005-33
(Int. No. 44)

Authorizing An Application And Agreement With Respect To Seat Belt Enforcement And Amending The 2004-05 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. 2004-162, the 2004-05 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 \$17,800, 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. 2005-34
Re: Grant from the Department of Homeland Security

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 Budget, Cash Capital to include \$228,492 in grant funds received from the Department of Homeland Security. These funds will be used to purchase 92 self-contained breathing apparatus units. Each unit is equipped with Rapid Intervention Team connections, which allow easy connection to a secondary air source when a firefighter is trapped or running out of air.

The current SCBA units are reaching the end of their normal life cycle. This funding will allow the purchase of new and more sophisticated units. The replacements have several features that will improve firefighter safety. Several incidents resulting in disability retirements could likely have been prevented with the newer equipment. The new units will have masks with "Heads Up Display" indicators that will allow firefighters to see how much air they have left using a readout feature in their face piece. Another improvement is a new regulator that is resistive to chemical, biological and radioactive exposures. Finally, these units are equipped with hardware to utilize the software programs that make it possible to track and locate missing firefighters at an emergency scene.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2005-34
(Int. No. 45)

Amending The 2004-05 Budget With Respect To Self Contained Breathing Apparatus Units For The Rochester Fire Department

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

Section 1. Ordinance No. 2004-162, the 2004-05 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 \$228,500, which amount is hereby appropriated from grant funds from the United States Department of Homeland Security for the purchase of self contained breathing apparatus units for the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 440 was introduced and appears in its original form with its transmittal letter on page 382 of the 2004 Council Proceedings.

Attachment No. AE-17

Ordinance No. 2005-35
(Int. No. 440, As Amended)

Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy I Program And Amending The 2004-05 Budget

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

Section 1. The Mayor is hereby authorized to submit amendatory applications to and enter into amendatory agreements with the New York State Department of Education for additional funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy I (RASA-1) Program.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District in an amount not to exceed \$[12,000] 7,000 for assistance with the Rochester After School Academy I Program.

Section 3. The Mayor is hereby further authorized to enter into an amendatory agreement with North East Area Development in an amount not to exceed \$5,018 for student transportation for the Rochester After School Academy I Program.

Section 4. The Mayor is hereby further authorized to enter into an amendatory agreement with Coordinated Care Services, Inc. in an amount not to exceed \$[47,500] 55,132 for administrative services for the Rochester After School Academy I Program.

Section 5. Ordinance No. 2004-204, relating to the Rochester After School Academy I Program, is hereby amended by reducing the amount in Section 2 therein for the Monroe Middle School Program of the Bureau of Human Services by \$[11,500] 14,132, which amount is hereby reappropriated to fund the

agreements authorized herein, indirect and administrative expenses.

Section 6. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$[260,098] 260,318, or so much thereof as may be necessary, to fund the agreements authorized herein, indirect and administrative expenses.

Section 7. There is hereby appropriated from additional New York 21st Century Community Learning Centers Program Funds the sum of \$113,275, or so much thereof as may be necessary, to fund indirect expenses of the Rochester After School Academy I Program.

Section 8. Ordinance No. 2004-162, the 2004-05 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 \$[7,000] 103,700, and to the Cash Capital Allocation by the sum of \$[151,000] 216,875, which amounts shall be funded from the appropriations made herein to fund the Rochester After School Academy I Program.

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

Section 10. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Introductory No. 441 was introduced and appears in its original form with its transmittal letter on page 382 of the 2004 Council Proceedings.

Attachment No. AE-17

Ordinance No. 2005-36
(Int. No. 441, As Amended)

Authorizing Amendatory Application And Agreements Relating To The Rochester After School Academy II Program And Amending The 2004-05 Budget

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

Section 1. The Mayor is hereby authorized to submit an amendatory application to and enter into an amendatory agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy II (RASA-2) Program.

Section 2. The Mayor is hereby further authorized to enter into amendatory agreements with the following organizations in the following amounts for projects under the Rochester After School Academy II Program:

Agency	Amount
School/Agency Partner	
Catholic Family Center - CYO	\$ 3,000
John Marshall High School	
Coordinated Care Services, Inc.	15,000

Various school sites

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$149,389, or so much thereof as may be necessary, to fund the agreements authorized herein, indirect and administrative expenses.

Section 4. Ordinance No. 2004-162, the 2004-05 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 \$20,000 and to the Cash Capital Allocation by the sum of \$111,400, which amounts shall be funded from the appropriation made in Section 3 hereof.

Section 5. The amendatory 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 8:25 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
MARCH 15, 2005

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.
Absent - None - 0.

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

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

Recognition Ceremony

- Retirement
 - City Council
 - Marie Sidoti
 - City Clerk
 - *Georgia DeBever
 - RPD
 - *Curt A. Ehrlich
 - *John E. Gropp
 - *Robert Dennis Murphy
 - DES
 - *Rafe Ellison
 - *Luis Rodriguez
 - RFD
 - *Daniel R. Mayer
 - DPRHS
 - *Wayne B. Forella
- *Not attending meeting.*

APPROVAL OF THE MINUTES
By Councilmember Mains

RESOLVED, that the minutes of the Regular Meeting of February 15, 2005 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:
 - Request for Proposal Sale - April 15, 2005. 3794-7
 - Public Disclosure - HOME Participation. 3795-7
 - Public Auction - April 6, 2005. 3796-7
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges. 3797-7

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:

Authorizing The Sale Of 810-840 North Clinton Avenue, 7-11 Sullivan Street and 6-8 Hoeltzer Street To Further The La Marketa North Clinton Avenue Urban Renewal Plan. Int. No. 83 No speakers.

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street malls For 2005-06 Int. No. 61 No Speakers.

Approving A Change In Traffic Flow On Thomas Street, From Clifford Avenue To Upper Falls Boulevard, From Two-Way To One-Way Southbound Int. No. 63 No speakers.

Rescinding A Change In Traffic Flow On Stillson Street From Main Street To Achilles Street, And Returning To Two-Way Traffic Int. No. 64 No speakers.

Local Improvement Ordinance - Snow Removal At The Public Market Int. No. 65 No speakers.

Local Improvement Ordinance - Security At The Public Market Int. No. 66 No speakers.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
March 15, 2005

To the Council

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

Int. No. 46 - Authorizing The Sale Of Real Estate

Int. No. 47 - Authorizing Agreements For The Adopt-A-Block Program

Int. No. 48 - Amending Ordinance No. 2003-375 Relating To CityScape 2004 At Newcroft Park

Int. No. 49 - Authorizing An Agreement For Continuation Of The Fair Housing Enforcement Project

Int. No. 50 - Authorizing The Lease Of Space At 250 South Avenue

Int. No. 51 - Resolution Approving Appointments To The Elevator Examining Board

Int. No. 52 - Amending Chapter 39 Of The Municipal Code, Building Code

Int. No. 53 - Authorizing An Application And Agreements For The Historic Resources Survey Update Project

Int. No. 70 - Authorizing An Application And Agreements Relating To The Housing Opportunities For Persons With AIDS Program

Int. No. 82 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Appraisal Services

Int. No. 85 - Establishing Maximum Compensation For A Professional Services Agreement For Lead Poisoning EIS and Amending The 2004-05 Budget And The 2000-01 City Development Fund

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

Int. No. 83 - Authorizing The Sale Of 810-840 North Clinton Avenue, 7-11 Sullivan Street and 6-8 Hoeltzer Street To Further The la Marketa North Clinton Avenue Urban Renewal Plan

Respectfully submitted,
Adam C. McFadden
William F. Pritchard
Lois J. Giess
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-37
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

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

The first seven properties are structures that were sold at public auction. The purchasers will be required to rehabilitate the structures in accordance with their legal uses within nine months of closing.

The next two properties are vacant lots that were sold at public auction subject to the acceptance of a development proposal. The property located at 7-9 Vinewood Place will be developed as a parking lot. The property at 229 Wilkins Street will be fenced and landscaped and combined with the purchaser's adjoining property.

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

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-18

Ordinance No. 2005-37
(Int. No. 46)

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	Lot Size	Price
S.B.L.#	Purchaser	
258 Alphonse St.	39x144	\$2,500
106.33-2-10	Eric & Veronica Anthony	
63 Cameron St.	71x201	3,500
105.58-3-56	Jose Raul Martinez	
714 Dewey Av.	45x148	6,100
105.26-2-72	Eric & Veronica Anthony	
304 Flint St.	36x100	3,200

120.76-1-42	Jose Raul Martinez	
151 Merrimac St.	30x100	3,700
106.49-1-14	Angel Cuebas	
19 Rugraff St.	40x63	4,000
105.81-2-78	Ross A. Conley	
159 Weeger St.	50x71	1,500
106.41-1-7	Ian & Rosetta Williams	

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address	Lot Size	Price
S.B.L.#	Purchaser	
7-9 Vinewood Pl.	63x99	\$50
120.52-2-85&86	Liberty Temple Ministries Church of God in Christ*	
229 Wilkins St.	40x102	50
106.24-2-12	Vera Crumpler	

*Officers: David Rogers; Lawrence Gambill; Valeria Hill; Mary Wilson; Julius Williams; Daryl Morehead.

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

Address	Lot Size	Sq. Ft.
S.B.L.#	Purchaser	
Center Portion		
560 Campbell St.	39x65.5	2554.5
Pt of 120.25-1-28	Robert Wright	
N. Portion		
560 Campbell St.	39x103.74	
4045.86		
Pt of 120.25-1-28	John A.	
Marcello		
S. Portion		
560 Campbell St.	39x41.5	1618.5
Pt of 120.25-1-28	Gerard Gombatto	
614 Carter St.	20x105	2100
091.58-2-46.3	Eduardo Alonso	
Pt of 55 Cuba Pl.	10x94	940
Pt of 106.40-1-53.1	Alex Prad, Jr. & Helen Prad	
15 Lamberton Pk.	35.11x50 (Approx)	1757
120.43-2-60	Buana, LLC*	
286 Moulson St.	40x78.5	3020
091.56-1-18	A&L Properties**	

* Officer: Joann D. Kress
** Officer: Linda V. Fama

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-38
Re: Adopt-A-Block Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with sixteen organizations for participation in the 2005-06 Adopt-A-Block Program. The total maximum cost of these agreements will be \$264,926, which will be financed from the 2005 DES Operations Bureau operating budget.

The Adopt-A-Block Program was initiated in 1988 to improve the cleanliness of highly visible areas of the city by increasing litter services. Under the program, neighborhood or community organizations contract with the City to supplement its regular cleaning services.

Proposals for participation in the 2005-06 program were solicited from forty-six organizations. Seventeen organizations submitted proposals for the maintenance of 37 areas totaling 40.78 miles. Thirty-one of these proposals were 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 approved 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 hour up to 160 hours (November through May)	<u>1,120</u>
	\$8,546

The following organizations are participating in the program:

Coalition of North East Associations	\$ 34,184
ISLA	25,638
CFC Francis Center	8,546
North East Block Club Alliance	17,092
South East Area Coalition	17,092
Calvary St. Andrews Church	17,092
Southwest Area Neighborhood Association	34,184
Portland Avenue Business Association	8,546
Charlotte Community Development Association	17,092
High Falls Business Association	8,546
Plymouth Exchange Neighborhood Association	8,546
Lyell Avenue Business Association	17,092
North Clinton Avenue Business Association	8,546
Group 14621	8,546
Urban League of Rochester, N.Y., Inc.	17,092
Grace Urban Ministries	<u>17,092</u>
Total	\$264,926

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-19

Ordinance No. 38
(Int. No. 47)

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)	\$34,184
Southwest Area Neighborhood Association (SWAN)	34,184
ISLA	25,638
North East Block Club Alliance (NEBCA)	17,092
Lyell Area Revitalization Committee (LARC)	17,092
South East Area Coalition (SEAC)	17,092
Calvary Saint Andrews Parish	17,092
Urban League of Rochester, N.Y., Inc.	17,092
Grace Urban Ministries	17,092

Section 2. The agreements authorized herein and additional Adopt-A-Block agreements shall obligate the City to pay an amount not to exceed \$264,926, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 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. 2005-39
Re: CityScape 2004 at Newcroft Park
Amending Ordinance No. 2003-375

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending Ordinance No. 2003-375 (as amended by Ordinance No. 2003-396) and authorizing any agreements necessary for the continued implementation of CityScape 2004 at Newcroft Park.

Ordinance No. 2003-396 permitted reimbursement to developers for removing bedrock, which was not accounted for in the original appraisals. This current amendment is necessary in order to allow for reimbursement costs relating to other subsurface conditions including, but not limited to, removal of debris and addressing subsurface conditions that do not meet minimum compactability standards. Builders encountering these subsurface conditions must excavate and construct footers at deeper elevations. The total reimbursement will not exceed the purchase price of the parcel.

The appraiser has since determined that the City may deduct the cost of addressing these subsurface conditions from the purchase price of the lots in an amount not to exceed the initial sale price.

The City of Rochester and the Rochester Home Builders' Association are redeveloping the 6.8-acre tract of land at Newcroft Park with 25 single-family homes. An open house was held in September 2004; each of the eight model homes and all but one of the vacant lots were under contract by the end of the show. One of the eight required reimbursement for bedrock removal.

Three houses are currently under construction and have encountered unexpected subsurface conditions, which will require reimbursement. It is anticipated that subsequent lots will have similar conditions. All construction is expected to be complete by Winter 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-39
(Int. No. 48)

Amending Ordinance No. 2003-375 Relating To CityScape 2004 At Newcroft Park

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

Section 1. Ordinance No. 2003-375, relating to CityScape 2004 at Newcroft Park, as amended by Ordinance No. 2003-396, is hereby further amended by adding the following new paragraph at the end of Section 2 thereof:

The Director of Real Estate is further authorized to reimburse a developer for additional necessary costs to remedy adverse subsurface conditions on a parcel that do not meet minimum compaction standards, with the total reimbursement amount not to exceed the purchase price paid for the parcel. The Director of Real Estate may adopt rules and regulations concerning such reimbursement, the necessary documentation and the time within which a claim for reimbursement must be submitted.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-40
Re: Fair Housing Enforcement Project -
Legal Aid of Western New York, Inc.

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement with Legal Aid of Western New York, Inc. for continuation of the Fair Housing Enforcement Project (FHEP) [note: Legal Aid of Western New York, Inc. now includes the non-profit agency formerly known as Monroe County Legal Assistance Corporation]; and
2. Appropriate \$44,540 from the 2004-05 Community Development Program-Improving Housing Stock and General Property Conditions allocation for Fair Housing Activities.

The maximum cost of this agreement will be \$43,000. The balance of the appropriation (\$1,540) will be used to fund the City's sponsorship of the 2005 FHEP Fair Housing Conference. The most recent appropriation and agreement was authorized by Council in May 2003.

Begun in January 1998, the FHEP addresses illegal housing discrimination throughout the Greater Rochester area through community outreach, investigation of complaints, and legal representation. Of these activities, outreach and education will be funded with the proposed agreement. Tasks include working with the public, community organizations, and housing service providers to increase awareness of Fair Housing issues and encourage compliance with State and Federal statutes.

The City's funding leverages approximately \$125,000 worth of *pro bono* services from the Advertising Council of Rochester (Ad Council). The Ad Council has provided services and been an active participant in the effort since 2001. During the current program year, a successful multimedia campaign was launched with the Ad Council's assistance. Project ads appear in 16 publications, among them: *About Time, Apartment Showcase, Catholic Courier, City Newspaper, Democrat and Chronicle, Renters Guide, Rochester Business Journal, and Rochester Women's Magazine*. Announcements have been placed on cable, radio and television networks.

FHEP activities funded through a HUD Fair Housing grant include responding to inquiries and legal representation for individual cases having merit, including enforcement actions taken in Federal Court and administrative actions through the NYS Division of Human Rights and HUD.

City funded activities undertaken during the 2004-05 program year included: the above referenced outreach and education media campaign; presentation of an annual Fair Housing Conference; 53 community presentations; and publication of *It's Your Right* newsletter.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-40
(Int. No. 49)

Authorizing An Agreement For Continuation Of The Fair Housing Enforcement Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Legal Aid of Western New York, Inc. for continuation of the Fair Housing Enforcement Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$43,000, and the sum of \$44,540, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program to fund the agreement and the 2005 Fair Housing Conference.

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. 2005-41
Re: Lease - 250 South Avenue

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement with Key Bank National Association for the continued use of the east half of the roof at the City-owned property at 250 South Avenue. Key Bank has an electronic message billboard at this location.

The previous five year lease will expire on March 31, 2005. The new lease agreement will have a term of five years at a rental rate of \$300 per month. Either party may elect to cancel the lease with 90 days written notice. Fifty percent of the electronic billboard messages will be used to promote not-for-profit/public service messages. The City will also be given priority in placing its electronic messages on the billboard.

The rental rate was established by an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-20

Ordinance No. 2005-41
(Int. No. 50)

Authorizing The Lease Of Space At 250 South Avenue

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Key Bank National Association for the lease of the east half of the roof at 250 South Avenue for an electronic message board for a term of five years, at a rental of \$300 per month. The lease shall provide that either party may elect to cancel with 90 days written notice. 50% of the messages shall be used to promote not-for-profit/public service messages. The City shall also be given priority in placing electronic messages on the board.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-8
Re: Appointment to Elevator Examining Board

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation for appointments to the Elevator Examining Board:

Appointments:

Peter J. Marullo 73 Rockway Drive Rochester, NY 14612	Joseph G. Kelly 78 Hillbridge Drive Rochester, NY 14612
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Mr. Marullo is employed by the Eastman Kodak Company and will fill the building owner representative vacancy on the board. He has 25 years experience in the elevator repair and maintenance industry. Mr. Marullo's term will expire on March 31, 2008. A copy of his resume is on file in the City Clerk's office.

Mr. Kelly will replace Richard Riedman, representative of the local elevator construction union, who resigned February 1, 2005. Mr. Kelly is a licensed elevator mechanic with 23 years experience in the elevator construction industry. Mr. Kelly will complete Mr. Riedman's term which will expire on December 31, 2005. A copy of his resume is on file in the City Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-8
(Int. No. 51)

Resolution Approving Appointments To The Elevator Examining Board

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

Section 1. The Council hereby approves the appointment of Peter J. Marullo, 73 Rockway Drive, to the Elevator Examining Board for a term which shall expire on March 31, 2008. Mr. Marullo shall serve as a representative of a building owner.

Section 2. The Council hereby further approves the appointment of Joseph G. Kelly, 78 Hillbridge Drive, to the Elevator Examining Board for a term which shall expire on December 31, 2005. Mr. Kelly shall replace Richard Riedman, who has resigned.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-42
Re: Amendment to City Code:
After-Hours Building Permit
Inspection Fees

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendment to Section 39-210 of the City Code to increase the hourly fee charged for building and electrical permit inspections.

After-hour inspection fees were last revised in 1997. A permit fee study conducted in March 2003 by the Bureau of Buildings and Zoning recommended that revisions of fees are appropriate given increases

in operating costs for the Bureau of Buildings and Zoning.

It is recommended that inspection fees be increased from \$30 to \$50 per hour for non-regular working hours. Also, a minimum of four hours would be charged if the inspector is called and has no other inspections during the four hours.

The new fees will take effect as of April 1, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-42
(Int. No. 52)

Amending Chapter 39 Of The Municipal Code, Building Code

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

Section 1. Section 39-210 of the Municipal Code, Performance of work under a building permit, as amended, is hereby further amended by amending Sub-Section I by deleting the rate of "\$30" per hour for inspections on Saturdays, Sundays, holidays or other than regular working hours and by inserting in its place the rate of "\$50" per hour.

Section 2. This ordinance shall take effect on April 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-43
Re: Historic Preservation Project

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Historic Preservation Training Tutorials and Historic Resources Survey Update Project. This legislation will:

1. Authorize the receipt and use of a \$14,616 grant from the New York State Office of Parks, Recreation and Historic Preservation; and
2. Authorize any other agreements with the New York State Office of Parks Recreation and Historic Preservation necessary for implementation of the program.

The City of Rochester was awarded \$14,616 to develop training tutorials and primers on preservation for use with board and commission members and for consultants. Training topics will include: architectural/urban design, traffic design and analysis, SEQR process, and preservation. The objective of these tutorials is to facilitate the goals of historic preservation. Also, the City's survey of historic resources will be updated to include eligible properties that have become 50 years old since 2000 when the last Historic Resources Survey was completed.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-43
(Int. No. 53, As Amended)

Authorizing An Application And Agreements For The Historic [Resources Survey Update] Preservation Project

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the State of New York Office of Parks, Recreation and Historic Preservation for funding for the Historic [Resources Survey Update] Preservation Project.

Section 2. There is hereby appropriated from funds to be received from the State of New York Office of Parks, Recreation and Historic Preservation the sum of \$14,616, or so much thereof as may be necessary, to fund the Historic [Resources Survey Update] Preservation Project.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Historic [Resources Survey Update] Preservation Project.

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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-44
Re: Housing Opportunities for Persons With AIDS Program

R2010: Campaign 3 - Health, Safety and Responsibility

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

1. Authorize an application and agreement with the U.S. Department of Housing and Urban Development for receipt and use of a grant of \$597,000;
2. Authorize agreements with the following organizations to provide housing assistance services, including long term rental subsidies, emergency rental and utility assistance, and transportation:

Organization	Amount	Number of Households
AIDS Rochester, Inc.	\$310,903	111
Catholic Charities, Inc.	200,174	70
Action for a Better Community	68,013	12

3. Appropriate \$17,910 to finance administrative

expenses.

The cost of the agreements are outlined in the 2004-05 Consolidated Community Development Action Plan as the HOPWA allocation. The 2004-05 HOPWA allocation is the same as the 2003-04 allocation.

The HOPWA program provides resources and incentives for meeting the housing needs of persons with AIDS and related diseases.

The Health Association, which previously received HOPWA funds, has merged with DePaul, and has determined that the HOPWA funded HIV/AIDS Resources and Treatment program does not fit in with the merged organization's mission. The activity, including staff and client caseload, has been transferred to Action for a Better Community (ABC). ABC currently operates an AIDS/HIV outreach program at its Action Front Center, and believes the combined operation will enhance services to clients.

In 1999, a review of the housing needs and available housing services for people with AIDS was conducted by the University of Rochester. Organizations that had received HOPWA funds in the past and other agencies that serve people with AIDS were surveyed. The review resulted in the recommendation that the annual grants to these organizations be continued. A copy of the report, which includes detailed program descriptions, is available for review in the Office of the City Clerk.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-21

Ordinance No. 2005-44
(Int. No. 70)

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
AIDS Rochester, Inc.	\$310,903
Catholic Charities, Inc.	200,174
Action for a Better Community	68,013

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$579,090, and said amount, and \$17,910 to fund administrative expenses, or so much thereof as may be necessary, is 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:

Ordinance No. 2005-45
Re: Amendment to Appraisal Contract

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with independent real estate appraiser, Robert G. Pogel. The amount of the agreement will be increased by \$3,500, from \$9,500 to \$13,000. This increase is required to cover additional costs incurred for appraisal reports that were prepared for the development parcels at the Port of Rochester. The agreement will be funded from the 2004-05 Budget of the Department of Community Development.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-45
(Int. No. 82)

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

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

Section 1. The sum of \$3,500, 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 Robert G. Pogel for appraisal services for development parcels at the Port of Rochester. Said amount shall be funded from the 2004-05 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. 2005-46
Re: Lead Poisoning Prevention Code
Amendments - EIS Consultant

R2010: Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement, amending the budget, and appropriating funds in relation to hiring a consultant to prepare the environmental impact statement (EIS) required in conjunction with the consideration of amendments to the Municipal Code for the prevention of lead poisoning. This legislation will:

1. Authorize an agreement with Ecology and Environment, Inc., 368 Pleasant View Drive, Lancaster, New York in an amount not to exceed

\$110,000;

2. Amend the 2004-05 Budget of the Department of Community Development by transferring the sum of \$50,000 from Contingency to fund a portion of the agreement; and
3. Re-appropriate \$60,000 from the 2000-01 City Development Fund (Rehab of Investment Properties) to fund a portion of the agreement.

Pursuant to the terms of our Lead Agency Agreement authorized by Ordinance No. 2004-15, I have been established as the Lead Agency for the environmental review of proposed legislation to prevent lead poisoning (Introductories 20 & 21). In that role, I have determined that the enactment of such legislation may have significant adverse environmental impacts and on February 7, 2005 a Notice of Intent to Prepare a Draft EIS was issued. A copy of that determination has been filed with the City Clerk.

Given the complexity of the analyses which must be undertaken as part of the EIS, I am proposing that the services of a qualified consultant be utilized to prepare the EIS. A copy of the draft EIS scope and schedule is attached. The Department of Community Development conducted a search for a consultant; proposals were received from three qualified firms, with costs ranging from \$110,000 to \$240,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-22

Ordinance No. 2005-46
(Int. No. 85)

Establishing Maximum Compensation For A Professional Services Agreement For A Lead Poisoning EIS And Amending The 2004-05 Budget And The 2000-01 City Development Fund

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

Section 1. The sum of \$110,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Ecology and Environment, Inc. for the preparation of an environmental impact statement required in conjunction with amendments to the Municipal Code concerning the prevention of lead poisoning. Of said amount, \$50,000 shall be funded from the 2004-05 Budget of the Department of Community Development and \$60,000 is hereby reappropriated from the 2000-01 City Development Fund.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Account to the Department of Community Development to fund the agreement authorized herein.

Section 3. The 2000-01 City Development Fund, as approved by Ordinance No. 2000-176, is hereby amended by transferring the sum of \$60,000 from the Rehab of Investment Properties Account to a new account for the preparation of an environmental impact statement required in conjunction with amendments to the Municipal Code concerning the prevention of lead poisoning.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-47
Re: La Marketa Development Project -
Property Sale

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted for your approval is legislation approving the sale of City-owned property located at 810-840 North Clinton Avenue, 7-11 Sullivan Street and 6-8 Hoeltzer Street, to Buckingham Properties LLC, 1 South Washington Street, Suite 200, Rochester, New York 14614, for \$1.00 for the purpose of redeveloping the property into a commercial retail center. These properties comprise an approximately 1.5 acre development site and are included in the La Marketa North Clinton Avenue Urban Renewal District. The sale is subject to finance commitments.

Buckingham Properties LLC, will develop and construct an approximately 20,000 square foot internationally themed commercial retail center with parking. The commercial retail center will act as a catalyst for the subsequent redevelopment of the North Clinton Avenue corridor between Upper Falls Shopping Center and Hickey-Freeman Co.

The total project cost is estimated at \$2 million with the following breakdown of uses and sources of funds:

<u>Uses</u>	
Hard Costs	\$1,795,698
Soft Costs	240,145
Total	<u>\$2,035,843</u>
 <u>Sources</u>	
Developer Equity	\$ 200,000
City Commercial Loan Fund	500,000*
Construction Loan	<u>1,335,843</u>
Total	<u>\$2,035,843</u>

*The existing CDBG program administered by the Department of Economic Development.

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

This project is consistent with plans for the La Marketa North Clinton Avenue Urban Renewal Plan and is endorsed by Sectors 9 and 10.

It is anticipated that the proposed redevelopment of 810-840 North Clinton Avenue, 7-11 Sullivan Street and 6-8 Hoeltzer Street, will create 20 full-time jobs. It is anticipated that construction will start in September of 2005 and be completed in May of 2006.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-47
(Int. No. 83)

Authorizing The Sale Of 810-840 North Clinton Avenue, 7-11 Sullivan Street And 6-8 Hoeltzer Street To Further The La Marketa North Clinton Avenue Urban Renewal Plan

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

Section 1. The Council hereby approves the sale of 810-840 North Clinton Avenue, SBL #106.390-1-77, 78, 79, 80, 81, 82 & 84; 7-11 Sullivan Street, SBL # 106.390-1-2 & 3; and 6-8 Hoeltzer Street, SBL #106-390-1-75 & 74, to Buckingham Properties LLC for the sum of \$1.00, to further the objectives of the La Marketa North Clinton Avenue Urban Renewal Plan.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
March 15, 2005

To the Council:

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

Int. No. 54 - Establishing Maximum Compensation For A Professional Services Agreement For A History Of The Public Market

Int. No. 56 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2004-05 Budget

Int. No. 57 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Wordcrafter Program

Int. No. 58 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Adult Softball Program And Amending The 2004-05 Budget

The Following entitled legislation is being held in Committee:

Int. No. 55 - Authorizing An Agreement For A Human Services Project

Int. No. 81 - Establishing Maximum Compensation For A Professional Services Agreement With Monroe Community College For The AmeriCorps Programs

Respectfully submitted,
Tim O. Mains
William F. Pritchard
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-48
Re: Agreement - Rochester Public Market
Centennial

R2010: Campaign 7 - Quality Service
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Nancy Rosin, 488 Harrogate Drive, Rochester, New York 14625, to produce a print-ready, approximately 64 page history of the Public Market at a maximum cost of \$11,000. Funds for this agreement are included in the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

The Public Market Centennial Celebration will be held on June 4 and 5, 2005. As part of the celebration, the history of the Market will be unveiled. Ms. Rosin has already conducted done extensive research related to the Market and in 2001 produced a pictorial calendar highlighting the Market's history.

The agreement includes all necessary research, editing, photo selection and proofreading as well as the purchase of all necessary photo images. It is anticipated that a draft will be ready for review by City staff before mid-April 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-48
(Int. No. 54)

Establishing Maximum Compensation For A Professional Services Agreement For A History Of The Public Market

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

Section 1. The sum of \$11,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Nancy Rosin for a history of the Public Market. Said amount shall be funded from the 2004-05 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. 2005-49
Re: Clarissa Street Reunion

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Health Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the production of the Clarissa Street Reunion. This legislation will:

- 1. Authorize agreements with the NYS Department

of State, for the receipt of a grant up to \$10,000, and the Clarissa Street Reunion committee for use of these funds; and

- 2. Amend the 2004-05 Budget of the Department of Parks, Recreation and Human Services to reflect the receipt of the grant.

The Clarissa Street Reunion has taken place annually for the past ten years. This nostalgic reunion combines families, friends, food, and festivities in a one-day extravaganza. Parades, food, and music on three stages spread along the festival's six blocks attract thousands of people, including former residents, back to the old neighborhood.

The \$10,000 grant was included in the 2004-05 NYS Budget through the efforts of Assemblyman Gantt.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-49
(Int. No. 56)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2004-05 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for funding for the Clarissa Street Reunion.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Clarissa Street Reunion Committee for the Clarissa Street Reunion.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$10,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 4. Ordinance No. 2004-162, the 2004-05 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. 2005-50
Re: Amendatory Agreement - Writers
and Books

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation

authorizing an amendatory agreement with Writers and Books, 740 University Avenue, Rochester, New York 14607 for an additional \$1,220 for the Wordcrafter Program.

This will allow the program to be expanded to include 12 additional sessions at the School #28 RASA program.

The current agreement was approved by Council in November 2004 (Ordinance No. 2004-370).

Funds for this agreement are available in the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-50
(Int. No. 57)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Wordcrafter Program

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

Section 1. The sum of \$1,220, 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 Writers & Books, Inc. for the continuation of the City's Wordcrafter Program. Said amount shall be funded from the 2004-05 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. 2005-51
Re: Amendatory Agreement - Brooklyn Sports Management

R2010: Campaign 4 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Brooklyn Sports Management to manage the City's adult softball program. The legislation will:

1. Increase the total compensation payable to Brooklyn Sports Management by \$10,000 to \$155,000; and
2. Amend the 2004-05 Budget of the Department of Parks, Recreation and Human Services to reflect the increased expense and revenue.

The number of teams registered is expected to again exceed the maximum allowable in the original ordinance (Ordinance No. 2004-11). This increase will allow for an additional 15 teams in the program (255 versus 240). The additional cost represents a \$280 per team payment to the contractor (\$4,200) plus additional reimbursable expenses, as follows: umpires (\$3,528), equipment (\$170), turf maintenance (\$2,102).

Revenues from team registration fees will finance all costs of this amendment.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-51
(Int. No. 58)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Adult Softball Program And Amending The 2004-05 Budget

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Brooklyn Sports Management for the continued operation of the adult recreational softball program. Said amount shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services.

Section 2. Ordinance No. 2004-162, the 2004-05 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 increased revenues from the adult recreational softball program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-52
Re: Agreement - Monroe Community College, AmeriCorps Program

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe Community College, as agent for the Rochester AmeriCorps Collaborative, for continued financial support of the AmeriCorps Program. The maximum cost of this agreement will be \$55,250, which will be financed from the 2004-05 Undistributed Fund.

The AmeriCorps program is a federal community service initiative for individuals aged 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, City School District, Rochester Area Community Foundation, Rochester Police Department, Empire State College, The Center for Youth Services, and the Urban League of Rochester, as well as the City of Rochester and Monroe Community College. Local cost-sharing budgeted at \$144,477 in non-federal cash and \$63,058 in in-kind contributions leverages \$409,200 in federal funds.

Under the program, participants perform a minimum

of 1,700 hours of community service in exchange for a stipend or living allowance of \$10,197 per year, health insurance, a child care subsidy (if eligible), and an educational award of \$4,725. In Rochester, the community services are directed toward improving the reality and perception of public safety in neighborhoods of highest need, with particular emphasis on initiatives involving children and youth. Over 850 individuals have participated in the program since its inception in 1994. Of this number, approximately 700 successfully fulfilled program requirements and earned education awards.

Because of budget restrictions at the Federal level, the program is able to enroll only 33 individuals this year. Thirteen of these members have been placed in City programs: two at a Neighborhood Empowerment Team (NET) office, three with the Rochester Police Department (RPD), one with Teen Court, and seven in City recreation programs. Objectives include supporting residents' involvement in initiatives addressing public safety and quality of life issues in their neighborhoods, providing children and youth with prevention and intervention services, and engaging children and youth in positive developmental and community service activities. This year's placements include:

Neighborhood Empowerment Team: The members' duties include assisting with surveys and other communications processes, attending community meetings, strengthening new and existing block clubs, and assisting with special projects, particularly at John Marshall High School and neighborhood elementary schools.

Rochester Police Department: Members' duties include coordinating the "Do the Right Thing" program and enhancing the activities of the Victim Assistance Unit by assisting with crisis intervention, short-term counseling and referral, court advocacy, and filing requirements.

Department of Parks and Recreation: Members' duties include providing support to five City recreation centers by conducting daily recreation programs. Two members are placed in city-wide positions to develop training and activities for youth councils, provide assistance to council advisors, assist with the young entrepreneurs program, involve youth council members in television programming, and promote youth involvement in NBN and Rochester 2010 activities.

The proposed City contribution will fund 13 AmeriCorps members in the above placements. The term of the agreement will be from September 13, 2004 through August 28, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-23

Councilmember Stevenson moved to discharge Int. No. 81 from committee.

The motion was seconded by Councilmember Douglas.

The motion was adopted by the following votes:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Prichard, Santiago, Stevenson - 8

Nays - 0.

Councilmember Mains abstained vote because School No. 50, of which he is Principal, uses AmeriCorps Program.

Ordinance No. 2005-52
(Int. No. 81)

Establishing 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 \$55,250, 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 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Prichard, Santiago, Stevenson - 8

Nays - 0.

Councilmember Mains abstained vote because School No. 50, of which he is Principal, uses AmeriCorps Program.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 55
Re: Agreement - Human Services Project

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation authorizing an agreement for the Rochester Fatherhood Resource Initiative to administer the Dubois Urban Youth Training Program at a maximum cost of \$40,000.

The DuBois Urban Youth Training Program is in the fourth year of CDBG funding. It 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 City Council in June 1981. The most recent agreement for these services was authorized in February 2004.

The cost of the agreement will be financed from the General Community Needs allocation of the 2004-05 Community Development Block Grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 55

AUTHORIZING AN AGREEMENT FOR A HUMAN SERVICES 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 following organization for a Human Services Project in an amount not to exceed the following:

Organization: Rochester Fatherhood Resource Initiative
Project: DuBoois Urban Youth Training Program
Amount: \$40,000

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Item Held.

By Councilmember Stevenson
March 15, 2005

To the Council:

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

Int. No. 59 - Amending Bond ordinance No. 2003-100 With Respect To The St. Paul Street Gateway Improvements Project

Int. No. 60 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$437,000 Bonds Of Said City To Finance The Cost Of The Verona And Troup Street Park Improvement Projects And The 2005 Court Rehabilitation Program

Int. No. 71 - Appropriating Funds For The Chile Avenue Improvement Project And Amending Bond Ordinances No. 2003-148 And 2004-110

Int. No. 72 - Establishing Maximum Compensation For A Professional Services Agreement For Manhattan Square Park Public Art

Int. No. 73 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Phase I Improvements To Manhattan Square Park

Int. No. 74 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Interpretive Signage Project And Amending The 2004-05 Budget

Int. No. 80 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,421,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Street Improvement Program

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

Int. No. 61 - Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2005-06

Int. No. 62 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Services For 10 Felix Street

Int. No. 63 - Approving A Change In Traffic Flow On Thomas Street, From Clifford Avenue To Upper Falls Boulevard, From Two-Way To One-Way Southbound

Int. No. 64 - Rescinding A Change In Traffic Flow On Stillson Street, From Main Street To Achilles Street, And Returning To Two-Way

Int. No. 65 - Local Improvement Ordinance - Snow Removal At The Public Market

Int. No. 66 - Local Improvement Ordinance - Security At The Public Market

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-53
Re: St. Paul Street (Ward Street - Bausch Street) Gateway Improvements

R2010: Campaign 7 - Quality Service
Campaign 10 -Center City

Transmitted herewith for your approval is legislation which will amend the bond authorization appropriated in Ordinance No. 2003-100 on April 8, 2003 to revise the project limits for the St. Paul Street Gateway Improvement Project which originally were from Ward Street to Bausch Street; the new limits will be from East Main Street to Bausch Street.

The additional segment of St. Paul Street between Bittner Street and East Main Street will receive enhanced treatments to the street lighting to improve this important arterial gateway street into the Center City. This treatment will enhance the streetscape for pedestrian use and augment the potential of economic redevelopment and growth within this area.

The work will be done in conjunction with the milling and resurfacing of the pavement planned for this summer and is to be completed by the fall of 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-53
(Int. No. 59, As Amended)

Amending Bond Ordinance No. 2003-100 With Respect To The St. Paul Street Gateway Improvements Project

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

Section 1. Ordinance No. 2003-100, a bond ordinance in the amount of \$200,000 to finance the cost of street construction as a part of the St. Paul Street Gateway Improvements Project, is hereby amended by extending the southerly limit for said Project from Ward Street to East Main Street.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-54
Re: Bond - Park/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 authorizing the issuance of bonds totaling \$437,000 and appropriating the proceeds thereof to finance the cost of improvements to Verona and Troup Street Parks and court rehabilitation city-wide.

The Verona Street Park Project will include demolition of existing tennis/basketball courts, construction of a full basketball court, and landscaping improvements with benches and trash receptacles. The project design has been finalized, and the cost will be \$117,000. Work will commence this spring and be completed by early summer, 2005.

The cost of improvements to the Troup Street Park will be \$250,000. This park is in a design program administered by the DES/Bureau of Architecture and Engineering. That design program currently includes the demolition of existing pavement and installation of new play equipment, basketball court, tennis court, trash receptacles, ball playing field, perimeter pathway with exercise circuit, picnic tables, and grills. Work will commence later this year and be completed by late fall, 2005.

The remainder of the funds, \$70,000 will be utilized for the City's annual Court Rehabilitation Program.

The issuance of these bonds was planned for in the 2004-05 Debt Authorization Plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-54
(Int. No. 60)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$437,000 Bonds Of Said City To Finance The Cost Of The Verona

And Troup Street Park Improvement Projects And The 2005 Court Rehabilitation 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 improvements to Verona and Troup Street Parks and the 2005 Court Rehabilitation Program within the City (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$437,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$437,000 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 \$437,000 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 \$437,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

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

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, 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, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-55
Re: Chili Avenue Improvement Project
(Canal Bridge to W. Main Street)

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Chili Avenue Improvement Project. This legislation will:

1. Appropriate \$275,822 from anticipated reimbursements from the State of New York to finance railroad underpass, safety, lighting and other improvements;
2. Amend Ordinance No. 2003-148 to reduce the bond authorization and appropriation from a total of \$575,000 to a total of \$299,178; and,
3. Amend Ordinance No. 2004-110 to increase the bond authorization and appropriation by \$275,000, from a total of \$2,887,000 to \$3,162,000, to finance 2003-04 Street Improvements.

The New York State Fiscal Year 1994/1995 Budget

contained a Legislative Initiative item that provided \$600,000 for railroad underpass, safety, and other improvements on the Buffalo Road/West Avenue project; \$324,178 of these funds were used. The State Fiscal Year 2004/2005 Budget includes a Legislative Initiative item that broadens the application of a 1995 item to allow the remaining \$275,822 to be used to finance similar improvements included in the Chili Avenue Improvement Project. The funds will be applied to street improvements and enhancement costs initially financed by City Street Improvement bonds authorized on May 13, 2003, by Ordinance No. 2003-148.

The reduction in City debt funding for the Chili Avenue Improvement Projects will allow financing of other street improvements throughout the city. An increase of \$275,000 in bonds and appropriations authorized on April 20, 2004 will finance additional major street maintenance treatments, including asphalt milling, and resurfacing.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-55
(Int. No. 71)

Appropriating Funds For The Chili Avenue Improvement Project And Amending Bond Ordinances No. 2003-148 And 2004-110

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

Section 1. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$275,822, or so much thereof as may be necessary, to finance the Chili Avenue Improvement Project (Canal Bridge to West Main Street).

Section 2. Ordinance No. 2003-148, a bond ordinance in the amount of \$575,000 to finance the cost of street construction as a part of the Chili Avenue Improvement Project, is hereby amended by reducing the amount appropriated from the issuance of bonds by the sum of \$275,822, which amount is replaced by the application of funds from the State of New York appropriated in Section 1. Ordinance No. 2003-148 is hereby further amended by authorizing street reconstruction as a part of the 2004 Street Improvement Program to be added as an additional purpose and by reappropriating \$275,000 from the issuance of bonds to fund this purpose in addition to the sum of \$2,887,000 appropriated in Bond Ordinance No. 2004-110, thereby bring the total estimated cost of said purpose to \$3,162,000.

Section 3. Ordinance No. 2004-110, a bond ordinance in the amount of \$2,887,000 to finance the cost of street reconstruction as a part of the 2004 Street Improvement Program, is hereby amended by increasing the total estimated cost of said purpose from \$2,887,000 to \$3,162,000, which increase of \$275,000 shall be funded from the reappropriation of funds from Bond Ordinance No. 2003-148 made in Section 2.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-56 And
Ordinance No. 2005-57
Re: Manhattan Square Park
Improvements Phase One

R2010: Campaign 10 - Center City
Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation authorizing 1) an agreement with Son Arc, Inc., of New York City, and 2) authorizing the issuance of \$150,000 in bonds and the appropriation of the proceeds thereof to finance the agreement. Son Arc will provide unique experiential play equipment as part of the Manhattan Square Park Improvement project.

Manhattan Square Park, constructed in 1971 as part of the Southeast Loop Urban Renewal project, requires major infrastructure improvements to better accommodate park uses. A Concept Plan for Revitalization of Manhattan Square Park was completed in 2002, contemporaneously with the design of the Strong Museum expansion.

In June 2003, City Council authorized an agreement with Dufresne Henry for design services for the first phase of recommended improvements, including renovation of the children's play area, temporary reactivation of the fountain, and safety improvements to the electrical system. The Dufresne Henry design team includes Son Arc Inc., a sculptor specializing in public art. Son Arc Inc. is recommended to provide the play sculptures, which are designed as elements of the renovation of the play area. The bonds were planned for as part of the 2003-04 Capital Improvement Plan.

It is anticipated that the installation of the play sculptures will start in the summer of 2005 and be coordinated with the construction of overall play area improvements.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AE-28

Ordinance No. 2005-56
(Int. No. 72)

Establishing Maximum Compensation For A Professional Services Agreement For Manhattan Square Park Public Art

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 Son Arc, Inc., for public art for Manhattan Square Park. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-57
(Int. No. 73)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$150,000 Bonds Of Said City To Finance The Cost Of Phase I Improvements To Manhattan Square Park

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 Phase I Improvements to Manhattan Square Park within the City (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$150,000 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 \$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 11.00 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, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-58
Re: High Falls Interpretive Signage Project

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation related to the design and installation of outdoor interpretive signage in the High Falls Heritage Area. The legislation will:

- 1. Authorize an agreement with Winterman Ink, of 595 Blossom Road, Rochester, for design services for interpretive signs within the High Falls Heritage Area, in an amount not to exceed \$35,000;
- 2. Appropriate \$30,000 from anticipated reimbursements from the State (NYS Clean Air/Clean Water Bond Act Grant) to partially finance the cost of the signage; and

- 3. Amend the Cash Capital allocation of the 2004-05 Budget to include the above mentioned grant.

This project will include design and installation of outdoor interpretive signs at extant historic views and features which are unique to the Brown's Race Historic District. The signage will coordinate with existing interpretive signs at Triphammer Forge Park and at the RG&E Rackhouse.

The agreement with NYS Department of Parks, Recreation and Historic Preservation for the funding of the design, fabrication and installation of interpretive signs for High Falls was approved by City Council in August 2001.

The cost of the project, is estimated to be \$60,000; \$35,000 for design and \$25,000 for fabrication and installation. Funding will be provided from the NYS grant (\$30,000) and 1999-2000 Cash Capital (\$30,000).

Proposals were solicited from four firms; two were received and reviewed. Winterman Ink is recommended because of the firm's qualifications and ability to perform the services within the period specified by the City. The cost of the agreement, at a maximum cost of \$35,000, will be financed from the New York State grant (\$30,000) and the 1999-00 Cash Capital Allocation (\$5,000).

It is anticipated that design would be completed in summer 2005 and that fabrication and installation would begin in the fall 2005 and be completed in spring 2006.

Respectfully submitted,
William A. Johnson Jr.,
Mayor

Attachment No. AE-29

Ordinance No. 2005-58
(Int. No. 74)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Interpretive Signage Project And Amending The 2004-05 Budget

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Winterman Ink for design services for interpretive signage within the High Falls Heritage Area. Of said amount, \$30,000 shall be funded from the 2004-05 Cash Capital Allocation and \$5,000 shall be funded from the 1999-2000 Cash Capital Allocation.

Section 2. Ordinance No. 2004-162, the 2004-05 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 \$30,000, which amount is hereby appropriated from New York State Clean Air/Clean Water Bond Act Funds for interpretive signage within the High Falls Heritage Area.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-59
Re: Bonds - Street Improvement Program

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$4,421,000 and appropriating the proceeds thereof to finance portions of the Street Improvement Program.

This year's program provides for the resurfacing of approximately 11.88 miles of streets, the rehabilitation or reconstruction of approximately 0.4 miles of residential streets, the replacement of curbs of approximately 3.4 miles of residential streets, and other related improvements.

The scope and cost of sewer and water improvements associated with planned street improvements have been less than expected. As a result, previously approved sewer and water funds are sufficient to cover the cost of current projects. Therefore, bonding for water improvements is being deferred and the 2004-05 allocation of \$299,000 for sewers is being reallocated to street purposes.

The request for \$4,421,000 of street improvement bonding is consistent with the following Capital Improvement Plans: \$1,949,000 available in the 2004-05 Capital Improvement Program (CIP), \$2,200,000 reprogrammed from the 2004-05 Capital Improvement Program (CIP) and \$272,000 available in the 2003-04 Capital Improvement Program (CIP).

The resurfacing, rehabilitation or reconstruction, and curb replacement street projects included in the Street Improvement Program are shown in Attachment A.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment AE-30

Ordinance No. 2005-59
(Int. No. 80)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$4,421,000 Bonds Of Said City To Finance The Reconstruction Of Certain Streets Related To The Street Improvement Program

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain streets related to the 2005 Street Improvement Program in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,421,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,221,000 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 \$4,421,000 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 \$4,421,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 20. of the Law, is fifteen (15) years.

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

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

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

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

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1538
Re: Care and Embellishment of Malls

- R2010: Campaign 1 - Involved Citizens
- Campaign 2 - Health, Safety and Responsibility
- Campaign 3 - Environmental Stewardship
- Campaign 4 - Quality Service

Transmitted herewith for your approval is legislation authorizing assessments for the care and embellishment of street malls during 2006 and appropriating the associated costs of \$76,525 among the benefitted properties.

The annual care and embellishment program provides for the maintenance of 24 street malls, by either the Department of Parks, Recreation and Human Services or by street and neighborhood associations. Minimum standards of maintenance are established by the department and the appropriate street associations are offered the opportunity to assume responsibility for this maintenance.

An association may augment or enhance the level of care, subject to the willingness of the property owners to pay the additional costs. All maintenance is monitored by the department.

The maintenance costs are apportioned among the benefitted properties on the basis of the specified unit charges for each area. Charges are included on the annual tax bill and are payable in July. Until these payments are received, the department advances the necessary funds to the street associations.

In 2005, 12 malls were maintained by the department and 12 malls were maintained by street or neighborhood associations. The total authorized costs were \$31,500 and \$46,797 respectively. In 2006, the department will be responsible for the maintenance of 12 malls at a total cost of \$32,200. Street associations will be responsible for the maintenance of 12 malls at a total cost of \$44,325.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-24

Local Improvement Ordinance No. 1538
(Int. No. 61)

Local Improvement Ordinance - Care And Embellishment Of Various Neighborhood Street Malls For 2005-06

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 2005-06:

Boulevard Parkway	\$ 1,881.00
Burke Terrace	416.00
Carthage Drive	521.00
Central Park	4,708.00
Elmwood Mall	2,928.00
Glendale Park	1,568.00
Knickerbocker Avenue	1,568.00
Nye Park	1,673.00
Raines Park	1,045.00
Seneca Parkway	11,292.00
Sumner Park	2,719.00
Werner Park	1,881.00
	<u>\$32,200.00</u>

- b. The care and embellishment of the following streets hereinafter referred to as "Group II" during 2005-06:

Arnold Park	\$ 3,180.00
Hazelwood Terrace	1,460.00
Highland Parkway	1,100.00
Hillside Avenue	2,144.00
Huntington Park	3,520.00
Lafayette Park	5,084.00
Lakeview Park	4,800.00
Nunda Boulevard	6,155.00
Oxford Street	9,532.00
Portsmouth Terrace	2,000.00
Rundel Park	1,928.00
Sibley Place	3,422.00
	<u>\$44,325.00</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, 2005.

Section 4. The total cost of such improvements and work, estimated at \$76,525.00, 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 imprac-

ticable 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, Councilmember Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-60
Re: Agreement - LaBella Associates,
P.C., Environmental Cleanup,
New Operations Center for Bureau
of Water & Lighting

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with LaBella Associates, P.C., 300 State Street, for environmental cleanup and restoration services for contaminated City-owned property at 10 Felix Street (hereinafter referred to as the "Site"). The maximum cost of this agreement, \$940,000, will be financed from a Bond Ordinance previously authorized by Council (Ordinance No. 2004-401) in December.

As you are aware, the Department of Environmental Services is in the process of developing a site plan for the use of the Site for the new Operations Center for the Bureau of Water and Lighting. The redevelopment will include the demolition of all existing buildings; the construction of new buildings and storage facilities; and other improvements beginning in 2005. Portions of the Site had been used for the City's Department of Public Works facility from the early 1900's through the 1980's. That facility formerly contained several vehicle repair and maintenance garages, machine shops, collision and paint shops, a gasoline refueling facility, aboveground and underground storage tanks, and equipment and material storage buildings.

The City has completed environmental investigations and performed several targeted cleanup projects at the Site. An interim cleanup of the old gasoline refueling station on the northern portion of the Site was completed in 2002. In 2004, an investigation by LaBella identified a large area, or plume, of primarily petroleum contamination located in the central portion of the Site. The plume is approximately 26,000 square feet and may contain approximately 14,500 tons of contaminated soil, the majority of which exceeds NY State Department of Environmental Conservation soil cleanup objectives. Groundwater within the plume contains contaminants that exceed State standards. The sources of the contamination include former underground storage tanks, releases from underground utilities, and suspected spills and releases from former operations. The plume is located under several existing buildings, and also under the proposed footprint of several buildings associated with the new Operations Center.

In January 2005 LaBella developed an environmental Corrective Action Plan (CAP) which specifies measures needed to address the source of the plume, to decontaminate subsurface structures which will be encountered during demolition, to remediate groundwater contamination, and to construct engineering controls to mitigate odors and vapors. The CAP Work Plan has been submitted to the NYSDEC and the Monroe County Department of Health for review and approval. The CAP Work Plan will include the following elements:

- A source removal plan for the excavation and off-site disposal of approximately 10,000 tons of contaminated soil and several thousand gallons of groundwater.
- A Health and Safety Plan which will specify procedures to be used to protect workers from potential environmental hazards during the cleanup.
- A Community Air Monitoring Program which will specify procedures for monitoring for vapors, dust, and particulates during intrusive activities.
- Design of environmental engineering controls including a vapor barrier and subslab venting systems to mitigate vapors and odors from entering any newly constructed buildings.
- Design and implementation of a groundwater remediation system, including long-term monitoring, operation, and maintenance plans.

Development of the cleanup plan has been coordinated with redevelopment plans to increase efficiency and effectiveness of the cleanup. Meetings with the NYSDEC and the Monroe County Department of Health have been underway for several months, and both agencies are generally supportive of the proposed cleanup approach.

LaBella developed a detailed proposal dated January 31, 2005 to implement the CAP at an estimated cost of \$778,100, which includes retaining disposal facilities (e.g., landfills). Due to the large scale and complexity of the project, a contingency in the amount of \$161,900 (approximately 20%) is being added.

LaBella has been selected for this project on the merit of its proposed technical approach, reasonableness of costs, and its ability to coordinate and complete the remedial activities in accordance with the complex redevelopment schedule.

The cleanup project is expected to begin in April 2005; initial cleanup activities are expected to require three to five months. Engineering controls will be installed as part of the new construction of the buildings, and groundwater remediation is expected to require at least two years of operation and monitoring.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-25

Ordinance No. 2005-60
(Int. No. 62)

**Establishing Maximum Compensation For A
Professional Services Agreement For Environmen-**

tal Cleanup Services For 10 Felix Street

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

Section 1. The sum of \$940,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C., for environmental cleanup and restoration services for the City-owned property at 10 Felix Street. Said amount shall be funded from Bond Ordinance No. 2004-401.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2005-61 And
Ordinance No. 2005-62

Re: Authorize Thomas Street One-Way
and Rescind Stillson Street One-Way
(Amending Ordinance No. 2004-25)

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to street directional changes. This legislation:

1. Authorizes a change in the direction of traffic flow on Thomas Street (Clifford to Upper Falls Boulevard) from two-way to one-way southbound (see attached map), and
2. Rescinds that portion of Ordinance No. 2004-25 which authorized a change in direction of traffic flow on Stillson Street (Main Street to Achilles Street) from two-way to one-way north bound, thereby keeping Stillson Street a two-way street.

The Thomas Street one-way is being requested by the Monroe County Department of Transportation to address a high accident location at Thomas Street and Clifford Avenue. The one-way Thomas Street will reduce the number of conflicting turn movements at this intersection. A community meeting was held on January 18, 2005 and minutes of the meeting are attached. The City's Traffic Control Board endorsed the Thomas Street one-way at its February 1, 2005 meeting.

In January 2004, Council approved Ordinance No. 2004-25 which, among other actions, authorized making Stillson Street one-way north bound between Main Street and Achilles Street. This action was necessitated by a street abandonment of Stillson Street between Achilles Street and Chestnut Street to the north to accommodate a development by Triangle Building Associates (a subsidiary of Flaum Management). Since the conditions of abandonment were never met, Stillson Street should remain a two-way street.

A public hearing is required on both street direction changes.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-26

Ordinance No. 2005-61
(Int. No. 63)

Approving A Change In Traffic Flow On Thomas Street, From Clifford Avenue To Upper Falls Boulevard, From Two-Way To One-Way Southbound

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 Thomas Street, between Clifford Avenue and Upper Falls Boulevard, from two-way to one-way southbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-62
(Int. No. 64)

Rescinding A Change In Traffic Flow On Stillson Street, From Main Street To Achilles Street, And Returning To Two-Way Traffic

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

Section 1. The Council hereby rescinds Ordinance No. 2004-25, which approved a change in direction of the traffic flow on Stillson Street, between Main Street and Achilles Street, from two-way to one-way northbound, and approves a return to two-way traffic.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Local Improvement Ordinance No. 1539 And
Local Improvement Ordinance No. 1540

Re: Public Market Snow Removal and
Security Services

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

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 and security districts were established by City Council in 1990 and 1991, respectively. 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) a fee per frontage 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 2005-06 for snow removal services, the fixed fee will be \$100 per property while the footage fee will be \$1.62 per foot. The total amount of assessment will be \$4,493, which is \$1,197 less than the 2004-05 amount.

	Approved 2004-2005	Proposed 2005-2006
Fixed Fee	\$ 100.00	\$ 100.00
Number of Properties	18	18
Fixed Fee Total	\$1,800.00	\$1,800.00
Footage Fee	\$ 2.34	\$
1.62		
Footage	1,662.34	1,662.34
Footage Fee Total	\$3,889.88	\$2,692.99
Total Assessment	\$5,689.88	\$4,492.99
Less City Portion	(772.85)	(625.16)
Adjusted Assessment	\$4,917.03	\$3,867.83

For security services in 2005-06, the fixed fee will be \$990 per property, and the front footage fee will be \$5.09 per foot. The total amount of the assessment will be \$26,281, which is the same as the 2004-05 amount.

	Approved 2004-2005	Proposed 2005-2006
Fixed Fee	\$ 990.00	\$
990.00		
Number of Properties	18	18
Fixed Fee Total	\$17,820.00	\$17,820.00
Footage Fee	\$ 5.09	\$
5.09		
Footage	1,662.34	
Footage Fee Total	\$ 8,461.31	\$ 8,461.31
Total Assessment	\$26,281.31	\$26,281.31
Less City Portion	(4,012.53)	(4,012.53)
Adjusted Assessment	\$22,268.78	\$22,268.78

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-27

Local Improvement Ordinance No. 1539
(Int. No. 65)

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, 2005 to June 30, 2006.

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 2005-06 year shall be \$4,492.99. The amount to be assessed against each parcel shall include a fee of one hundred dollars (\$100.) per parcel plus one dollar and sixty-two cents (\$1.62) 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 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 Avenue 106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The 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, 2005 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Local Improvement Ordinance No. 1540
(Int. No. 66)

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, 2005 to June 30, 2006.

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 2005-06 year shall be \$26,281.31. 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 (\$.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 Avenue	

106.590-0003-005.1	81.50
35 Pennsylvania Avenue 106.590.0003-002.1	120
16-18 Public Market 106.590-0003-001	40
25 Pennsylvania Avenue 106.580-0003-026	40
17-23 Pennsylvania Avenue 106.580-0003-027	40
15 Pennsylvania Avenue 106.580-0003-028	40
11 Pennsylvania Avenue 106.580-0003-029	19.57
9 Pennsylvania Avenue 106.580-0003-030	128.24

Section 3. The security services shall be provided by competitive contract. The special assessments levied hereunder shall be paid into the Public Market Enterprise Fund. The cost of providing such services shall be paid from the Public Market Enterprise Fund and the amounts assessed herein are hereby appropriated for that purpose.

Section 4. The assessments shall be billed on the tax bill issued on July 1, 2005 and shall be due in one installment.

Section 5. This ordinance shall take effect on July 1, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

By Councilmember Douglas
March 15, 2005

To the Council:

The Finance & Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 67 - Cancellation Of Taxes And Charges

Int. No. 68 - Amending The 2004-05 Budget By Appropriating Forfeiture Funds

Int. No. 69 - Amending The 2004-05 Budget With Respect To Emergency Medical Training Funds

Int. No. 75 - Amending The 2004-05 Budget With Respect To The Emergency Communications Department

Int. No. 76 - Authorizing An Agreement For A 2005 Justice Assistance Grant

Int. No. 77 - Authorizing An Application And Agreement And Amending The 2004-05 Budget With Respect To Gunfire Detection Equipment

Int. No. 78 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 79 - Amending The 2004-05 Budget With Respect To The Weed And Seed Program

Int. No. 84 - Amending The 2004-05 Budget To Fund The Replacement Of Emergency Paging Devices

Respectfully submitted,
 Benjamin L. Douglas
 Brian F. Curran
 Robert J. Stevenson
 FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-63
 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 \$450,468.37.

An amount of \$73,562.72 or 16.33% of the total, relates to 17 properties that had code violation and rehabilitation charges levied against a former owner or in error.

A total of \$13,051.47 or 2.90% of the total is attributed to two properties that were owned and used by a tax exempt religious corporation.

The sum of \$363,854.18 or 80.77% of the total results from the transfer of 124 properties from the County of Monroe to the City of Rochester.

If this cancellation is approved, total cancellations thus far for 2004-05 will be \$875,822.66.

	Accounts	Amounts
City Council	162	\$843,318.91
Administrative	118	32,503.75
Total	280	\$875,822.66

These cancellations represent .402% of the tax receivables as of July 1, 2004.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AE-31

Ordinance No. 2005-63
 (Int. No. 67)

Cancellation Of Taxes And Charges

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

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

- (a) Properties with Code Violations and Rehabilitation Charges that were invalid or attributed to a former owner. Includes 16 properties transferred from Monroe County to the City of Rochester.

S.B.L.#	Class	Tax Year	Amount Canceled
106.780-0001-012	N	2003	\$
7,600.00			
194 Mill St.			

16 Properties	2005	-
65,962.72	Per list	
Subtotal		\$
73,562.72		

- (b) Properties acquired and used by a tax exempt religious corporation prior to taxable status date.

S.B.L.#	Class	Tax Year	Amount Canceled
<u>Address</u>			
106.230-0004-022	N	2005	\$
12,386.20			
703 Joseph Ave.			
106.230-0004-021	N	2005	—
665.27			
709 Joseph Ave.			
Subtotal			\$
13,051.47			

- (c) Properties transferred from Monroe County to the City of Rochester. All outstanding taxes and charges are to be canceled.

S.B.L.#	Class	Tax Year	Amount Canceled
<u>Address</u>			
124 Properties		Various	
\$363,854.18			
Per list			
Subtotal			
\$363,854.18			

Grand Total
 \$450,468.37

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. 2005-64
 Re: Appropriation of Forfeiture Funds

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing the appropriation of \$173,000 from forfeited property revenues, and increasing the 2004-05 Police Department budget by \$74,000 and 2004-05 Cash Capital by \$99,000 to reflect the appropriation. The undesignated balance available in the fund before this transaction was \$278,295. Funds will be used for the following projects:

- \$ 44,000 Polygraph equipment, training and services - to equip and train two members of the police department to perform polygraph services (\$35,000). \$9,000 will provide contractual polygraph services with a private vendor until such time as department personnel have been fully trained. These services are used in criminal investigations and for

- background investigations of police officer candidates.
- \$ 30,000 PAC TAC Overtime Details. Police overtime details that will pair police officers with Pac-Tac volunteers while walking. This will allow these officers and Pac Tac volunteers an opportunity to become familiar with areas of the City that may be new to each.
- \$ 17,000 Crime Scene Equipment. Purchase of an equipment trailer and some related equipment to process crime scenes that require out of the ordinary equipment or protection from the elements. The trailer would carry portable lights, pop-up awnings and other such equipment that is not frequently used and currently carried in separate vehicles.
- \$ 59,000 Surveillance Equipment. Replacement and repair of outdated electronic surveillance equipment commonly referred to as Kel-Kit transmitters (\$16,000). These are used to provide evidentiary and officer safety support in undercover operations. Purchase of an updated microwave camera system that will be used in undercover investigations (\$43,000). This purchase will augment the current outdated camera system and allow for remote monitoring of locations. This practice has been highly successful and was recently responsible for the largest seizure of heroin in the history of the City of Rochester.
- \$ 20,000 Building Security Equipment. Physical security systems for the Property Clerk's Office located in the Public Safety Building will be updated. New equipment will allow for increased placement of CCTV cameras, additional digital video recording storage, and enhanced perimeter security for the office doors.
- \$ 3,000 K-9 Equipment. Purchase of trunk mountable safes for the department's K-9 vehicles. These safes are necessary for the safe transport of training materials used by the narcotic and nitrate canines.
- \$173,000 Total Request

According to guidelines established by the Attorney General, forfeiture funds may not be used to supplant existing budget appropriations. The expenditures recommended herein will augment existing allocations. Previous appropriations in the current fiscal year were \$100,000 to augment expenditures for confidential funds and overtime in the RPD Special Investigations Section and \$140,000, for consultant services relative to establishing a pilot project to control drug markets in a targeted area in Rochester.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-64
(Int. No. 68)

Amending The 2004-05 Budget By Appropriating Forfeiture Funds

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

Section 1. Ordinance No. 2004-162, the 2004-05 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 \$74,000 and to the Cash Capital Allocation by the sum of \$99,000, which amounts are hereby appropriated from funds realized from seized and forfeited assets to fund police overtime, training and equipment.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-65
Re: Budget Amendment - Fire Department Equipment

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 Budget of the Fire Department by transferring \$15,100 from the Emergency Medical Training Fund to finance the acquisition of 1) equipment designed to reduce occupational noise exposure and 2) classroom equipment to enhance and streamline the provision of emergency medical training for firefighters.

Approximately \$10,700 of these funds will be used to purchase enhancements for the communication systems contained in various fire equipment. These enhancements are designed to reduce the amount of ambient noise from sirens and other sources, thereby reducing the amount of occupational noise exposure that could cause hearing loss.

The remaining \$4,400 will be used to purchase a real-time, interactive wireless response pad and wireless electronic chalkboard. This equipment is designed to reduce the paper workload for the Emergency Medical Services office, and provide more efficient classroom instruction and grading of exams.

These appropriation increases 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 a balance of \$15,144.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-65
(Int. No. 69)

Amending The 2004-05 Budget With Respect To Emergency Medical Training Funds

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

Section 1. Ordinance No. 2004-162, the 2004-05 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 \$15,100, which amount is hereby appropriated from the Emergency Medical Training Fund for the purchase of equipment for the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-66
Re: Budget Amendment - Emergency
Communications Department

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 Budget of the Emergency Communications Department (ECD) by \$84,200 and the Undistributed allocation by \$24,000 to reflect funding included in the 2005 County of Monroe budget for salaries and benefits of five additional Emergency Communications Center dispatch positions.

The City budget normally accounts for salaries for a total of 164 personnel, along with additional training positions that are generally unfunded. The normal turnover and vacancy rate within ECD usually provides enough flexibility to cover the cost of these training positions. However, this year, staff turnover at ECD has been lower than expected, causing a potential overrun in personnel costs for the 2004-05 fiscal year.

Monroe County has accepted ECD's cost projections and included this funding for five previously unfunded position in their 2005 budget. Revenue from the agreement between the County and City to operate the 911Center will increase accordingly.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-66
(Int. No. 75)

**Amending The 2004-05 Budget With Respect To
The Emergency Communications Department**

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

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Emergency Communications Department by the sum of \$84,200 and to Undistributed Expense by the sum of \$24,000, which amounts are hereby appropriated from additional reimbursements from the County of Monroe for the salaries and benefits of personnel.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-67
Re: 2005 Justice Assistance Grant

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 5 - Regional
Partnerships

Transmitted herewith for your approval is legislation 1) appropriating \$109,017 in funds received from the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) program, and 2) authorizing an agreement with the County of Monroe, in accordance with the certification issued by the United States Department of Justice, requiring shared spending of City-County JAG funds.

Under a joint spending plan, the City and County evenly split the total grant of \$218,034. The full amount of the City's share will be applied in partial reimbursement of the salary and fringe benefits of two full-time, non-sworn positions in the Police Department.

Opportunity for public review and comment, the agreement with the County of Monroe and the on-line application process all must occur by March 31, 2005. The actual drawdown of funds will be held in a Trust Fund established by the city for distribution of JAG funds.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-67
(Int. No. 76)

**Authorizing An Agreement For A 2005 Justice
Assistance Grant**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under the 2005 Edward Byrne Memorial Justice Assistance Grant Program.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-68,
Ordinance No. 2005-69,
And Ordinance No. 2005-70
Re: Agreements and Appropriations
for Police Grants

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement with the U.S. Department of Justice, COPS Technology Office to

accept a grant of \$310,000 to purchase hardware and software that enables detection and reporting of the location of gunfire, and amend the 2004-05 Cash Capital allocation to reflect these funds.

2. Authorize an agreement with NYS Division of Criminal Justice Services, STOP VAWA Office for an award of \$69,600 under the Stop Violence Against Women Program.
3. Amend the 2004-05 Budget of the Police Department by \$100,000 to reflect funding received under the Weed and Seed Program, Year 3 Round 2.

COPS Technology Grant: Shotspotter

The \$310,000 grant, facilitated through the efforts of Congresswomen Slaughter, will be used to purchase the product known as Shotspotter. Shotspotter is both hardware and software that is used to detect and report gunshots and gunfire; it is able to pinpoint shots within 25 feet, reports the speed and direction of suspect vehicles involved in drive-by shootings, and it provides a time-stamped record of possible shots fired. All of these factors will enable officers to respond more quickly to incidents of gun violence, increasing the chances of apprehending suspects; it may also result in faster responses for life-saving medical treatment for gunshot victims. There is no local match for this grant, and this is the first time the City has received funding for this purpose.

Stop Violence Against Women (VAWA) Grant Program

This year's award, our sixth, is \$69,600, a reduction of \$17,400 from the last year's. The VAWA Grant has had four main objectives:

- Provide 576 victims of domestic violence with assistance to ensure their safety and provide 146 victims with necessary follow-up services to secure safe housing.
- Offer advocacy and follow-up services to domestic violence victims by contacting them prior to the arraignment of the perpetrator.
- Ensure the continued safety of 684 domestic violence victims in high-risk targeted police patrol areas by providing intensive services to them.
- Offer legal advocacy services and other appropriate assistance to 196 domestic violence victims who are identified by reviewing Domestic Violence Incident Reports in order to ensure their safety.

In 2004, each of the objectives was met or exceeded. The grant period is for January 1 through December 31, 2005. There is a budgeted 25% match for this grant. No budget amendment is necessary, as the renewal was anticipated in the 2005-06 Budget of the Police Department. The most recent program was authorized by Ordinance No. 2004-115.

Weed and Seed, Year 3 Round 2

The City of Rochester, Office of the Mayor, manages the City's Weed & Seed grant program. The Police department is a sub-recipient of \$100,000. The money will be used in the Weed & Seed targeted areas in the northeast and southwest to: provide gang resistance education and training, allow police officers to work in and around schools to reduce gang/youth

violence, provide intensive officer presence in high crime targeted areas in the above mentioned areas, and to continue the work of Mr. David Kennedy in the aforementioned areas. There is no match required for these funds, and this is the eighth year the police department has received funds from this source. Acceptance of these funds was authorized by Council in December 2004 (Ordinance No. 2004-410).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-32

Ordinance No. 2005-68
(Int. No. 77)

Authorizing An Application And Agreement And Amending The 2004-05 Budget With Respect To Gunfire Detection Equipment

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 Justice, COPS Technology Office, for funding for gunfire detection equipment.

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

Section 3. Ordinance No. 2004-162, the 2004-05 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 \$310,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund the purchase of gunfire detection equipment for the Rochester Police Department.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-69
(Int. No. 78)

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

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

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

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-70
(Int. No. 79)

Amending The 2004-05 Budget With Respect To The Weed And Seed Program

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

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$100,000, which amount shall be funded from the appropriation made in Ordinance No. 2004-410.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-71
Re: Budget Amendment - Fire Department

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing the transfer of \$57,000 from Contingency to the 2004-05 Cash Capital for the Rochester Fire Department to purchase replacement paging devices that are currently part of the Monroe County digital paging network.

Monroe County is in the process of engineering a new county-wide two-way paging system. Changing technology from a UHF one-way digital paging system to a digital two-way system requires the replacement of the County's paging infrastructure in addition to all user paging devices. The current paging devices are increasingly difficult to replace or repair due to the lack of available parts. Monroe County has established a contract with TGA Technology Incorporated to provide acceptable paging devices and requires a minimum order before manufacturing can begin.

The current paging devices are held by emergency personnel of the Rochester Fire Department, Rochester Police Department, Emergency Communications Department, and key members of City senior management staff. An appropriation for the purchase of units for the Emergency Communications Department has already been included within the 2004-05 Budget.

The purchase will include 105 pagers for RFD and City Hall senior management staff, 184 pagers for RPD staff, and 52 base chargers.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-71
(Int. No. 84)

Amending The 2004-05 Budget To Fund The Replacement Of Emergency Paging Devices

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

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum

of \$57,000 from the Contingency Account to the Cash Capital Allocation to fund the replacement of emergency paging devices for City employees.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:34 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
APRIL 12, 2005

Present - Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Absent - President Giess, Councilmember Norwood - 2.

The Council Vice 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
DPRHS

- *Margery A. Ambusek
- *Irene L. Del Russo
- RFD
Deputy Chief Bruce R. Yanz
- RPD
Captain Fred J. Bell
- *Lt. Gregory F. Cole
- *Officer Mark L. D' Angelo
- *Chief Robert J. Duffy
- *Officer Tim S. Lawler
- *Officer John J. Newcome
- Deputy Mayor's Office
- *Maria L. Otero
- DES
*Walter Harrell
- Internal Audit
- *Taras B. Myhowych
- Mayor's Office
- *Kenneth L. Dean
- *Did not attend meeting.*

APPROVAL OF THE MINUTES
By Councilmember Pritchard

RESOLVED, that the minutes of the Regular Meeting of March 15, 2005, 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. 3798-7
Quarterly Report. 3799-7

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:

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements Int. No. 94 No speakers

Changing The Zoning Classification Of 1, 3, 4, 5, 7 & 9 Karges Place, 667 & 671 South Goodman Street And A Portion Of Vacant Land Dedicated To I-490 From R-1 Low Density Residential To C-2 Community Center Int. No. 95 No Speakers

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements Int. No. 110 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
April 12, 2005

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

Int. No. 86 - Authorizing The Sale Of Real Estate

Int. No. 87 - Resolution Endorsing Applications For Main Street Program Grants

Int. No. 88 - Authorizing The Exchange Of Real Estate For The Olean & Kennedy Revitalization Project

Int. No. 89 - Amending Ordinances No. 2004-316 And 2004-367 Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project

Int. No. 90 - Amending Ordinance No. 2004-315 Relating To The Olean & Kennedy Revitalization Project

Int. No. 92 - Authorizing Release Of Lien For The Rexford Place Project

Int. No. 93 - Resolution Approving Reappointments To The Zoning Board Of Appeals

Int. No. 118 - Establishing Maximum Compensation For An Agreement For The Main & Clinton Project

Int. No. 120 - Appropriation Of Funds And Authorizing Agreements For The Home Purchase Assistance Program

The Housing & Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 94 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Main Street Improvements

Int. No. 95 - Changing The Zoning Classification Of 1, 3, 4, 5, 7 & 9 Karges Place, 667 & 671 South Goodman Street And A Portion Of Vacant Land Dedicated To I-490 From R-1 Low Density Residential To C-2 Community Center

The following entitled legislation is being Held in Committee:

Int. No. 91 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Susan B. Anthony Apartments Project

Respectfully submitted,
Wade S. Norwood
William F. Pritchard
Adam C. McFadden (Abstained from voting on Introductory No. 87)
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-71
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation

approving the sale of thirty-one properties. Staff have audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first twenty-six properties are structures that were sold at public auction. The purchasers will be required to rehabilitate the structures in accordance with their legal uses within nine months of closing.

The next two properties are vacant lots that were sold at public auction subject to the acceptance of a development proposal. Both properties will be fenced and landscaped and combined with the purchasers' adjoining property.

The next property is being sold to the former owner. The purchase price represents all delinquent taxes, interest and penalties.

The next property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to its size.

The last property is a vacant lot with severe terrain problems that is being sold to the adjoining owner for its appraised value. The parcel will be combined with the purchasers adjoining property.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-33

Ordinance No. 2005-71
(Int. No. 86)

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 Lot Size	Price Purchaser
271 Avenue C 106.22-1-1	1 Family 40x120	\$ 4,000 Luz Maria Calixto
461 Avenue D 091.79-1-53	1 Family 33x100	4,400 Luz Maria Calixto
21 Bradford St 091.80-4-20	1 Family 35x120	2,100 Rosando Pimental
207 Child St 120.26-2-11	1 Family 40x75	6,900 William Pulleg
327 Clifford Av 106.30-3-60	1 Family 34x100	3,100 John Goff
535 Clifford Av 106.31-4-20	1 Family 40x152	3,600 Kimmie Reginald Richardson

170 Curtis St 105.41-1-31	1 Family 40x110	6,600 Luba Nemi
216 Flint St 120.76-2-82	1 Family 40x160	3,200 Robert Pollock
56 Forester St 106.44-2-49	1 Family 40x100	4,500 Gary Nemi
71-75 Friederich Pk 106.24-3-13&14	1 Family 68x65	1,800 Larry Sykes
101 Garson Av 106.67-2-11	2 Family 40x161	20,100 Freddy Rossy
111 Grand Av 107.61-2-3	1 Family 50x90	5,900 David Mankowski
32 Harvest St 106.44-4-66	1 Family 40x110	4,200 Kenneth & Raymond Stone
73 Herald St 106.25-2-15	1 Family 33x148	12,200 L. Andrew Evans
96 Jefferson Av 120.36-1-72	2 Family 40x124	3,000 Marie Mason
14 Kenwood Av 120.50-1-31	2 Family 35x87	9,700 RomeManagement & Consulting*
63-65 Kingston St 107.70-3-16	1 Family 37x116	16,100 Biruk Gossaye
95 Maryland St 105.26-2-59	1 Family 47x122	5,200 Sonja & Julian Lewis
17-21 Merrimac St 106.40-4-40&41	2 Family 73x78	3,700 ACU Associates, Inc.**
201 Parkway 105.59-1-10	3 Family 34x100	2,100 ACU Associates, Inc.**
119 Remington St 106.23-1-71	1 Family 50x95	3,500 Luz Maria Calixto
61 Ringle St 120.56-3-53	1 Family 40x160	10,200 David Mankowski
67 Scranton St 106.37-3-21	1 Family 32x83	2,900 Vincent Colon
330 N. Union St 106.59-1-94	2 Family 50x68	6,500 John Goff
397 West Av 120.48-2-6	2 Family 51x150	25,500 Helen Thomas
648 Wilkins St 106.26-1-77	1 Family 39x83	10,300 Paul Young

* Officer: Tracy L. Williams

** Officers: Andrew Usher; Carol Usher; Mavis Taylor

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address S.B.L.#	Lot Size Purchaser	Price
139 Rohr St 106.43-1-14	40x144 Carlton Cote	\$50
246 Wilkins St 106.24-1-76	40x102 Neysa Padilla	50

Section 3. The Council hereby further approves the sale of the following parcel of improved property by former owner sale:

Address:	357 Bernard St
S.B.L.#:	106.25-3-69
Price:	\$5,326.91
Lot Size:	36x123
Purchaser:	Edward Francis

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

Address: 137 Blakeslee St
S.B.L.#: 092.61-2-13
Lot Size: 35x100
Sq. Ft.: 3500
Purchaser: Loan A. McGrath

Section 5. The Council hereby further approves the negotiated sale of the following parcel of vacant land:

Address: 213 Leroy St
S.B.L.#: 060.43-4-5
Price: \$450
Lot Size: Approx 80x125
Purchaser: Geoffrey F. Howe & Darin L. Bucklin

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:

Resolution No. 2005-9
Re: NY State Main Street Program

R2010: Campaign 9 - Healthy
Neighborhoods
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation endorsing the applications of the Rochester Economic Development Corporation (REDCO), Sector 4 CDC and South East Area Coalition (SEAC) to the NY State Division of Housing & Community Renewal (DHCR) for Main Street Grants. The New York Main Street Program was established in 2004. Under the terms of the program, not-for-profit organizations can apply for grants of up to \$200,000 to be applied to one of four program objectives: facade renovation; building renovation; streetscape enhancement; downtown anchor grants.

The legislation that created the program requires that the local legislative body provide a resolution of endorsement to ensure that applications are consistent with governmental policies and goals. The applicants meets these requirements.

While the program will center on street and facade improvements, the target area will be Jay Street, State Street, and Plymouth Avenue.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-9
(Int. No. 87, As Amended)

Resolution Endorsing Applications For Main Street Program Grants

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

Section 1. The Council hereby endorses the applications of the Rochester Economic Development Corporation (REDCO), Sector 4 CDC, North East Area Development, Inc. (NEAD), and South East Area Coalition (SEAC) to the New York State Division of Housing & Community Renewal for inclusion in the Main Street Program, and finds that the applications are consistent with City policies and goals.

Section 2. The City Clerk is hereby directed to provide certified copies of this resolution to the appropriate staff at the New York State Division of Housing & Community Renewal and to the applicants.

Section 3. This resolution shall take effect immediately.

Underlined material added.

Adopted by the following vote:

Ayes - Councilmembers Curran, Douglas, Mains, Pritchard, Santiago, Stevenson - 6.

Nays - None - 0.

Councilmember McFadden abstained because he is a board member of Sector 4 CDC.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-72
Re: Olean Kennedy Revitalization
Project - Olean

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the Olean Kennedy Revitalization Project. This legislation will:

- 1. Authorize the exchange of the following City-owned parcels (1.80 acres):

50 Olean Street
649 S. Plymouth Avenue
651 S. Plymouth Avenue

- for-

A portion of the parcel owned by the Rochester Housing Authority (2.75 acres) located at:

56 Olean Street

- 2. Authorize any agreements necessary to facilitate this transaction.

The proposed legislation is related to the Olean site of the project. The exchange involves the land that was previously occupied by the RHA Olean townhouses which have been recently demolished and City-owned land situated along Ford Street and South Plymouth Avenue.

The land exchange will allow for the development of rental housing and right-of-way for the streets being developed for the project on South Plymouth Avenue. The land that the City will receive will be utilized for the City's Home Expo 2007 project and right-of-way for the development of streets.

An independent appraisal completed by Kevin L.

Bruckner, MAI has determined that the two parcels are equivalent in value.

For the City-owned properties to be transferred to RHA, all City taxes and other charges, except water charges against properties being sold by the City, will be canceled as of the day of closing.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-34

Ordinance No. 2005-72
(Int. No. 88)

Authorizing The Exchange Of Real Estate For The Olean & Kennedy Revitalization Project

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

Section 1. The Council hereby approves the exchange of the following City-owned parcels for an approximate 2.75 acres of the Rochester Housing Authority parcel located at 56 Olean Street, SBL #121.53-02-25, for the Olean & Kennedy Revitalization Project:

Address	SBL
50 Olean St.	121.53-02-24
649 S. Plymouth Ave.	121.61-01-22
651 S. Plymouth Ave.	121.61-01-23

Section 2. City taxes and other City charges, except water charges, against said City-owned 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-73 And
Ordinance No. 2005-74
Re: Olean Kennedy Revitalization
Project - Kennedy

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Olean & Kennedy Revitalization Project. The legislation will:

1. Amend Ordinance No. 2004-315 by deleting the following four properties:

8 St. Clair Street
493 Hawley Street
47 Violetta Street
471 Columbia Avenue

2. Amend Ordinance No. 2004-316 by deleting 8 St. Clair Street, 493 Hawley Street, 47 Violetta Street, 471 Columbia Avenue and 162 Atkinson Street and adding the following parcels as part of the project and declaring them eligible for an exemption from property taxes in the agreement

for payments in lieu of taxes (PILOT) with the Providence South Plymouth Housing Development Fund Company, Inc.:

383 Flint Street
249 Adams Street
304 Adams Street

3. Amend Sections 2 and 4 of Ordinance No. 2004-315 by authorizing agreements with the South Plymouth Housing LP, and/or the Providence South Plymouth Housing Development Fund Company, Inc., and/or an entity affiliated with Providence-Cornerstone Developers, Inc. for the Project as dictated by legal and tax credit requirements.

City Council Ordinance Nos. 2004-315 and 2004-316 authorized on September 26, 2004, approved the sale of 28 parcels to the Providence South Plymouth Housing Development Fund Company, Inc. and a payment in lieu of taxes agreement for the Kennedy portion of the Olean & Kennedy Revitalization Project. It has been determined that the rehabilitation of the four properties to be deleted is not feasible and therefore being requested to be removed. The parcels being added to the PILOT are needed to replace the deleted properties. It is anticipated that the construction of the Kennedy phase will begin in June of 2005 and be completed in April 2006.

Due to the financing structure of the Project, it is necessary to execute agreements with both the LP and housing development fund company affiliated with Providence Cornerstone Developers, LLC.

All other authorizations included in these ordinances remain unchanged.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-35

Ordinance No. 2005-73
(Int. No. 89)

Amending Ordinances No. 2004-316 And 2004-367 Relating To A Tax Exemption For The Olean & Kennedy Revitalization Project

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

Section 1. Ordinance No. 2004-316, relating to a property tax exemption for the Olean & Kennedy Revitalization Project, as amended by Ordinance No. 2004-367, is hereby further amended by adding the following parcels to the list in Section 1:

Address	SBL
383-385 Flint St.	120.75-3-47
249 Adams St.	120.52-2-39.1
304 Adams St.	120.52-1-06

Section 2. Ordinance No. 2004-316, as amended by Ordinance No. 2004-367, is hereby further amended by deleting the following parcels from the list in Section 1:

Address	SBL
---------	-----

8 St. Clair St.	120.51-2-35
493 Hawley St.	120.74-1-18
47 Violetta St.	121.69-4-06.1
471 Columbia Ave.	120.75-1-11
162 Atkinson St.	121.37-1-33

Section 3. Ordinance No. 2004-316, as amended by Ordinance No. 2004-367, relating to a property tax exemption for the Olean & Kennedy Revitalization Project, is hereby further amended by changing the SBL No. in Section 1 for the parcel at 664 South Plymouth Avenue to 121.61-02-28.1.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-74
(Int. No. 90)

Amending Ordinance No. 2004-315 Relating To The Olean & Kennedy Revitalization Project

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

Section 1. Ordinance No. 2004-315, relating to the sale of real estate for the Olean & Kennedy Revitalization Project, as amended by Ordinance No. 2004-368, is hereby further amended by deleting authorization for the sale of the following parcels from the lists in Section 1:

<u>Address</u>	<u>SBL</u>
8 St. Clair St.	120.51-2-35
493 Hawley St.	120.74-1-18
47 Violetta St.	121.69-4-06.1
471 Columbia Ave.	120.75-1-11

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-75
Re: Rexford Place Rental Project - Housing Opportunities, Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Rexford Place affordable housing project being developed by Housing Opportunities, Inc. (HOP). This legislation will:

1. Authorize the release of lien on a portion of 124-138 Central Park for the benefit of the Rexford Place Project; and
2. Authorize the execution of an Amended Declaration of Covenants Running With the Land and the execution of a consent to the assignment and transfer of the released portion to Housing Opportunities Housing Development Fund Corporation.

In October 2004, City Council authorized the sale of 11 city-owned parcels for the Rexford Place Project. Eight single-family homes and two 2-unit townhouses

will be built on these parcels. Council also approved, in October 2004, a PILOT agreement for these 11 lots plus two lots currently owned by HOP.

As part of the Central Place development project previously developed by HOP, the City entered into a 30-year \$486,000 mortgage with Marketview Housing Development Fund Corporation (HOP's subsidiary) to secure the City's loan. One of the parcels encumbered under the mortgage for Central Place was 120-140 Central Park. A large portion of this lot remains undeveloped. This undeveloped portion will be combined with 146-148 Central Place, a city-owned lot approved for sale to HOP as part of Rexford Place. For this land transfer to occur, a release of lien is required for the undeveloped portion of the land. The newly configured lot will accommodate construction of two 2-unit townhouses.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-36

Ordinance No. 2005-75
(Int. No. 92)

Authorizing Release Of Lien For The Rexford Place Project

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

Section 1. The Council hereby approves the release of the City lien which supports the mortgage pursuant to Ordinance No. 96-335 for the Central Place Project on a vacant portion of the parcel at 124-128 Central Park, SBL #106.50-2-58.1, which is to be resubdivided in order to be used for the Rexford Place Affordable Housing Project. The released portion of the parcel shall be the parcel eligible to be included in the in lieu of tax agreement for the Rexford Place Affordable Housing Project pursuant to Ordinance No. 2004-340. The Council further approves the execution of an Amended Declaration of Covenants Running with the Land and a consent to the assignment and transfer of the released portion to the Housing Opportunities Housing Development Fund Corporation, and such other documents as may be necessary to effectuate this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-10
Re: Reappointments - Zoning Board of Appeals

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the reappointments to the Zoning Board of Appeals, Thomas Morse of 26 Willmont Street, and James Best of 55 Gorsline Street.

Mr. Morse's last appointment was on February 28, 2001. He has attended 43 of 44 meetings since that time.

Mr. Best's last appointment was on July 17, 2001. He has attended all 39 meetings since then.

The new terms for both members will extend through April 30, 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-10
(Int. No. 93)

Resolution Approving Reappointments To The Zoning Board Of Appeals

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

Section 1. The Council hereby approves the reappointment of the following persons to the Zoning Board of Appeals for terms which shall expire on April 30, 2006:

Thomas Morse
26 Willmont Street

James Best
55 Gorsline Street

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-76
Re: Agreement with Rochester Downtown Development Corporation - Main and Clinton Project

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement, in an amount not to exceed \$14,000, with Rochester Downtown Development Corporation (RDDC) supporting an examination by the Urban Land Institute (ULI) of market and development potential for key properties in the Main and Clinton area of Center City. The source of funding for the agreement will be the undistributed expense allocation of the 2004-05 Budget.

The City funding, and a similar amount from the County of Monroe, will provide the public share of the approximately \$110,000 cost of the ULI investigation. The remaining cost will be covered by a \$35,000 grant by HUD to ULI and committed local private contributions.

The ULI investigation will involve a panel of national urban market and redevelopment experts in an intense one week examination of options for revitalizing underutilized properties in the Main and Clinton area and particularly the Midtown block.

The ULI panel approach to developing action strategies and realistic implementation options has been successfully utilized by several cities including Pittsburgh, Milwaukee, Cincinnati, Washington and Jersey City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-76
(Int. No. 118)

Establishing Maximum Compensation For An Agreement For The Main & Clinton Project

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

Section 1. The sum of \$14,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and the Rochester Downtown Development Corporation for an examination of market and development potential of key properties in the Main and Clinton area of the Center City. Said amount shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-77
Re: Home Purchase Assistance Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating funds to support the Home Purchase Assistance Program and authorizing any agreements necessary to operate the program. A total of \$100,000 will be appropriated - \$50,000 each from the 2002-03 and 2003-04 HOME program allocations.

The Home Purchase Assistance Program, which was established by the City Council in 1997, 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 \$3,000. The loans are forgiven if the recipient continues to reside in the house and the property is not sold for five years.

To date \$2,493,800 has been appropriated for the program. \$2,413,890 of this amount has been expended or committed for 811 home buyers. An additional \$79,910 was used to finance administrative expenses during the first year HPAP was implemented.

The proposed allocation will provide assistance for up to 33 additional households.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-77
(Int. No. 120)

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 \$50,000 is hereby appropriated from 2002-03 HOME Program Funds, and the sum of \$50,000 is hereby appropriated from 2003-04 HOME Program Funds, or so much thereof as may be necessary, 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:

Local Improvement Ordinance No. 1541
Re: 2005-2006 Downtown Enhancement District

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation approving the 2005-06 budget of the Downtown Enhancement District and authorizing the apportionment of the budget costs among the properties within the District.

The District was originally authorized by the City Council on May 16, 1989 and was re-authorized on May 10, 1994, May 11, 1999, and April 23, 2004. It is designed to provide an enhanced level of care and maintenance in the downtown area.

In general, the District includes:

1. All properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west; and
2. All other properties within 1,600 feet of Main Street that are included in the enclosed walkway system.

The District is administered by the Department of Environmental Services. An advisory committee, consisting of 13 representatives of property owners or tenants, oversees the administration of the district.

The annual costs of the special services provided within the District are restricted by formula - an amount equal to the base year (1989-90) cost of \$400,000 adjusted by the cumulative increase in the consumer price index - unless otherwise approved by the advisory committee. The costs are apportioned among the properties within the District using the following criteria:

Fifty percent is allocated based upon the assessed valuation of a property while fifty percent is allo-

cated based upon its gross area. In addition, costs to properties directly on Main Street or with direct access to Main Street via the enclosed walkway system are weighted at twice those of all other properties. All parking lots and garages, regardless of location, are included in the latter category.

The maximum permissible budget for 2005-06 is based upon the sixteen year cumulative increase in the CPI (57%) is \$628,000. The recommended budget is \$547,000 which is \$15,300 (2.88%) higher than the 2004-05 amount.

<u>Category of Expense</u>	<u>Current Year</u> <u>2004-2005</u>	<u>Proposed</u> <u>2005-2006</u>	<u>Variance</u>
Salaries & Wages	\$360,100	\$353,300	\$ -6,800
Employee Benefits	85,300	109,500	24,200
Personnel Services	\$445,400	\$462,800	17,400
Materials & Supplies	73,700	74,700	1,000
Contractual Services	32,600	33,700	1,100
Operational Expense	\$551,700	\$571,200	\$ 19,500
Less Operating Revenues	- 20,000	- 33,000	-13,000
Required Assessments	\$531,700	\$538,200	\$ 6,500
Contingency	0	8,800	8,800
Total	\$531,700	\$547,000	\$ 15,300

The Enhancement District Committee approved the proposed budget by a vote of 5 to 0 on January 20, 2005.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1541
(Int. No. 94)

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 2005-06 fiscal year for the Downtown Enhancement District is established at \$547,000. Said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1291, as continued by Local Improvement Ordinances No. 1355, 1444 and 1531.

Section 2. This ordinance shall take effect on July 1, 2005.

Passed by the following vote:

Ayes - Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL

Ladies and Gentlemen:

Introductory No. 95
 Re: Zoning Map Amendment - 1, 3, 4,
 5, 7, & 9 Karges Place; 667 & 671
 S. Goodman Street, and a Portion
 of Vacant Land Dedicated to I-490

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning the above properties and vacant land from R-1 Low Density Residential to C-2 Community Center District. This request is being initiated by the City's Economic Development Department (EDD). The intent of this rezoning is to develop the vacant land with residential, commercial and medical offices/facilities. This land is currently owned by New York State and has been identified as surplus; the City is planning to purchase it. The rezoning is required to unify the development site into one zoning classification.

This site is located in the southeast section of the City and is bordered by I-490, S. Clinton Avenue and S. Goodman Street. A map of this area is included in the attached staff report. Participants in a design charette held in September 2003 supported development of this area. If rezoned, subdivision approval will be required for the configuration of the new parcels and the construction of a new street.

Several residential properties are included in this rezoning request. These are rental properties, which, except for one parcel, are owned by Betlem Heating and Cooling. Rezoning these rental properties to C-2 will permit commercial uses which will greatly benefit the existing businesses in the area as well as complement the mixed-use development being facilitated by EDD.

The properties affected by this proposed rezoning include the following:

- | | |
|-----------------------|-------------------------|
| 1 Karges Place | 2 Family House |
| 3 Karges Place | 2 Family House |
| 4 Karges Place | Single Family House |
| 5 Karges Place | 2 Family House |
| 7 Karges Place | Single Family House |
| 9 Karges Place | Part of 7 Karges Place |
| 667 S. Goodman Street | Vacant Residential Land |
| 671 S. Goodman Street | 2 Family House |
| Vacant Land | State-Owned Land |
| | Dedicated to I-490 |

The Planning Commission held an informational meeting on March 7, 2005. At this meeting two people spoke in support of the request, and two people spoke in support of the rezoning but in opposition to the proposed development concept plan. By a vote of 4-0-0, the Commission recommended approval. The minutes of the meeting are attached. The Commission also recommended that additional meetings be held with the charrette's participants and the affected neighborhood associations to further develop consensus for the overall redevelopment plans being proposed for this area.

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

A public hearing is required.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Introductory No. 95

CHANGING THE ZONING CLASSIFICATION OF 1, 3, 4, 5, 7 & 9 KARGES PLACE, 667 & 671 SOUTH GOODMAN STREET AND A PORTION OF VACANT LAND DEDICATED TO I-490 FROM R-1 LOW DENSITY RESIDENTIAL TO C-2 COMMUNITY CENTER

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following-described properties, constituting 1, 3, 4, 5, 7 & 9 Karges Place, 667 & 671 South Goodman Street, and a portion of vacant land dedicated to I-490, from R-1 Low Density Residential to C-2 Community Center:

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

Beginning at the centerline intersection of South Goodman Street (60' ROW) and the center of the east-west travel lane of N.Y.S. I-490, said intersection being the Point or Place of Beginning; thence

- 1) Southwesterly, along said centerline of South Goodman Street, a distance of 553 feet, more or less, to the easterly projection of the south line of Lot 35 of the William Karges Subdivision as filed in the Monroe County Clerk's Office in Liber 14 of Maps, Page 9; thence
- 2) Northwesterly, along said projection and the south line of Lot 35, a distance of 135.5 feet, more or less, to the southwest corner of said Lot 35; thence
- 3) Northeasterly, along the rear line of said Lot 35, a distance of 35.04 feet to the northwest corner thereof; thence
- 4) Continuing northeasterly, through Lot 34 of the William Karges Subdivision, a distance of 28.93 feet to the southeast corner of Lot 18 of the William Karges Subdivision; thence
- 5) Northwesterly, along the south line of said Lot 18, a distance of 15.25 feet to a point; thence
- 6) Southwesterly, through Lot 16 and along the rear line of Lots 14 and 12 of the William Karges Subdivision, a distance of 99 feet to the southeast corner of said Lot 12; thence
- 7) Northwesterly, along the south line of said Lot 12, a distance of 45 feet to an angle point; thence
- 8) Southwesterly, continuing along the south line of said Lot 12, a distance of 6 feet, to

an angle point; thence

- 9) Northwesterly, continuing along the south line of said Lot 12 and it's westerly projection, a distance of 61 feet, more or less, to the centerline of Karges Place (36' ROW); thence
- 10) Northeasterly, along said centerline of Karges Place, a distance of 35 feet to the intersection of the easterly projection of the south line of Lot 13 of the William Karges Subdivision; thence
- 11) Northwesterly, along said projection and the south line of Lot 13, a distance of 75 feet to a point; thence
- 12) Northeasterly, on a line parallel with and 75 feet distant from said Karges Place, a distance of 68.5 feet to the north line of Lot 15 of the William Karges Subdivision; thence
- 13) Northwesterly, along the south line of lands appropriated by the State of New York for the Genesee Expressway, Map 367, Parcel 371, filed in Liber 1110 of Appropriations, Page 203, a distance of 254.62 feet to the southwest corner thereof; thence
- 14) Northeasterly, along the west line of the Genesee Expressway Appropriation, Map 367, Parcel 371 & 369, a distance of 305 feet, more or less, to the said center of the east-west travel lane of N.Y.S. 1-490; thence
- 15) Southeasterly, along the center of said travel lane, a distance of 388 feet, more or less, to the said centerline intersection of South Goodman Street, said intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Item held.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-78
Re: Susan B. Anthony Apartments - Housing Opportunities, Inc.

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Susan B. Anthony Apartments affordable housing project which was undertaken by Housing Opportunities, Inc. (HOP). This legislation will authorize a property tax exemption and a payment in lieu of taxes agreement (PILOT) for the project at 127 First Street. The PILOT will be with Housing Opportunities Housing Development Fund Corporation, a subsidiary of HOP.

In 1987, Housing Opportunities, Inc. (HOP) acquired and rehabilitated the former Susan B. Anthony School as a 35-unit cooperative. The cooperative never materialized and HOP subsequently converted the building to apartments.

The project has operated at a deficit over the years. In 2004, the deficit was \$36,411. Under the original co-

operative framework monthly housing payments paid by the residents would cover upkeep and maintenance of the units. Since the cooperative never took title to the building, maintenance costs have been paid from a reserve fund intended for replacement of capital items as the building aged. The building is now in dire need of upgrading, however, the replacement reserve is no longer available.

HOP has developed a financial restructuring plan to solve this financial problem. The plan includes the following:

- Selling the building to a limited partnership, which would then syndicate the building using the low-income tax credit program. This would enable the mortgage that currently exists on the building to be paid. It would, however, subject the building to property taxes, since it would no longer carry tax exempt status. A PILOT agreement would assist in offsetting this tax liability.
- Spending approximately \$1 million for improvements to the building, including a new roof, gutters and down spouts, repointing, new windows and some interior upgrades.
- Removing all lead-based paint
- Increasing rent revenue via two rent subsidy programs recently approved for the building. The first program is through a HUD Supportive Grant with HOP providing a rent subsidy for ten units and a full-time social worker at the building. The second program is a Section 8 program in which RHA has awarded eight Project-Based Section 8 vouchers to the building.

HOP recently received a tax credit allocation to support the financial restructuring plan. HOP is set to close on this agreement by May 1, 2005. HOP is seeking a PILOT on the building as a condition of the tax credit agreement. This agreement will be made for 30 years and provide payments of 10% of shelter rents.

The project will house 36 families based on the target income groups below. Rents will be made affordable to families in each of these income groups:

Income Target Group	# of Families Served
41% through 50% of MFI	22
51% through 60% of MFI	13
71% through 80% of MFI	1

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-78
(Int. No. 91, As Amended)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Susan B. Anthony Apartments Project And Authorizing A Loan Agreement

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 parcel at 127 First Street (a/k/a 250

Central Park), SBL #106.51-1-39, to be owned by the Housing Opportunities Housing Development Fund Corporation, and to be used for housing as the Susan B. Anthony Apartments Project.

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

Section 3. The Mayor is hereby authorized to enter into a loan agreement with Housing Opportunities, Inc., or a limited partnership or housing development fund company formed for the purpose of developing the project, whereby the City shall provide an amount not to exceed \$500,000 to partially finance the costs of the rehabilitation of rental units as a part of the Susan B. Anthony Apartments Project. The funding may be converted to a 20 year loan at the applicable Federal interest rate, or 6.5%, whichever is greater. Annual interest payments of 1% shall be made during the term of the loan agreement, with the balance of the interest and principal due at the end of the term.

Section 4. The agreement shall obligate the City to pay an amount not to exceed \$500,000, and of said amount, or so much thereof as may be necessary, \$449,119 is hereby appropriated from 2003 HOME Program Funds and \$50,881 is hereby appropriated from 2004 HOME Program Funds.

Section 5. The Mayor is further authorized to enter into such agreements as may be necessary to implement the Susan B. Anthony Apartments Project.

Section [3] 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [4] 7. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

By Councilmember Mains
April 12, 2005

To the Council:

The Public Services, Health & the Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 97 - Authorizing An Agreement For The Community Technology Center

The Public Services, Health & the Arts Committee recommends for Consideration the following entitled legislation:

Int. No. 96 - Approving Applications, Agreements And The 2005 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Respectfully submitted,
Tim O. Mains
William F. Pritchard
Lois J. Giess

PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-79
Re: 2005 Rochester-Monroe County
Youth Bureau

R2010: Campaign 2 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation relating to the Rochester-Monroe County Youth Bureau. This legislation proposes:

1. Approval of the 2005 administrative and program budgets of the Youth Bureau;
2. Authorization of any necessary agreements to implement these budgets; and
3. Appropriation of \$232,611 from the 2004-05 Budget, of which:
 - a. \$93,520 is the City's contribution to the Youth Bureau's Administrative Budget, 50% (\$46,760) of which will be reimbursed to the City directly from the New York State Office of Children and Family Services;
 - b. \$139,091 is the city's contribution for program contracts, 100% of which will be reimbursed to the City directly from the Office of Children and Family Services; and
4. Authorize subsequent amendments to these agreements that are authorized and requested by the Office of Children and Family Services.

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 adopted by City Council on December 28, 2004, Ordinance No. 2004-395, the annual budget of the Youth 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 Youth 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 2005 provides for administrative costs of \$528,929, which is a 16% increase over the 2004 budget. Based upon the proposed budget, the 2005 contribution requested from the City is \$93,520 or 18%.

A reimbursement of 50% 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 \$46,760. In 2004 the City's net cost was \$48,241.

The proposed 2004 budget also provides for the operation or administration of the following programs by the City:

<u>Program</u>	<u>2004 Amount</u>	<u>2005 Amount</u>	<u>Change</u>
Department of Parks, Recreation & Human Services:			
(Recreation Bureau) Youth Recreation	\$ 95,726	\$ 91,438	\$(4,288)
(SPCC) Family Violence Prevention	25,953	24,791	(1,162)
(Baden) Project Base	16,841	16,088	(753)
(Baden) Project Odyssey	7,091	6,774	(317)
Total	\$145,611	\$139,091	\$(6,520)

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;
4. Baden Street Settlement, for operation of Project Base;
5. Baden Street Settlement, for operation of Project Odyssey.

The County Legislature approved the 2005 Youth Bureau budget in December 2004. The most recent Council action on this item was March 25, 2004 in Ordinance No. 2004-91.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-79
(Int. No. 96)

Approving Applications, Agreements And The 2005 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 2005 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2005 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2005 Comprehensive Youth Services Plan. The City's required contribution to the 2005 Youth Bureau Budget shall be financed equally from the 2004-05 and 2005-06 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 \$24,791, and said amount, or so much thereof as may be

necessary, shall be funded from the 2004-05 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 \$16,088, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 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 \$6,774, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 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. 2005-80
Re: 14621 Community Technology Center

R2010: Campaign 2 - Educational Excellence
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Group 14621 Community Association to operate the 14621 Community Technology Center. The cost of this agreement shall not exceed \$40,000.

The 14621 Community Technology Center is in the fourth year of CDBG funding. It 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 City Council in June 1981. The most recent agreement for these services was authorized in March 2004.

The cost of the agreement will be financed from the Community Needs allocation of the 2004-05 Community Development Block Grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-37

Ordinance No. 2005-80
(Int. No. 97)

Authorizing An Agreement For The Community Technology Center

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

Section 1. The Mayor is hereby authorized to enter

into an agreement with the Group 14621 Community Association for the 14621 Community Technology Center.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 55 was introduced March 15, 2005, and appears in its original form with its transmittal letter on page 77 of the current Council Proceedings.

Attachment No. AE-38

Ordinance No. 2005-81 (Int. No. 55)

Authorizing An Agreement For A Human Services Project

Passed unanimously.

By Councilmember Stevenson
April 12, 2005

To the Council:

The Parks, Publics & the Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 98 - Establishing Maximum Compensation For A Professional Services Agreement For Audit Services For Federal Aid Projects

Int. No. 99 - Establishing Maximum Compensation For A Professional Services Agreement For The Mt. Hope Avenue And East Henrietta Road Improvement Project

Int. No. 100 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Center City Signage Project And Appropriating Funds

Int. No. 101 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,400,000 Bonds Of Said City To Finance The Cost Of Repairs To The City Hall "A" Building

Int. No. 102 - Authorizing Agreements For Structural Engineering Services For Building Renovation Projects

Int. No. 103 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of The Former Photech Facility

Int. No. 104 - Authorizing Agreements For The Adopt-A-Lot Program

Int. No. 105 - Amending The Municipal Code With Respect To Wholesale Water Rates

Int. No. 106 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$570,000 Bonds Of Said City To Finance The Cost Of Planning For The Reconstruction Of City Water Supply Conduits

Int. No. 107 - Establishing Maximum Compensation For A Professional Services Agreement For The Conduit Modernization Project

Int. No. 108 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$7,831,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of A New City Operations Center Building

Int. No. 108A - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of A New City Operations Center Building

Int. No. 109 - Authorizing An Application And Agreements With Respect To Security Enhancements And Amending The 2004-05 Budget

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

Int. No. 110 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Special Assessment Districts For Streetscape Enhancements

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted on Int. No. 108 through Int. No. 110. Voted against Int. No. 108)
Adam C. McFadden
Lois J. Giess (Voted on Int. No. 98 through Int. No. 104)

PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-82
Re: Consultant Audit Services for
Federal Aid Project Agreements

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize a professional services agreement with Lumsden & McCormick, LLP, 403 Main Street, Suite 430, Buffalo, NY 14203, for audit services for City-administered Federal aid street improvement projects in an amount not to exceed \$30,000.

The New York State Department of Transportation provides federal and state assistance to localities to construct and reconstruct bridges, streets and sidewalks. In order to close out these projects the master project agreements require the City to have a Certified Public Accountant audit the performance of any consultant agreement for a project. Consultant invoices paid by the City of Rochester will be audited to test for compliance with the agreement between the City and consultant.

Eighteen consultant agreements for the following projects will be audited:

- Bicycle and Pedestrian Improvements;
- Chili Avenue, West City Line to West Avenue;
- Elmwood Avenue Bridge;
- Ford Street Bridge;
- Lake Avenue Reconstruction, Burley Road to Lake Ontario State Parkway;
- Lexington Avenue, Mt. Read Blvd to Dewey Avenue; and,
- Port of Rochester.

The request for services was advertised statewide and five proposals were received. Lumsden & McCormick, LLP, is recommended to do the work because of their qualifications and their availability to perform the services.

The audit services will be performed during the spring and summer of 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-82
(Int. No. 98)

Establishing Maximum Compensation For a Professional Services Agreement For Audit Services For Federal Aid Projects

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 Lumsden & McCormick, LLP, for audit services for federal aid street projects. Of said amount, \$7,132 shall be funded from the appropriation of anticipated reimbursements from the Federal Highway Administration made in Section 3 of Ordinance No. 2003-102 and \$22,868 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-83
Re: Mt. Hope Avenue and East Henrietta Road Public Improvement Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Mt. Hope Avenue and East Henrietta Road Public Improvement Project, a federal aid project within the City of Rochester. The legislation will authorize an agreement with the Bergmann Associates, 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614, for scoping and preliminary engineering design services for the project at a maximum amount of \$400,000.

The Mt. Hope Avenue (Elmwood Avenue to the City line) and East Henrietta Road (Mt. Hope Avenue to South Avenue) Public Improvement Project design will include rehabilitation or reconstruction of the pavement with the possible reconfiguration of the street; new drainage facilities, stone curbing, side-

walks, and tree planting; traffic signal and signage improvements; water distribution system, and other improvements. The preliminary engineering study for the project is expected to be complete in 2007.

The cost of the agreement, will be financed from previously appropriated (Ordinance No. 2004-399) anticipated reimbursements from the Federal Highway Administration (\$320,000), from the 2001-02 Cash Capital allocation (\$64,000), and from the 2002-03 Cash Capital allocation (\$16,000).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-39

Ordinance No. 2005-83
(Int. No. 99)

Establishing Maximum Compensation For a Professional Services Agreement For The Mt. Hope Avenue And East Henrietta Road 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 Bergmann Associates for scoping and preliminary engineering design services for the Mt. Hope Avenue and East Henrietta Road Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$320,000 shall be funded from the appropriation of anticipated reimbursements from the Federal Highway Administration made in Section 1 of Ordinance No. 2004-399, \$64,000 shall be funded from the 2001-02 Cash Capital Allocation and \$16,000 shall be funded from the 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-84
Re: Center City Signage Project

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the Center City Signage Project. The legislation will:

1. Authorize an amendatory agreement with Clark Patterson Associates, 186 N. Water Street, Rochester, for additional engineering design services at a maximum cost of \$66,000, thereby increasing the total cost of the agreement from \$77,000 to \$143,000;
2. Appropriate \$52,800 from anticipated reimbursements from the Federal Highway Administration (FHWA) to partially finance this cost; and
3. Appropriate \$11,550 from anticipated reimbursements from New York State Marchiselli

Aid Program funds to partially finance the local share of the total cost of this agreement.

A Federal Aid Project, this project was approved by Council in November 2001. The original agreement for design by Clark Patterson Associates was authorized in January 2002, and provided for the design and layout of new welcome and directional signs.

The amendatory agreement will provide for modification of the sign system design and for the creation and implementation of a Research and Evaluation Plan, as required by FHWA. The Research and Evaluation Plan must include before- and after-studies as well as quantitative data which describe the performance of the signage system (with updates every six months after installation for a two year period).

The cost of the additional services will be financed from the appropriation of federal (\$52,800) reimbursements requested herein and from the 1999-2000 Cash Capital Allocation (\$13,200). Of the local share, the City is eligible to receive up to \$9,900 from the State Marchiselli Aid Program.

The appropriation of anticipated State reimbursements requested herein will finance 15% (\$11,550) of the cost of the original agreement, previously funded from the FY00 Cash Capital allocation.

The cost of construction is estimated to be \$654,000, and will be financed from anticipated federal reimbursements and from the FY03 Cash Capital allocation. The City is eligible to receive up to \$98,100 from the State toward the local share of the construction cost. It is anticipated that the design will be completed this fall and construction will begin in the spring of 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-84
(Int. No. 100)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Center City Signage Project And Appropriating Funds

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

Section 1. The sum of \$66,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Clark Patterson 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. Of said amount, \$52,800 is hereby appropriated from anticipated reimbursements from the Federal Highway Administration and \$13,200 shall be funded from the 1999-2000 Cash Capital Allocation.

Section 2. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$11,550, or so much thereof as may be necessary, to fund the Center City Signage Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-85
Re: Rochester City Hall Slate Roof
Replacement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the City Hall Slate Roof Replacement. This legislation will authorize the issuance of bonds totaling \$1,400,000 and the appropriation of the proceeds thereof to finance the cost of the construction and construction administration services.

In 1999, the City hired Handler Grosso Durfee and Associates (HGD) to assess conditions and to perform a pilot demonstration project. The results of the pilot project revealed that the slate roof had reached the end of its serviceable life and that the majority of the slates are in need of replacement. The pilot project included installation of new slate roof and associated copper flashing on the west elevation of the building.

The remaining roof replacement has been designed by the Department of Environmental Services, Architectural Services Division. The construction involves removal of all existing slate roofing and flashing not replaced in the previous restoration work, installation of new natural slate roofing, all new copper gutters, flashing, valleys, and other related work.

Bids for construction of the project were received on March 10, 2005. The work will be performed by Leo J. Roth Corporation, at a cost of \$1,137,480, which is 18% under the architect's estimate. \$262,520 is being allocated for contingencies, items not included in the contract, and for the cost of resident project representation services. Proposals for said services are currently being solicited; Council authorization for an agreement will be requested at a future meeting.

The construction will require two seasons to complete due to restricted work hours and a winter shutdown. It is scheduled to begin in the summer of 2005 and completed in the fall of 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-85
(Int. No. 101)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,400,000 Bonds Of Said City To Finance The Cost Of Repairs To The City Hall "A" Building

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of implementing repairs to the City Hall "A" Building, including repairs to the roof (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$1,700,000. The plan of financing includes the issuance of \$1,400,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$300,000 bonds previously appropriated in Ordinance No. 99-129, and the levy and collection of an ad va-

lorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,400,000 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 \$1,400,000. 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 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied

with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed by the following vote:

Ayes - Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-86
Re: Agreements - Structural Engineering Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for structural engineering services:

<u>Company</u>	<u>Address</u>
DRC Associates	1354 Buffalo Road
FRA Engineering	530 Summit Point Drive
Herrick-Saylor Engineers, P.C.	349 West Commercial Street
Jensen Engineering, P.C.	1653 East Main Street
Ravi Engineering & Land Surveying, P.C.	6605 Pittsford-Palmyra Road

The agreements will be financed from the annual budgets of the departments using the services, or from the proceeds of bond issues authorized for various projects.

The City routinely uses structural engineering services. The most recent agreements for these services, authorized in November 2001, were with David R. Cassara Associates, FRA Engineering, P.C., Herrick-Saylor Engineers, P.C., Jensen Engineering, P.C., and Ravi Engineering and Land Surveying, P.C. In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals from five companies, all of which responded. We are recommending agreements with all of these firms.

Under the agreements, whenever various City-owned buildings require structural engineering services, the selection for a specific company will depend upon the type of services required, its ability to do the work and to meet the City's schedule. Following is a list of building renovation projects for which services are

expected to be required during fiscal year 2005-06:

<u>Building</u>	<u>Services</u>
Cortland Tunnel	Structural Investigation
Midtown Parking Garage	Structural Investigation

The cost of the project specific proposals will be based on the unit prices, hours and hourly billing rates, specified in each company's proposal. Each of the agreements will have an initial term of one year with provision for two additional renewals for an additional one year period based on mutual written agreement. Adjustment to the specific unit prices during the second and third years will be permitted subject to the City's approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-86
(Int. No. 102)

Authorizing Agreements For Structural Engineering Services For Building Renovation Projects

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for structural engineering services required for building renovation projects as required by the City:

Organization
Address

DRC Associates
1354 Buffalo Rd.
Rochester, NY

FRA Engineering, P.C.
530 Summit Point Dr.
Henrietta, NY

Herrick-Saylor Engineers, P.C.
349 W. Commercial St.
E. Rochester, NY

Jensen Engineering, P.C.
1653 E. Main St.
Rochester, NY

Ravi Engineering & Land Surveying, P.C.
6605 Pittsford-Palmyra Rd.
Fairport, NY

Section 2. The agreements shall extend for a term of one year, with two additional one-year renewal options, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget or from project appropriations.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 2005-87
Re: Amendatory Professional Services
Agreement with Day Environmental,
Inc., Photech Bond Act Site
Investigation

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 authorize an amendatory professional services agreement with Day Environmental, Inc. (DAY), located at 40 Commercial Street, Rochester, New York, to complete environmental remedial planning for the former Photech Imaging Systems, Inc. (Photech) Site. The maximum cost of this amendatory agreement will be \$16,465 which will be financed from the Fiscal Year 2004-2005 cash capital allocation of the Department of Environmental Services (DES).

The former Photech Imaging, Inc. Property (Photech) 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 around 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. In September 1997, the New York State Department of Environmental Conservation (NYSDEC) approved the City's 1996 Title 5 Bond Act grant application for reimbursement of site investigation and remedial alternatives evaluation costs. Previous consultants completed the investigation work phase. The City retained DAY to complete the development and evaluation of site demolition and remedial alternatives. In February 2005, DAY completed the site investigation / remedial alternatives (SI/RA) report, and the report was submitted to the NYSDEC for review and comment.

The amendatory agreement with DAY is necessary to pay for:

1. Conducting supplemental site visits and coordinating with contractors in order to develop cost estimates for asbestos abatement and demolition;
2. Addressing City comments to the SI/RA report, including developing and revising the preliminary cost estimates for the remediation of a former silver recovery system, the former retention pond on the eastern portion of the Site, and for developing remedial contingency plans for assessing contamination under buildings; and
3. Addressing NYSDEC and other regulatory agency comments, revising the SI/RA report, and for assisting the City with the NYSDEC proposed remedial action plan (PRAP).

The final SI/RA report documents the environmental conditions and provides recommendations and estimated costs for several different remedial measures. This report will serve as the basis for the design and cleanup of the Site. The City's request for additional 1996 Title 5 Bond Act grant funding to reimburse 90% of the costs for the services outlined above as well as related DES technical staff costs has been approved by the NYSDEC. If City Council approves the proposed amendatory agreement the total cost of the investi-

gation and remedial alternatives selection services provided by Day Environmental will be \$66,450.

The NYSDEC will hold a public hearing and issue a Record of Decision (ROD) on the proposed remedial action plan during 2005. Cleanup and site redevelopment will probably involve the demolition of all of the existing 17 buildings, building decontamination and asbestos abatement, removal of the silver recovery system wastewater tank, underground vault and related piping, and remediation of soil and groundwater in several areas.

When the proposed remedial action plan is approved by the NYSDEC, the City will become eligible to apply for a 1996 Bond Act grant for the design, demolition, and cleanup costs currently estimated to be approximately 4.7 million dollars. The Bond Act grant program reimburses 90% of environmental cleanup costs and 50% of asbestos abatement and demolition costs. DES plans to submit a Bond Act remediation grant application to the NYSDEC during 2005. Additional professional services agreements will be required for detailed design and the cleanup phase.

This proposed legislation directly addresses R2010 Plan Campaign 4, and specifically addresses Goals B and H.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Ordinance No. 2005-87
(Int. No. 103)

Establishing Maximum Compensation For An Ammendatory Professional Services Agreement For Environmental Cleanup Of The Former Phototech Facility

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

Section 1. The sum of \$16,465, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an ammendatory professional services agreement between the City and Day Environmental, Inc. for environmental remedial planning services relating to the former Phototech Imaging Systems, Inc. site at 1000 Driving Park Avenue. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-88
Re: Adopt-A-Lot Agreements

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation authorizing agreements with nine neighborhood associations for the maintenance of vacant lots. The total cost of the agreements will be \$120,800, which will be financed from the 2004-05 budget of the Department of Environmental Services.

Adopt-A-Lot, started in 1983, is designed to increase the quality of vacant lot maintenance while decreasing

cost. DES annually establishes the amount paid for maintenance of each vacant lot equivalent. Each lot equivalent represents a standard 40' x 100' parcel. DES prescribes standards (the same as those used by the department) and solicits proposals from the neighborhood associations in the areas in which the lots are located. The associations are required to perform maintenance four or five times each season, with an emphasis in the spring.

Last season 505 lot equivalents were maintained at a cost of \$116,200. The 2005 proposal is for 525 lot equivalents, at \$230 each, to be maintained by the following organizations, all of which performed satisfactorily in 2004 (except Grace Unity Fellowship Church, as this is their first year in the program):

Organizations	Amount
Coalition of Northeast Associations	\$ 35,190
Grace Unity Fellowship Church	4,600
Group 14621	7,130
Marketview Heights Association	20,700
Montgomery Neighborhood Center	5,750
North East Block Club Alliance	20,700
South West Area Neighborhood Association	16,100
Urban League of Rochester	5,290
West Main Street Business Association	5,290
Total	\$120,800

The following is a summary of participation in the program since 1996.

Year	Number of Organizations	Number Of Lots	Lot Equivalents
1996	5	397	410
1997	5	342	365
1998	5	371	398
1999	5	359	369
2000	7	378	426
2001	7	378	426
2002	8	429	495
2003	8	435	495
2004	8	442	505
2005	9	460	525

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-88
(Int. No. 104)

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:

Organization	Amount
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)	16,100

Section 2. The agreements authorized herein and

additional Adopt-A-Lot agreements shall obligate the City to pay an amount not to exceed \$120,800, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 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. 2005-89
Re: City Code Amendment - Wholesale
Water Rate

R2010: Campaign 5 - Regional Partners

Transmitted herewith for your approval is legislation amending Section 23-37 of the Municipal Code by raising the wholesale water rates for Water Districts 1 and 2 in the Town of Lima, and the Town of West Bloomfield.

The present wholesale rate of \$1.23 per 1,000 gallons for Water Districts 1 and 2 in the Town of Lima was established by City Council in May 2004. An increase of 2.68% based on the Consumer Price Index (CPI) for the calendar year 2004 is proposed. This equals a \$0.03 increase for a proposed rate of \$1.26 per 1,000. The estimated additional revenue is \$2,500.

The present wholesale rate for West Bloomfield, established by the City Council in May 2003, is \$1.20 per 1,000 gallons. The proposed increase is 4.95% or \$0.06 bringing the rate to \$1.26 per 1,000 gallons. This rate is derived from the 2003 CPI of 2.27% plus the 2004 CPI of 2.68%. The estimated additional revenue is \$2,800.

Currently, the wholesale water sales to Water Districts 1 and 2 in the Town of Lima and the Town of West Bloomfield, totaled about 128,000,000 gallons, a 2% increase in usage from 2003. The Village of Lima and Water Districts 1 and 2 usages comprise about 64% of this total.

The cost increase is primarily related to maintaining an aging system. The Water Bureau is commencing a major Conduit Modernization Program that will be ongoing for several years.

Future rate adjustments to the wholesale rate will be based upon changes in the CPI. Rate changes are expected to be proposed on an annual basis for Lima and every two years for W. Bloomfield. The proposed rate increase will go into effect July 1, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-89
(Int. No. 105)

**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: \$1.26 per 1,000 gallons.

Section 2. This ordinance shall take effect on July 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-90 And
Ordinance No. 2005-91
Re: Conduit Modernization

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to Conduit Modernization of Water Supply Conduits 1, 2 and 3, north of Rush Reservoir. This legislation will:

1. Authorize an agreement with Bergmann Associates of 28 East Main Street, for the engineering planning services required to modernize approximately 30 miles of water supply conduit north of Rush Reservoir, at a maximum cost of \$570,000; and
2. Authorize the issuance of bonds and appropriate the proceeds thereof to finance this cost.

The water supply conduit system extends from the filtration plant at Hemlock Lake to the reservoirs at Cobbs Hill and Highland Parks. The majority of the system consists of pipes ranging in age from 87 to 131 years. Several conduit modernization projects have been initiated within the past four years. These projects have consisted of corrosion protection and selective pipe replacement and have primarily focused on improving the reliability of the conduit system south of Rush Reservoir.

This project will provide engineering and surveying services required to develop a detailed, multi-phased engineering plan for modernizing the conduit system north of Rush Reservoir. Qualifications were requested from fourteen local engineering firms. Ten firms responded. Proposals were solicited from four of the latter firms. Bergmann Associates is recommended because of their experience with large diameter pipeline evaluation, rehabilitation and replacement projects.

Planning will begin in May and be completed next winter. Design of the initial phase of this work will commence shortly thereafter.

The Monroe County Water Authority is expected to reimburse the City for 54% of the cost of this project, in accordance with the agreement authorized by City Council on April 25, 1978.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-40

Ordinance No. 2005-90
(Int. No. 106)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$570,000 Bonds Of Said City To Finance The Cost Of Planning For The Reconstruction Of 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 engineering planning services for the reconstruction of approximately 30 miles of City water supply Conduits 1, 2 and 3 north of the Rush Reservoir (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 \$570,000. The plan of financing includes the issuance of \$570,000 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 \$570,000 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 \$570,000. 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 - Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

Ordinance No. 2005-91
(Int. No. 107)

Establishing Maximum Compensation For A Professional Services Agreement For The Conduit Modernization Project

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

Section 1. The sum of \$570,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for engineering planning services for the reconstruction of approximately 30 miles of City water supply Conduits 1, 2 and 3 north of the Rush Reservoir as a part of the Conduit Modernization 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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-92 And
Ordinance No. 2005-93

Re: Bond Authorization for New Water
Operations Center Building

R2010: Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the new City Operations Center Building for the Bureau of Water, Lighting and Parking Meter Operations project. This legislation will authorize the issuance of bonds in the amount of \$8,031,000 for construction.

The new City Operations Center Building, which was designed by LaBella under agreements authorized by City Council on December 17, 2002 and February 24, 2004, involves the construction of a new office building, shop, warehouse and vehicle storage facility on the existing site at 10 Felix Street. The new operations center will house the Water Director's Office, Materials and Equipment, Water Engineering, Water Distribution, and Parking Meter Operations.

On February 15, 2005 City Council authorized an agreement with The Pike Company for construction management services.

Bids for the following contracts were received on March 22, 2005. The work will be performed by the following companies:

<u>Description of Work</u>	<u>Amount</u>
<u>Company</u>	
Demolition/Abatement and Sitework Frederico Wrecking Co., Inc	\$ 486,900
Structural Steel Hudson Steel Fabricators & Erectors, Inc.	374,499
Pre-engineered Metal Building Russell P. LeFrois Builders, Inc.	<u>940,000</u>
Subtotal	1,801,399
Contingency (10%)	<u>178,601</u>
Total	\$1,980,000

Four more contracts are scheduled to be awarded this summer. The next four contracts to be bid are for the general construction; plumbing and fire protection; mechanical; and electrical. The estimated cost of these contracts totals \$7,392,271.

In summary, the total cost of construction is expected to be \$11,810,000.

Building design	\$ 919,500
"Green" building design, construction, and RPR	828,229
Construction	8,702,271
Material Testing	150,000
Construction Management	850,000
Furniture, Fixtures and Equipment, and Relocation	<u>360,000</u>

Total \$11,810,000

These costs have or will be financed as follows:

Prior Bond issues	
December 17, 2002	\$ 119,000
February 24, 2004	1,300,000
February 15, 2005	750,000
Proposed bond issue	8,031,000
2000-01 and 2001-02 Cash Capital allocations	1,060,000
2005-06 Bond Issue	<u>550,000</u>
Total	\$11,810,000

The allocations included in the Capital Improvement Program total \$10,750,000, see below:

Bonds	
1998-99 (water fund)	\$ 100,000
2000-01 (water fund)	700,000
2001-02 (water fund)	9,200,000
2003-04 (parking fund)	200,000
2005-06 (water fund)	<u>550,000</u>
Total	\$10,750,000

The original project cost did not include allocations for "green" building system costs, nor had it been adjusted for inflation since it was first introduced in FY98. Cash capital funds from FY01 and FY02 have been redirected to this project in the amount of \$1,060,000. It is anticipated a request to appropriate the bonds for FY2005-06 will be requested in the second quarter of that fiscal year.

Construction is expected to begin in the spring of 2005 with completion in the spring of 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-92
(Int. No. 108, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$[8,031,000] 7,831,000 Bonds Of Said City To Finance The Additional Cost Of 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 additional cost of the construction of a new City Operations Center Building for the Bureau of Water, Lighting and Parking Meter Operations at 10 Felix Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$11,260,000. The plan of financing includes the issuance of \$[8,031,000] 7,831,000 bonds of the City to be charged to the water fund, and said amount is hereby appropriated therefor, together with the application of \$1,060,000 in current City funds, \$119,000 bonds previously appropriated in Ordinance No. 2002-396, \$1,300,000 bonds previously appropriated in Ordinance No. 2004-58 and \$750,000 bonds previously appropriated in Ordinance No. 2005-28 and \$200,000 bonds charged to the parking fund which are also appropriated at this meeting, 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 ~~[\$8,031,000]~~ 7,831,000 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 ~~[\$8,031,000]~~ 7,831,000. 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.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - Councilmembers Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 6.

Nays - Councilmember Curran - 1.

Ordinance No. 2005-93
(Int. No. 108A)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Additional Cost Of 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 additional cost of the construction of a new City Operations Center Building for the Bureau of Water, Lighting and Parking Meter Operations at 10 Felix Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$11,260,000. The plan of financing includes the issuance of \$200,000 bonds of the City to be charged to the parking fund, and said amount is hereby appropriated therefor, together with the application of \$1,060,000 in current City funds, \$119,000 bonds previously appropriated in Ordinance No. 2002-396, \$1,300,000 bonds previously appropriated in Ordinance No. 2004-58, \$750,000 bonds previously appropriated in Ordinance No. 2005-28 and \$7,831,000 bonds to be charged to the water fund which are also appropriated at this meeting, 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 \$200,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said

improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 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 - Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-94
Re: Homeland Security Grant

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith is legislation that will:

1. Authorize the Mayor to submit a grant application to the New York State Office of Homeland Security;
2. Authorize the Mayor to enter into a contract with New York State for the receipt of \$500,000 of grant funds (conditional upon the approval of application) and any other contracts that might be necessary for the implementation of the grant-approved work program; and
3. Amend the 2004-2005 Budget by increasing revenue estimates and the Cash Capital appropriation by \$500,000 (conditional upon the approval of application and the execution of a contract with New York State).

The City was advised by the New York State Office of Homeland Security of an earmark of \$500,000 for the City for certain State-approved homeland security uses. The City has developed an application for these funds that is consistent with the State's requirements and meets priority needs identified by the City. If approved, the funding will be used to acquire covert surveillance equipment for use by the Police Department and to acquire equipment and make certain alterations and renovations to enhance the security of the water production, treatment, and distribution system.

Grant funds must be used by March 31, 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-94
(Int. No. 109)

**Authorizing An Application And Agreements
With Respect To Security Enhancements And
Amending The 2004-05 Budget**

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Office of Homeland Security for funding for security enhancements. The Mayor is further authorized to enter into such agreements as may be necessary to implement the enhancements.

Section 2. Ordinance No. 2004-162, the 2004-05 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 \$500,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein, contingent upon approval of said agreement.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1542
Re: Local Improvement Ordinance -
Special Assessment Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will establish the 2005-06 budgets for the following special assessment districts:

<u>Districts</u>	<u>2005-06</u>	<u>2004-05</u>	<u>Variance</u>
Norton Street Urban Renewal	\$2,815	\$2,815	\$0
Cascade Historic	2,500	2,500	0

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 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

Attachment No. AE-41

Local Improvement Ordinance No. 1542
(Int. No. 110)

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 2005-06:

<u>Streetscape District</u>	<u>New Amount</u>	<u>LIO</u>
Cascade Historic	\$2,500	1430
Norton Street Urban Renewal	2,815	1421

Section 2. This ordinance shall take effect on July 1, 2005.

Passed by the following vote:

Ayes - Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

By Councilmember Douglas
April 12, 2005

To the Council:

The Finance & Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 111 - Authorizing An Agreement With The County Of Monroe For The Lease Of Telecommunications Conduit

Int. No. 112 - Local Law Amending The City Charter With Respect To Prior Notice Of Snow Or Ice And Defects

Int. No. 113 - Establishing Maximum Annual Compensation For A Professional Services Agreement For The 911 Center Telephone Systems

Int. No. 114 - Authorizing Applications And Agreements With Respect To The TraCS And STEP Projects And Amending The 2004-05 Budget

Int. No. 115 - Establishing Maximum Compensation For An Agreement For A Parking Enforcement Handheld System

Int. No. 116 - Authorizing A Grant Agreement For A Police Computer And Amending The 2004-05 Budget

Int. No. 117 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For Veterinary Services

Int. No. 119 - Authorizing An Amendatory Agreement For The Installation Of Fiber Optic Cable In City Conduits And Connections To City Facilities

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran

Robert J. Stevenson
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-95
Re: Inter-Municipal Agreement with
Monroe County

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the lease of telecommunications conduit. Monroe County will lease space approximately 2.6 miles of City-owned telecommunications conduit from 1099 Jay Street to the Public Safety Building (see attached map) and will receive future rights to lease up to 10,000 feet of additional conduit to be determined.

As compensation for use of this conduit, the City will receive fiber connections between the Public Safety Building and DES Operations Center and the East and West Side Patrol Divisions of the Rochester Police Department. In addition, the City will reimburse Monroe County for the rental cost of the conduit path from the right-of-way on Jay Street into the building at 1099 Jay Street.

The term of the proposed agreement is twenty years. The Mayor may approve renewal options.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-42

Ordinance No. 2005-95
(Int. No. 111)

Authorizing An Agreement With The County Of Monroe For The Lease Of Telecommunications Conduit

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

Section 1. The Mayor is hereby authorized to enter into agreement with the County of Monroe for the lease of approximately 2.6 miles of City conduit from the Public Safety Building to 1099 Jay Street and future rights to lease up to 10,000 feet of additional conduit for the placement of telecommunications fiber. The County shall provide to the City fiber connections between the Public Safety Building and the DES Operations Center and the East Side and West Side Patrol Divisions. The agreement shall extend for a term of 20 years and may contain renewal options as approved by the Mayor. The City shall reimburse the County for the rental cost of the conduit path from the right-of-way on Jay Street into the West Side Patrol Division building. Said amount shall be funded from the annual budgets.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL:
Ladies and Gentlemen:

Local Law No. 3
Re: City Charter Amendment - Prior Notice

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation amending the City Charter by adding parking lots as a circumstance under which prior notice is required for City liability for damages and injuries.

Under New York State Law, a municipality may require - as a prerequisite for liability - prior notice of any defective, unsafe, dangerous or obstructed condition for the following types of public property: streets, highways, bridges, culverts, sidewalks and crosswalks. The present City Charter provisions requiring prior notice for snow or ice and defects contain these types of property. Recent Court decisions support the addition of parking lots or areas to the types of property requiring prior notice for City liability.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 3
(Int. No. 112)

Local Law Amending The City Charter With Respect To Prior Notice Of Snow Or Ice And Defects

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

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 7-12 thereof, Prior notice of snow or ice; liability of City, by adding the words "parking lots, areas designated for parking of vehicles," after the words "highway or place," where they appear therein.

Section 2. Section 7-13 of the City Charter, Prior notice of defects; liability of City, as amended, is hereby further amended by adding the words "parking lots, areas designated for parking of vehicles," after the word "highway," where it appears therein.

Section 3. This local law shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Curran, Douglas, Mains, McFadden, Pritchard, Santiago, Stevenson - 7.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-96
Re: Agreement - Frontier Telephone
of Rochester, 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, Inc. for continued repair and maintenance of the telephone system at the emergency communications center. The maximum annual cost of this agreement will be \$139,309 which will be financed from the 2005-06 and subsequent budgets of the Emergency Communications Department.

The telephone system for the Emergency Communications Center was installed by 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 most recent agreement for these services was approved by City Council on November 19, 2002 in Ordinance No. 2002-365.

Under the proposed agreement, Frontier will continue to:

1. Perform preventive 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 trunk 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); and
6. For a system malfunction, respond within 24 hours of notification (a system malfunction includes all problems other than system outages).

The cost of this proposed 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. 2005-96
(Int. No. 113)

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 2005-06 and subsequent Budgets of the Emergency Communications Department, contingent upon approval of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-97
Re: Agreements - Governor's Traffic Safety Committee Grants

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation:

1. Authorizing agreements with the NYS Governor's Traffic Safety Committee (GTSC) for acceptance of grant awards of a) \$508,640 for a statewide Traffic and Criminal Software (TraCS) Electronic Ticket and Accident Report Project; and, b) \$24,834 for the Selective Traffic Enforcement Program (STEP);
2. Amending the 2004-05 Cash Capital allocation by \$508,700; and
3. Amending the 2004-05 Police Department budget by \$24,000.

Traffic and Criminal Software (TraCS) Electronic Ticket and Accident Report Project

This agreement extends the utilization of TraCS beyond the pilot project that Council approved in April 2004. The initial award included funding to equip 94 vehicles. This round of funding will expand TraCS to the entire fleet of 200 marked patrol vehicles used in the issuance of traffic tickets and reporting of accidents to a State TraCS computer database. Project expenditures must be completed by September 30, 2005. No cash match is required for the project.

Selective Traffic Enforcement Program (STEP)

Legislation will authorize continued participation by the Police Department in the statewide Selective Traffic Enforcement Program (STEP). State funds in the amount of \$24,834 are available for use between October 1, 2004 and September 30, 2005.

The 2004-05 Budget of the Police Department will be amended by \$24,000 to reflect appropriation of portions of the STEP grant awards for both NY State fiscal years 2003 and 2004. Remaining funds (\$10,800) from the 2004 award will be included in the 2005-06 Police Budget request.

The STEP program is aimed at reducing motor vehicle accidents resulting from unsafe or aggressive driving, including speeding and failure to observe traffic control devices. Personnel assigned to the Special Operations Section will conduct overtime enforcement details targeting locations with a high incidence of motor vehicle accidents. Enforcement strategies include the use of Laser RADAR speed detection and saturation patrol with marked and un-

marked police vehicles. During the previous funding period, 856 citations were issued to motorists, including 278 for speeding and 192 violations dealing with traffic control devices.

Under this program, the GTSC will reimburse the overtime salaries of sworn officers to conduct special enforcement details; it will not reimburse fringe benefit costs. This is the third year of GTSC funding to the City for this program. The previous award of \$23,640 was approved by City Council on January 27, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-97
(Int. No. 114)

Authorizing Applications And Agreements With Respect To The TraCS And STEP Projects And Amending The 2004-05 Budget

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

Section 1. The Mayor is hereby authorized to submit applications to and enter into agreements with the Governor's Traffic Safety Committee for funding for the TraCS - Electronic Ticket and Accident Report Project and Selective Traffic Enforcement (STEP) Program.

Section 2. Ordinance No. 2004-162, the 2004-05 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 and to the Cash Capital Allocation by the sum of \$508,700, which amounts are hereby appropriated from funds to be received under the grant agreements authorized herein.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-98
Re: Parking Enforcement Handheld System

Transmitted herewith for your approval is legislation authorizing an agreement with Duncan Management Solutions, Ltd. (DMS), 324 North Rose Street, Kalamazoo, MI 49007, for a parking enforcement handheld system. The system will automate the ticket processing of the 10 Police Parking Monitors who issue approximately 60% of all parking tickets. The cost of this system is \$81,274 and will be financed from 2003-04 Cash Capital.

Current processing involves hand-written tickets collected at the Rochester Police Department, where tickets are batched and sent to the City's Records Management Division for microfilming. A microfilm index number is assigned for retrieval purposes. Records Management sends batched tickets to data-entry in the Bureau of Information Systems to be keyed into a software program. These transactions are uploaded

on a nightly basis to the mainframe computer for processing. This cycle usually takes 3-5 days. The new system will eliminate transport, microfilming, and data-entry for these tickets; the data will be available to the Parking and Municipal Code Violations Bureau the next day. It will also reduce the number of unenforceable tickets by reducing errors.

In February, the Department of Finance solicited proposals for a parking enforcement handheld system. Three proposals were submitted in response to this solicitation. These proposals were evaluated by the Department of Finance, which recommended DMS because of their experience, technical approach, cost and compliance to specifications.

	Current	Proposed
Days To Process Tickets	3-5 Days	1 Day
Unenforceable Tickets	5%	Less than 1%

DMS will provide all hardware, software, licenses, installation, testing and training for the system. In addition, they will provide support before and after the implementation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-43

Ordinance No. 2005-98
(Int. No. 115)

Establishing Maximum Compensation For An Agreement For A Parking Enforcement Handheld System

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

Section 1. The sum of \$81,274, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and Duncan Management Solutions, Ltd. for a Parking Enforcement Handheld System. Said amount shall be funded from the 2003-04 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-99
Re: Agreement for Weyerhaeuser Grant

R2010: Campaign 3 - Health, Safety,
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Weyerhaeuser Company Foundation, of Federal Way, WA, for a grant of \$1,500, and amending the 2004-05 Budget of the Police Department to reflect the receipt and use of these funds.

The grant will be used to purchase a lap-top computer to be used during the community-based Child Identification Programs and other community meetings. This will facilitate enrolling more children during each

event. No local match is required for these funds.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-99
(Int. No. 116)

Authorizing A Grant Agreement For A Police Computer And Amending The 2004-05 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 Weyerhaeuser Company Foundation for funding for a lap-top computer for the Police Department to use during community-based Child Identification Programs and other community meetings.

Section 2. Ordinance No. 2004-162, the 2004-05 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 \$1,500, 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. 2005-100
Re: Veterinary Services - Amendatory Agreements for 2004-05

R2010: Campaign 3 - Health, Safety, and Responsibility

Transmitted for your approval is legislation authorizing amendatory agreements with Mary C. Dyroff, DVM and John O'Donoghue, DVM, to provide veterinary services for animals in custody at the City's Animal Shelter on Verona Street.

Routine veterinary services, including spay/neuter surgeries, are provided on-site through professional services agreements with several veterinarians, some of whom have recently left the Rochester area, necessitating these amendatory agreements.

The legislation will increase Dr. Dyroff's agreement by \$2,000 to a total of \$12,000, and Dr. O'Donoghue's agreement by \$3,000 to a total of \$13,000 through June 30, 2005. These additional amounts will be funded from the 2004-05 Budget of the Police Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-100
(Int. No. 117)

Establishing Maximum Compensation For Amendatory Professional Services Agreements

For Veterinary Services

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

Section 1. The sum of \$2,000, 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 Mary C. Dyroff, DVM, for the provision of veterinary services for the Animal Control Shelter. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 2. The sum of \$3,000, 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 John O'Donoghue, DVM, for the provision of veterinary services for the Animal Control Shelter. Said amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-101
Re: Amendatory Agreement - Fiber Systems, LLC

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Fiber Systems, LLC. The original agreement was authorized by Council on October 17, 2000. The amendment will grant Fiber Systems, LLC the right to install one 1.25" inner duct within approximately 2.8 miles of conduit in the following locations:

- Lake Avenue, from Atwell Street to Stonewood Avenue
- Harrison Street, from Oregon Street to Hudson Avenue
- Hudson Avenue, from Harrison Street to North Street
- North Street, from Hudson Avenue to Inner Loop
- North Street, from Andrews Street to Inner Loop
- Andrews Street, from North Street to Franklin Street
- Franklin Street, from Andrews Street to Liberty Pole Way
- University Avenue, from Culver Road to S. Goodman Street
- Blossom Road, from University Avenue to Gaslight Lane
- Church Street, from Pindle Alley to State Street
- State Street, from Church Street to Allen Street
- N. Fitzhugh Street, from Church Street to Allen Street

As compensation for access to this conduit, Fiber Systems will provide the City with fiber connections between the Public Safety Building and 1000 N. River Street (Ferry Terminal), 977 University Avenue (Fire Station), and 4090 Lake Avenue (Fire Station). As per the terms of the current agreement, the City will be responsible for any building entry construction costs from the right-of-way into each building. This cost is expected to be \$14,000 and will be funded from the remaining 1999-2000 and 2000-01 Cash Capital funds

authorized in the original agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-101
(Int. No. 119)

Authorizing An Amendatory Agreement For The
Installation Of Fiber Optic Cable In City Conduits
And Connections To City Facilities

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

Section 1. The Mayor is hereby authorized to
enter into an amendatory agreement with Fiber
Systems, LLC, for the installation of an additional
1.25 inch inner duct and fiber optic cable in ap-
proximately 2.8 miles of City telecommunication
conduits.

Section 2. The amendatory agreement shall
obligate Fiber Systems to provide fiber optic con-
nections between the Public Safety Building, or 945
Mt. Read Boulevard, Building 200, and the Ferry
Terminal at 1000 North River Street, and the fire
stations at 977 University Avenue and 4090 Lake
Avenue.

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 im-
mediately.

Passed unanimously.

The meeting was adjourned at 8:47 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
MAY 10, 2005

Present - President Giess, Councilmembers Curran,
Douglas, Mains, McFadden, Norwood, Pritchard,
Santiago, Stevenson - 9.

Absent - 0.

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

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

Recognition Ceremony

Retirement

DES

- Judith J. Dunbar
- *Charlene Ellis
- *Gregory C. Johnson

DPRHS

- Phyllis H. Capuano
- *Mary Jaffarian

RPD

- *Chief Robert Duffy
- *Thomas J. Keenan

RFD

- *William E. Lawrence

Finance

- *Joyce A. Webster

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Santiago

RESOLVED, that the minutes of the Regular Meet-
ing of April 12, 2005 be approved as published in the
official sheets of the proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Quarterly Report 3800-7

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

None presented.

PUBLIC HEARINGS

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

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District Int. No. 122 No speakers.

Approving The Consolidated Community Development Plan/2005-06 Annual Action Plan Int. No. 125 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. 128 No speakers.

Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement Int. No. 129 No speakers.

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts Int. No. 132 No speakers.

Continuation Of Local Improvement Ordinance No. 1374 Relating To The Joseph C. Wilson Boulevard Pedestrian Lighting District Int. No. 133 No speakers.

Continuation Of Local Improvement Ordinance No. 1382 Relating To The Lyell Avenue Commercial Parking Lot Int. No. 150 No speakers

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking Areas Int. No. 151 No speakers

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

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-102 And Ordinance No. 2005-103 Re: Tax Apportionment Assessment Classes

R2010: Campaign 7 - Quality Service

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 2004 data. The second is the calculation of the adjusted base proportions using 2004 and 2005 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 1, are as follows:

Homestead	.4287540
Non-Homestead	.5712460
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4273776
Non-Homestead	.5726224
Total	1.0000000

These new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead	+1.399%
Non-Homestead	-1.019%

Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment AE-44

Ordinance No. 2005-102 (Int. No. 166)

Determining And Certifying Base Proportions, Current Percentages, And Base Percentages For The 2005 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 2005 assessment roll as follows:

Homestead Class	Non-Homestead Class
Current base proportions	
42.87540%	57.12460%
Current percentage	
61.28830%	38.71170%
Base percentage	
52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Equalization and Assessment.

Section 3. This ordinance shall take effect immediately.

Passed unanimously

Ordinance No. 2005-103 (Int. No. 167)

Determining And Certifying Adjusted Base Proportions, Assessed Value, And Net Changes In Assessed Value For The 2005 Assessment Roll

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2005 assessment roll as follows:

Homestead Class	Non-Homestead Class
Adjusted base proportion .4273776	.5726224
Taxable assessed value 3,091,409,723	1,965,785,109
Net change in assessed value from 2004 resulting from physical and quantity changes -687,300	+25,505,700
Net change in assessed value from 2004 resulting from other than physical and quantity changes -5,085,256	-19,560,450

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Real Property Services.

Section 3. This ordinance shall take effect immediately.

Passed unanimously

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
May 10, 2005

To the Council

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

Int. No. 121 - Authorizing The Sale Of Real Estate

Int. No. 123 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Services For The Brooks Landing Revitalization Project

Int. No. 124 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$90,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Designing The Brooks Landing Public Waterfront Improvement Project In The City

Int. No. 163 - Amending The Municipal Code With Respect To Hotel/Motel Courtesy Vehicles

Int. No. 164 - Resolution Approving Appointment To The City Planning Commission

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

Int. No. 122 - Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

Int. No. 125 - Approving The Consolidated Community Development Plan/2005-06 Annual Action Plan, As Amended

Int. No. 126 - Authorizing Submission Of The

Consolidated Community Development Plan/2005-06 Annual Action Plan And Execution Of The Grant Agreement With The United States Department Of Housing And Urban Development

Int. No. 127 - Appropriation Of Funds For The City Development Fund

Int. No. 128 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To The Merchants/Winton Road Open Space District

Int. No. 129 - Local Improvement Ordinance - Establishing The Cost Of The Special Work And Services Related To Downtown Guides And Authorizing An Agreement

Int. No. 165 - Amending The 2005-06 Community Development Plan And Authorizing An Application And Agreements Relating To The Emergency Shelter Grant Program And Amending Ordinance No. 2004-124

Respectfully submitted,
Wade S. Norwood
William Pritchard
Adam C. McFadden
Lois J. Giess
Gladys Santiago
HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-104
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

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

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

The next property is a structure that was sold at public auction, subject to the acceptance of a development proposal. The property will be rehabilitated as a church and one apartment.

The next property is a vacant lot that was sold at public auction, subject to the acceptance of a development proposal. The lot will be fenced and landscaped and combined with the purchaser's adjoining property.

The next property consists of portions of Hartford Street and Finney Street, which were abandoned pursuant to Ordinance No. 2003-351 adopted on October 22, 2003. The abandoned street portions are being sold to the adjoining owner, B & L Wholesale Supply Inc. The market value of \$6,400 of the areas of the abandoned right-of-way owned in fee by the City of

Rochester was established by an independent appraisal prepared by Robert G. Pogel, SRPA.

The last property is an unbuildable vacant lot at 34 Hempel Street. It will be combined with 126 Sander Street (The Vineyard) and sold to the Northeast Neighborhood Alliance Community Land trust for development as ancillary parking.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-45

Ordinance No. 2005-104
(Int. No. 121)

Authorizing The Sale Of Real Estate

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

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

Address S.B.L.#	Lot Size	Legal Use	Price
380 Champlain St. 120.59-2-43	33x159	1 Family	\$3,100
417-423 Frost Av. 120.67-2-27&28	66x141	1 Family	3,700
804-810 North St. 106.41-3-66.1	66x94	1 Family	1,000

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

Address: 309-313 Bay St.
S.B.L.#: 106.51-2-5&6
Lot Size: 80x110
Price: \$5,300
Purchaser: Greater Calvary House of Prayer

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

Address: 212 Colvin St.
S.B.L.#: 120.33-2-22
Lot Size: 95x80
Price: \$50
Purchaser: Rodney Rebman

Section 4. The Council hereby further approves the negotiated sale of the following portions of streets which were abandoned pursuant to Ordinance No. 2003-351:

Address: Pt of Hartford & Finney Sts.
Lot Size: .508 acre
Price: \$6,400
Purchaser: B & L Wholesale Supply, Inc.

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

Address: 34 Hempel St.
S.B.L.#: 106.43-3-10
Lot Size: 38x95
Purchaser: Northeast Neighborhood Alliance Community Land Trust*

*Officers: Shirley Edwards; Delaine Cook-Greene; Patricia Galante

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:

Local Improvement Ordinance No. 1543
Re: High Falls Business Improvement District (BID)

R2010: Campaign 6 - Economic Vitality
Campaign 10 - Center City

Transmitted herewith for your approval is legislation approving the 2005-06 levy of \$25,000 for the High Falls Business Improvement District and continuing to apportion the costs among the properties within the district as was approved in 2004-05 Budget.

In New York State, legislation allows municipalities to create Business Improvement Districts to impose an assessment on property owners for additional services.

The High Falls District Plan, adopted by Council in January 2004, outlines a description of the BID boundaries, the assessment formula used to determine each building owner share, and the \$25,000 budget to be used for additional clean-up, beautification, landscaping, marketing, advertising and promotional materials.

The District Plan is on file in the City Clerk's office.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Improvement Ordinance No. 1543
(Int. No. 122)

Local Improvement Ordinance - Establishing The Cost Of The Assessments Related To The High Falls Business Improvement District

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

Section 1. The budget for the 2005-06 fiscal year for the High Falls Business Improvement District is established at \$25,000, which amount shall be assessed and levied in accordance with Local Law No.

1 of 2004.

Section 2. This ordinance shall take effect on July 1, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-105 And
Ordinance No. 2005-106

Re: Brooks Landing Public Waterfront
Improvements

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Brooks Landing Public Waterfront Improvements. The legislation will:

1. Authorize an amendatory agreement with Bergmann Associates, 200 First Federal Plaza, 28 East Main Street, Rochester, New York for additional landscape, architectural, and engineering design services at an additional cost of \$90,000 so that the maximum cost of the agreement will be now be \$250,000; and
2. Authorize the issuance of bonds totaling \$90,000 and the appropriation of the proceeds thereof to finance the cost of the amendatory agreement.

The project and its funding were originally approved by Council in August 2002. The original \$150,000 agreement for design of the project by Bergmann Associates provided for the design of a riverfront promenade, an open plaza, and a boat dock/landing and coordination with the adjacent private hotel and restaurant development.

The amendatory agreement will provide for:

- The inclusion of mitigation measures and review comments from the National Park Service and New York State Historic Preservation Office;
- Obtaining regulatory approvals and permits necessary for construction;
- Design of a vehicular turn-around and parking area at the northerly limit of the Genesee Valley Park; and,
- Construction phase design services.

In July 2003 an additional \$10,000 agreement with Bergmann Associates was approved for the design of a vehicular turn-around and parking area at the terminus of South Plymouth Avenue in Genesee Valley Park, south of the proposed hotel site. The remaining scope and funding of the 2003 agreement will be incorporated into the new amendatory agreement proposed herein.

The cost of construction is estimated to be \$1,890,000 including contingencies and resident project repre-

sentation. The project will be financed from 2000-01 General Debt. It is anticipated that the final design will be completed by the fall of 2005, with construction beginning in the summer of 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-105
(Int. No. 123)

Establishing Maximum Compensation For An Amendatory 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 \$90,000, 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 additional landscape architectural and 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, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his property could be effected by the Brooks Landing Project.

Ordinance No. 2005-106
(Int. No. 124)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$90,000 Bonds Of Said City To Finance The Additional Cost Of Planning And Designing The Brooks Landing Public Waterfront Improvement Project In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to issue bonds of the City in the aggregate principal amount of \$90,000 for the additional cost of landscape architectural and engineering 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 total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000. The plan of financing includes

the issuance of \$90,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$150,000 bonds of the City previously appropriated in Ordinance No. 2002-275 and \$10,000 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 \$90,000 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 \$90,000. 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, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because his property could be effected by the Brooks Landing project.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-107,
Ordinance No. 2005-108 And
Ordinance No. 2005-109

Re: Consolidated Community Development
Plan/2005-2010 - Draft Five-Year
Strategic Plan and Annual Action Plan

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Plan 2005-2010 / Draft Five-Year Strategic Plan and Annual Action Plan. The legislation will:

1. Approve the 2005-2010 Five-Year Strategic Plan and the 2005-06 Annual Action Plan;
2. Authorize the submission of the plan to the U.S. Department of Housing and Urban Development and the execution of any grant agreements; and
3. Approve the appropriation and the use of Urban Development Action Grant principal and interest repayments projected to be received during the 2005-06 program year.

The Consolidated Community Development Plan addresses the U.S. Department of Housing and Urban Development's planning and application requirements for their formula grant programs, including the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant

Program, and the Housing Opportunities for Persons with AIDS. HUD requires jurisdictions to prepare multi-year strategies and one-year action plans for use of federal funds.

The City of Rochester strategic plan contains a community development needs assessment, a housing market analysis, and long term strategies to meet priority needs. The annual action plan describes specific projects and activities that will be undertaken in the coming year with federal funds to address priority needs.

The Consolidated Plan Management Process (CPMP), an optional tool created by HUD, was used to prepare our plan. The CPMP facilitates compliance with applicable federal statutes and regulations by prompting detailed responses. It also enables Consolidated Planning materials to be submitted to HUD almost entirely in an electronic format.

The current draft plan is designed to build on the progress of prior years. In 1994, the City, in partnership with a variety of neighborhood associations, began the neighborhood planning effort "Neighbors Building Neighborhoods" (N.B.N.). This process involved the preparation of strategic plans and action steps for 10 planning sectors. In 1999, the City adopted its comprehensive plan, "Rochester 2010: The Renaissance Plan". This plan drives and informs all decisions regarding City priorities and funding.

The City consulted with local public agencies serving low and moderate income persons, including City offices, State and federal agencies, neighboring local government and regional agencies. The City also consulted with private agencies, including local nonprofit service providers and advocates such as the local public housing agency, health agencies, homeless service providers, nonprofit housing developers, social service agencies (including those focusing on services to children, the elderly, persons with disabilities, persons with HIV/AIDS, and persons with substance abuse problems). In addition, meetings were held at the following dates and locations:

- January 19, 2005 Edgerton Recreation Center
- January 20, 2005 North Street Community Center
- January 26, 2005 Campbell Street Recreation Center
- January 27, 2005 South Avenue Recreation Center
- February 2, 2005 General Meeting - City Hall

The amount of revenue available to address the priority needs and specific strategies identified in the Consolidated Community Development Program is estimated to be \$19,694,187. Of this amount, \$13,283,899 is available from the Community Development Block Grant, \$3,760,753 from the HOME Program (including \$93,851 in American Dream Downpayment Initiative funds), \$424,535 from the Emergency Shelter Grant, and \$575,000 from the Housing Opportunities for Persons with Aids Program. An additional \$1,650,000 in Urban Development Action Grant loan and interest repayments are available for the City Development Fund.

Under the plan, these funds are targeted for activities that address the following objectives:

Objective	Amount	Percent Of Total
Support NBN	\$ 808,300	4%
Economic Stability	3,674,400	19
Housing Stock	11,861,852	60

Community Needs	2,404,735	12
Other	944,900	5
Total	\$19,694,187	100%

Significant funding highlights include:

- An allocation of \$800,000 for the Commercial Loan Fund which provides loans to assist private sector job creation and retention of new and expanding commercial businesses.
- Funding in the amount of \$1,100,000 for the Industrial Revolving Loan Fund. It is anticipated that 1,040 jobs will be created or retained during the program year.
- An allocation of \$130,000 for the Security Camera / Lighting Grant Project which provides matching grants for the purchase and installation of security camera systems and exterior lighting.
- Funding in the amount of \$28,700 for a Matching Grant Sign Project which will assist 14 businesses.
- An allocation of \$142,499 for an Aging In Place project which will fund strategies designed to help elders stay in their homes.
- An allocation of \$609,000 for Rehab Rochester which will provide funding for the rehabilitation of 40 housing units occupied by low and moderate income families.
- Funding in the amount of \$1,000,000 for lead hazard reduction activities in 100 housing units.
- An allocation of \$1,401,871 for renovation and new construction projects which create housing with rents affordable to households with incomes below 60% of median family income. It is anticipated that 85 units will be assisted.
- Funding in the amount of \$300,000 for a Mortgage Default / Relief Project that will assist 200 people.
- An allocation of \$2,125,600 to be used to finance various physical improvements in low and moderate income neighborhoods.
- An allocation of \$50,000 for operation of the BEST project, to provide employment readiness training and job development for low and moderate income city residents.
- An allocation of \$317,000 for new job creation and youth programs to be determined by a Request For Proposal.
- Funding in the amount of \$200,000 for neighborhood sector programs to be determined by a Request for Proposal.

Approval by the City Council of the Annual Action Plan is required by HUD. Approval of the City Development Fund is required by Resolution No. 83-26, which was adopted on May 24, 1983.

A public hearing on the plan is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-107
(Int. No. 125, As Amended)

Approving The Consolidated Community Development Plan/2005-06 Annual Action Plan

WHEREAS, there is pending before this Council the Draft Consolidated Community Development Plan/2005-06 Annual Action Plan to be financed with \$19,694,187 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 City Council has reviewed the needs, strategies and proposed actions with City staff; and

WHEREAS, the City Council conducted a public hearing on the Draft Consolidated Community Development Plan/2005-06 Annual Action Plan and the needs, strategies, proposed actions and annual performance; and

WHEREAS, the City Council has reviewed the public comments and recommendations;

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

Section 1. The Council hereby adopts the Draft Consolidated Community Development Plan/2005-06 Annual Action Plan, as amended in legislation approving the Emergency Shelter Grant Program and the Rochester Fatherhood Resource Initiative Program adopted at this meeting.

Section 2. The Mayor is hereby directed to prepare detailed programs and specifications for the various actions and to submit said plans to City Council for approval prior to implementation.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2005-108
(Int. No. 126, As Amended)

Authorizing Submission Of The Consolidated Community Development Plan/2005-06 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 the Consolidated Community Development Plan/2005-06 Annual Action Plan, as amended, 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, 2005.

Section 2. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2005-109
(Int. No. 127)

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/2005-06 Annual Action Plan, the Council hereby appropriates the sum of \$1,650,000 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.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1544
Re: Merchants/Winton Road Open Space
District

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation approving the annual maintenance budget for the Merchants/Culver Road Open Space District and apportioning this cost among the properties included in the district.

The district, established by Council in August 1996, preserves as open space approximately 1.5 acres of land on Merchants Road, and includes 71 properties on Winton, Merchants, Royleston, Woodstock, Marsden and Elmcroft Roads.

The open space land consists of one parcel that was owned by the City and one parcel that was acquired by the City in 1996 at a cost of \$20,100 plus \$900 in closing costs. The total cost of \$21,000 is being amortized over 10 years at a rate of 5%, or at about \$2,720 per year.

The budget for maintenance of the land is established annually. The 2005-06 maintenance budget will remain at the 2004-05 level of \$500.

The total charges will be apportioned among the properties within the district based upon their assessed values, without consideration of any exemptions. The properties are classified into two groups (map attached).

- 1. Inner Properties within the triangular area shown

on the attached map are charged based on total assessed values; and

- 2. Outer Properties across the street from the triangular area shown on the attached map are charged based on two-thirds of assessed values.

The actual charges for the individual properties within the district will be prepared and submitted to the Council for consideration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-46

Local Improvement Ordinance No. 1544
(Int. No. 128)

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 2005-06 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, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1545
Re: Downtown Guides Program

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation relating to the Downtown Guides Program. This legislation will:

- 1. Approve the 2005-06 budget of the program and apportion the budget costs among the properties within the special assessment district; and
- 2. Authorize an agreement with Downtown Special Services, Inc., for continued administration of the program.

The program was initially authorized by the City Council on March 15, 1994 and re-authorized in 1999 and 2004. Under the proposed legislation, this

term will be extended beyond June 30, 2005 for an additional five-year period.

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 relatively assessed valuation.

The cost of the program will be \$291,000. Of this amount, \$21,800 will be financed from interest earnings (\$200), website revenues (\$3,800), reserve for replacements (\$1,300) and prior year rollover funds (\$10,523). After an addition of a reserve for delinquent accounts of 4.88%, total assessments will be \$289,295, which is \$13,621 less than the 2004-05 assessment of \$302,916.

If the proposed legislation is approved, the assessments for the 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 is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-47

Local Improvement Ordinance No. 1545
(Int. No. 129)

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 to be assessed for the 2005-06 fiscal year for the Downtown Guides is established at \$289,295, and said amount shall be allocated and levied in accordance with Local Improvement Ordinance No. 1352, as continued by Local Improvement Ordinances No. 1446 and 1529.

Section 2. The Mayor is further authorized to enter into an agreement with Downtown Special Services, Inc. for the operation of the Downtown 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, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,

Douglas, Main, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-110
Re: Hotel Courtesy Vans

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending City Code Chapter 108 - Taxicabs to revise regulations for hotel courtesy vans. In March 2004, City Council amended Chapter 108 to create an open entry taxicab system. At that time, the section that only allows hotel courtesy vans to transport persons between common carriers (airport, bus station, etc.) and the hotels was not changed. Although this provision has been in the Code for many years, it has not been generally enforced.

When the Center City hotels were notified by letter that enforcement would become more commonplace, a complaint by one of the hotel general managers raised several valid concerns. Among these, the most compelling points were that City hotels are at a great disadvantage with hotels outside the City, which routinely use the courtesy vans to transport hotel guests to restaurants and malls, as well as to the common carriers.

The hotel manager also pointed out that one of the hotel's most valuable accounts has considered using a hotel outside the City if transportation cannot be provided to and from major Center City employers. It was stated that if the provision were not changed, the hotels and the Rochester Riverside Convention Center could lose major conferences and other substantial business.

The interdepartmental staff team that issues licenses pursuant to Chapter 108, including personnel from the Clerk's Office, the Police Department and the Law Department, reviewed these concerns and concurred that an amendment was appropriate.

The proposed amendment to Chapter 108 requires hotel courtesy vans be licensed at the same rate as taxis (\$500), undergo the same vehicle inspections, and allow hotels to transport hotel guests without charge between hotels and their workplace; no meter would be installed. To avoid unfair competition between the vans and regular taxicabs, the amendment does not include in the "free" category transportation to restaurants, entertainment venues, and shopping.

These changes to the Code will bring fairness to the marketplace and allow City hotels to compete with their counterparts located elsewhere on an equitable basis.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2005-110
(Int. No. 163)

Amending The Municipal Code With Respect To Hotel/Motel Courtesy Vehicles

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

Section 1. Chapter 108 of the Municipal Code, Taxicabs, as amended, is hereby further amended as follows:

a. Section 108-1 of the Municipal Code, Terms defined, is hereby amended by amending the definition of "HOTEL/MOTEL COURTESY VEHICLE" to read as follows:

HOTEL/MOTEL COURTESY VEHICLE - Any motor vehicle which is used by a hotel or a motel for the transportation of patrons. This definition shall not include any vehicle designated as a taxicab nor any chartered vehicle.

b. Article V of Chapter 108 of the Municipal Code, Limousines, is hereby amended in its entirety to read as follows:

Article V. Hotel/Motel Courtesy Vehicles.

Section 108-26. License plate required.

- A. No person shall operate a vehicle as a hotel/motel courtesy vehicle unless a hotel/motel courtesy vehicle license plate is attached to the rear of the vehicle.
- B. All such licenses shall expire on the 30th day of June after their issuance, unless revoked, surrendered or abandoned at an earlier time.
- C. The license fee shall be \$500 annually.
- D. The holder of a hotel/motel courtesy vehicle license shall be permitted to renew the license annually, provided that he or she complies with all provisions of this chapter. The application for such renewal must be filed with the City Clerk not later than the 30th day of June of each successive license year. If the application for renewal is not made within this time, the holder will be deemed to have abandoned the license.

Section 108-27. Hotel/motel courtesy vehicle restrictions.

- A. A hotel/motel courtesy vehicle shall only transport hotel/motel guests between a hotel or motel and an airport, bus terminal, railroad station, ferry terminal or other common-carrier station, or the guest's business destination, and shall not make intermittent stops to discharge or take on passengers at places other than those designated in this section.
- B. No hotel/motel courtesy vehicle driver shall charge a passenger a fare for any hotel/motel courtesy vehicle service.

Section 108-28. Inspections.

- A. No person shall operate a hotel/motel courtesy vehicle within the City unless said vehicle has passed a standard New York State motor vehicle inspection during the preceding six months and has a properly affixed and current inspection sticker.
- B. No person shall operate a hotel/motel courtesy vehicle within the City unless said vehicle has passed a City of Rochester vehicle inspection during the preceding six months and has a properly affixed and current City inspection

sticker indicating compliance with the provisions of § 108-29A.

- C. The Chief of Police or his or her designee is authorized to establish the schedule(s) for the inspections specified in subsection B.
- D. Upon failure by a hotel/motel courtesy vehicle of the City of Rochester vehicle inspection, any prior City inspection sticker shall be removed from the vehicle immediately. The owner of the vehicle shall be notified of such failure and the removal of the inspection sticker. Unless such time period is extended by the Chief of Police or his designee for reason of serious illness or personal injury or other good cause, the hotel/motel courtesy vehicle operator shall have 30 days in which to make any necessary changes or repairs to the vehicle and pass a reinspection. Failure to make the changes and repairs required for passage of such reinspection within the prescribed time period shall constitute abandonment of the applicable license.
- E. The Chief of Police or his or her designee may make or cause to be made at any time a further inspection of any vehicle used as a hotel/motel courtesy vehicle in the City, and if said vehicle is found to be unsafe, unclean, unhealthful or unsuited for public patronage, the Chief may order the discontinuance of the use of said vehicle as a hotel/motel courtesy vehicle.

Section 108-29. Vehicle requirements.

- A. No person shall operate a hotel/motel courtesy vehicle in the City unless such hotel/motel courtesy vehicle meets all of the following requirements:
 - (1) All hotel/motel courtesy vehicles shall have windows in the rear and side of the vehicle sufficient in number and of such size, dimensions and clarity that passengers may be readily seen and identified through the windows.
 - (2) All hotel/motel courtesy vehicles shall be equipped with hubcaps, spoked covers or other equivalent covering on all wheels. All hotel/motel courtesy vehicles shall be furnished with snow tires or radial tires on both drive wheels from November 1 through April 15.
 - (3) All hotel/motel courtesy vehicles shall be free from disfiguring damage to the interior and exterior of the vehicle, including significant rust. All doors, lights, seat belts and safety equipment shall be maintained in good operating condition. All seat belts shall be visible and available for use by passengers in both the front and rear seats at all times.
 - (4) All hotel/motel courtesy vehicles shall be equipped with doors which fasten in a manner so that they may be readily opened from the inside by a passenger.
 - (5) All hotel/motel courtesy vehicles shall have printed lettering on both the left and right side at least three inches high in a color contrasting to that of the vehicle, setting forth the name of the hotel/motel

operating the vehicle.

- c. Sections 108-27 through 108-31 are hereby renumbered as Sections 108-30 through 108-34 respectively.
- d. Section 108-30, Term defined, as renumbered herein, is hereby further amended to read in its entirety as follows:

Section 108-30. Term defined.

As used in this article, a "license" shall mean a hack plate, a taxicab driver's license, livery license or a hotel/motel courtesy vehicle license.
- e. Section 108-35 is hereby amended to read in its entirety as follows:

Section 108-35. Term defined.

As used in this article, a "license" shall mean a hack plate, a taxicab driver's license, livery license or a hotel/motel courtesy vehicle license.

Section 2. This ordinance shall take effect on July 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-11
Re: Appointment - City Planning
Commission

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation confirming the appointment of Donna P. Suchy, 11 Edgerton Street, to the City Planning Commission. Ms. Suchy will replace Jim Patrick, whose term will end February 28, 2006.

Ms. Suchy's resume is on file in the City Clerk's office for review.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-11
(Int. No. 164)

Resolution Approving Appointment To The City Planning Commission

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

Section 1. The Council hereby approves the appointment of Donna P. Suchy, 11 Edgerton Street, to the City Planning Commission for a term which shall expire on February 28, 2006. Ms. Suchy shall replace James Patrick, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-111
 Re: Agreements and Appropriations
 Emergency Shelter Grant Program

R2010: Campaign 3 - Health, Safety
 and Responsibility

Transmitted herewith for your approval is legislation relating to the 2005-06 Emergency Shelter Grant (ESG) Program. This legislation will:

1. Authorize an agreement with the U.S. Department of Housing and Urban Development for funding under the Emergency Shelter Grant Program in the amount of \$424,535;
2. Amend the ESG Program budget for 2003-04 by the sum of \$2,101 and transferring those funds to the 2005-06 ESG Program;
3. Authorize agreements with 34 community organizations for ESG Programs, totaling \$405,409;
4. Appropriate the sum of \$21,227, or so much thereof as may be necessary from ESG funds, to pay for administrative expenses; and
5. Amend Introductory No. 125 "Approving The Consolidated Community Development Plan/2005-06" to reflect the addition of Enriche House as a provider of emergency housing services.

Summary of Funding

	2004-05	2005-06	Difference
ESG Allocation	\$431,454	\$424,535	\$ (6,919)
Administrative costs	21,572	21,227	(345)
Available to Programs	409,882	403,308	(6,574)
Carry over from prior years	7,165	2,101	(5,064)
Total Available to Programs	\$417,047	\$405,409	\$(11,638)

A list of programs receiving funding is attached. The smaller allocation for 2005-06 has resulted in an overall reduction of 2.9% for all 34 programs, making it infeasible to extend funding to additional programs. Programs are evaluated based on: 1) Compliance with applicable federal guidelines; 2) Provisions for underserved populations; 3) Services that meet identified priority needs; 4) The ability to expend or encumber all project funds within 12 months; and 5) Monitoring evaluation of current ESG projects.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AE-59

Ordinance No. 2005-111
 (Int. No. 165)

Amending The 2005-06 Community Development Plan And Authorizing An Application And Agreements Relating To The Emergency Shelter Grant Program And Amending Ordinance No. 2004-124

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. The Council hereby amends the Draft Consolidated Community Development Plan/2005-06 Annual Action Plan by revising the Emergency Shelter Grant Program to incorporate the organizations and funding levels as approved herein.

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	\$22,360
Baden Street Settlement	9,720
Blessed Sacrament Church	12,340
Cameron Community Ministries	5,345
Catherine McAuley Housing/Families First	13,610
Catherine McAuley Housing/Melita House	12,635
Catholic Charities	12,150
Catholic Family Center/Emergency Services	12,150
Catholic Family Center/Francis Center	17,496
Catholic Family Center/Sanctuary House	9,720
Catholic Family Center/Women's Place	29,160
The Center for Youth/Center House	15,555
The Center for Youth/Transitional Services	5,835
Cephas Attica	8,748
The Community Place	11,665
Dimitri House	17,500
Enriche House (Fiduciary Agent: Rochester Fatherhood Resource Initiative, Inc.)	5,835
Grace Urban Ministries/Mary Magdalene Women's Outreach	13,610
Hillside Children's Center	6,805
Housing Council/Homeless Prevention Program	6,805
Housing Council/School Mobility Project	19,700
Recovery Houses of Rochester	3,890
RAIHN (Rochester Area Interfaith Hospitality Network)	5,835
St. Martins Place	8,735
Salvation Army	21,385
Sojourner House	22,360
Southeast Ecumenical Ministries	1,945
Spiritus Christi/Jennifer House	9,720
Togetherness in Love Community	6,805
Veteran's Outreach Center	16,525
Volunteers of America/Emergency Housing	7,775
Volunteers of America/Homelessness Prevention Center	9,720
Wilson Commencement Park	17,110
YWCA	4,860

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$405,409, and said amount, and \$21,227 for administrative expenses, or so much thereof as may be necessary, is hereby appropriated from 2005-06 Emergency Shelter Grant Program Funds.

Section 4. Ordinance No. 2004-124, relating to the

Emergency Shelter Grant Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$2,101, which amount is reappropriated to fund the agreements authorized herein. The Mayor is authorized to enter into any necessary amendatory agreements 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, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife's employer is one of the recipients of the grant.

Introductory No. 95 was introduced April 12, 2005, and appears in its original form with its transmittal letter on page 100 of the current Council Proceedings.

Attachment No. AE-48

Ordinance No. 2005-112
(Int. No. 95)

Changing The Zoning Classification Of 1, 3, 4, 5, 7 & 9 Karges Place, 667 & 671 South Goodman Street And A Portion Of Vacant Land Dedicated To I-490 From R-1 Low Density Residential To C-2 Community Center

Passed unanimously.

By Councilmember Mains
May 10, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 130 - Authorizing An Agreement For The Biz Kid\$ Program

Int. No. 131 - Authorizing Agreements And Appropriating Funds For Human Services Projects

Respectfully submitted,
Tim O. Mains
Benjamin L. Douglas (Abstained on Int. No. 131)
William F. Pritchard
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-113
Re: Agreement - Coordinated Care Services/Biz Kid\$

R2010: Campaign 2 - Educational Excellence

Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Coordinated Care Services, Inc. in the amount of \$39,750 for staffing of the Biz Kid\$ program, and appropriating funds to finance the agreement.

A total of \$35,410 will be appropriated from the General Community Needs allocation of the Community Development Block Grants in the following amounts: \$4,604 from 2000-01, \$22,856 from 2002-03, and \$7,950 from 2003-04. The remaining \$4,340 will be funded from the 2004-05 Budget.

The Biz Kid\$ program is an entrepreneurial program which teaches city youth basic business skills, encourages youth enterprise and provides start-up grants for graduates. Since it began in 1999, over 400 youth between the ages of 10 and 18 have completed the program.

The term of this agreement will be July 1, 2005 through June 30, 2006. Biz Kid\$ was last approved by Council in November 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-113
(Int. No. 130)

Authorizing An Agreement For The Biz Kid\$ Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Coordinated Care Services Inc. for the Biz Kid\$ Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$39,750, and of said amount, or so much thereof as may be necessary, \$4,604 is hereby appropriated from the General Community Needs Allocation of the 2000-01 Community Development Program, \$22,856 is hereby appropriated from the General Community Needs Allocation of the 2002-03 Community Development Program, \$7,950 is hereby appropriated from the General Community Needs Allocation of the 2003-04 Community Development Program and \$4,340 shall be funded from the 2004-05 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. 2005-114
Re: Human Services Projects

R2010: Campaign 2 - Educational Excellence
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing agreements for the following human services projects:

<u>Organization Project</u>	<u>Amount</u>
Cameron Community Ministries Northwest Youth Programs	\$32,000
Rochester Fatherhood Resource Initiative, Inc. Rochester Fatherhood Resource Initiative	50,000
YWCA of Rochester Monroe County Adolescent Parenthood Project at Marshall High School	39,442

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 agreement for the Rochester Fatherhood Resource Initiative represents the fourth year of CDBG funding. Northwest Youth Programs is in the fifth year of CDBG funding. The most recent agreements for these services were approved by City Council in May and June 2004.

The Adolescent Parenthood Project is in its first and only year of funding. The one year funding is being used to address an immediate need until alternative funding sources are found.

The costs for Rochester Fatherhood and Northwest Youth Programs agreements will be financed from the Community Needs allocation of the 2005-06 Community Development Block Grant. The Adolescent Parenthood Project will be financed from the Job Creation/Youth Development allocation of the 2004-05 Community Development Block Grant.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-49

Ordinance No. 2005-114
(Int. No. 131, As Amended)

Authorizing Agreements And Appropriating Funds For Human Services Projects And Amending The 2005-06 Community Development Plan

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for human services projects in amounts not to exceed the following:

<u>Organization Project</u>	<u>Amount</u>
Cameron Community Ministries Northwest Youth Programs	\$32,000
Rochester Fatherhood Resource Initiative, Inc. Rochester Fatherhood Resource Initiative (RFRI)	50,000
YWCA of Greater Rochester	

Adolescent Parenthood Project
at Marshall High School 39,442

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$121,442, and of said amount, or so much thereof as may be necessary, \$82,000 is hereby appropriated from the General Community Needs Allocation of the 2005-06 Community Development Program and \$39,442 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2004-05 Community Development Program. The Council hereby amends the Draft Consolidated Community Development Plan/2005-06 Annual Action Plan by transferring the sum of \$25,000 from the Job Creation/Youth Development Allocation to the General Community Needs Allocation to partially fund the agreement with the Rochester Fatherhood Resource Initiative, Inc. 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.

Underlined material added.

Passed by the following vote:

Ayes - Council President Giess, Councilmember Curran, McFadden, Mains Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Douglas abstained vote because his wife's employer is one of the affiliated agencies.

By Councilmember Stevenson
May 10, 2005

To the Council:

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

Int. No. 134 - Establishing Maximum Compensation For A Professional Services Agreement For Inscription Services

Int. No. 135 - Establishing Maximum Compensation For Professional Services Agreement For Services As A Grant Writer For The Rochester Cemeteries Heritage Foundation

Int. No. 136 - Establishing Maximum Compensation For A Professional Services Agreement For Upland Water Forest Resource Management Services

Int. No. 137 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$796,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2005 Water Main Extension And Improvements Program In The City

Int. No. 138 - Authorizing Agreements With Respect To The Mt. Read Boulevard Bridge Rehabilitation Project

Int. No. 139 - Authorizing Agreements For Street Lighting During Capital Improvement Projects

Int. No. 140 - Establishing Maximum Compensation For Professional Services Agreements For The Manhattan Square Park Improvements Project

Int. No. 141 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$452,000 Bonds Of Said City To Finance The Additional Cost Of Design And Resident Project Inspection Services Related To The Manhattan Square Park Improvements Project

Int. No. 142 - Authorizing Agreements For Materials Testing Services

Int. No. 143 - Establishing Maximum Compensation For A Professional Services Agreement For Construction Resident Project Representation And Project Management Services

Int. No. 144 - Establishing Maximum Compensation For A Professional Services Agreement For Standby Emergency Power At City Facilities

Int. No. 145 - Establishing Maximum Compensation For A Professional Services Agreement For The City Hall Roof Replacement

Int. No. 146 - Authorizing Participation In The Smith Street Bridge Improvement Project

Int. No. 147 - Establishing Maximum Compensation For A Professional Services Agreement For Preliminary Engineering And Design Services For The Smith Street Bridge Improvement Project

Int. No. 148 - Approving Easements To The Town Of Springwater

Int. No. 149 - Authorizing The Acquisition By Negotiation Or Condemnation Of A Permanent Easement For The Atlantic Avenue Improvement Project

Int. No. 158 - Appropriating Funds For The Lexington Avenue Improvement Project

Int. No. 159 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,240,000 Bonds Of Said City To Finance The Cost Of Acquisition Of CSX Land For Construction Of A Connection To The Genesee Riverway Trail And For Economic Development Purposes

Int. No. 160 - Authorizing The Acquisition Of CSX Land For Construction Of A Connection To The Genesee Riverway Trail And For Economic Development Purposes

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

Int. No. 132 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

Int. No. 133 - Continuation Of Local Improvement Ordinance No. 1374 Relating To The Joseph C. Wilson Boulevard Pedestrian Lighting District

Int. No. 150 - Continuation Of Local Improvement Ordinance No. 1382 Relating To The Lyell Avenue Commercial Parking Lot

Int. No. 151 - Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Neighborhood Commercial Or Residential Parking

Areas

Respectfully submitted,
Robert J. Stevenson
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS & THE ENVIRONMENT

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1546 And
Local Improvement Ordinance No. 1547
Re: Street Lighting Districts

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation:

1. Authorizing the renewal of the Wilson Boulevard Street Lighting District; and
2. Approving the appropriations and assessments for energy and maintenance costs for eight street lighting districts:

LIO	District	2005-06	2004-05	Variance
1374	Wilson Boulevard	\$ 528.94	\$ 523.85	+ \$
5.09				
1502	Lyell Ave I	2,469.56	2,105.41	+ 364.15
1503	Lyell Avenue II	2,341.33	2,310.35	+
30.98				
1413	Monroe I	1,339.04	1,379.20	
- 40.16				
1412	Monroe II	585.31	601.10	
- 15.79				
1429	Cascade Drive/N. Washington St.	1,532.74	1,544.20	
- 11.46				
1422	Norton Street	1,272.98	1,306.09	
- 33.11				
1472	Lake Avenue	3,723.41	3,906.08	- 182.67

The districts were established to either enhance lighting levels and thereby improve security and safety or to enhance for aesthetic appearance. The costs of the original enhancements were financed by the University of Rochester (Wilson Boulevard); Community Development Block Grants funds (Lyell I & II); City funds (Monroe I & II) and federal funds (Cascade/Washington & Norton).

The proposed assessments represent the costs of energy and maintenance and/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 involved the installation of six lighting fixtures, was established in 1995 and authorized for 10 years. It is, therefore, due for renewal.

The first Lyell Avenue district, established in August 1992, 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 with 250-watt fixtures on four poles at the aforementioned intersection.

The second Lyell Avenue district, established by the Council in May 1998, 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 two Monroe Avenue districts were established in March 1998. The first includes 102 properties along the portion of Monroe Avenue between the Inner Loop and I-490; the second includes 68 properties from the Inner Loop to Culver Road. The districts provide for the fluting of the bronze-colored metal davit light poles, and pedestrian-level lights attached to the back of the davit poles.

The Cascade/N. Washington district, established in February 1999, includes 29 properties along Cascade Drive and N. Washington Street from Main Street W to the north end. The enhancements consist of the differential between maintenance and operation of a standard davit system and the post top ornamental system.

Norton district was established in May 1998 and includes 9 properties along Excel Drive, from Norton and Bastian. The enhancements include pedestrian level lighting fixtures on Excel Drive, the retention of acorn fixtures on the north side of Norton Street, and the annual energy and maintenance costs for the light fixtures.

The Lake Avenue district, established in August 2000, includes 67 properties along Lake Avenue between Beach Avenue and Stutson Street. The enhancements consist of 26 post top 100-watt lights and 25/100-watt pedestrian lights mounted on the roadway poles.

Public hearings are required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-50

Local Improvement Ordinance No. 1546
(Int. No. 132)

Local Improvement Ordinance - Establishing The Operating And Maintenance Costs Of Street Lighting Special Assessment Districts

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

Section 1. The following amounts are hereby established and the new assessments shall be allocated and levied against the benefitted properties in accordance with the applicable local improvement ordinances for the operation and maintenance of special assessment districts for street lighting enhancements during 2005-06:

Street Lighting District	Amount	LIO
Wilson Boulevard	\$ 528.94	Pending
Lyell Avenue I	2,469.56	1502
Lyell Avenue II	2,341.33	1503
Monroe Avenue I	1,339.04	1413
Monroe Avenue II	585.31	1412
Cascade Historic	1,532.74	1429
Norton Street Urban		
Renewal	1,272.98	1422
Lake Avenue	3,723.41	1472

Section 2. This ordinance shall take effect on July 1, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Local Improvement Ordinance No. 1547
(Int. No. 133)

Continuation Of Local Improvement Ordinance No. 1374 Relating To The Joseph C. Wilson Boulevard Pedestrian Lighting District

WHEREAS, by Local Improvement Ordinance No. 1374, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Joseph C. Wilson Boulevard Pedestrian Lighting District; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years;

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

Section 1. Local Improvement Ordinance No. 1374, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Joseph C. Wilson Boulevard Pedestrian Lighting District, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2005.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-115
Re: Agreement - James Polmenteer,
Inscription Services at Riverside
and Mt. Hope Cemetery

R2010: Campaign 4 - Environmental
Stewardship
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the agreement with James Polmenteer, 95 Castle Road, Rochester, New York 14623 for services of mausoleum inscription for Mt. Hope and Riverside Cemeteries. The maximum annual cost for this agreement will be \$20,000 which will be funded from the 2004-05 and 2005-06 Budgets - Department of Parks, Recreation and Human Services (Cemetery Fund).

The term of this agreement will be for one year and includes provision for renewal for four additional periods of one year each. A similar agreement with Mr. Polmenteer was authorized in November 1999.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-115
(Int. No. 134)

Establishing Maximum Compensation For A Professional Services Agreement For Inscription Services

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and James F. Polmenteer, Custom Engraving, for inscription services at the mausoleum at the Riverside Cemetery for a term of one year, with four one-year renewal options. Said amounts shall be funded from the 2004-05 and subsequent Budgets of the Department of Parks, Recreation and Human Services, contingent on approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-116
Re: Agreement - Maranne McDade Clay,
Grant Writing for the Mt. Hope Cemetery
R2010: Campaign 4 - Environmental
Stewardship
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Maranne McDade Clay, 190 Highland Pkwy, Rochester, New York 14620 for services as a Grant Writer for the Rochester Cemeteries Heritage Foundation, Inc. The total amount of the agreement will be \$15,000. The term of the contract will be May 1, 2005 to April 30, 2006, with provision for renewal for three additional periods of one year each.

This agreement will be funded from the 2004-05 and 2005-06 Budgets - Department of Parks, Recreation and Human Services (Cemetery Fund).

The services to be provided include the research, development and preparation of applications for grants and other public funds for submission by the Rochester Cemeteries Heritage Foundation, Inc.

A similar agreement with this individual was approved by Council in May 2003. A total of \$97,500 in grant

money was generated during the most recent year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-116
(Int. No. 135)

Establishing Maximum Compensation For Professional Services Agreements For Services As A Grant Writer For The Rochester Cemeteries Heritage Foundation

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Maranne McDade Clay for services as a Grant Writer for the Rochester Cemeteries Heritage Foundation for a term of one year, with three one-year renewal options. Said amounts shall be funded from the 2004-05 and subsequent Budgets of the Department of Parks, Recreation and Human Services, contingent on approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-117
Re: Agreement - Bruce E. Robinson,
Inc. Upland Water Forest Resources
Management

R2010: Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a five-year agreement with Bruce E. Robinson, Inc., of 1894 Camp Street Ext., Jamestown, NY 14701, for professional forest resource management services in the Hemlock/Canadice Lake Watershed. The maximum cost of the agreement is \$100,000 which will be funded in annual amounts of \$20,000 from Budget of the Department of Environmental Services (Water Fund) beginning in 2005-06.

The services to be provided under this agreement include professional consultation in forest plan update, forest health improvement, property line maintenance, soil erosion control, pest monitoring (e.g. insect and disease), trail development and maintenance, oversight of appropriate timber harvest. The consultant will provide training on forestry and related subjects to City staff as needed, and make public presentations of the City's forestry activities to interested groups and individuals. The consultant is to provide reports detailing specifics of projects. These services relate to the Hemlock/Canadice Lake Watershed only.

Although revenue generation is not a key goal of the forest management plan, it should be noted that approximately \$138,600 has been generated from the sale of timber since adoption of current management Plan in 1993.

A Request for Proposal was sent to seven consultants

listed in the NYSDEC Cooperating Forester Program; three proposals were received. Robinson, Inc. was selected based on their experience in forest stewardship; the availability of adequate staff; and their low cost. Bruce Robinson is a highly respected forester and has been instrumental in building the public's trust in the City's stewardship of its watershed forest resources. He is the principal author of the City's current Forest Resource Management Plan, adopted in 1993, and has provided guidance in its implementation. The primary goal of the Plan, which is based on forest biology (not economics), is to assure high quality water in the lakes by stewarding a healthy, diverse forest. Our confidence in Robinson, Inc. is critical to providing the best water supply protection.

The five-year term for this agreement will allow the flexibility needed to conduct stewardship activities. Two prior five-year agreements with Robinson Inc. were approved in 1995 and 2000; the latter will expire on June 30, 2005. The cost of the 2005-06 agreement is 17% less than the 2004-05 amount, primarily due to reduced expenses as the management process has become refined. Funding for successive years will not exceed \$20,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-117
(Int. No. 136)

Establishing Maximum Compensation For A Professional Services Agreement For Upland Water Forest Resource Management Services

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

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Bruce E. Robinson, Inc. for upland water forest resource management services for the Hemlock/Canadice Lake Watershed for a term of five years. Said amounts shall be funded from the 2005-06 and subsequent Budgets 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. 2005-118
Re: Bond Authorization for Water Main
Extensions and Improvement Program

R2010: Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$796,000 and appropriating the proceeds thereof for the annual Water Main Extensions and Improvements Program.

The Water Main Extensions and Improvements Program provides for the scheduled replacement of deteriorated and inadequate water mains. There are

approximately 599 miles of pipe 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
Avery Street		
	Otis Street	Emerson Street
Middlesex Road		
	Humboldt Street	Blossom Road
Fourth Street		
	Central Park	Bay Street
Brambury Drive		
	Carter Street	City Line

These improvements which comprise approximately one mile of mains, are designed to improve water pressure and flow for regular consumption and fire protection.

Bids for the improvements were received April 7, 2005. The work will be performed by Western New York Contractors, Inc. at a maximum cost of \$859,188 which is \$35,377 less than the engineering estimate; an additional \$86,078 (10%) will be provided for contingencies. An amount of \$149,266 will be applied from previous years' funding.

The improvements are scheduled to begin in June and be completed by October 2005. Project inspection will be performed by Water and Lighting personnel.

Respectfully submitted,
William Johnson, Jr.
Mayor

Attachment No. AE-51

Ordinance No. 2005-118
(Int. No. 137)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$796,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains Related To The 2005 Water Main Extension And Improvements Program In The City

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the 2005 Water Main Extension and Improvements Program, including but not limited to water mains along Avery Street, Middlesex Road, Fourth Street and Brambury Drive 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 \$796,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$796,000 bonds of the City, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$796,000 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 \$796,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-119
Re: Mount Read Boulevard, RTE 940k
Bridge Rehabilitation Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing any necessary agreements with the NYS Department of Transportation for the maintenance and repair of the Mount Read Boulevard, Rte. 940k Bridge, and its approaches, which is owned by Eastman Kodak Company.

In July 2002 and February 2005, City Council authorized agreements with the New York State Department of Transportation (NYSDOT) and the Eastman Kodak Company to participate, administer and fund the repair project. The agreements requested herein will serve to define and strengthen the roles of all three parties (City, Kodak and NYSDOT). Maintenance responsibilities will continue to be shared as follows:

1. City Maintenance Responsibility - The City shall be responsible for any future asphalt overlays to the bridge deck surface and approach roadway. The City shall be responsible for the highway approach railing and highway pavement.
2. Kodak Maintenance Responsibility - Kodak shall be responsible for all substructure units including the foundations, abutments, pedestals, caps, protective sealers, utilities, and bearing systems. Kodak shall be responsible for all superstructure components including all structural steel, concrete deck slab, waterproof membranes, highway approach slabs, bridge medians, curbs, sidewalks, expansion joints, bridge railing and any landscaping features.

The design is being undertaken by the NYSDOT and is tentatively scheduled to be completed in the spring of 2005; construction is expected to commence in the summer of 2005 and be completed during the summer of 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-119
(Int. No. 138)

**Authorizing Agreements With Respect To The
Mt. Read Boulevard Bridge Rehabilitation Proj-**

ect

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 related to responsibility for the maintenance and repair of the bridge and its approaches as a part of the Mt. Read Boulevard Bridge Rehabilitation Project. The City shall be responsible for future asphalt overlays to the bridge deck surface and approach roadway, and for the highway approach railing and highway pavement.

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. 2005-120
Re: Street Lighting Agreement for
Capital Projects

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will:

1. Authorize a Master agreement with Rochester Gas and Electric Corporation (RG&E), and any other necessary agreements, to define terms and conditions whereby temporary street lighting service is provided for streets which are being reconstructed in the Capital Improvement Program; and
2. Authorize the Commissioner of Environmental Services to execute project-specific amendments to the Master Agreement for future individual Capital Improvement Projects.

Street lighting services within the City of Rochester are provided by Rochester Gas and Electric Corporation under a Public Service Commission tariff (PSC No. 18). For several projects identified in the Capital Improvement Program, temporary electric service is necessary for lights on affected streets when permanent electric service is interrupted by construction. Traditionally, this temporary service has been installed and maintained during construction solely by RG&E personnel. Furthermore, the tariff allows RG&E to bill the City for its costs and expenses necessary to install, maintain and remove the temporary service.

The new arrangement will reduce project cost for temporary lighting and will save time in the construction process by eliminating the need to coordinate among agencies.

The Master Agreement will allow the City and its contractors to install and maintain the temporary service in exchange for the City indemnifying RG&E against liability and losses resulting from the City's use of the RG&E's facilities during construction. Each subsequent project-specific attachment to the Master Agreement will be developed based upon the facilities and phasing of that Capital project.

No funding is required for the Master Agreement. Funding for the project-specific attachments to the Master Agreement will be contained within the street portion of the Capital funding for each individual project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-120
(Int. No. 139)

Authorizing Agreements For Street Lighting During Capital Improvement Projects

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

Section 1. The Mayor is hereby authorized to enter into a master agreement with the Rochester Gas & Electric Corporation (RG&E) to allow the City and its contractors to install and maintain temporary street lighting on streets during reconstruction as a part of the Capital Improvement Program. The Commissioner of Environmental Services is further authorized to enter into amendments for specific projects.

Section 2. The agreements shall contain such additional terms and conditions as the Mayor or the Commissioner of Environmental Services deem to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-121 And
Ordinance No. 2005-122
Re: Manhattan Square Park Public
Improvement Project - Phase 1

R2010: Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City
Campaign 11 - Arts & Culture

Transmitted herewith for your approval is legislation related to the Manhattan Square Park Public Improvement project. The legislation will:

1. Authorize an amendatory agreement with Dufresne Henry 151 St. Paul Street, Rochester, 14614 for additional design services at a maximum amount of \$300,000;
2. Authorize an agreement with Dufresne Henry, in the maximum amount of \$152,000 for resident project representation services; and
3. Authorize the issuance of bonds totaling \$452,000 and the appropriation of the proceeds thereof to finance the cost of the above agreements.

Manhattan Square Park, constructed in 1971 as part of the Southeast Loop Urban Renewal project, requires major infrastructure improvements to better accom-

modate all of its uses, including ice skating, entertainment and special events. It also requires changes to improve its connection with downtown and the Strong Museum. A Concept Plan for Revitalization of Manhattan Square Park was completed in 2002 in concert with the design of the Strong Museum expansion.

Final design of the Phase One improvements, including renovation of the children's play area, interim reactivation of the fountain, and safety improvements to the electrical system are underway and scheduled for construction in summer 2005. The preliminary estimated construction cost of the first phase of construction of the project is \$1,400,000. Funding of \$1,000,000 is identified in the Capital Improvement Program in 2004-05, and \$400,000 in 2003-04. The CIP funding is phased over five years, totaling \$9,000,000.

In June 2003, City Council authorized an agreement with DuFresne Henry for design work. In February 2005, Council authorized an agreement with SonArc Inc, for fabrication and delivery of experiential play sculptures as elements of the renovation of the play area.

The amendatory agreement with Dufresne Henry will provide for final design of Phase Two improvements, including reconstruction of the ice rink and ancillary facilities. The preliminary design of Phase Two improvements was completed by Dufresne Henry as part of the existing agreement. The current estimated cost of the improvements is \$3,000,000. Funding for construction is planned for in the 2008-09 CIP. Construction of Phase Two improvements is scheduled for summer 2006, as funding allows.

Dufresne Henry was selected to perform the resident project representation services based on its qualifications and understanding of the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-52

Ordinance No. 2005-121
(Int. No. 140)

Establishing Maximum Compensation For Professional Services Agreements For The Manhattan Square Park Improvements Project

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

Section 1. The sum of \$300,000, 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 DuFresne Henry for design services for the Manhattan Square Park Improvements Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. The sum of \$152,000, 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 DuFresne Henry for resident project representation services for the Manhattan Square Park Improvements Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection

of the project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 3. This ordinance shall take effect immediately.

Passed unanimously

Ordinance No. 2005-122
(Int. No. 141)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$452,000 Bonds Of Said City To Finance The Additional Cost Of Design And Resident Project Inspection Services Related To The Manhattan Square Park Improvements Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of engineering and design and resident project representation services related to improvements to Manhattan Square Park within the City including, but not limited to, renovation of the skating rink, the children's play area and the berm entry area, and temporary reactivation of the fountain (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$752,000. The plan of financing includes the issuance of \$452,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$300,000 bonds of the City previously appropriated in Ordinance No. 2003-191, 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 \$452,000 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 \$452,000. 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, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-123
Re: Agreements - Materials Testing

R2010: Campaign 7- Quality Services

Transmitted herewith for your approval is legislation authorizing agreements with the following companies

for the testing and analysis of various construction materials:

<u>Company</u>	<u>Address</u>
Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1100 Midtown Tower
CME Associates	385 Sherman Street
ENSR	360 Linden Oaks
Lozier Analytical Group	2011 East Main Street
Nothnagle Drilling	1821 Scottsville-Mumford Road
Paradigm Environmental Services, Inc.	179 Lake Avenue
SJB Services, Inc.	535 Summit Point Drive

The costs of the testing will be financed from the annual budget of the departments using the services or from the capital funds appropriated for construction projects.

The tests will involve exploratory drilling and sampling of soils, asbestos, asphalt, concrete, masonry, structural steel and road base materials. Such tests are routinely required by the Bureau of Architecture and Engineering Services for street, bridge, and building renovation projects.

The previous agreements for testing services were authorized by the City Council on April 8, 2003. Each of these agreements had an initial term of one year with provision for renewal for one additional year. In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals from nine companies, of which eight responded. The proposals of those eight companies are recommended.

Whenever tests are necessary, one or more of these companies will be utilized. The selection of a specific company will depend upon the type of test required, the company's special skills, and its ability to accommodate the City's schedule.

The volume of tests will depend upon the number of construction projects that are authorized. The cost of the tests will be based on the unit prices specified in the company's proposal.

Each of the agreements will have an initial term of one year with provision for renewal for an additional one-year period. Adjustment of the specified unit prices during the second year will be permitted but will be subject to approval by the City Engineer.

Following is a summary of the payments made under the agreements from 2003 thru 2005:

CME Associates	\$ 62,733
ENSR	-0-
Lozier Analytical Group	149,079
Paradigm Environmental Services, Inc.	134,835
Van Der Horst (SJB Services)	46,559
Total	<u>\$393,206</u>

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-123
(Int. No. 142)

Authorizing Agreements For Materials Testing Services

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for the testing of various construction materials as required by the City:

<u>Company</u>	<u>Address</u>
----------------	----------------

Atlantic Testing Laboratories	3495 Winton Place
Barton & Loguidice, P.C.	1100 Midtown Tower
CME Associates	385 Sherman Street
ENSR	360 Linden Oaks
Lozier Analytical Group	2011 East Main Street
Nothnagle Drilling	1821 Scottsville-Mumford Road
Paradigm Environmental Services, Inc.	179 Lake Avenue
SJB Services, Inc.	535 Summit Point Drive

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional one year. Each agreement shall provide for a test to be performed on an as needed basis and shall establish a unit price to be paid for a particular test. The unit price may be adjusted during the renewal year with the approval of the City Engineer. The cost of said test shall be funded from the annual budget or from project appropriations.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-124
Re: Agreement - Resident Project
Representation and Project
Management Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize an agreement with Bergman Associates, 28 East Main Street, Rochester, New York 14614 for project management and resident project representation service for an amount not to exceed \$330,000. The agreement will be funded from the proceeds of the sale of bonds authorized by Council in March 2005.

Typically, project management services for construction projects are provided by City Architectural and Engineering Services Bureau personnel. At times of peak City project construction, City project manage-

ment personnel are not able to adequately manage the construction of all City projects. To address this problem, the Department of Environmental Services utilizes term project management services to supplement City project management staff in the management of various City projects. This provides a manageable workload for the City project managers and avoids having to delay projects due to lack of project management staff.

The consultant will furnish a project manager as needed to manage various City projects and provide resident project representation services as needed on the projects managed by the consultant project manager. The project management portion of the agreement cost is estimated at \$70,000; the remaining cost of \$260,000 is for provision of resident project representation services for assigned projects. The consultant project manager may also manage projects with resident project representatives furnished under the term resident project representation agreements authorized with other consultants.

Bergmann Associates was selected because of the experience and availability of their personnel assigned. They have performed successfully on City projects completed during the 2001 thru 2004 construction seasons under similar agreements. The majority of these projects involved curb replacement work on various streets throughout the City. This work requires an ability to perform rapid field design changes and to interact with numerous street residents and businesses. Additional curb replacement projects are planned for the 2005 and 2006 construction seasons at an estimated construction cost for the work of \$4.2 million.

Under the terms of agreement, project management and resident project representation services will be provided at specified hourly rates for a variety of projects as required by DES. The hourly rate range for Bergmann Associates will be \$14 to \$36.

The agreement has an initial term of two years with a provision for an additional one-year renewal. Adjustment of the rates during the third year will be permitted, subject to approval by the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-124
(Int. No. 143)

Establishing Maximum Compensation For A Professional Services Agreement For Construction Resident Project Representation And Project Management Services

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

Section 1. The sum of \$330,000, 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 construction resident project representation and project management services for two years, with a one year renewal option. The rates may be adjusted in the renewal year, with the City's approval. The agreements may extend until three (3) months after completion of a two year guarantee inspection of the projects for which the services were provided. Said amount shall be funded from Bond Ordinance No. 2005-59.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-125
Re: Agreement - Emergency Power
Generators at City Fire Stations
and Building 100 & 200 Mt. Read
Boulevard, and City Hall

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Erdman, Anthony and Associates, Inc., for services related to standby emergency power at various City-owned facilities. The maximum cost of the agreement, \$156,700, will be financed from the 2004-05 Cash Capital Allocation (\$112,500) and the 2003-04 Cash Capital Allocation (\$44,200).

The consultant will be responsible for engineering analysis and studies, design, and construction administration during installation of the standby emergency power generators at the following facilities:

Fire Department: Sixteen active firehouses provide emergency service. Fourteen stations are included in the engineering analysis and study: Monroe, Clinton, Broad & Allen, Lyell, University, Genesee, South Avenue, Goodman, Dewey Avenue, Wisconsin, Hudson, Chestnut, Lake Avenue, and Emerson.

The remaining two firehouses do not require design analysis. Gardiner is currently undergoing installation of a standby emergency power generator, and Plymouth is currently undergoing temporary structural shoring; a generator will not be installed at this facility.

After installation of emergency power systems, fifteen of the sixteen fire stations will be fully operational during periods of lost electrical supply from the utility. Analysis outlining options for standby emergency power and the estimated costs will be provided under the agreement.

Mt. Read Blvd. Facilities: Equipment Services and the City's fueling station are located at the Central Vehicle Maintenance Facility (Bldg. 100 Mt. Read Blvd). Equipment Services maintains and repairs most City motor vehicles and provides fuel for the entire fleet. After installation of emergency power systems, the facility and fueling station will be operational during periods of lost electrical supply from the utility. Options for standby emergency power and the estimated costs will be provided under the agreement.

Special Services, Security, and the Office of Customer Satisfaction (Bldg. 200 Mt. Read Blvd.) require 24-hour operations. The current generator is undersized and requires replacement. Full design engineering, including a condition report, and construction administration services are provided under the agreement.

City Hall: Currently, there is no power back-up generator at City Hall. The consultant will provide an analysis of options for such back-up, and will also provide a report on the adequacy of the basic electrical supply. The increase in use of electrical equipment, computers, etc., has taxed the limits of the existing electrical service at City Hall. Many of the

main electric panels and sub-panels have reached or exceeded their capacity. In addition, there is no room to accommodate future needs, nor is there any standby emergency power. The consultant will evaluate the current electrical requirements and existing power distribution system. Standby emergency power requirements, costs and recommendations, as well as an analysis will be provided under the agreement.

Proposals were solicited from five firms, four responded. Erdman, Anthony and Associates, Inc. is recommended based on qualifications of the team assigned to the project and ability to perform within the City's project schedule.

Design is expected to begin in the summer of 2005.

Construction of the Mt. Read Boulevard, Building 200 generator is scheduled to begin in the fall of 2005 and be completed in the winter of 2006. The estimated cost of construction is \$152,500 and is planned for in the 2004-05 Capital Improvement Program. Construction schedules for the remaining facilities will be determined when a construction finance plan is identified. It is anticipated that the cost of installing other generators will be included in future Capital Improvement Programs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-125
(Int. No. 144)

Establishing Maximum Compensation For A Professional Services Agreement For Standby Emergency Power At City Facilities

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

Section 1. The sum of \$156,700, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman, Anthony & Associates, Inc., for engineering analysis and studies, and design and construction phase services for the provision of standby emergency power at City facilities. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Of said amount, \$44,200 shall be funded from the 2003-04 Cash Capital Allocation and \$112,500 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-126
Re: Rochester City Hall Slate Roof
Replacement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with PLAN Architectural Studio, P.C., for resident project representation services related to the replacement of the City Hall slate roof. The maximum cost of the agreement will be

\$60,000, which will be financed from Bond Ordinance No. 2005-85.

The construction involves removal of all existing slate roofing and flashing not replaced in the previous demonstration project, installation of new natural slate roofing, all new copper gutters, flashing, valleys, and other related work.

City Council authorized the financing of the cost of construction on April 12, 2005. The work will be performed by Leo J. Roth Corporation. It is scheduled to begin in the summer of 2005 and be completed in the fall of 2006.

Proposals were solicited and received from three engineering firms. PLAN Architectural Studio, P.C. is recommended based on their qualifications and ability to perform the project within the City's project schedule.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-126
(Int. No. 145)

Establishing Maximum Compensation For A Professional Services Agreement For The City Hall Roof Replacement

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 PLAN Architectural Studio, P.C., for resident project representation services for the City Hall Roof Replacement. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2005-85.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-127 And
Ordinance No. 2005-128
Re: Smith Street Bridge Improvement
Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Smith Street Bridge Improvement Project, a federal aid project within the City of Rochester. The legislation will:

1. Authorize any necessary agreements with the New York State Department of Transportation to participate in, and administer the project;
2. Authorize any necessary agreements with the NYS Department of Transportation related to the maintenance and repair of the bridge and its approaches;
3. Authorize an agreement with Bergmann As-

sociates, 200 First Federal Plaza, 28 East Main Street, Rochester, New York 14614, for design services for the project at a maximum amount of \$ 800,000; and

4. Appropriate \$687,200 from anticipated reimbursements from the Federal Highway Administration.

The City of Rochester will administer the project. The above authorizations are required at this time to affirm the City's commitment to the project, allow for the preliminary engineering and design of the project to proceed, and define the maintenance roles of all parties involved.

The project involves rehabilitation of the bridge and includes the replacement of the structural joint systems; curb, sidewalk and deck repairs; drainage modifications; railing and lighting improvements; and repairs and painting of the structural steel.

The estimated cost of the project itself is \$7,159,000. Of this amount, \$5,727,200 (80%) will be financed by the federal government. The project is eligible to receive 75% of the local share of the construction phase costs (\$945,000) from New York State under the Marcheselli Aid Program. The remaining local share, \$486,800 would be financed by the City, as provided in the Capital Improvement Program.

The cost of the preliminary engineering and design agreement is \$800,000 and the estimated cost of administration by the City is \$59,000. The federal highway administration will reimburse \$47,200 (80%) of the City's administration costs, resulting in an indirect administration cost to the City of \$11,800. The City share (\$171,800) shall be funded from a combination of 2004-05 Cash Capital (\$160,000) and the 2005-06 Budget of the Department of Environmental Services (\$11,800). The proposed appropriation of \$687,200, represents the federal share of the cost of the design agreement (\$640,000) and the federal share of the administration (\$47,200).

Consultant selection is in accordance with procedures required by both the Federal Highway Administration (FHWA) and the NYSDOT. Bergmann Associates was selected based upon the quality of the proposal, the qualifications of the personnel assigned to the project, and ability to do the work within the time frame specified by the City.

Design of the project is scheduled to be completed in the fall of 2006. Construction is expected to start in the winter of 2007 and be completed in the summer of 2008.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-53

Ordinance No. 2005-127
(Int. No. 146)

Authorizing Participation In The Smith Street Bridge Improvement Project

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

Section 1. The Council hereby approves participation by the City in the Smith Street Bridge Improvement Project.

Section 2. The Mayor is hereby authorized to enter into such agreements with the New York State Department of Transportation as may be necessary for the City to participate in and administer the Project. The Mayor is hereby further authorized to enter into necessary agreements with the New York State Department of Transportation related to responsibility for the maintenance and repair of the bridge and its approaches.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$171,800 for preliminary engineering and design and administration, and of said amount, or so much thereof as may be necessary, \$160,000 shall be funded from the 2004-05 Cash Capital Allocation and \$11,800 shall be funded from the 2005-06 Budget of the Department of Environmental Services, contingent upon adoption of said budget.

Section 4. The sum of \$687,200, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund preliminary engineering and design and administration costs for the Smith Street Bridge 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.

Ordinance No. 2005-128
(Int. No. 147)

Establishing Maximum Compensation For A Professional Services Agreement For Preliminary Engineering And Design Services For The Smith Street Bridge Improvement Project

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

Section 1. The sum of \$800,000, 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 preliminary engineering and design services for the Smith Street Bridge Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$160,000 shall be funded from the 2004-05 Cash Capital Allocation and \$640,000 shall be funded from anticipated reimbursements from the Federal Highway Administration appropriated for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-129
Re: Granting Easement to the Town of Springwater

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the granting of a permanent easement to the Town of Springwater on City-owned land off Kellogg Road (maps attached).

The Town of Springwater intends to construct a waste water treatment facility in order to correct a long-term problem with sanitary waste in the Hamlet of Springwater. The easement is required across the City-owned land so that effluent may be discharged to Springwater Creek.

In addition, a temporary construction easement will be granted for a period of one year to the Town of Springwater. This easement is in conjunction with the development of the waste water treatment facility. The project will result in the protection of Hemlock Lake.

The easements will be granted for a total value of \$860 (\$660 for the permanent and \$200 for the temporary). These values were established by Independent Real Estate Appraiser Kevin L. Bruckner, MAI.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-54 Ordinance No. 2005-129
(Int. No. 148)

Approving Easements To The Town Of Springwater

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

Section 1. The Council hereby approves the grant of permanent and temporary easements to the Town of Springwater over City owned land off Kellogg Road. The temporary construction easement for a term of one year shall allow for the development of a waste water treatment facility. The permanent easement shall allow for the discharge of effluent from the waste water treatment facility to Springwater Creek.

Section 2. The Town of Springwater shall be obligated to pay the City the sum of \$860 for the easements.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-130
Re: Atlantic Avenue Improvement
Project - Acquisition of Easement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the acquisition of a permanent easement for street purposes as part of the Atlantic Avenue Improvement Project. The 578 square foot property, a portion of a parcel at 575 N. Winton Road, is currently owned by Mobil Oil Corp. Its value is \$5,400 which includes \$200 in improvements (shrubs).

The easement acquisition value was established through an independent appraisal prepared by Robert G. Pogel, SRPA. The property qualifies as

a deminimus taking since it contains less than 2,000 square feet.

The total acquisition cost, including closing costs, will not exceed \$6,000 and will be funded from the 2001-02 Cash Capital allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-55

Ordinance No. 2005-130
(Int. No. 149)

Authorizing The Acquisition By Negotiation Or Condemnation Of A Permanent Easement For The Atlantic Avenue Improvement Project

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

Section 1. The Council hereby approves the acquisition of a permanent easement over the following parcel for the construction and maintenance of municipal improvements as a part of the Atlantic Avenue Improvement Project:

Address:	575 N. Winton Rd.
SBL:	122.26-1-6.1
Owner:	Mobil Oil Corp.
Sq. Ft.:	578
Land Value:	\$5,200
Imp. Value	<u>200</u>
Total	\$5,400

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$5,400, and said amount, or so much thereof as may be necessary, and necessary closing costs, shall be funded from the 2001-02 Cash Capital Allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1548
And
Local Improvement Ordinance No. 1549
Re: Assessments and Appropriations -
Special Assessment District Parking
Lots

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to eight neighborhood commercial and/or residential parking areas. This legislation will:

1. Authorize the renewal of the Lyell Avenue parking area as a Special Assessment District, and
2. Approve the assessments and appropriate a total of \$69,575 for the operation and maintenance

of the parking areas during 2005-06.

Special Assessment Districts for these areas were established by Council resolutions in 1979. Under the provisions of these resolutions, the annual operating and maintenance costs of the areas are assessed against all properties within the district according to their respective parking space requirements.

The assessments reflect the costs of snow plowing, cleaning, landscape maintenance, lighting and parking regulation enforcement. These services are provided either by City personnel, by private companies under contract to the City, or by the property owners themselves.

The assessments required and the total appropriations available for 2005-06, and balances remaining from the assessments of prior years are as follows:

Parking Lot Assessments - July 1, 2005	\$69,575
Unused Assessment - Prior Years	<u>6,809</u>
Total	\$76,384

There are two districts for which there are no assessments imposed for 2005-06. The parking area of the Wadsworth Square Assessment District is leased to Ralph Parking, Inc. which provides necessary maintenance and operation and parking privileges at no charge to assessment district residents. Any unused assessments from prior years for the Wadsworth Square Assessment District will be applied toward future capital improvement expenditures associated with this parking lot. The South Avenue Assessment District will not require an assessment for 2005-06 since there is a balance of unused assessments sufficient to cover the upcoming year.

A breakdown of the Special Assessment District Charges is attached.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-56

Local Improvement Ordinance No. 1548
(Int. No. 150)

Continuation Of Local Improvement Ordinance No. 1382 Relating To The Lyell Avenue Commercial Parking Lot

WHEREAS, by Local Improvement Ordinance No. 1382, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue Commercial Parking Lot; and

WHEREAS, the Council desires to continue said Local Improvement Ordinance for an additional period of ten years;

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

Section 1. Local Improvement Ordinance No. 1382, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Lyell Avenue Commercial Parking Lot, is hereby re-enacted for an additional period of ten years, commencing on July 1, 2005.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Local Improvement Ordinance No. 1549
(Int. No. 151)

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 2005-06:

Parking Area	LIO	
	Unused Assessments From Prior Years	Total Amount
Culver/Merchants		1534
\$29,700.00	\$ -0-	\$29,700.00
Monroe Avenue		1441
15,600.00	-0-	15,600.00
Parker Place		1489
3,000.00	-0-	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
Lyll Avenue		Pending
7,500.00	-0-	7,500.00
Woodside/Goodwill		1517
6,775.00	2,725.00	9,500.00

Section 2. This ordinance shall take effect on July 1, 2005.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden Mains Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-131
Re: Lexington Avenue Improvement Project (Mt. Read Boulevard to Dewey Avenue)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the appropriation of \$743,035, from

anticipated reimbursements from New York State Department of Transportation (NYSDOT) to finance a portion of the local share of the Lexington Avenue Improvement Project.

Council authorized City administration of the Federal Aid project in November 2001. The City was thereby eligible to receive up to 75% reimbursement from the State toward the local share of the project, subject to State legislative approval. The project design was authorized by Council in September 2002, at which time only a portion (\$74,000) of the eligible local share for State reimbursement (\$94,350) was available. The difference (\$20,350) was financed from the 2000-01 Cash Capital allocation.

Similarly, when the contract for construction of the project was awarded, the State had not approved State Marchiselli Aid for construction. In June 2004 City Council approved financing the State's local share of the construction costs with increased street, water and sewer bonding.

The State Marchiselli Aid has now been approved; the \$743,035, is the balance of the State Marchiselli Aid available for the project and will reimburse the City.

Construction of the project began in the summer of 2004 and it is anticipated that it will be completed in the fall of 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-131
(Int. No. 158)

Appropriating Funds For The Lexington Avenue Improvement Project

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

Section 1. The sum of \$743,035, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the New York State Department of Transportation to fund a portion of the City and County local shares of the Lexington Avenue Improvement Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-132 And
Ordinance No. 2005-133
Re: Property Acquisition: CSX

R2010: Campaign 4 - Environmental Stewardship
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation that will:

1. Authorize the acquisition of 19.57 acres of real property from the CSX railroad for \$1,587,800.
2. Authorize the issuance of \$1,240,000 in notes and bonds to partially fund the planned acquisition.

tion.

The source of funds for these actions is summarized below.

<u>Source</u>	<u>Acquisition of Real Property</u>
Debt	\$1,240,000
Cash Capital (00-01)	<u>347,800</u>
Total	\$1,587,800

Provision for the debt portion has been included in the debt authorization plan adopted by Council in June 2004.

The property to be acquired includes three separate units (see map). Unit 1 is a portion of the abandoned railroad corridor commonly known as the Rochester Running Track. This former rail extends from the former Hojak line in Charlotte to near downtown. However, only the portion within the City of Rochester, south of Seneca Park is included in this acquisition. This portion is a 2.4 mile corridor of 16.99 acres. It runs south from Seneca Park through the 14621 and CONEA neighborhoods, and then crosses the Genesee River and terminates near Brown Street and the former RG&E Beebee Station.

Unit 2 is a 2.05 acre parcel located in Charlotte that has historically separated the main harbor area from the River Street area. The City previously obtained permission from CSX to construct a temporary road linking River Street to the Harbor area. This acquisition will permit a permanent connection of the two areas, as well as additional public amenities. The River Street area is currently under development that will include a new waterfront promenade, new boat docks, extension of the Genesee Riverway Trail and new parking and landscaping.

Unit 3 is a .53 acre parcel that fronts on Lake Avenue immediately southwest and adjacent to the active rail right-of-way. Acquisition of this parcel will facilitate the continued implementation of the Local Waterfront Revitalization Plan.

The acquired properties will be used for immediate and future economic development projects, for road construction and to develop a community recreation trail in the northeast section of the City.

The Trail

Since 2000, a neighborhood-based volunteer group has been developing plans to construct a recreation trail extending from Seneca Park through the 14621 and CONEA neighborhoods and joining the Genesee Riverway Trail near St. Paul Street between Hart and Scrantom Streets. This trail would also connect with the City's Avenue D recreation facility. In 2002 a preliminary plan was completed with funding from the Genesee Land Trust and the City. In the same year, this trail was included in the Genesee Transportation Council's Regional Trails Initiative Plan, and a \$150,000 grant was secured from the Eastman Kodak Company for initial development of the trail. With this acquisition, development of the first phase of the trail can proceed and fund raising efforts for future phases can be initiated.

Economic Development

The Rochester Midland Company is interested in expanding its facility at 333 Hollenbeck Street. The City and Rochester Midland have developed plans to

exchange properties to facilitate both this expansion and the trail development. Upon completion of this acquisition, those plans can be finalized and presented to the City Council in the near future.

Future economic development plans are anticipated for the southern portion of Unit 1, possibly in conjunction with the redevelopment of the Beebee Station and expansion of the High Falls District. Acquisition of Unit 3 will also facilitate future economic development plans.

The acquisition costs reflect a sale price negotiated between the City and CSX. Both parties secured professional appraisals. The City appraiser's estimate was lower than that of CSX. After several negotiation sessions, the price of \$1,587,800 was established. This amount is slightly lower than the City-sponsored appraisal of \$1,591,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor
Attachment No. AE-57

Ordinance No. 2005-132
(Int. No. 159)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$1,240,000 Bonds Of Said City To Finance The Cost Of Acquisition Of CSX Land For Construction Of A Connection To The Genesee Riverway Trail And For Economic Development Purposes

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of approximately 19.57 acres of land owned by the CSX Railroad, including but not limited to acquisition of: approximately 16.99 acres of the abandoned railroad corridor known as the Rochester Running Track extending from Seneca Park south through the 14621 and CONEA neighborhoods and crossing the Genesee River and terminating near Brown Street and the former RG&E Beebee Station; approximately 2.05 acres of land located in Charlotte between the main harbor area and the River Street area; and approximately .53 acres of land located in Charlotte on Lake Avenue immediately southwest and adjacent to the active rail right-of-way, for construction of a connection from Seneca Park through the 14621 and CONEA neighborhoods to the Genesee Riverway Trail near St. Paul Street between Hart Street and Scrantom Street, and for economic development purposes within the City ("Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,587,800. The plan of financing includes the issuance of \$1,240,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$347,800 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,240,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the

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

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,240,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.21(a) of the Law, is thirty (30) years.

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

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

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

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

Section 8. This Ordinance shall take effect 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, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

Ordinance No. 2005-133
(Int. No. 160)

Authorizing The Acquisition Of CSX Land For Construction Of A Connection To The Genesee Riverway Trail And For Economic Development Purposes

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

Section 1. The Council hereby approves the acquisition of approximately 19.57 acres of land owned by the CSX Railroad, including but not limited to acquisition of: approximately 16.99 acres of the abandoned railroad corridor known as the Rochester Running Track extending from Seneca Park south through the 14621 and CONEA neighborhoods and crossing the Genesee River and terminating near Brown Street and the former RG&E Beebee Station; approximately 2.05 acres of land located in Charlotte between the main harbor area and the River Street area; and approximately .53 acres of land located in Charlotte on Lake Avenue immediately southwest and adjacent to the active rail right-of-way, for construction of a connection from Seneca Park through the 14621 and CONEA neighborhoods to the Genesee Riverway Trail near St. Paul Street between Hart Street and Scrantom Street, and for economic development purposes.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$1,587,800, and of said amount, or so much thereof as may be necessary, \$1,240,000 shall be funded from a bond ordinance adopted for this purpose and \$347,800 shall be funded from the 2000-01 Cash Capital Allocation.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
May 10, 2005

To the Council:

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

Int. No. 152 - Approving Apportionment Of Taxes And Charges

Int. No. 153 - Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Service Examinations

Int. No. 154 - Authorizing Agreements For Mer-

chant Card Services

Int. No. 155 - Authorizing An Agreement For Homeland Security Purposes

Int. No. 156 - Authorizing An Agreement For Homeland Security Funding And Amending The 2004-05 Budget Funding And Amending The 2004-05 Budget And Amending Ordinance No. 2004-407, As Amended

Int. No. 157 - Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2004-05 Budget

Int. No. 161 - Amending The 2004-05 Budget To Fund The Recruitment Of Police Officers

Int. No. 162 - Resolution Approving Appointment To The Civil Service Commission Of The City Of Rochester

Respectfully submitted, Benjamin L. Douglas Robert J. Stevenson Gladys Santiago FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-134 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 35 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 2004-05. These taxes and charges, which total \$144,585.30, will be added to the new accounts established by the subdivisions or combinations of the former accounts.

If the proposed apportionment is approved, the taxes and charges will be added to the July 2005 tax bills of the new accounts. Owners of the subdivided or combined properties will be notified in writing of the potential charges in May 2005.

Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. AE-58

Ordinance No. 2005-134 (Int. No. 152)

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 13, 2005, 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. 2005-135 Re: Agreement - Nancy E. Abrams, Ph.D., Civil Service Exam Development

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Nancy E. Abrams, Ph.D., of Fairport, NY for the continued provision of technical assistance in the development of certain civil service examinations. The maximum cost of this agreement will be \$15,000, which will be financed from the 2004-05 Budget of the Bureau of Human Resource Management.

Dr. Abrams has provided similar services to the City since 1980. She has assisted in the development of civil service exams for job classes in most City departments, including entry level and promotional Police, Fire and Emergency Communications titles, specialty titles in the Library, and various titles in Law, Environmental Services, Finance, Community Development, and Economic Development.

During this contract period, Dr. Abrams will assist in the development of civil service examinations, including two promotional examinations for the Police Department; provide technical consultation and review of select test validation projects; and conduct staff training as needed on topics related to exam development, validation, and administration.

Dr. Abrams' fee will be \$875/day. A copy of her resume is on file in the City Clerk's office.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2005-135 (Int. No. 153)

Establishing Maximum Compensation For A Professional Services Agreement For Technical Assistance In The Development Of Civil Service Examinations

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 Nancy E. Abrams, Ph.D. for the continued provision of technical assistance in the development of Civil Service examinations. Said amount shall be funded from the 2004-05 Budget of the Bureau of Human Resource Management.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

(Int. No. 154)

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-136
Re: Agreements - Credit Card Processing Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing agreements with Manufacturers and Traders Trust Company, (M&T Bank) 255 East Avenue, Rochester, New York and Discover Financial Services, Riverwoods, Illinois for the provision of credit card services for the City. Visa, MasterCard, and Discover cards are currently accepted for payment of the following:

- Property taxes
- Water charges
- Refuse fees
- Permit fees
- Parks and recreation fees
- Parking and municipal code tickets
- Auto impounded charges
- Cemetery charges
- Library fees
- Animal control fees

The City currently has agreements, approved by Council in April 1999, with Key Merchant Services and Discover Financial Services for credit card services. These agreements will expire July 21, 2005.

In February 2005, the Department of Finance solicited proposals from 11 organizations. Five were received. M & T Bank and Discover Financial Services are recommended to provide the processing services based upon comparative costs.

The following fees will apply to transactions in which the credit card information can be recorded automatically from the magnetic strip on the card. Higher fees will apply when manual recording of this information is required. The City will lease terminal equipment for \$25 per month per unit (we have 14 units) plus \$15 per month for the Internet Gateway.

<u>Organization</u>	<u>Credit Card(s)</u>	<u>Fee (Percent of Transaction)</u>
Manufacturers and Traders Trust	VISA and Master Card	1.66% plus \$.10 per item
Discover Financial	Discover Card	1.85% plus \$.10 to M&T Bank

The agreements will have an initial term of three years with provision for renewal for three additional one-year periods. The agreement with M&T Bank will allow for a pass-through of VISA and MasterCard interchange fees should VISA and MasterCard increase such fees to M&T Bank within the term of the agreement.

Based upon estimated annual transactions of \$8.5 million, the annual cost of the agreements is expected to be approximately \$160,000 to \$170,000, which will be financed from the annual budgets for Undistributed Expense.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-136

Authorizing Agreements For Merchant Card 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 Manufacturers and Traders Trust Company (M&T Bank) and Discover Financial Services for merchant card services for the payment of City charges for a term of three (3) years, with provisions for renewal for three (3) additional one-year periods. The City will be able to lease terminal equipment for \$25 per month per unit plus \$15 per month for the Internet Gateway.

Section 2. The agreements shall obligate the City of Rochester to pay Manufacturers and Traders Trust Company 1.66% of the transaction value plus ten cents (\$0.10) per transaction for qualified VISA and MasterCard transactions, and Discover Financial Services 1.85% of the transaction value and M&T Bank ten cents (\$0.10) for each qualified Discover Card transaction. Such services shall be funded from the annual budgets for Undistributed Expense, commencing with the 2005-06 fiscal year.

Section 3. The agreements shall contain such additional fees, 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. 2005-137
Re: Agreement - Monroe County

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith is legislation authorizing an agreement with Monroe County to allow the City to receive financial reimbursements and other aid for homeland security purposes.

The County of Monroe anticipates receiving U.S. Department of Homeland Security funds (passed through the State of New York). The County will make the following available to the City:

1. Financial reimbursement for overtime and/or backfill expenses incurred by City Police and/or Fire Department members who attend Weapons of Mass Destruction (WMD) First Responder training to be offered by the County;
2. WMD Tier 1 kits consisting of certain personal protection devices for first responders; and
3. Such additional other financial or material aid as may ultimately be permitted under the terms of the Federal/State/County grant program.

It is not known at this time how much financial or material aid will be available for distribution within Monroe County, nor how much the City is likely to receive.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-137
(Int. No. 155)

Authorizing An Agreement For Homeland Security Purposes

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 that will permit the City to receive financial reimbursements and other aid for homeland security purposes.

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. 2005-138
Re: Homeland Security Program

R2010: Campaign 3 - Health, Safety, and Responsibility
Campaign 5 - Regional Partnerships

Transmitted for your approval is legislation authorizing an agreement with Monroe County for the City's share of the first round of Homeland Security funds and amending the 2004-05 Cash Capital allocation by \$90,000 to reflect the receipt and appropriation of these funds.

Under the agreement, Monroe County would provide pass-through U.S. Department of Homeland Security funding through the federal Law Enforcement Terrorism Prevention Program (LETTP) and the State Homeland Security Program (SHSP). The \$90,000 will be used towards the purchase of an armored response vehicle to respond to calls where such a vehicle provides safe cover for the officers responding, and for calls to potential incidences of domestic terrorism. No match is required for this funding, which expires November 30, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-138
(Int. No. 156, As Amended)

Authorizing An Agreement For Homeland Security Funding And Amending The 2004-05 Budget And Amending Ordinance No. 2004-407

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for police activities under the Law Enforcement Terrorism Prevention Program and the State Homeland Security Program.

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

Section 3. Ordinance No. 2004-162, the 2004-05 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 \$90,000 to fund an armored response vehicle, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. Ordinance No. 2004-407, relating to an agreement for a Pilot Drug Control Project, is hereby amended by changing the name of the contractor from John Jay College of Criminal Justice to Research Foundation of the City University of New York.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-139
Re: Motor Vehicle Theft & Insurance Fraud Prevention Program

R2010: Campaign 3 - Health, Safety, and Responsibility

Transmitted for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for an award of \$90,000 under the Motor Vehicle Theft & Insurance Fraud Prevention Program and amending the 2004-05 Budget of the Police Department by \$15,000 to reflect the receipt and use of a portion of this grant. The remainder will be included in the 2005-06 Budget.

This grant is to be used for the reduction of auto theft and insurance fraud in the City of Rochester through enhanced efforts of the police department, including officer deployment in high theft areas and increased investigative efforts to arrest individuals that commit insurance fraud. The grant will also be used to train police officers in specialized techniques and technology related to preventing motor vehicle theft.

The City has received several grant awards through this program beginning in 1998. The agreement for the last round of funding was authorized by City Council in October 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-139
(Int. No. 157)

Authorizing An Agreement For The Motor Vehicle Theft And Insurance Fraud Prevention Program And Amending The 2004-05 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for funding under the

Motor Vehicle Theft and Insurance Fraud Prevention Program.

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

Section 3. Ordinance No. 2004-162, the 2004-05 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 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-140
Re: Budget Amendment - Police Department

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation amending the 2004-05 Budget by transferring \$20,000 from Contingency to the operating budget of the Police Department. These funds will be used by the Police Department to locate and recruit qualified lateral candidates from other jurisdictions to the title of Police Officer for a lateral recruit class expected to being in July, 2005. Expenses will include travel as well as overtime to perform any necessary background investigations.

In 2004, the Rochester Police Department identified the potential for a large number of retirements of sworn personnel likely to occur within the next year. The reasons for this high number of expected retirements are due to large recruit classes that occurred 20 years ago and the fact that the current Locust Club Collective Bargaining Agreement is due to expire on June 30, 2005. The number of personnel eligible for retirement by the end of the calendar year 2005 is as follows:

<u>Years of Service</u>	<u>Eligible Individuals</u>
35 or more	7
30-34	11
25-29	31
20-24	108
Total Eligible	157

While there is currently a recruit class of 41 individuals in progress, there remains another 14 sworn vacancies. These funds will be utilized to develop an additional lateral recruit class, thereby reducing the number of vacancies.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-140
(Int. No. 161)

Amending The 2004-05 Budget To Fund The Recruitment Of Police Officers

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

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$20,000 from the Contingency Account to the Rochester Police Department to fund the recruitment of police officers.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-12
Re: Appointment - Civil Service Commission

R2010: Campaign 1- Involved Citizens
Campaign 7 -Quality Service

Transmitted herewith for your approval is legislation approving the appointment of Sandra J. Simon, 415 Bay Street, to the Civil Service Commission.

Ms. Simon will fill a vacancy created by the resignation of Luis Zamot and she will complete his term which will end May 31, 2010. Ms. Simon is currently employed by the American Red Cross; a copy of her resume is on file with the Clerk's office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-12
(Int. No. 162)

Resolution Approving Appointment To The Civil Service Commission Of The City Of Rochester

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

Section 1. The Council hereby approves the appointment of Sandra J. Simon, 415 Bay Street, to the Civil Service Commission of the City of Rochester for a term which shall expire on May 31, 2010. Ms. Simon shall replace Luis Zamot, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 9:00 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

Of Sums Set Forth Therein And Approving Commercial Refuse Fees Int. No. 214 No speakers.

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006, And Appropriation Of Sums Set Forth Therein Int. No. 215 No speakers.

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006 Int. No. 217 No speakers.

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2005 And Expiring June 30, 2006 Int. No. 219 No speakers

Local Improvement Ordinance - Amending Local Improvement Ordinance No. 1522 - Upgrading Of Streetscape Features As A Part Of The St. Paul Street (Avenue E to Norton Street) Improvement Project Int. No. 221 No speakers

Amending The Municipal Code With Respect To Refuse Fees Int. No. 220 No speakers

The meeting was adjourned at 7:20 P.M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
JUNE 14, 2005

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - 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
 - DPRHS
 - Phyllis H. Capuano
 - DES
 - *Beverly B. Catteau
 - RPD
 - *Ronald E. Chabot
 - *Carlos L. Perez

- RFD
 - *Robert Ayers
 - *Willie L. Johnson, Jr.
 - *Sam Pecoraro

- LIBRARY
 - *Deborah A. Jop

**Not attending meeting.*

APPROVAL OF THE MINUTES
By Councilmember Stevenson

RESOLVED, that the minutes of the Regular Meeting of May 10, 2005 be approved as published in the official sheets of the proceedings.

Passed unanimously.

PUBLIC HEARING MEETING
CITY/CITY SCHOOL DISTRICT BUDGETS
JUNE 8, 2005
7:00 P.M.

Present - President Giess, Councilmembers Douglas, Mains, McFadden Norwood, Pritchard, Santiago, Stevenson - 8.

Absent - 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.

PUBLIC HEARINGS

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

Adoption Of The Budget Estimates For Municipal Purposes For The 2005-06 Fiscal Year, Appropriation

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:
 - Settlement of Tax Assessment Proceeding 3801-7
 - Public Disclosure - CDBG Assisted Outside Employment 3802-7
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3803-7
 - Request for Proposal Sale - August 8, 2005 3804-7
 - Public Disclosure - HOME Participation 3805-7
 - Quarterly Report 3806-7

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:

Amending The 2004-05 Community Development Program Plan And Authorizing Extension Of A Float Loan For The Elm Grove Place Project Int. No. 178 No speakers.

Resolution Approving Relocation To The Monroe County Empire Zone Int. No. 183 No speakers.

Amending The 2004-05 Community Development Program Plan By Transferring Funds And Authorizing Agreements For The Buena Vista Project, St. Michael's Woodshop Project And Rochester Area Task Force On AIDS Prevention Project Int. No. 185 No speakers.

Changing The Zoning Classification Of The Rochester Science Park From Manufacturing-Institutional Planned Development District M-IPD #2 To Planned Development District #7-Rochester Science Park Int. No. 186 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending The Development Concept Plan For The Rochester Science Park And Redesignating It As Planned Development District #7-Rochester Science Park Int. No. 187 No speakers.

Amending Chapter 48 Of The Municipal Code, Environmental Review, By Adding Requirements For New Uses At The Rochester Science Park Int. No. 188 No speakers.

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Regulations For Planned Development Districts Int. No. 189 No speakers.

Approving Changes In The Pavement Width Of Jefferson Avenue Between West Main Street And Brown Street, And Brown Street Between Kensington Street And Jefferson Avenue Int. No. 202 No speakers.

Local Improvement Ordinance - Amending Local

Improvement Ordinance No. 1522 - Upgrading Of Streetscape Features As A Part Of The St. Paul Street (Avenue E to Norton Street) Improvement Project Int. No. 221 No speakers.

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

By President Giess

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-141 And Ordinance No. 2005-142 Re: Parking Lot Operating Agreement

R2010: Campaign 6 - Economic Vitality Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to parking at the Port of Rochester. This legislation will:

1. Authorize an agreement with Central Parking Corporation for operation of two parking lots located at 1000 North River Street in the Port of Rochester;
2. Amend Article III of Chapter 111-107 of the Vehicle and Traffic Code to exclude the designated parking stations at the Port of Rochester from the free parking hours stipulated in the Code on Sundays, and Thanksgiving and Christmas days;
3. Amend Article III of Chapter 111-112 of the Vehicle and Traffic Code to allow the receipts from the parking stations at the Port of Rochester to be deposited in the general fund.

The Municipal Parking Coordinator is designating areas at the Port of Rochester as parking stations in accordance with Article III of Chapter 111 of the Vehicle and Traffic Code. This legislation will authorize an agreement with Central Parking Corporation to operate a designated short-term parking lot for patrons of the Ferry Terminal Building, and a long-term parking lot for Ferry patrons.

The Code currently limits the hours when fees may be charged at parking stations on Sundays, and Thanksgiving and Christmas days. A waiver from this section of the code for the parking stations located at the Port of Rochester is being requested in order to ensure that adequate parking is available for Ferry patrons.

The Municipal Parking Division issued a Request for Proposals for the operation of the lots in June 2005. Proposals were received from three companies; Central Parking Corporation was selected because their proposal was the most responsive.

The agreement will have an initial term of three years, with provision for renewal, for two additional one-year periods. The annual management fee will be \$10,000. The projected annual revenue return to the City will be \$29,800.

Central Parking Corporation will be responsible for providing management and fee collection services. The City will be responsible for the maintenance and repair of the parking lot and for paying all expenses associated with the parking lot.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2005-141
(Int. No. 225)

**Authorizing An Agreement For Operation Of
Parking Lots At The Ferry Terminal**

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 Central Parking Corporation
for the operation of two parking lots located at 1000
North River Street which provide parking for the Ferry
Terminal. Central Parking Corporation shall provide
management and fee collection services. The City
shall be responsible for maintenance and repair and
expenses of the parking lots. The agreement shall
extend for a term not to exceed three years, with op-
tions to renew for two additional one-year periods.

Section 2. The agreement shall obligate the City to
pay Central Parking Corporation the sum of \$10,000
as an annual management fee. Said amount, and
necessary expenses of the lots, shall be funded from
retained receipts from the lots.

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

Section 4. This ordinance shall take effect im-
mediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,
Douglas, Mains, Norwood, Pritchard, Santiago,
Stevenson - 8

Nays - Councilmember McFadden - 1

Ordinance No. 2005-142
(Int. No. 226)

**Amending Chapter 111 Of The Municipal Code,
Traffic Ordinance, With Respect To Parking Lots
At The Ferry Terminal**

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

Section 1. Section 111-107 of the Municipal Code,
Fees for use of individual parking spaces, as amended,
is hereby further amended by amending subsection B
thereof to read in its entirety as follows:

B. Except for parking lots at the Port of Roch-
ester which provide parking for the Ferry
Terminal, the provisions of this section shall
not apply to the use of parking areas in any
parking station between the hours of 6:00
a.m. and 1:00 p.m., on Sundays, Thanksgiv-
ing and Christmas, and during such hours
indicating that said parking areas may be
used without charge.

Section 2. Section 111-112 of the Municipal Code,
Application of receipts from parking stations, as
amended, is hereby further amended by adding the
following new sentence to the end thereof:

This section shall not apply to receipts from
parking lots at the Port of Rochester which

provide parking for the Ferry Terminal, which
receipts shall be deposited in the General
Fund.

Section 3. This ordinance shall take effect im-
mediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran,
Douglas Mains, Norwood, Pritchard, Santiago,
Stevenson - 8

Nays - Councilmember McFadden - 1

**REPORTS OF STANDING COMMITTEES
AND ACTION THEREON**

By Councilmember Norwood
June 14, 2005

To the Council:

The Housing & Economic Development Committee
recommends for Adoption the following entitled
legislation:

Int. No. 168 - Amending Ordinances No. 2005-18
And 2005-37 Relating To The Sale Of Real Estate

Int. No. 169 - Authorizing The Sale Of Real Es-
tate

Int. No. 170 - Authorizing Agreements For The
Home Rochester Program, As Amended

Int. No. 171 - Authorizing Agreements With
Neighborhood Organizations For Administration Of
The Residential Assistance Program

Int. No. 172 - Authorizing An Agreement For
Continued Administration Of The Joint Energy Con-
servation Program

Int. No. 173 - Appropriating Funds For The Com-
munity Choice/Fair Housing Electronic Resource
Center

Int. No. 174 - Authorizing Agreements For Land-
lord And Tenant Services

Int. No. 175 - Authorizing An Agreement For The
Mortgage Default Resolution Program

Int. No. 176 - Appropriating Funds For The Mini
Grant Program

Int. No. 177 - Authorizing An Agreement With
ARTWalk Of Rochester, Inc. For The Sector Targeted
Funding Initiative Program

Int. No. 179 - Approving The 2005-06 Operating
And Capital Budgets Of The Cultural Center Com-
mission

Int. No. 180 - Approving Business Programs

Int. No. 181 - Local Law Adding The Bausch &
Lomb North Goodman Street Facility To The City Of
Rochester Empire Zone As A Regionally Significant
Project

Int. No. 182 - Authorizing A Lease Agreement For
Space In The Court Street Parking Garage

Int. No. 184 - Resolution Approving Appointments

To The Rochester Economic Development Corporation, As Amended

The Housing & Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 178 - Amending The 2004-05 Community Development Program Plan And Authorizing Extension Of A Float Loan For The Elmgrove Place Project

Int. No. 183 - Resolution Approving Relocation To The Monroe County Empire Zone

Int. No. 185 - Amending The 2004-05 Community Development Program Plan By Transferring Funds And Authorizing Agreements For The Buena Vista Project, St. Michael's Woodshop Project And Rochester Area Task Force On AIDS Prevention Project

Int. No. 186 - Changing The Zoning Classification Of The Rochester Science Park From Manufacturing-Institutional Planned Development District M-IPD #2 To Planned Development District #7-Rochester Science Park

Int. No. 187 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending The Development Concept Plan For The Rochester Science Park And Redesignating It As Planned Development District #7-Rochester Science Park

Int. No. 188 - Amending Chapter 48 Of The Municipal Code, Environmental Review, By Adding Requirements For New Uses At The Rochester Science Park

Int. No. 189 - Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Regulations For Planned Development Districts

Respectfully submitted, Wade S. Norwood, William F. Pritchard, Adam C. McFadden, Gladys Santiago, HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-143 And Ordinance No. 2005-144 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

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

Property Sales

The forty-one properties are structures that were sold

at public auction. The purchasers will be required to rehabilitate the structures within nine months of closing.

Amendments

The Division of Real Estate is requesting that Ordinance No. 2005-37 that was passed on March 15, 2005 and which authorized the sale of 151 Merrimac Street to Angel Cuebas for \$3,700, be amended to authorize the sale of 151 Merrimac Street to Angel Cuebas for \$1,700. The original ordinance was in error.

The Division of Real Estate is requesting that Ordinance No. 2005-18 that was passed on February 15, 2005 and which authorized the sale of 90 Orchard Street to Ed Hyman be amended to authorize the sale of 90 Orchard Street to City Services of Rochester, Incorporated. The corporation has been created by Mr. Hyman for his real estate investments.

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

Respectfully submitted, William A. Johnson, Jr. Mayor

Attachment No. AE-60

Ordinance No. 2005-143 (Int. No. 168)

Amending Ordinances No. 2005-18 And 2005-37 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2005-18, relating to the sale of real estate, is hereby amended by authorizing the sale of 90 Orchard Street to City Services of Rochester, Incorporated, instead of Ed Hyman, as approved in Section 1.

Section 2. Ordinance No. 2005-37, relating to the sale of real estate, is hereby amended by authorizing the sale of 151 Merrimac Street to Angel Cuebas for the sum of \$1,700, instead of \$3,700, as approved in Section 1.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-144 (Int. No. 169)

Authorizing The Sale Of Real Estate

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

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

Table with 4 columns: Address, S.B.L.#, Lot Size, Legal Use, Price, Purchaser. Row 1: 29 Arnett Blvd., 37x100, \$ 8,100

120.67-3-83.1	1 Family	Tanjanika Gatson
39-41 Avenue C	40x120	2,200
105.28-1-19	2 Family	Charles K. Wilson
215 Avenue D	41x120	1,900
091.77-3-6	1 Family	Charles A. & Joy King
86 Bay St.	69x106	4,900
106.50-1-19.1	1 Family	Walter B. Dutcher,
		II
177 Berlin St.	42x107	1,700
106.24-1-38	1 Family	Henrietta Humble
26 Borchard St.	34x144	6,700
091.71-1-7	1 Family	Richard Bryant
99 Cady St.	32x66	6,100
120.60-2-20	1 Family	Henry Cope
961 Clifford Av.	35x108	2,100
106.33-3-9	1 Family	Lakeith Jackson
1108 Clifford Av.	43x154	4,000
106.34-1-63	1 Family	Joyce Burgess
1323 Clifford Av.	36x124	6,000
106.35-3-7	1 Family	Walter B. Dutcher,
		II
151 Clifton St.	35x100	2,800
120.51-4-6	1 Family	Alma Mason
278 Columbia Av.	40x100	5,900
120.68-3-46	1 Family	Charles K. Wilson
73 Costar St.	37x100	12,400
105.59-1-47	1 Family	Israel Vega
278 Emerson St.	40x102	5,100
105.42-1-50	1 Family	Alma Mason
80 Evergreen St.	34x134	4,900
106.30-3-77	1 Family	Eric & Veronica Anthony
81-83 Evergreen St.	82x118	2,300
106.38-1-5&6	1 Family	Joyce Forbes
92 Evergreen St.	40x138	2,100
106.30-3-71	1 Family	Angel Cuebas
21-23 Farbridge St.	36x117	7,200
091.79-2-36	2 Family	Bertha Davis-Wall
322 First St.	40x91	4,600
106.43-3-55	1 Family	Bigobertas Diaz
&		
401 First St.	40x120	Mariela Leyva
106.35-2-62	1 Family	7,300
		Chandra D. Graham
128 Frost Av.	44x141	5,900
121.53-3-36	1 Family	Gerald Moore
134 Frost Av.	44x141	6,500
121.53-3-37	1 Family	Gerald Moore
343 Frost Av.	33x141	2,800
120.68-1-57	1 Family	Charles K. Wilson
694 Frost Av.	33x120	5,100
120.66-1-09	1 Family	Aisha Moore
157 Grand Av.	40x128	10,000
107.61-2-10	1 Family	Yefim Basovsky
98 Herald St.	33x132	5,100
091.81-3-39	1 Family	Epifanio Maldonado
22 Hollenbeck St.	40x80	3,800
106.22-2-39	1 Family	Lynette Gallagher
314 Jay St.	40x140	3,900
105.84-1-33	1 Family	Catherine Gray-Taylor
94 Kingston St.	38x140	12,200
107.71-1-82	1 Family	Ismael Barthelemy
28 Mason St.	47x115	11,200
090.83-2-36	1 Family	Homecraft Associates, LLC*
60 Mead St.	38x78	2,700
106.31-1-16	1 Family	Jesse L. & Jerome Barksdale
125 Murray St.	75x127	11,700

106.73-1-44	1 Family	Bounhevang Luangasa
437 Murray St.	40x106	8,500
105.57-3-5	1 Family	Claire Olson
95 Myrtle St.	40x108	4,300
105.57-4-48	1 Family	James Smith
52 Post Av.	37x114	15,700
120.56-2-51	1 Family	Edgar M. Storm, Jr.
150 Roycroft Dr.	34x74	5,300
091.82-1-76	1 Family	Edwin Jerrano
81-83 Saranac St.	40x110	8,700
091.69-4-6	2 Family	Homecraft Associates, LLC*
446 Seward St.	35x100	7,100
120.84-2-57	1 Family	Kevin R. Evans
779-781 Seward St.	42x96	6,500
135.27-3-24	2 Family	Alma Mason
145 Third St.	40x120	5,200
106.51-2-53	1 Family	Alexis Angulo
112 Tyler St.	48x119	11,700
091.54-1-87	2 Family	Nothnagle Property Management**

* Officer: Anita R. Zapp

** Officer: John E. Chapin

Section 2. 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 3. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-145
Re: Home Rochester Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to the Home Rochester Program. This legislation will:

1. Authorize an agreement with the Rochester Housing Development Fund Corporation, 183 East Main Street, in an amount not to exceed \$300,000, to implement the Home Rochester Program;
2. Appropriate \$300,000 from the Improve the Housing Stock and General Property Conditions allocation (Home Rochester account) of the 2005-06 Consolidated Community Development Plan; and
3. Authorize any other agreement necessary to implement the program.

The Home Rochester Program provides for the acquisition and rehabilitation of vacant single-family houses for resale to income-eligible households. The program is administered by the Rochester Housing Development Fund Corporation (RHDFC). The proposed appropriation will provide subsidies averaging \$20,000 for the acquisition and rehabilita-

tion of up to 15 vacant structures by participating developers.

Participating developers include the Urban League of Rochester Economic Development Corporation and 12 Community Housing Development Organizations.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post- purchase homebuyer education classes and reside in the properties for a minimum of ten (10) years.

The most recent appropriation of funds for development subsidies for the Home Rochester Program was approved in November 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-145
(Int. No. 170, As Amended)

Authorizing Agreements For The Home Rochester Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the Rochester Housing Development Fund Corporation and any other necessary parties to provide subsidies for the acquisition and the rehabilitation of vacant structures by participating developers as a part of the Home Rochester Program.

Section 2. The agreements 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 2005-06 Community Development Program] 2005-06 HOME Program 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-146
Re: Residential Assistance Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with 11 neighborhood organizations to administer the Residential Assistance Program and appropriating \$1,360,000 from the "Improving Housing Stock and Property Conditions" Allocation of the 2005-06 Community Development Block Grant to help finance the program.

RAP contains three grant components as its major elements: Special Materials, Home Security, and Emergency Repair. The program provides grants of up to \$3,500 to assist low-income owner-occupants in the City for emergency repairs, materials for exterior repairs and home security. An additional supplement of up to \$1,000 is available when undertaking activities involving lead-based paint removal. The Emergency Grant Component also provides an increased subsidy of up to \$7,000 when damaging roof leaks require a complete tear-off.

Since its inception in 1975, the program has been administered by various neighborhood organizations. The most recent agreement was authorized by City Council in June 2004.

It should be noted that the contract periods are for 18 months. The additional six months beyond the City's fiscal year permits the processing of paperwork and the payment of vouchers for projects committed but not completed by the agencies during the prior 12 month period.

Total RAP appropriations and encumbrances during 2004-05 were \$1,357,300. A summary of 2004-05 allocations, including activities to date and expenditures, is attached.

Listed below are recommended allocations for the 2005-06 Residential Assistance Program:

<u>Administering Agency</u> <u>Neighborhoods</u>	<u>Amount</u>
Charles Settlement House Charlotte Maplewood	\$ 125,000
Coalition of North East Associations Upper Falls	100,000
Group 14621 Community Assn. 14621 Neighborhood	80,000
Marketview Heights Association South Marketview Heights	110,000
Montgomery Neighborhood Center Bullshead Cornhill Mayors Heights 19th Ward Plymouth-Exchange Southeast Dutchtown	170,000
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	130,000

Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe	
Southwest Area Neighborhood Assn. Genesee-Jefferson	50,000
South Wedge Planning Committee South Wedge	<u>85,000</u>
Total	\$1,360,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-61

Ordinance No. 2005-146
(Int. No. 171)

Authorizing Agreements With Neighborhood Organizations For Administration Of The Residential Assistance Program

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations or the following amounts are allocated for the administration of the Residential Assistance Program for periods not to exceed eighteen months:

<u>Administering Agency</u> <u>Neighborhoods</u>	<u>Amount</u>
Charles Settlement House Charlotte Maplewood	\$ 125,000
Coalition of North East Associations Upper Falls	100,000
Group 14621 Community Assn. 14621 Neighborhood	80,000
Marketview Heights Association South Marketview Heights	110,000
Montgomery Neighborhood Center Bullshead Cornhill Mayors Heights 19th Ward Plymouth-Exchange Southeast Dutchtown	170,000
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	205,000

Lyell-Otis North Dutchtown Southwest Dutchtown Susan B. Anthony	
South East Area Coalition Atlantic-University Cobbs Hill East Avenue Ellwanger-Barry Highland Park Avenue Pearl-Meigs-Monroe Strong Swillburg Upper Monroe	130,000
Southwest Area Neighborhood Assn. Genesee-Jefferson	50,000
South Wedge Planning Committee South Wedge	<u>85,000</u>
Total	\$1,360,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$1,360,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 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. 2005-147
Re: Joint Energy Conservation Program
Agreement - Action for a Better
Community

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation relating to Joint Energy Conservation Program. This legislation will:

1. Appropriate \$90,000 from the Improving Housing Stock and General Property Conditions Allocation (Residential Assistance Program account) of the 2005-06 Community Development Block Grant to help finance the program; and
2. Authorize any required agreement or amendatory agreement with Action for a Better Community, Inc. (ABC), 550 East Main Street, Rochester, N.Y., for continued administration of a Joint Energy Conservation Program.

Since 1978, ABC has administered an energy conservation program through grants from the NYS Division of Economic Opportunity (DEO). This program provides grants of up to \$4,000 per housing unit for physical improvements that reduce energy consumption. Each year, approximately 350 property owners whose incomes fall below 50% of Median Family In-

come (MFI) for the Rochester Metropolitan Statistical Area benefit from the state funded program.

In 1994, the City began providing supplemental matching funds to ABC for the program for residents whose income exceeded the State guidelines but fell below the City's maximum of 80% MFI. Presently, the maximum supplement available from the City's share is \$3,000. Households assisted with City funds, where incomes fall below 50% of MFI, will be matched by state resources up to a combined maximum of \$4,000.

The most recent agreement for such supplemental funding was authorized by the City Council on June 22, 2004.

To be eligible for participation for the City's supplement, an applicant must be:

- 1. An owner-occupant with household income below 80% of MFI,

OR

- 2. An investor-owner who:
 - a. Rents to tenants who meet the income guideline,
 - 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.

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
- 5. Miscellaneous repairs

ABC's administration of the program includes the preparation and review of grant applications, assessment of the repair needs, and coordination of the work. Their program also includes a minimum of two energy conservation workshops per year.

As of May 1, 2005, CDBG funds totaling \$774,722 have been expended toward repairs to 835 properties, including 28 during the current program year.

Under the proposed agreement, the supplemental program will be continued for another year. The CDBG allocation will provide for a minimum of 55 grants plus administrative costs of \$7,500.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance 2005-147
(Int. No. 172)

Authorizing An Agreement For Continued Administration Of The Joint Energy Conservation Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Action for a Better Community, Inc. for continued administration of the

Joint Energy Conservation Program.

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 2005-06 Consolidated 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. 2005-148
Re: Fair Housing - Electronic Resource Center - Agreement with Greater Upstate Law Project/PILOR

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Upstate Law Project / Public Interest Law Office of Rochester, 80 St. Paul Street, for the continued operation and maintenance of the Community Choice/Fair Housing Electronic Resource Center; and appropriating \$10,000 from the Improve the Housing Stock allocation (Fair Housing account) of the 2005-06 Consolidated Community Development Plan to fund the agreement.

The Electronic Resource Center is a continually updated website about Housing Choice featuring articles as well as a calendar of fair housing events.

The most recent agreement for \$10,000 was approved by Council on July 27, 2004. An element of the Community Choice Action Plan, the site has been in operation since August 2000.

The site contains the following features:

- Information
Fair-housing overview, local initiatives
- "What's New"
Recent local & national news stories
- Resource Locator
Private resources, including mortgage providers, real estate services and housing assistance. Links to other web sites.
- Communications
E-mail updates re: "What's New" are sent to community advocates, bankers and other industry individuals. An events calendar is updated monthly.

Use of the site continues to increase. The list of update recipients has increased from 125 last year to 145 this year. During the first 10 months of the agreement term, the site has increased its average number of hits per month by 6% (from 10,845 to 11,449). Hits represent the total number of requests made to the server during a given time period. The

average number of visits per month increased by 18% (from 3,929 to 4,625). A visit is counted when a remote site makes a request for a page on the server for the first time.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-148
(Int. No. 173)

Appropriating Funds For The Community Choice/Fair Housing Electronic Resource Center

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program to fund the Community Choice/Fair Housing Electronic Resource Center operated by the Greater Upstate Law Project/Public Interest Law Office of Rochester.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-149
Re: Agreements - Landlord and Tenant Services

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation that will:

1. Appropriate \$1,000 from the Housing Stock and General Property Conditions allocation (Landlord Tenant Services account) of the 2004-05 Consolidated Community Development Plan; and appropriate \$162,000 from the Housing Stock and General Property Conditions allocation (Landlord Tenant Services account) of the 2005-06 Consolidated Community Development Plan; and
2. Authorize agreements with the following agencies for the continued provision of services to landlords and tenants.

Organization	Amount
Housing Council in the Monroe County Area, Inc.	\$70,000
Legal Aid Society of Rochester	70,000
Monroe County Legal Assistance Corporation	23,000

These programs focus the respective responsibilities of landlords and tenants to encourage improved rental property management and reduce vacancies and evictions. The most recent agreements were authorized by City Council in July 2004.

Following is a summary of performance for July 2004 through April 2005:

Agency Program Service	10-Month Actual	2005-06 Goal
Housing Council		
Landlord Tenant Services		
Seminars	5	6
Seminar Attendance	81	120
Counseling Capacity		4,140
Hotline Calls	6,552	n/a
1-on-1 assistance	808	n/a
Legal Aid Society		
Owner Tenant Mediation		
Mediation		
Agreements	13	n/a
Technical Service	11	n/a
Total	24	12
Court Advocacies*	80	24
MCLAC		
Legal Services for Tenants		
Client cases	46	60

* The City's agreement supplements United Way funds for this service. Approximately 12% of the advocacy caseload (431+) is supported by this allocation.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-149
(Int. No. 174)

Authorizing Agreements For Landlord And Tenant Services

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for Landlord and Tenant Services:

Organization	Amount
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, \$1,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program and \$162,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 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. 2005-150
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., a not-for-profit corporation, for the continued provision of Mortgage Default Resolution services; and appropriating \$300,000 from the Housing Stock and General Property Condition allocation (Mortgage Default Resolution account) of the 2005-06 Consolidated Community Development Plan to fund the agreement.

The Housing Council has provided mortgage default resolution services since 1975 and has administered the program with mortgage relief grants since 1990. The proposed agreement will provide for continuation of these services during 2005-06. The total amount of the agreement has been increased this year by \$25,000 which will allow an additional 90 to 100 home owners to be served.

Of the total cost of the agreement, \$25,000 will be budgeted for mortgage relief grants. The maximum grant of \$2,500 is secured with a five-year lien against the property.

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 and reside in a one- or two-family house.
2. Have a family income at or below 80% of Median Family Income (MFI) for the Rochester Metropolitan Statistical Area.
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.
6. Contribute personal funds when possible.

Council most recently passed a similar agreement in July, 2004. Following is a summary of the Housing Council's performance for July 2004 through April, 2005.

	10 Month Estimated	10 Month Actual
Counseling Cases	190	205
Mortgage Relief Grants cases completed	8	5

95% of the cases resulted in the prevention of foreclosures. The counseling and resolution process includes

household budget and income analyses as well as negotiation with mortgage lenders and other parties such as HUD/FHA to arrive at appropriate resolutions. Resolutions include refinancing, negotiated repayments, sale, or use of grants for eligible clients.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-150
(Int. No. 175)

Authorizing An Agreement For The Mortgage Default Resolution Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Housing Council in the Monroe County Area, Inc. for the continued administration of the Mortgage Default Resolution Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$300,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-151
Re: Community Development Block
Grant/Mini Grant Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the 2004-05 Consolidated Community Development Plan. The legislation will:

1. Appropriate \$15,000 from the Other Programs allocation (Mini-Grant program account) of the 2004-05 CCDP, and
2. Authorize any necessary agreements with the City Sectors.

The mini-grant program provides funds up to \$2,500 for small neighborhood beautification projects. The following sector projects are being recommended:

Sector 1	Charlotte Historic Building Plaques	\$ 2,500
Sector 2	Maplewood Rose Garden Sign Project	2,500
Sector 5	Flowers for Flower City	2,500
Sector 6	Security Camera at Nathaniel Square	2,500

Sector 8	
Design Charette	2,500
Sector 9	
Neighborhood Beautification -	
Pathways	2,500
Total	\$15,000

It is anticipated that the remaining sectors will be submitting proposals for future Council consideration.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-62

Ordinance No. 2005-151
(Int. No. 176)

Appropriating Funds For The Mini Grant Program

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 appropriated from the Other Programs Allocation of the 2004-05 Community Development Program to fund the following Sector Projects:

Sector 1	
Charlotte Historic Building Plaques	\$ 2,500
Sector 2	
Maplewood Rose Garden Sign Project	2,500
Sector 5	
Flowers for Flower City	2,500
Sector 6	
Security Camera at Nathaniel Square	2,500
Sector 8	
Design Charette	2,500
Sector 9	
Neighborhood Beautification -	
Pathways	2,500
Total	\$15,000

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-152
Re: Agreement - ARTWalk of Rochester,
Inc. ARTWalk Bus Shelters

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with ARTWalk of Rochester, Inc., P.O. Box 10373, for a 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 2000-01 Cash Capital.

The Rochester Renaissance 2010: 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

provided to each of the ten NBN sector areas within the City to enhance their neighborhoods.

In order to receive the funding, each sector group is required to submit proposals to the City Administration that outline specific projects that, upon completion, will achieve highly visible physical improvements projects in their sector area or economic development projects (i.e., investment, job creation, retail or commercial services). These proposals must also be collaborative in nature, and utilize additional funding and/or volunteers 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. Attached is a summary report highlighting the proposed project.

The required leverage of resources will be matched from monetary support from the Rochester-Genesee Regional Transportation Authority (RGRTA) (\$45,000), the Memorial Art Gallery (\$15,000) and the Arts and Cultural Council for Greater Rochester (\$3,500), and In-kind Contributions from RGRTA, The Memorial Art Gallery, Craft Co. #6 and individual contributors.

An agreement for this project was approved by Council in October 2002. However, the project start was postponed pending final approval from RGRTA and the original agreement expired. The RGRTA approval has now been secured along with additional modifications to the original agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-63

Ordinance No. 2005-152
(Int. No. 177)

Authorizing An Agreement With ARTWalk Of Rochester, 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 again to enter into an agreement with ARTWalk of Rochester, Inc. for funding for artistic bus shelters along the ARTWalk on University Avenue as a part of the Sector Targeted Funding Initiative Program. This agreement reauthorizes the Program previously approved in Ordinance No. 2002-322, which expired without being implemented.

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. 2005-153
Re: Cultural Center Commission -
2005-06 Budget

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation relating to the 2005-06 operating and capital budgets of the Cultural Center Commission. This legislation will:

1. Approve and appropriate the budgets proposed by the Commission for the period from July 1, 2005 through June 30, 2006 in the amount of \$613,991; and
2. Authorize the Commission to approve during this period the transfer of capital budget appropriations not exceeding \$10,000.

The proposed budgets were approved by the Commission on April 12, 2005. 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 2005-06 is \$626,100. The proposed operating budget is \$3,145 less than the 2004-05 budget. This is due to a reduction in the Salary line as a new employee was hired at a lower step than the incumbent held.

	<u>2005-06</u>	<u>2004-05</u>	<u>Variance</u>
Salaries	\$52,690	\$64,330	\$(11,640)
Employee Benefits	21,578	13,147	8,431
Personnel Services	\$74,268	\$77,477	\$(3,209)
Supplies and Equipment	250	250	0
Contractual Expenses	8,664	8,600	64
Contingency	500	500	0
Total	<u>\$83,682</u>	<u>\$86,827</u>	<u>\$(3,145)</u>

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 2005-06 will be re-appropriated for the 2006-07 budget.

<u>General Purpose</u>	<u>Amount</u>
Streets	\$ 17,585
Development	474,989
Executive Design	25,035
Annual Audit	12,700
Total	<u>\$530,309</u>

The authorization for the Commission to approve minor capital transfers is designed to facilitate operations. Similar authorization was approved by the Council on June 22, 2004 for the 2004-05 budget. The Commission has a comparable ability to approve the transfer of operation appropriations pursuant to a Council authorization of September 9, 1981.

The City's portion of the funding for this program, including the above-proposed budget, is limited to the balance available in the City's 1989 cash capital fund of \$224,859.76.

The budgets will be considered by the Monroe County Legislature on June 14.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-63

Ordinance No. 2005-153
(Int. No. 179)

Approving The 2005-06 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 2005-06 Operating and Capital Budgets of the Cultural Center Commission as adopted in Cultural Center Commission Resolution No. 2 of 2005. 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:

Ordinance No. 2005-154
Re: Business Programs

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation appropriating a total of \$1,613,700 for the Business Programs from the Economic Stability allocation of the 2005-06 Community Development Block Grant; and authorizing agreements necessary to implement the programs, which are as follows:

Business Assistance Program (\$50,000)

The program strengthens operators' skills through technical assistance provided by various consultants in the areas of business practices and accounting, advertising, store design, computer hardware and software selection, and visual merchandising. A matching grant assists businesses with the implementation of consultant recommendations. Ten businesses will be assisted.

Business Association Support (\$140,000)

The Business Association Support Program will provide funds to business associations for physical improvements in neighborhood commercial districts and small area promotions. It is projected that assistance will be provided through 17 business associations.

Industrial Revolving Loan Fund (\$800,000)

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 equipment. 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 pre-determined job generation goals. In addition, a City Development Fund appropriation of \$300,000 was included in the 2005-06 Consolidated Community Development Plan that was approved by City Council on May 10, 2005.

Technical Assistance Services (\$90,000)

Funds agreements for the provision of the following services: Feasibility analysis, appraisals, technical assistance in the structuring of financing plans for development projects, advocacy in securing state and federal grants, and assistance in the identification of alternative funding sources.

Pre-Development Grants (\$25,000)

This initiative provides matching grants to businesses and eligible development entities for the following purposes: Environmental investigation, feasibility analysis, preliminary architectural and engineering analysis, and appraisals necessary to quantify the redevelopment costs of brownfield sites.

Commercial Loan Fund (\$300,000)

This project provides loans to assist private sector job creation and retention of new and expanding commercial businesses. In addition, a City Development Fund appropriation of \$500,000 was included in the 2005-06 Consolidated Community Development Plan that was approved by city council on May 10, 2005.

MESBIC (\$25,000)

Ibero American Investors was established in 1979 to promote the development of small businesses owned by women and minorities. Financial assistance is provided through loans or equity investments. Projects funded by the City must be in the Empire Zone, ECZ, or in a targeted area such as La Marketa. One business will be assisted.

Matching Grant for Architectural Services (\$25,000)

The project provides a matching grant of up to \$2,000 for architectural services to assist with the rehabilitation of commercial buildings. Twelve businesses will be assisted.

Security Camera/Lighting Grant (\$130,000)

This project provides a matching grant of up to \$2,000 for the purchase and installation of security camera systems. Funds may also be used to purchase and install exterior security lighting. Eighty businesses will be assisted.

Matching Grant Sign Program (\$28,700)

The project provides a matching grant of up to \$2,000 to businesses to be used for the purchase and installation of signage. The installation must be approved by the Bureau of Buildings and Zoning. Fourteen businesses will be assisted.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-154
(Int. No. 180)

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 2005-06 Community Development Program the sum of \$1,613,700, or so much thereof as may be necessary, to fund the following programs in the following amounts:

Business Assistance Program	\$ 50,000
Business Association Support Program	140,000
Industrial Revolving Loan Fund	800,000
Technical Assistance Services	90,000
Pre-Development Grants	25,000
Commercial Loan Fund	300,000
MESBIC	25,000
Architectural Services Matching Grant	25,000
Security Camera/Lighting Grant	130,000
Sign Program Matching Grant	28,700

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:

Local Law No. 4
Re: NYS Empire Zone

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the inclusion of the Bausch & Lomb facility on North Goodman Street to the City of Rochester Empire Zone based on its meeting the criteria of being a regionally significant project.

Effective April 1, 2005, several changes were made to the New York State Empire Zone Program. One change allows local zones, with the approval of Empire State Development, to include regionally significant projects, i.e., manufacturing companies projecting 50 or more new jobs within an Empire Zone. As such, a regionally significant project can be outside of the separate and distinct contiguous areas and will not be counted against the two square mile limitation of available acreage.

Bausch & Lomb is expanding their manufacturing

facility on North Goodman Street. The company will be investing \$25 Million in constructing a new 73,000 square foot Research & Development facility in support of manufacturing and the company is adding 200 new high-paying Research & Development jobs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 4
(Int. No. 181)

Local Law Adding The Bausch & Lomb North Goodman Street Facility To The City of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Bausch & Lomb is proposing an expansion of their manufacturing facility on North Goodman Street in the City of Rochester; and

WHEREAS, this expansion will add 200 research and development jobs that support Bausch & Lomb's on-site manufacturing; and

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

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

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

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

Section 1. The City Council of the City of Rochester approves the allocation of zone lands for the proposed expansion of the Bausch & Lomb manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the property described as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town Lot 48, Township 14, Range 7, City of Rochester, County of Monroe, State of New York and being more particularly described as follows:

BEGINNING AT A POINT, said point having coordinates of North 1,159,869.99 and East 1,417,068.79 and also being a distance of 219.74 feet northerly along the easterly right of way line of North Goodman Street from its intersection with the northerly line of the Willmont Subdivision as filed in the Monroe County Clerk's Office in Liber 38 of Maps at page 28; thence,

- 1) Northerly along the easterly right of way of said North Goodman Street for a distance of 946.99 feet to a point on the southerly right of way line of Northland Avenue; thence,
- 2) Easterly along the southerly right of way of Northland Avenue and making an interior angle of 95°27'20" with the last described course, for a distance of 742.83 to a point;

thence,

- 3) Continuing easterly along the southerly right of way of Northland Avenue and making an interior angle of 175°27'06" with the last described course, for a distance of 304.54 feet to a point having coordinates of North 1,160,947.76 and East 1,418,055.53; thence,
- 4) Southerly and making an interior angle of 88°38'40" with the last described course, for a distance of 356.60 feet to a point; thence,
- 5) Easterly and making an interior angle of 272°19'26" with the last described course, for a distance of 38.10 feet to a point; thence,
- 6) Southerly and making an interior angle of 87°01'07" with the last described course, for a distance of 143.53 feet to a point; thence,
- 7) Westerly and making an interior angle of 91°40'13" with the last described course, for a distance of 191.88 feet to a point; thence,
- 8) Southerly and making an interior angle of 268°58'32" with the last described course, for a distance of 479.73 feet to a point having coordinates of North 1,159,959.87 and East 1,417,945.95; thence,
- 9) Westerly and making an interior angle of 91°06'23" with the last described course, for a distance of 126.23 feet to a point; thence,
- 10) Westerly and making an interior angle of 184°22'03" with the last described course, for a distance of 116.57 feet to a point; thence,
- 11) Westerly and making an interior angle of 174°59'08" with the last described course, for a distance of 398.43 feet to a point; thence,
- 12) Southwesterly and making an interior angle of 226°58'50" with the last described course, for a distance of 69.20 feet to a point; thence,
- 13) Westerly and making an interior angle of 127°02'07" with the last described course, for a distance of 193.83 feet to the easterly right of way of North Goodman Street and the POINT OF BEGINNING. Course No. 13 making an included angle of 95°59'06" with Course No. 1.

CONTAINING: 937,250 square feet or 21.516 acres of land, more or less. Coordinates herein referenced are New York State Plane Western Zone, Transverse Mercator Projection, based on the North American Datum of 1983.

All as shown on a plan prepared by McMahon LaRue Associates, P.C. entitled Empire Zone Survey of 1400 North Goodman Street, Sheet 1 of 1, Project No. 1049-01.

Section 2. The City Council of the City of Roch-

ester requests that the New York State Commissioner of Economic Development approve this addition to the city of Rochester Empire Zone as described in Section 1.

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-155
Re: Lease Agreement - Rubino's, Court Street Garage

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing a lease agreement with Dipisa Enterprises, Inc., d/b/a Rubino's, Carlo Dipisa, for commercial space located at 196 Court Street - street level of the Court Street Garage.

Rubino's will provide lunch, specializing in soups and sandwiches. Rubino's will be open Monday through Friday from 10:00 a.m. to 4:00 p.m. The project will create 3.5 full-time equivalent jobs.

Under this agreement, Rubino's will lease 1,500 square feet of space at a rate of \$1062.50 per month. The lease amount is based on an independent appraisal. The term of the lease will be for 3 years, beginning August 1, 2005 and ending on July 31, 2008, with an option to extend the lease for an additional five years, upon mutual agreement between the City and Rubino's.

The tenant will be responsible for all leasehold improvements and all utility costs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-64

Ordinance No. 2005-155
(Int. No. 182)

Authorizing A Lease Agreement For Space In The Court Street 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 a lease agreement with Dipisa Enterprises, Inc., d/b/a Rubino's, for the lease of approximately 1,500 square feet of commercial space in the Court Street Parking Garage for three years, with a five-year renewal option upon mutual agreement.

Section 2. The agreement shall obligate Dipisa Enterprises to pay rent in the amount of \$1,062.50 per month during the initial term. The tenant shall be responsible for all utilities and leasehold improvements.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-13
Re: Appointments - REDCO

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment or reappointment of 25 persons as members of the Rochester Economic Development Corporation.

Under its Bylaws, REDCO has 25 members. Of this number, the following five City of Rochester officials are Ex-Officio members:

- Mayor
- City Council President
- Commissioner of Economic Development
- Deputy Commissioner of Economic Development
- Director of Finance

There are currently three vacancies and two members will be replaced.

Rachel Adonis, Robert Baden, Jeffrey McFadden, David Rodriguez and James Genthner will be appointed to fill these vacancies. The term of all members will extend through June 30, 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-13
(Int. No. 184, As Amended)

Resolution Approving Appointments To The Rochester Economic Development Corporation

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

Section 1. The Council hereby approves the appointment or reappointment of the following members of the Rochester Economic Development Corporation (REDCO) for terms which shall expire on June 30, 2007:

- Adonis, Rachel
Vice President, HSBC Bank
- Baden, Robert
President, Rochester Software Associates
- Carlson, Jeffrey T.
Deputy Mayor, City of Rochester
- Costanza, James
Vice President, Costanza Enterprises
- Genthner, James
Executive Vice President, Epic Advisors
- 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
Retired Vice President, Commercial Loans,
First National Bank of Rochester

LeChase, Wayne
President & CEO, Raymond LeChase, Inc.

Mains, Tim O.
City Councilmember, City of Rochester

McFadden, Jeffrey
President, Rogers Associates Machine Tool
Corporation

Mueller, Richard
Administrative Vice President, M&T Bank

Norwood, Wade
City Councilmember, City of Rochester

O'Heaney, Joseph
Retired Chief Executive Officer, DeRidder, Inc.

Pettengill, Ronald
Retired President, Carpenters Local Union

Rodriguez, David
CFO, Microwave Data Systems

Scott, Ruth
Chief Executive Officer, Scott Associates

Serrano, Emilio
Retired President & Chief Executive Officer,
Ibero American Investors Corp.

[Stephens, Sandra O.
Program Manager for St. Mary's Health Reach,
St. Mary's Hospital]

Vasquez, Julio
President & CEO, Ibero American Action
League

Section 2. This resolution shall take effect im-
mediately.

Bracketed material deleted; underlined material
added.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-156
Re: Elmgrove Place

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation
authorizing an extension of the term of the float loan
to Housing Opportunities, Inc. from twelve months
to sixteen months. This is a loan that was approved
by Council in January 2004 for the development of
Elmgrove Place.

Elmgrove Place is a 48-unit, townhouse development
currently under construction on a 10.36-acre parcel
located at 11-107 Crerand Circle, Gates, NY 14606.
The City of Rochester is providing a \$500,000 float

loan to Housing Opportunities, Inc. (HOP) with a term
of 12 months and an interest rate of zero percent (0%).
The loan is secured with a note and mortgage.

The City's loan closed on May 31, 2004; construction
commenced in June 2004. However, construction
was delayed due to significantly higher bedrock than
was anticipated. This involved not only removing the
bedrock, but bringing in clean fill. The fill was free;
however, it could be brought on-site only as it became
available. This put the project behind schedule. The
impact was particularly hard on the last building,
which delayed its being started until late winter.
The proposed extension of the City's float loan will
benefit the project by precluding HOP from incurring
construction financing costs for the four additional
months. Otherwise, HOP would have to borrow the
funds to repay the City loan for the period between the
repayment and the closing on the permanent financ-
ing. The latter closing should occur in August 2005
at which point the City's loan will be repaid.

All other terms and conditions of the float loan remain
unchanged.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-156
(Int. No. 178)

**Amending The 2004-05 Community Develop-
ment Program Plan And Authorizing Extension
Of A Float Loan For The Elmgrove Place Project**

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

Section 1. The Council hereby approves an amen-
datory 2004-05 Community Development Program
Plan whereby the sum of \$500,000 shall be added
to the Improving the Housing Stock and General
Property Conditions Allocation in a new account to
extend a float loan for the Elmgrove Place Project in
the Town of Gates.

Section 2. The Mayor is hereby authorized to ex-
tend a construction loan agreement with the Housing
Opportunities Housing Development Fund Corpora-
tion and Elmgrove Place, L.P. for the Elmgrove Place
Project in the Town of Gates. The extension of the
loan shall be for a term not to exceed four months,
upon the original terms and conditions.

Section 3. The loan extension shall obligate the
City of Rochester to extend the float loan in an amount
not to exceed \$500,000, and said amount, or so much
thereof as may be necessary, is hereby appropriated
from the Improving the Housing Stock and General
Property Conditions Allocation of the 2004-05 Com-
munity Development Program.

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

Section 5. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-14
Re: Litron Laboratories

R2010: Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation approving the relocation request of Litron Laboratories which will relocate from 1351 Mt. Hope Avenue in the City of Rochester, to 200 Canal View Boulevard in the town of Brighton.

Litron Laboratories was forced to find a new location when their landlord, the University of Rochester, did not renew their lease. The U of R needs the space occupied by Litron Laboratories to accommodate their own expansion. Litron had been renting the space for 28 years. They currently have eight employees.

Litron Laboratories looked at several locations, including Rochester Science Park and other properties within the City owned by the U of R, but were unable to find a location within the city that fit their biotechnology/medical research requirements. Their new location at 200 Canal View Boulevard is located within the Monroe County Empire Zone.

Litron Laboratories would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. However, Section 959 (a) (iii) of the NYS law only allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ if the "shift of operations" is approved by the municipality from which the company relocated.

As required by law, where the shift is from an area in a different municipality into another municipality's EZ: a public hearing must be held by the municipality from which the company is moving, and the local governing body of that municipality must approve, by resolution, the shift of operations. If the relocation procedure does not occur, the company will not qualify for EZ benefits. In the past, we have had several companies undertake this same process when they relocated to the city Empire Zone from other municipalities.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-14
(Int. No. 183)

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Litron Laboratories (the "Company"), a genetic toxicology testing company with offices located at 1351 Mt. Hope Avenue, Rochester, New York 14620, will be relocating from the City of Rochester to 200 Canal View Boulevard in the Town of Brighton, and

WHEREAS, the Company employed 8 people in 2004, including 2 residents of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when the University of Rochester did not renew its lease at its current facility. The Company looked at several locations in the City but was unable to find a suitable location that fit its biotechnology/medical needs, and

WHEREAS, the Rochester City Council has heard public comments that extraordinary circumstances exist to warrant the relocation of the company to the Monroe County Empire Zone at a public hearing held on June 14, 2005 at the City Council Chambers;

NOW, THEREFORE, BE IT RESOLVED, that the Rochester City Council consents to the relocation of Litron Laboratories from the City of Rochester to the Monroe County Empire Zone in the Town of Brighton.

This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-157
Re: Community Development Block
Grant/Appropriation Transfers

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2004-05 Consolidated Community Development Plan by transferring \$56,000 from the Improve the Housing Stock and General Property Conditions allocation (Neighborhood Parks and Playground account) and appropriate it for the following purposes:

\$11,000 for the Ibero American Action League Buena Vista project;

\$25,000 for the St. Michael's Woodshop in conjunction with the Sisters of Mercy; and

\$20,000 for the Rochester Area Task Force on AIDS Prevention project.

The Ibero American Action League Buena Vista Planned Development District map was approved by Council in September 2003. Development has been done in three phases. The first was the development of the building at 208 Clifford Avenue for services to the developmentally disabled; the second phase was the construction of the senior housing at 229 Avenue A; the third phase is the development of the special needs housing project. The project has had larger than expected costs due to subsurface conditions. This appropriation is intended to help bridge the gap.

The Sisters of Mercy Ministry operates the St. Michael's Woodshop, 691 St. Paul Street, a youth carpentry-training center serving economically disadvantaged youth and their families. The program has operated since 1967, annually enrolls 10 youths between the ages of 15 and 18 and teaches them carpentry and marketing basics. The program is requesting \$25,000 to continue operation and expand programming.

The Rochester Area Task Force on AIDS is requesting \$20,000 to expand its prevention efforts. The agency will focus its efforts on the crescent area of the City and will include activities such as the National Testing Day to be held in mid- June, a Health Fair, Latino AIDS Awareness Day, and increasing the number of testing sites available to residents.

A public hearing on the amendment is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-157
(Int. No. 185)

Amending The 2004-05 Community Development Program Plan By Transferring Funds And Authorizing Agreements For The Buena Vista Project, St. Michael's Woodshop Project And Rochester Area Task Force On AIDS Prevention Project

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

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby within the Improving the Housing Stock and General Property Conditions Allocation the Neighborhood Parks/Playground Account shall be reduced by the sum of \$56,000, and said amount shall be transferred to new accounts for the Buena Vista Project (\$11,000), St. Michael's Woodshop Project (\$25,000) and Rochester Area Task Force on AIDS Prevention Project (\$20,000).

Section 2. The Mayor is hereby authorized to enter into an agreement with the Ibero American Action League for the Buena Vista Project. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$11,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Sisters of Mercy for the St. Michael's Woodshop Project. 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 Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

Section 4. The Mayor is hereby authorized to enter into an agreement with the Rochester Area Task Force on AIDS for the AIDS Prevention Project. 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, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 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 by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood Pritchard, Stevenson - 8

Nays - 0

Councilmember Santiago abstained vote because she is employed by Ibero American Action League.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-158,
Ordinance No. 2005-159 And
Ordinance No. 2005-160

Re: Rochester Science Park

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation relating to the Rochester Science Park Planned Development District. This legislation will:

1. Amend Chapter 48-4 of the City Code by adding new uses in Rochester Science Park to the listing of Type I environmental actions;
2. Amend the Development Concept Plan; and
3. Amend the Zoning Map by modifying the district designation from M-IPD #2 Rochester Science Park to PD #7 Rochester Science Park.

The Rochester Science Park contains approximately 55 acres and is located in the southeast quadrant of the City. The Development Concept Plan (DCP), which outlines the intent of the Park along with the land use regulations, was adopted in December 1985 after extensive public review. It has been amended several times, most recently in October 2004.

Development Concept Plan

In June 2004, The Science Park Advisory Committee formally recommended that the DCP be revised and updated to accommodate an evolving industrial market. The following changes are recommended:

Replace existing performance standards with those outlined in Article XX of the Zoning code;

Shift the oversight review authority from the Science Park Advisory Committee to the Project Review committee;

Revise the permitted use list for the Science Park;
Remove sections relating to the development review process;

Eliminate certain building height and land coverage requirements; and,

Substitute Parking Demand analysis for specified parking requirements.

These revisions will simplify the development review process, bring the Concept Plan in line with current trends and goals of the new Zoning Code and respond to changing market demands while retaining the character of the Park.

The Planning Commission held an informational hearing on May 9, 2005; one person spoke in support of the request. The Commission recommended approval (4-0).

The Development Concept Plan which is submitted differs slightly from the Plan approved by the Planning Commission. Changes have been recommended to resolve issues raised by the Environmental Commission. Section 2(e) has been added to require proce-

dures to be identified to handle an inadvertent release of hazardous materials. Section 3.1(a)(13) and c(12) clarify that research can be conducted into products allowed to be manufactured, processed or assembled in the Science Park.

Chapter 48 Amendment

The proposal was also referred to the Rochester Environmental Commission on May 9, 2005. The Commission's concerns with the handling of bio-technical and hazardous materials and wastes and the overly restrictive permitted use listing, resulted in the proposed amendment to Chapter 48.

Hazardous materials in the Park will no longer be specifically regulated by the Development Concept Plan. The regulation of those materials is already conducted by existing agencies such as NYS DEC and the USEPA. However, government agencies are not able to keep up with this fast-growing and evolving industry. The Environmental Commission was concerned with the total dependence on State and Federal agencies for regulation of bio-technical materials and wastes.

After consideration of many options for addressing this issue, it was determined that the State Environmental Quality Review Act (SEQR) process was the most effective means of reviewing such sensitive operations. Classifying the establishment of a use in the Science Park as a Type I action SEQR would subject a new development to a more extensive environmental review and notification process. When an application is submitted for a new use in the Science Park, the application package will be required to include information relating to the handling and disposal of hazardous materials and information concerning procedures to be followed in case of an event that could endanger the neighborhood. As a Type I action, the Environmental Commission would be responsible for reviewing the adequacy of measures proposed for handling and disposing of such materials and would make recommendations to the Administration for the imposition of conditions for site plan review and other approvals.

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, the Mayor, as lead agency has determined that the proposal will not result in any significant adverse impacts and has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-65

Ordinance No. 2005-158
(Int. No. 186)

Changing The Zoning Classification Of The Rochester Science Park From Manufacturing-Institutional Planned Development District M-IPD #2 To Planned Development District #7-Rochester Science Park

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended

by changing the zoning classification of parcels constituting the Rochester Science Park from Manufacturing-Institutional Planned Development District M-IPD #2 to Planned Development District #7-Rochester Science Park.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

Ordinance No. 2005-159
(Int. No. 187)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending The Development Concept Plan For The Rochester Science Park And Redesignating It As Planned Development District #7-Rochester Science Park

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by amending the Development Concept Plan for the Rochester Science Park to read in its entirety as follows and by redesignating the Rochester Science Park as Planned Development District #7-Rochester Science Park:

Development Concept Plan for the Rochester Science Park Planned Development District #7

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I. Overview

- 1.0 Introduction and Statement of Intent - The property proposed for rezoning to a Planned Development (PD) District is located in the City of Rochester at 1920 South Avenue and contains approximately 55 acres of gently sloping land and woods, bounded on the west by approximately 325 feet along South Avenue; northwest and north by the Rochester Psychiatric Center; east by the boundary between the City of Rochester and the Town of Brighton and the Monroe Developmental Center; and south by the Green Knolls and Highland Apartments (see Map 1 of certain maps entitled Rochester Science Park Concept Development Plan Submission by Sasaki Associates, Inc. and Sear Brown Associates, P.C. dated November 8, 1985 (referred to herein as the "Development Concept Plan Submission") and the legal description in Exhibit A attached hereto).

Uses permitted in this PD District will be restricted to businesses of a scientific purpose or nature. Site amenities including the woods and trees of special interest or size are to be retained to the maximum extent feasible. The District, to be identified as the Rochester Science Park Subdivision (and to be referred to herein as the "District" or the "Science Park"), will permit one or more subdivision lots (referred to herein as "sites" or "lots") with access from the main drive of the Science Park which intersects South Avenue. A controlled emergency access road connects the main drive's easterly cul-de-sac to a service drive located on the adjoining institutional property. The Science Park is to provide sites needed by expanding high technology firms and will provide an attractive setting conducive to the requirements of such firms for a quiet environment in close proximity to similar firms and research-related centers. Existing screening of the District's perimeter, adjoining institutional and residential uses will be maintained, and additional landscape screening with trees, shrubs and planted berms is to be provided.

These PD District regulations are intended to control the development of the Science Park. The intent is to ensure a high-quality campus style development that is compatible in design and operation with the site and surrounding residential, commercial and institutional uses. The primary objective in establishing design and development criteria is to ensure a sense of continuity in land uses, aesthetic values and environmental sensitivity in the overall development of the Science Park. A high standard is being promulgated in order to create a park that will be distinguished by a consistently high quality of architectural design sympathetically placed in a natural setting. These controls are intended to establish and maintain confidence that the quality and operational characteristics of the overall development will remain high and, therefore, that the economic and environmental values of the Science Park and surrounding area will be protected.

In order to achieve these objectives, all plans for building and site design, including special requirements for the preservation of natural

site characteristics, and other environmental considerations, will be subject to review by the Project Review Committee ("Committee") in accordance with Section 120-190 of the Zoning Code. The Committee will consider each proposal on its design and planning merits. It will judge the particular opportunities, conditions and problems of each parcel with its related development program. The Committee will evaluate each proposal to determine its adherence to high aesthetic standards, sympathy with the natural characteristics, and compatibility with development on adjoining sites or lots and with surrounding institutions and neighborhoods.

II. Project Review and Approval

2.0 Process

- (a) Procedures for review and approval of projects within the Science Park are outlined in Article XVII of the Zoning Code.
- (b) No site or lot in the District shall be developed or improved unless and until a site plan has been approved as provided in Article XVII of the Zoning Code.
- (c) Incremental Development Plans that meet a threshold for Minor site plan review shall require Major site plan review.
- (d) Site Plan Review for incremental development within the Rochester Science Park shall require notification to the following:
 - (1) All property owners within the Science Park
 - (2) All property owners within 100 feet of the boundaries of the Science Park
 - (3) Official Neighborhood Contacts
- (e) Applications shall include information concerning the handling of hazardous materials and the procedures to be followed in the case of an inadvertent release that could endanger nearby residents and/or institutionalized persons.

III. Uses

- 3.0 Purpose and Intent - These District regulations are intended to provide an area within the City of Rochester for businesses of a scientific purpose or nature engaged in research, development, training, administration, and light manufacturing activities. The District regulations are further intended to provide a low intensity, park-like environment and well-landscaped sites that are in harmony with proximate residential, commercial and institutional uses.

3.1 Permitted Uses

- (a) Research in the following:
 - (1) Pharmaceuticals.

- (2) Antibody and Antigen.
 - (3) Agricultural.
 - (4) DNA and Genetic.
 - (5) Industrial chemicals to replace noxious chemicals that produce hazardous waste.
 - (6) Biosecurity.
 - (7) Environmental or organic pollutants.
 - (8) Fuel Cell.
 - (9) Blood.
 - (10) Nanotechnology.
 - (11) Chemical constituents of body fluids.
 - (12) Clinical and disease detection.
 - (13) Those fields listed in 3.1(c) below.
- (b) Medical offices with a research component that is an integral part of the health care which they provide. The research component must consist of a minimum of 20% of the net floor area.
- (c) Manufacture, processing and assembly of the following:
- (1) Communications equipment.
 - (2) Data processing equipment including: Personal Computers, Mainframes, Microcomputers, Hand Held PCS (PDA), and/or the components found in each (including chips and semiconductors).
 - (3) Software.
 - (4) Electronic systems, components and accessories.
 - (5) Photographic/Imaging Equipment and Systems.
 - (6) Optics.
 - (7) Photovoltaic and Photonics (light absorption for energy).
 - (8) Fuel Cell Components.
 - (9) Networking Equipment (switches, hubs, fiber and routers among similar components).
 - (10) Industrial and Environmental Control Equipment.
 - (11) Nanotechnology.
 - (12) Products resulting from research as indicated in (a) above.
- 3.2 Accessory Uses - The following accessory

uses shall be permitted in addition to those accessory uses defined in Section 120-208 of the Zoning Code and in accordance with the terms of 120-163 of the Zoning Code:

- (a) Prototype manufacturing incidental to research laboratories and corporate headquarters and offices.
- (b) Warehousing and storage not occupying more than 15% of the building floor area.
- (c) Recreational facilities.
- (d) An additional building for each site, provided it does not exceed 1,000 gross square feet in area and one story in height.
- (e) Day-care centers serving only the uses located within the District, provided they are located in existing structures in this District.
- (f) Personal Wireless Communications Facilities, subject to the following conditions:
 - (1) Only as an accessory structure to an approved use.
 - (2) No resale of services.
 - (3) No higher than 150 feet.
 - (4) With submission of FCC documentation.
 - (5) Site ground elevation plus the height of the structure must be below 700 feet.

3.3 Use Limitations

- (a) All uses shall be completely enclosed in buildings. No materials, supplies or equipment shall be permitted to remain outside any building.
- (b) No use shall be conducted in any manner which would render it noxious or offensive by reason of noise, dust, refuse matter, odor, smoke, gas, fumes, vibration or glare.
- (c) All uses must meet the performance standards as set forth in this Development Concept Plan.

IV. Bulk, Height, Setback and Parking Regulations

- 4.0 Intent - The objective of this section is to assure that the scale, location and mass of buildings in the District are compatible with the existing neighboring residential, commercial and institutional development and environmental quality, and to assure high quality development.
- 4.1 Building and Parking Area Setbacks
- (a) Building setbacks shall be not less than 75 feet from any public or private right-of-way line serving more than one lot, or site (not including driveways). Parking

area setbacks shall be at least 15 feet from any public or private right-of-way line serving more than one lot or site (not including driveways). Notwithstanding the foregoing, no building or parking area setback from any road used only for emergency access shall be required.

- (b) Building and parking area setbacks shall be not less than 25 feet from the perimeter property line of the District, except for the area in the southeast corner of the District where the setbacks shall be not less than 100 feet as shown on Map 3 of the Concept Development Plan Submission.
 - (c) Building and parking area setbacks within any subdivided lot in the District shall be not less than 10 feet from the property line of any adjoining lot or site in the District except that no building or parking setbacks will be required from any lot line of any subdivided lot or site which coincides with the lot line for any open space within the District, which open space may be owned by the City and/or by the Owner's Association, provided, however, that building and parking setbacks of 10 feet shall be required for any lot or site abutting any "open space" area fronting on South Avenue as generally shown on Map 3.
- 4.2 Land Coverage - The aggregate coverage by impervious surfaces (including, but not limited to, buildings, walks, drives, parking, loading areas) shall not exceed 70% on any individual subdivided lot in the District.
- 4.3 Building Height - The maximum building height shall be 45 feet.
- 4.4 Parking Requirements
- (a) The parking requirement for each use shall be determined through the use of a parking demand analysis in accordance with Section 120-173B. of the Zoning Code.
 - (b) Parking lots shall meet the design and maintenance requirements listed in Section 120-173F. of the Zoning Code.

V. Building Design

- 5.0 Intent - The objective in setting building design standards is to obtain consistency and quality in architectural design to protect and enhance values in the District and to provide a high-quality park that will contribute positively to land values and the environmental quality of the surrounding neighborhood. It is intended that a basic design compatibility and architectural harmony will result among the District buildings.
- 5.1 Design and Development Guidelines - Development of buildings and improvements in the Science Park shall be guided by the Design and Development Guidelines attached hereto as Appendix A, as may be amended from time to time, except that to the extent the provisions of this Development Concept Plan conflict with the Design and Develop-

ment Guidelines, this Development Concept Plan shall control.

- 5.2 Screening of Roof-Mounted Equipment - No heating, electrical, air conditioning or other equipment shall be installed on the roof of any building or structure or located on exterior walls unless screened, covered, and installed in a manner which has been approved by the Director of Zoning, except that solar energy collectors may be installed on the roof of any building if the design and location thereof is approved by the Director of Zoning. Any mechanical equipment must be designed to be an integral part of the building or structure.

VI. Site Design

- 6.0 Intent - These site design standards are intended to provide high-quality building sites and parking areas that contribute to the campus style character intended for the District and to ensure compatibility with the surrounding uses. Development shall be laid out and each lot or site shall be graded in a manner that is sympathetic to the existing topography. Buildings, roads, and parking areas should be located so as to minimize site disturbance or major divergences from the existing contours of the terrain. Terraced parking and stepped buildings shall be deemed to achieve this objective. Disturbed cut and fill areas shall be smoothly blended to meet adjacent existing grades. Each owner and user is encouraged to respect the existing ground plan and topography and adhere to the natural grade as much as possible.
- 6.1 Drives and Walkways
- (a) The width of access and service drives shall be a minimum of 24 feet. Each parcel shall have no more than two access drives from any public or private roadway.
 - (b) Sidewalks shall be a minimum of 5 feet wide.
- 6.2 Exterior Service Areas
- All exterior service loading, storage, and utility areas (including, without limitation, transformers and cooling towers) shall be located at the side or rear of any building and in any event not between any building and a public or private roadway serving more than one site or lot and will be screened or sheltered so as not to be visible from the street right-of-way or from adjacent sites. Each building will be permitted one refuse dumpster located in the service area and screened in accordance with this Development Concept Plan and of a size to be approved by the Director of Zoning. No materials, supplies, or equipment shall be permitted to remain outside any building.
- 6.3 Signage - Signage will be permitted in accordance with Section 120-177D for the M-1 District. The design, format and materials of all signs and graphics symbols shall be consistent with the architecture of the District, and be guided by the signage section of the Design and Development Guidelines in Appendix A.

- (a) Minimum setback required:

Fifteen (15) feet from the right-of-way lines and ten (10) feet from all other lot lines.

- (b) Type of illumination permitted:

Internal illumination.

6.4 Landscaping

- (a) To achieve a unified, campus-style setting for the Science Park, landscaping for all areas within lots or sites not covered by buildings, parking and walkways shall be guided by the landscaping section of the Design and Development Guidelines in Appendix A and a landscaping plan for each site shall be submitted for approval by the Director of Zoning.
- (b) To the extent possible, significant trees and large caliper trees exceeding six (6) inches existing on the site, with particular emphasis on trees located along the perimeter of the District and within the open space area in the District's southeast section, shall be retained.

VII. Additional Requirements

Unless otherwise specified in the above regulations, the requirements in Article XX of the Zoning Code shall apply to uses in the Rochester Science Park.

VIII. Owners' Association

- 8.0 Association of Owners - In order to provide for the continuing maintenance and administration of the Science Park the City shall create a not-for-profit corporation or association ("Association") to be formed upon the issuance of a certificate occupancy for the building on the final lot or site to be developed in the District. The Association shall have certain responsibilities regarding review of future physical changes to any site or lot or improvement thereon and shall be governed by such rules and procedures as shall be established for the governance of the Association.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

Ordinance No. 2005-160
(Int. No. 188)

Amending Chapter 48 Of The Municipal Code, Environmental Review, By Adding Requirements For New Uses At The Rochester Science Park

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

Section 1. Chapter 48 of the Municipal Code, Environmental Review, as amended, is hereby further amended by adding the following new subsection K to Section 48-4, Type 1 actions:

- K. Establishment of new uses in the Rochester Science Park.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-161
Re: Zoning Text Amendment

R2010: Campaign 9 - Healthy Urban Neighborhoods
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending the text of the Zoning Code by modifying the Planned Development (PD) District regulations by combining Section 120-190A and Article XVII, the two sections of the code that regulate planned development districts, and streamlining and simplifying the procedures.

In the Zoning Revision Project, initial steps were taken to make the PD District regulations more generic and flexible to better accommodate a wide range of development types as well as to permit maximum flexibility and encourage creativity. While the PD District regulations were made more generic, the procedures, rooted in the 1975 Ordinance, were essentially carried over into the new code.

Since the adoption of the 2003 Zoning Code, staff have processed four different PD applications, the Rochester Museum and Science Center, Rochester General Hospital, St. Michael's Church and Buena Vista Planned Development Districts. During the processing of these applications, staff observed that the procedures contained in Article XVII did not work particularly well for either the conversion of existing districts or the establishment of new districts. Procedural adjustments were necessary to accommodate the establishment and modification of these districts which didn't impose an unfair cost burden on the project sponsors.

The procedures for the initial adoption of PD districts as well as the procedures for ensuing development within a PD are proposed to be reconciled. The procedures will apply equally to existing planned developments, such as the University of Rochester, as well to new developments such as the forthcoming redevelopment of the IOLA complex. This amendment to the Zoning Code is related to a proposed amendment to the Science Park Planned Development District (MIPD#2) which incorporates many of the proposed procedural changes.

The Planning Commission held an informational hearing on May 9, 2005; one person spoke in support of the request. By a vote of 4-0, the Commission recommended approval.

The requirements of the State Environmental Quality Review Act were satisfied for this action with the execution of a findings statement for the Zoning Ordinance Revision Project by the Mayor and City Council in October of 2002.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-66

Ordinance No. 2005-161
(Int. No. 189)

Amending Chapter 120 Of The Municipal Code, Zoning Code, By Amending Regulations For Planned Development Districts

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- (a) Article XVII, PD Planned Development District, constituting Sections 120-122 through 122-128, is hereby amended to read in its entirety as follows:

ARTICLE XVII
PD Planned Development District

§ 120-122. Purpose.

The PD Planned Development Districts recognize a defined area for unified and integrated development and are intended to create more flexible development opportunities than would be possible through the strict application of the land use and development regulations of this chapter. Planned Development Districts allow diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces and are conceived as cohesive unified projects with unique standards and regulations. The Zoning Map may be amended from time to time, by ordinance duly enacted by the City Council, to provide for planned development districts upon approval of a Development Concept Plan as set forth herein.

Planned Development Districts shall achieve the following objectives:

- A. An alternative development pattern in harmony with the objectives of various City and regional land use and development plans.
- B. A creative use of land and related physical development allowing an orderly transition from one land use to another.
- C. Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and height of structures in developments conceived as cohesive unified projects.
- D. Unique standards for site and building design.
- E. The preservation and enhancement of desirable site characteristics, such as open space, natural topography, vegetation and geologic features and the prevention of soil erosion.

§ 120-123. Location.

The Planned Development District shall be applicable to any area of the City of Rochester where the applicant can demonstrate that the characteristics of the development will satisfy the intent and objectives of this chapter. Where a planned development is deemed appropriate, the rezoning of land to a Planned Development District will replace all use and dimensional specifications contained elsewhere in this chapter.

§ 120-124. District ownership and size.

- A. All owners of the tract shall be included as joint applicants on all applications, and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners and all tracts.

- B. No PD District shall be established having an area of less than two contiguous acres.

§ 120-125. Requirements and standards.

- A. The requirements and standards for a Planned Development District shall be determined for each individual project. At a minimum, the Planned Development District shall include:

- (1) Purpose statement that includes how the project meets the objectives of this chapter;
- (2) Uses;
- (3) Lot, area and yard dimensions;
- (4) Floor area ratios or lot coverage limitations;
- (5) Building characteristics;
- (6) Open space;
- (7) Parking;
- (8) Unless otherwise addressed in the development concept plan, the applicable City-Wide Design Guidelines and Standards (Article XIX) and Requirements Applying to All Districts (Article XX) in this chapter shall apply to all uses in the PD District.

- B. Planned developments shall be served adequately by, and shall not impose an undue burden upon, essential public facilities and services such as highways, streets, traffic control signals and devices, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools. Where any such facility or service is not available or adequate to service the planned development, the applicant shall be responsible for establishing his ability, willingness and binding commitment to provide such facilities and services.

- C. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with a Planned Development District shall provide that they may not be modified, removed or released without the express consent of the City Council and shall provide that they may be enforced by the City of Rochester in addition to the landowners within the Planned Development Districts. Additionally, such documents shall require expiration and reverter language to remedy nonperformance.

§ 120-126. Procedures for planned development districts.

- A. Development concept plan approval and amendments.

- (1) Development Concept Plan. The Development Concept Plan is any plan hereinafter adopted by the City Council, after notice and a public hearing, for the development or redevelopment of an area with specific geographic boundaries, which clearly identifies

the purposes of the development or redevelopment and involves one or more elements of land acquisition, site clearance, rehabilitation or construction of buildings, construction or reconstruction of public improvements and land disposition and which is specifically designated a "development concept plan" for purposes of this chapter.

- (2) The applicant shall provide a development concept plan showing in its entirety the basic scope, character and nature of any proposed planned development district or amendment thereof of a previously approved development concept plan. The development concept plan or amendment to a development concept plan shall include:
 - (a) The categories of uses to be permitted;
 - (b) The overall maximum density of residential uses and intensity of nonresidential uses;
 - (c) The general location of:
 - [1] Vehicular and pedestrian circulation systems;
 - [2] Extent of public and private open space;
 - [3] Extent of utility systems; and
 - [4] Residential and nonresidential structures.
 - (d) The existing and proposed ownership and management of the planned development district, including the buildings, landscaped areas and open spaces.
- (3) The applicant may, at its option, submit an incremental development plan in accordance with § 120-126B for the planned development district simultaneously with the submission of the development concept plan. In such case, the applicant shall comply with all provisions of this chapter applicable to submission of the development concept plan and to submission of the incremental development plan.
- (4) Action by the Director of Zoning

The development concept plan for proposed planned developments, amendments to existing planned developments and incremental development plans shall be subject to site plan review in accordance with § 120-191D.

- (5) Action by Planning Commission.
 - (a) Review by the Planning Commission of planned development districts or amendments shall follow the procedures for Zoning text or map amendments set forth in § 120-190C.
 - (b) In considering the development concept plan and formulating its recommendations, the Planning Commission shall specifically address the objectives and standards made applicable to the proposed planned development district by §120-122 and §120-125.

(6) Action by City Council.

- (a) Within 40 days following the receipt by the City Council of the report of the Planning Commission, or its failure to act as above provided, the City Council shall conduct a public hearing. The City Council shall:
 - [1] Deny the development concept plan;
 - [2] Refer it back to the Planning Commission for further consideration of specified matters; or
 - [3] By ordinance duly adopted, approve the development concept plan, with or without modifications to be accepted by the applicant as a condition of such approval, and amend the Zoning Map of the City to designate the area included in the approved plan as "Planned Development District Number _."

[1] Deny the development concept plan;

[2] Refer it back to the Planning Commission for further consideration of specified matters; or

[3] By ordinance duly adopted, approve the development concept plan, with or without modifications to be accepted by the applicant as a condition of such approval, and amend the Zoning Map of the City to designate the area included in the approved plan as "Planned Development District Number _."

[a] If the development concept plan is approved with conditions, the Zoning Map shall not be amended until the applicant has filed with the Director written consent to such conditions.

[b] In the event that a development concept plan is approved, or approved with conditions acceptable to the applicant, no development shall be permitted unless and until an incremental development plan has been submitted and approved in accordance with the provisions of this chapter.

B. Incremental development plan approval.

- (1) Incremental Development Plan. The Incremental Development Plan is a plan showing development occurring wholly within the boundaries of an approved planned development district which complies with all of the standards and requirements of the development concept plan approved for the district.
- (2) All incremental development plan approvals shall require site plan approval as set forth in § 120-191. Application requirements are set forth in §120-189E(1).
- (3) In addition to the requirements of site plan approval, if the Director finds substantial conformity with the development concept plan and finds the incremental development plan to be in all other respects complete and in compliance with any conditions imposed by approval of the development concept plan, the Director shall approve the incremental development plan. An incremental development plan shall be deemed not to be in substantial conformity with an approved development concept plan if it:
 - (a) Exceeds by more than 10% the maximum parking, height, lot coverage or yard requirements approved for the planned development district;

- (b) Decreases by more than 10% the area approved for public and private open space or significantly changes the general location of such areas;
 - (c) Substantially relocates approved public circulation elements to any extent that would significantly decrease their functionality, adversely affect their relation to surrounding lands and circulation elements, or significantly reduce their effectiveness as buffers or amenities;
 - (d) Significantly alters the arrangement of land uses within the planned development district;
 - (e) Provides for uses not included in the approved development concept plan; or
 - (f) Exceeds the maximum density for residential uses and the maximum floor area ratio for nonresidential uses.
- (4) Amendments to an incremental development plan. An approved incremental development plan may be amended or varied by submitting a new site plan to the Director of Zoning in accordance with § 120-191D(5)(e). In the case that the adjustments exceed the thresholds established for the Director of Zoning by the development concept plan, the development concept plan must be amended as provided in this section for original development concept plan approval.

C. Limitations to approvals.

- (1) A development concept plan shall become null and void one year after the filing date with the City Clerk and the zoning district shall revert to the prior zoning district if an incremental development plan is not submitted for approval.
- (2) An incremental development plan approval shall become null and void six months after the date on which it was issued unless a building permit is obtained and maintained.

D. Appeal.

- (1) Appeals of a decision by the Director of Zoning on an incremental development plan shall be taken to the City Planning Commission within 30 days of the decision.
- (2) An appeal from any final decision of the Planning Commission as to any matter regarding the planned development district may be taken within 30 days of the filing of such decision by any person aggrieved or by any authorized officer, department, bureau, board or commission of the City in accordance with Article 78 of the New York Civil Practice Law and Rules.

E. Current plan submission

- (1) Current Plan. The Current Plan is a complete, comprehensive and permanent public record of a planned development district. The current plan is intended only to put in final form, the information contained in the development concept plan and shall conform to all prior

approved and all approved conditions thereof resulting from the planned development district process. The current plan shall consist of a site map that reflects all approved incremental development as well as the development concept plan for all areas not yet approved through an incremental development plan. It shall also contain references to all development concept plan components outlined in §120-126A.

- (2) A current plan must be submitted prior to any applications for amendments to the approved development concept plan or with request for approval of incremental development plans.

§ 120-127. Personal wireless telecommunication facilities (PWTF).

Personal wireless telecommunication facilities in the PD District shall be regulated as outlined in § 120-143, Personal wireless telecommunication facilities.

- (b) Section 120-188, Common review procedures, is hereby amended by deleting the words "detailed plan" where they are contained in subsection B therein and by inserting in their place the words "incremental development plan".

- (c) Section 120-190, Procedures approved by the City Council, is hereby amended by amending subsection A to read in its entirety as follows:

A. Planned development district designation. See Article XVII of this Chapter.

- (d) Section 120-208, Definitions, is hereby amended by deleting the definition of DEVELOPMENT PLAN.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
June 14, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 190 - Establishing Maximum Compensation For A Professional Services Agreement For The Biracial Partnership Program

Int. No. 191 - Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows And Amending The 2004-05 Budget

Int. No. 192 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Laser Equipment

Int. No. 193 - Establishing Maximum Compensation For A Professional Services Agreement For Fireworks On The Fourth Of July

Respectfully submitted,
Benjamin L. Douglas

William F. Pritchard
Lois J. Giess
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Campaign 10 - Center City
Campaign 11 - Arts and Culture

Received, filed and published.

Transmitted herewith for your approval is legislation related to laser shows at High Falls between July 1, 2005 and June 30, 2006. This legislation will:

TO THE COUNCIL
Ladies and Gentlemen:

1. Authorize an agreement with Stone Mountain Productions, 5387 Manor Drive, Stone Mountain, GA 30083, for the production of laser shows. The maximum cost of this agreement will be \$82,500, to be financed from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.
2. Amend the 2004-05 Budget by transferring \$50,000 from Contingency to cover start up and incidental costs related to the laser shows (e.g., advertising, security, authorize any agreements necessary to complete such work).
3. Authorize an agreement with Young Explosives, 4 Butternut Drive, for provision of small aerial fireworks displays to accompany the laser shows. The maximum cost of this agreement will be \$44,600, to be financed from the 2005-06 Budget of DPRHS.

Ordinance No. 2005-162
Re: Agreement - Idea Connection Systems, Inc., Biracial Partnership Program

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation establishing maximum compensation of \$50,000 for an agreement with Idea Connection Systems, Inc., 693 East Avenue, Rochester, N.Y., for the implementation of the Biracial Partnership Program. Funding will be provided from the 2004-05 Undistributed allocation.

The anticipated return of the fast ferry in mid-June of this year provides an opportunity to enhance Rochester as a tourism destination. Along with Rochester's busy summer festival season, the restoration of the laser shows will be another draw to the High Falls Historic District as an entertainment destination.

The Biracial Partnership Program began in 2001 as part of the Mayor's Commission on Race and Ethnicity. The goal of the program is to confront and reduce racial prejudice in Rochester. Individuals are assigned a partner from a different cultural, ethnic and/or racial background. The partners use guided exercises and experiences to explore what they might have in common.

Idea Connection Systems, Inc. will facilitate the program by recruiting and pairing participants, conducting a variety of large and small group sessions for and training volunteer facilitators. Approximately 50 individuals will participate in this phase of the Biracial Partnership Program.

A total of 55 laser shows are planned for Thursday, Friday and Saturday evenings July 1 through September 5, 2005, and May 26 through June 30, 2006. Special holiday shows will be scheduled for the July 4 weekend, Labor Day weekend, December, and Memorial Day weekend. A projected schedule is attached. Laser shows were last provided in 2002 by Flaum Management, as part of their contract to operate and manage the High Falls Facility. Approximately 130,000 people attended 65 laser shows produced that year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Young Explosives is a licensed manufacturer of fireworks and meets all state and federal regulations.

Ordinance No. 2005-162
(Int. No. 190)

Establishing Maximum Compensation For A Professional Services Agreement For The Biracial Partnership Program

Respectfully submitted,
William A. Johnson, Jr.
Mayor

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

Attachment No. AE-67

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 Idea Connection Systems, Inc. for implementation of the Biracial Partnership Program. Said amount shall be funded from the 2004-05 Budget for Undistributed Expense.

Ordinance No. 2005-163
(Int. No. 191)

Section 2. This ordinance shall take effect immediately.

Establishing Maximum Compensation For Professional Services Agreements For The High Falls Laser Shows And Amending The 2004-05 Budget

Passed unanimously.

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

TO THE COUNCIL
Ladies and Gentlemen:

Section 1. The sum of \$82,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stone Mountain Productions for laser shows at High Falls. Said amount shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Ordinance No. 2005-163
Re: Agreements - Laser Shows

R2010: Campaign 8 - Tourism Destination

Section 2. The sum of \$44,600, or so much thereof

as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for aerial fireworks displays to accompany laser shows at High Falls. Said amount shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Section 3. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$50,000 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund start up and incidental costs relating to the laser shows at High Falls. Of said amount, not to exceed \$4,500 may fund a professional services agreement with Stone Mountain Productions for laser shows at High Falls, and not to exceed \$1,500 may fund a professional services agreement with Young Explosives for aerial fireworks displays to accompany laser shows at High Falls, for June, 2005.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 7

Nays - Councilmembers Curran, McFadden - 2

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-164
Re: Agreement - Stone Mountain Productions
for Laser Maintenance

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Stone Mountain Productions, 5387 Manor Drive, Stone Mountain, GA 30083, for laser maintenance at High Falls from June 1, 2005 through May 31, 2006 and occasional private shows as requested by conventions and private businesses throughout the year. The maximum cost of this agreement will be \$70,000, which will be financed from the 2005-06 Budget of the Department of Parks, Recreation and Human Services (\$60,000), and the Rochester Events Network trust fund (\$10,000).

A similar agreement was authorized by City Council on July 27, 2004. Monthly maintenance is necessary for the City owned equipment. Stone Mountain Productions has operated the laser shows since their inception in the 1980's and has maintained the equipment since that time. This agreement will also include private laser shows funded by private companies with revenue offset to the Rochester Events Network trust fund.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-164
(Int. No. 192)

Establishing Maximum Compensation For A Professional Services Agreement For The High Falls Laser Equipment

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

Section 1. The sum of \$70,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stone Mountain Productions for maintenance of the laser equipment at High Falls. Of said amount, \$60,000 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services and \$10,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 7

Nays - Councilmembers Curran, McFadden - 2

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-165
Re: Agreement - Young Explosives, July 4th
Fireworks Display

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing an agreement with Young Explosives, 4 Butternut Drive, for provision of an aerial fireworks display on July 4, 2005, Independence Day. The maximum cost of this agreement will be \$35,000; \$7,000 of which will be financed from the 2005-06 budget of the Department of Parks, Recreation and Human Services, and \$28,000 of which will be funded from the Rochester Events Network trust fund.

The July 4 display will be similar to those that have been provided by Young Explosives annually since 1977. This year's display will extend for about 20 minutes and will be launched over the Genesee River from the entrance ramp to Route 1-490 Eastbound. Young will be responsible for obtaining the necessary permits from the Fire Department and for acquiring \$1.0 million of liability insurance.

Young Explosives does not employ any persons below the age of 18. Further, in order to be licensed in the United States, all fireworks manufacturers and dealers must meet state and federal regulations stating that no persons under the age of 18 are employed. Young Explosives has assured us that their domestic purchases come solely from licensed vendors.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-165
(Int. No. 193)

Establishing Maximum Compensation For A Professional Services Agreement For Fireworks On The Fourth Of July

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Young Explosives for a Fourth of July aerial fireworks display. Of said amount, \$7,000 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services, and \$28,000 is hereby appropriated from the Rochester Events Network Trust Fund.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
June 14, 2005

To the Council:

The Parks, Public Works And The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 194 - Establishing Maximum Compensation For A Professional Services Agreement For A Port Of Rochester Transportation Evaluation Study

Int. No. 195 - Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program" And Amending Ordinance No. 2005-38, As Amended

Int. No. 196 - Authorizing An Application And Agreements For The 2005 Summer Food Service Program For Children

Int. No. 197 - Authorizing Agreements With Respect To The Mt. Read Boulevard Bridge Rehabilitation Project

Int. No. 198 - Authorizing An Agreement With The Rochester-Genesee Regional Transportation Authority For The Refueling Of City Vehicles

Int. No. 199 - Establishing Maximum Compensation For A Professional Services Agreement For The Hemlock Lake Water Filtration Plant, As Amended

Int. No. 200 - Establishing Maximum Compensation For Professional Services Agreements For Construction Resident Project Representation Services

Int. No. 201 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The South Avenue Garage Rehabilitation Project

Int. No. 224 - Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$1,098,000 Bonds Of Said City To Finance The Additional Cost Of Phase I Improvements To Manhattan Square Park

The Parks, Public Works And The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 202 - Approving Changes In The Pavement Width Of Jefferson Avenue Between West Main Street And Brown Street, And Brown Street Between Kensington Street And Jefferson Avenue

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran

Adam C. McFadden
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-166
Re: Port of Rochester Transportation
Evaluation Study

R2010: Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an agreement with Bergmann Associates to conduct a Port of Rochester Transportation Evaluation Study at a maximum cost of \$40,000, and appropriating \$40,000 from anticipated reimbursements from the Federal Highway Administration as administered through the Genesee Transportation Council to fund the agreement.

The purposes of the Study are to provide objective measures of transportation usage at and within two miles of the Port, and, if needed, to make recommendations to fine-tune the transportation system both at the Port site and in the surrounding community. The study will also develop concept designs for a multi-modal Transportation Center and a possible remote parking lot.

A request for proposals was issued statewide following NY State procedures. Three proposals were received and evaluated. Bergmann Associates is recommended to conduct the study based upon their experience in performing similar studies for other municipalities. The study is expected to begin this summer with completion anticipated by Spring 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-166
(Int. No. 194)

Establishing Maximum Compensation For A Professional Services Agreement For A Port Of Rochester Transportation Evaluation Study

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for a Port of Rochester Transportation Evaluation Study. Said amount is hereby appropriated from anticipated reimbursements from the Federal Highway Administration administered through the Genesee Transportation Council.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden Mains, Norwood, Pritchard, Santiago, Stevenson - 8

Nays - Councilmember Curran - 1

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2005-167
Re: Agreement - Andrea Whitcomb,
"Greta Program"

R2010: Campaign 4 - Environmental
Stewardship

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 the agreement will be \$30,000, which will be financed from the 2005-06 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 in June 2004.

During 2004-05, the program has been presented to over 4,200 youths through 300 performances at city schools, libraries, recreation centers, and neighborhood events. In addition, over 2000 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 2005-06, Ms. Whitcomb will provide 300 performances and workshops. The cost per performance will remain at \$100 and the total cost of the agreement will remain at \$30,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-167
(Int. No. 195, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of The "Greta Program" And Amending Ordinance No. 2005-38

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 2005-06 Budget of the Department of Environmental Services.

Section 2. Ordinance No. 2005-38, relating to the Adopt-A-Block Program, is hereby amended by further authorizing agreements with the Charlotte Community Development Association in an amount not to exceed \$17,092.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-168
Re: 2005 Summer Food Service Program

R2010: Campaign 3 - Health, Safety and
Responsibility

Transmitted herewith for your approval is legislation relating to the 2005 Summer Food Service Program for children. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt and use of such funds as may be allocated to the City for the program; and
2. Authorize an agreement with the Rochester City School District for preparation and delivery of the breakfast and lunches to be provided under the program.

The Summer Food Service Program (SFSP) provides free meals during the summer to children 18 years of age or younger. Persons over age 18 who are determined by a state or local educational agency to be mentally and/or physically disabled and who are enrolled 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 Department of Parks, Recreation and Human Services has administered the SFSP since 1976. Beginning in 1994, both breakfast and lunch service have been available to all sites. The Rochester City School District Central Kitchen prepares and delivers the meals to the program sites.

In 2005, the program will operate approximately 66 sites from June 27 through August 26. The projected number of sites reflects the impact of a new component of our agreements that will require sites to reimburse the City for disallowed costs. The selection of the specific sites are based on proximity to youth service activities and past participation in the program.

The City School District will prepare and deliver meals for SFSP at the following unit costs:

	<u>Breakfast</u>	<u>Lunch</u>
2004 CSD Rate	1.13	2.12
2005 CSD Rate	1.15	2.15
SFSP 2005 Reimbursement Rate	1.5325	2.695

A three-year summary of total number of meals served is as follows:

	<u>Breakfast</u>	<u>Lunch</u>
2004	63,526	108,513
2003	57,822	113,097
2002	64,964	120,198

For 2005, it is anticipated that the reimbursement will be \$386,445, based on the projected figures of 64,000 breakfasts and 107,000 lunches. This reimbursement figure will also provide for \$40,500 in administrative and operating expenses.

The most recent agreement for these services was approved by Council in April 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-68

Ordinance No. 2005-168
(Int. No. 196)

Authorizing An Application And Agreements For The 2005 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 2005 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 \$386,445, and said amount, or so much thereof as may be necessary and received, shall be funded from the 2005-06 budget of the Department of Parks, Recreation and Human Services, contingent upon receipt of said funding.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-169
Re: Mount Read Boulevard Bridge over
Kodak Access Road - Water Improvements

R2010: Campaign 4 - Health, Safety &
Responsibility
Campaign 5 - Regional Partnerships
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the replacement of the Mount Read Boulevard Bridge over the Kodak Access Road in the City of Rochester. The overall construction and improvements were approved by Council in July 2002 and February 2005. This current legislation relates to the bridge's water mains and appurtenances and will:

1. Authorize the participation by the City in the project which is being administered by the New York State Department of Transportation;
2. Ensure that the City approves the relocation of and adjustment to City water mains and appurtenances related to this project as shown on the contract drawings;

3. Agree that the City will be responsible for maintenance of the adjusted water related facilities on the project as shown on the contract drawings;

4. Agree that the State will provide the reconstruction work, as shown on the contract plans, at no cost to the City;

5. Authorize any necessary agreements with the NYSDOT for such participation;

6. Agree that Mayor William A. Johnson, Jr. has the authority to sign, with the concurrence of the Rochester City Council, any and all documentation that may become necessary as a result of this project as it relates to the City; and

7. Agree the City Clerk is hereby directed to transmit five certified copies of the foregoing ordinance to the New York State Department of Transportation.

In accordance with NYS Highway Law, the NYSDOT will include the relocation of and adjustments to water mains and appurtenances, as part of the replacement of the bridge.

The water related improvements are scheduled to begin construction in the Summer of 2005 and be completed by the Winter of 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-169
(Int. No. 197)

Authorizing Agreements With Respect To The Mt. Read Boulevard Bridge Rehabilitation Project

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

Section 1. The Council approves City participation in the Mt. Read Boulevard Bridge Rehabilitation Project and the Mayor is hereby authorized to execute all necessary agreements and documents with the New York State Department of Transportation to participate in the Mt. Read Boulevard Bridge Rehabilitation Project. The Council approves the relocation of and adjustment to City water mains and appurtenances performed on the Mt. Read Boulevard Bridge over the Kodak access road, pursuant to Section 10, Subdivision 24, of the State Highway Law, as shown on the contract plans. The City shall maintain or cause to be maintained the adjusted water related facilities as shown on the contract plans. The State shall provide for the reconstruction of the water related facilities as shown on the contract plans at no cost to the City.

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

Section 3. The City Clerk is directed to transmit five certified copies of this ordinance to the New York State Department of Transportation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-170
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 current agreement with RGRTA for vehicle fueling services was authorized by the City Council in May 2002. 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 \$.17 per gallon. The fee is \$.01 more than the fee authorized by the present agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-170
(Int. No. 198)

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 \$.17 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. 2005-171
Re: Agreement - Hemlock Lake Filtration Plant

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Calgon Carbon Corporation, 500 Calgon Drive, Pittsburgh, for the implementation and use of granular activated carbon (GAC) filter media at the Hemlock Lake Filtration Plant. The term of the agreement will be three years and the amount will not exceed \$500,000. The cost

for the first year, \$150,000, is included in the 2005-06 Budget. It is anticipated that subsequent years will also be funded from the operating budget.

This legislation will authorize the lease of approximately 650,000 pounds of GAC filter media, and for the installation and testing services associated therewith. This treatment is to address a taste and odor (T&O) problem that developed in the City's Hemlock Lake water supply last year. The water has not been subject to this seasonal problem before; it is believed that the recent arrival and proliferation of zebra mussels may be the cause. The problem is expected to recur, and possibly grow worse over the next few years.

GAC is the most cost effective of several technologies that were investigated for removing the "musty/earthy" taste compounds. Other options considered were ozone and ultraviolet light coupled with hydrogen peroxide. The GAC will replace the crushed anthracite coal currently used as filter media. The GAC absorbs organic compounds, eventually becomes consumed, and requires replacement. The GAC is expected to last about three years, and the lease arrangement will allow the total cost to be paid on a quarterly basis over that period. If the GAC lasts longer than three years, the lease will continue with quarterly payments at 25% of the original fee. If the GAC lasts less than three years, it will be replaced, with payment of balance due in lump sum, or rolled into the next lease.

Proposals were solicited from four suppliers; the two largest US companies responded. Calgon offers a superior product at a lower cost (0.68/lb vs \$1.01/lb) than its competitor, and will install the product before the T&O season begins; the competitor required 150 days lead time.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-171
(Int. No. 199, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Hemlock Lake Water Filtration Plant

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

Section 1. The sum of \$[500,000] 550,000, 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 Calgon Carbon Corporation for the installation, testing and lease of granular activated carbon filter media at the Hemlock Lake Water Filtration Plant for a term of three years. Said amount shall be funded from the 2005-06 and subsequent Budgets of the Department of Environmental Services, contingent upon the approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-172
Re: Agreements - Resident Project
Representation Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation which will authorize the following:

1. An agreement in the amount of \$110,000 with Stantec Consulting Services Inc., 85 Metro Park, Rochester, NY 14623 for resident project representation services (RPR). The cost of the agreement will be financed from the 2002-03 (\$95,000) and 2003-04 (\$15,000) Cash Capital allocations.
2. An amendatory agreement with Corneles Engineers 3495 Winton Place, Rochester, NY 14623 for additional RPR services in the amount of \$100,000 which will increase the maximum cost of the agreement from \$70,000 to \$170,000. The additional cost will be financed from 2004-05 Cash Capital allocation.
3. An amendatory agreement with Fisher Associates, 135 Calkins Road, Rochester, NY 14623 for additional RPR services in the amount of \$40,000 which will increase the maximum amount of the agreement from \$70,000 to \$110,000. \$14,000 will be financed from the 2002-03 Cash Capital allocation and \$26,000 from Bond Ordinance No. 2004-110.

RPR or inspection services for construction projects are provided by either City personnel or private consultants on a project-by-project basis. During peak periods of the summer construction season, however, the Department of Environmental Services utilizes general or temporary RPR services. The proposed agreements will facilitate project management and completion by providing greater flexibility in assigning City personnel and private consultants.

The original agreements with Corneles Engineers and Fisher Associates were approved by Council in August 2004.

RPR services on the original Corneles agreement began in the Fall of 2004 on the City's Hazardous Sidewalk contract. The amendatory agreement provides for Corneles to continue services on the City's Hazardous Sidewalk contracts during 2005.

Work on the original Fisher agreement began in May, 2005 on the City's Henrietta Street Project which is expected to continue through November, 2005. The amendatory agreement provides for sufficient funds to allow Fisher to perform RPR services for the duration of the project.

Under the terms of the proposed agreements, RPR services will be provided at specified hourly rates for a variety of projects as required by Department of Environmental Services. The duration of the agreements will be for two years.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-172
(Int. No. 200)

**Establishing Maximum Compensation For
Professional Services Agreements For Construc-**

tion Resident Project Representation Services

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

Section 1. The sum of \$110,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Group, Inc. for construction resident project representation services. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project for which the services are provided. Of said amount, \$95,000 shall be funded from the 2002-03 Cash Capital Allocation and \$15,000 shall be funded from the 2003-04 Cash Capital Allocation.

Section 2. 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 Corneles Engineering, P.C., for construction resident project representation services. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project for which the services are provided. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 3. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Fisher Associates for construction resident project representation services. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project for which the services are provided. Of said amount, \$14,000 shall be funded from the 2002-03 Cash Capital Allocation and \$26,000 shall be funded from Bond Ordinance No. 2004-110.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-173
Re: Amendatory Agreement - Rehabilitation
of the South Avenue Parking Garage

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Group, Inc., 85 Metro Park, for additional engineering services in the amount of \$49,300, which will increase the maximum cost of the agreement from \$310,000 to \$359,300. The increase will be financed from the 2002-03 Cash Capital Allocation of the Municipal Garage Renovation Program.

In February 2004, City Council authorized the original agreement with Stantec Consulting Group, Inc. to provide design of the project, including structural, plumbing and electrical improvements. During the design phase, it was determined that more extensive improvements were required than originally anticipated, including additional deck replacement and repairs, additional expansion joint, column and beam repairs, replacement of additional electrical panels, and repairs to the driving surface of the helix structure. The proposed amendatory agreement will provide for

design of the enlarged scope of project.

The estimated total cost of construction of the project increased from \$5,000,000 to \$8,000,000. The funding for the project has been planned for in the 2003-04 and 2005-06 Capital Improvement Programs.

Design is expected to be complete this summer, construction is expected to begin this fall and be completed in late 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-173
(Int. No. 201)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The South Avenue Garage Rehabilitation Project

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

Section 1. The sum of \$49,300, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Group, Inc. for engineering design services for the South Avenue Garage 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 2002-03 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-174
Re: Manhattan Square Park Public
Improvement Project - Phase 1

- R2010: Campaign 8 - Tourism Destination
- Campaign 9 - Healthy Urban Neighborhoods
- Campaign 10 - Center City
- Campaign 11- Arts & Culture

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,098,000 and the appropriation of the proceeds thereof to finance a portion of the cost constructing Phase One improvements.

Manhattan Square Park, constructed in 1971 as part of the Southeast Loop Urban Renewal project, is in need of major infrastructure improvements to better accommodate day-to-day park uses, ice skating, entertainment and special events. Improvements will also enhance its relation to downtown and the Strong Museum. A Concept Plan for Revitalization of Manhattan Square Park was completed in 2002 contemporaneously with the design of the Strong Museum expansion, and in anticipation of synergistic benefits. Improvements are phased over five years, as the Capital Improvement Plan allows, with funding totaling \$9,000,000.

Bids for the Phase One improvements, including

renovation of the children's play area, reactivation of the fountain, and safety improvements to the electrical system, were received on May 17, 2005. The work will be performed by Man O'Trees, Inc., Buffalo, NY, as general contractor at a cost of \$947,000, which is 22% over the engineer's estimate; and by East Coast Electric, LLC, Rochester, as electrical contractor, at a cost of \$103,000, which is 16% less than the engineer's estimate. The remaining \$48,000 will be allocated for contingencies.

Resident project representation services will be performed by DuFresne Henry, as authorized by Council on May 10, 2005. Construction of Phase One is scheduled for Summer and Fall 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-174
(Int. No. 224)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$1,098,000 Bonds Of Said City To Finance The Additional Cost Of Phase I Improvements To Manhattan Square Park

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 Phase I improvements to Manhattan Square Park within the City including, but not limited to, renovation of the children's play area, temporary reactivation of the fountain and safety improvements to the electrical system (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,248,000. The plan of financing includes the issuance of \$1,098,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$150,000 bonds of the City previously appropriated in Ordinance No. 2005-57 (which is hereby amended to reflect the total maximum estimated cost of the project stated above), and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,098,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,098,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds

authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.19(c) of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-175
Re: Jefferson Avenue (West Main Street to Brown

Street) and Brown Street (Kensington Street to Jefferson Avenue) Improvement Project

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation related to the Jefferson Avenue (West Main Street to Brown Street) and Brown Street (Kensington Street to Jefferson Avenue) Improvement Project. This legislation will authorize changes in pavement widths on Jefferson Avenue as follows:

1. An increase of 6 feet (from 28 feet to 34 feet) beginning at West Main Street for a distance of 95 feet northerly;
2. A taper, beginning with an increase of 6 feet (from 28 feet to 34 feet) at 95 feet north of West Main Street and ending with an increase of 2 feet (from 28 feet to 30 feet) at 135 feet north of West Main Street;
3. An increase of 2 feet (from 28 feet to 30 feet) beginning at 135 feet north of West Main Street for a distance of 985 feet northerly; and
4. A taper, beginning with an increase of 2 feet (from 28 feet to 30 feet) at 1120 feet north of West Main Street and ending with a width of 36 feet at Brown Street.

This legislation will also authorize changes in pavement widths on Brown Street as follows:

1. A decrease of 8 feet (from 40 feet to 32 feet) beginning 49 feet west of Kensington Street to Kensington Street;
2. A decrease of 10 feet (from 40 feet to 30 feet) beginning at Kensington Street to 49 feet east of Kensington Street;
3. A decrease of 2 feet (from 40 feet to 38 feet) beginning 49 feet east of Kensington Street to 52 feet west of Saxton Street;
4. A decrease of 10 feet (from 40 feet to 30 feet) beginning 52 feet west of Saxton Street to 52 feet east of Saxton Street;
5. A decrease of 2 feet (from 40 feet to 38 feet) beginning 52 feet east of Saxton Street to 190 feet west of Silver Street; and
6. A taper, beginning with a decrease of 10 feet (from 40 feet to 30 feet) at 190 feet west of Silver Street and ending by matching the existing 29 feet width a distance of 290 feet easterly.

The project includes rehabilitation, reconstruction or reconfiguration of the pavement; water service renewals and new hydrants; replacement of curbs, catch basins, driveway aprons, sidewalks and street lights; and upgrades to traffic signage and pavement markings.

The proposed widening of Jefferson Avenue near West Main Street will create a left turn lane on Jefferson Avenue at West Main Street and will improve the alignment of the street with Jefferson Avenue to the south of West Main Street. The remaining proposed widening of Jefferson Avenue will allow for safer parking along the street.

The proposed overall narrowing to 38 feet on Brown Street will provide sufficient width for vehicular and

bicycle needs while maintaining parking on both sides of the street. The narrowing will also provide a one-foot wider tree lawn area on the north side of the street and a one-foot wider sidewalk on the south side of the street. The additional narrowing to 30 feet on Brown Street at Kensington Street and Saxton Street will aid in traffic calming and provide better control of parking near these two intersections.

In addition to the pavement widths discussed above, the realignment at the intersection of Brown Street with Jefferson Avenue and both legs of Silver Street will provide improved safety and sight distances at the intersections.

The estimated construction cost is \$2,800,000. Funding for the project has been planned for in the 2004-05 Capital Improvement Program as follows:

City Street	\$1,800,000
City Water	800,000
Pure Waters	100,000
MC Traffic	100,000
Total	\$2,800,000

It is anticipated that design of the project will be completed this fall and that construction will begin in Spring 2006 and be substantially completed by Fall 2006.

A public meeting was held on April 27, 2005. Minutes of this meeting are attached.

The proposed pavement width changes were endorsed by the City's Traffic Control Board on May 17, 2005.

A public hearing on the pavement width changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-69

Ordinance No. 2005-175
(Int. No. 202)

Approving Changes In The Pavement Width Of Jefferson Avenue Between West Main Street And Brown Street, And Brown Street Between Kensington Street And Jefferson Avenue

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

Section 1. The Council hereby approves the following changes in the pavement width of Jefferson Avenue:

1. An increase of 6 feet (from 28 feet to 34 feet) beginning at West Main Street for a distance of 95 feet northerly;
2. A taper, beginning with an increase of 6 feet (from 28 feet to 34 feet) at 95 feet north of West Main Street and ending with an increase of 2 feet (from 28 feet to 30 feet) at 135 feet north of West Main Street;
3. An increase of 2 feet (from 28 feet to 30 feet) beginning at 135 feet north of West Main Street for a distance of 985 feet northerly; and
4. A taper, beginning with an increase of 2 feet

(from 28 feet to 30 feet) at 1120 feet north of West Main Street and ending with a width of 36 feet at Brown Street.

Section 2. The Council hereby approves the following changes in the pavement width of Brown Street:

1. A decrease of 8 feet (from 40 feet to 32 feet) beginning 49 feet west of Kensington Street to Kensington Street;
2. A decrease of 10 feet (from 40 feet to 30 feet) beginning at Kensington Street to 49 feet east of Kensington Street;
3. A decrease of 2 feet (from 40 feet to 38 feet) beginning 49 feet east of Kensington Street to 52 feet west of Saxton Street;
4. A decrease of 10 feet (from 40 feet to 30 feet) beginning 52 feet west of Saxton Street to 52 feet east of Saxton Street;
5. A decrease of 2 feet (from 40 feet to 38 feet) beginning 52 feet east of Saxton Street to 190 feet west of Silver Street; and
6. A taper, beginning with a decrease of 10 feet (from 40 feet to 30 feet) at 190 feet west of Silver Street and ending by matching the existing 29 foot width a distance of 290 feet easterly.

Section 3. Such changes and additional changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
June 14, 2005

To the Council:

The Finance And Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 203 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Health Insurance Review

Int. No. 204 - Cancellation Of Taxes And Charges

Int. No. 205 - Authorizing Agreements Relating To The 2005 Good Grades Pay Program

Int. No. 206 - Authorizing Agreements Relating To The Rochester After School Academy I Program

Int. No. 207 - Authorizing Agreements Relating To The Rochester After School Academy II Program

Int. No. 208 - Authorizing An Agreement With Respect To Project IMPACT And Amending The 2004-05 Budget

Int. No. 209 - Authorizing An Agreement With Respect To Photo Lab Services

Int. No. 210 - Establishing Maximum Compensation

tion For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

Int. No. 211 - Establishing Maximum Compensation For A Professional Services Agreement For The Officer Assistance Program

Int. No. 212 - Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

Int. No. 213 - Establishing Maximum Compensation For Amendatory Professional Services Agreements For The Emergency Training And Information Network

The Finance And Public Safety Committee recommends for consideration the following entitled legislation

Int. No. 214A - Amending The 2004-05 Budget And The Proposed 2005-06 Budget Of The City Of Rochester To Establish A Program For Additional Demolition - \$1,000,000

Int. No. 214B - Amending The Proposed 2005-06 Budget Of The City Of Rochester For Improved Maintenance Of City-Owned Property - \$100,000

Int. No. 214C - Amending The 2005-06 Budget Of The City Of Rochester In Regard To Operating The North Street Recreation Center Summer Pool - \$20,000

Int. No. 214D - Amending The 2005-06 Budget Of The City Of Rochester In Regard To The Restoration Of The Genesee Valley Park Pool Operating Schedule - \$17,000

Int. No. 214E - Amending The 2005-06 Budget Of The City Of Rochester In Regard To Operating Winter Pools At District Schools - \$25,500

Int. No. 214F - Amending The 2005-06 Budget Of The City Of Rochester In Regard To PAC-TAC Resources - \$20,000

Int. No. 214G - Amending The 2005-06 Budget Of The City Of Rochester In Regard To Court Watch - \$15,000

Int. No. 214H - Amending The Proposed 2005-06 Budget Of The City Of Rochester In Regard To Hearing Impaired Services - \$4,000

Int. No. 214I - Amending The Proposed 2005-06 Budget Of The City Of Rochester In Regard To Leadership Rochester Urban Fellows Program - \$10,000

Int. No. 214J - Amending The Proposed 2005-06 Budget Of The City Of Rochester In Regard To A Wireless Internet Feasibility Study - \$15,000

Int. No. 214K - Amending The 2005-06 Budget Of The City Of Rochester In Regard To A Downtown City Living Program - \$5,000

Int. No. 214L - Amending The Proposed 2005-06 Budget Of The City Of Rochester In Regard To Legal Services - \$10,000

Int. No. 214M - Amending The 2005-06 Budget Of The City Of Rochester In Regard To Historical Markers - \$6,000

Int. No. 214N - Amending The Proposed 2005-06

Budget Of The City Of Rochester Mayoral Transition Expenses - \$40,000

Int. No. 214O - Resolution of Budgetary Intent - Police Reorganization Evaluation

Int. No. 214 - Adoption Of The Budget Estimates For Municipal Purposes For The 2005-06 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees, As Amended

Int. No. 215 - Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006, And Appropriation Of Sums Set Forth Therein

Int. No. 216 - Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006

Int. No. 217 - Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006

Int. No. 218 - Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006

Int. No. 219 - Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2005 And Expiring June 30, 2006

Int. No. 220 - Amending The Municipal Code With Respect To Refuse Fees

Int. No. 221 - Local Improvement Ordinance - Amending Local Improvement Ordinance No. 1522 - Upgrading Of Streetscape Features As A Part Of The St. Paul Street (Avenue E to Norton Street) Improvement Project

Int. No. 222 - Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, By Amending Provisions For Redemption Of Motor Vehicles

Int. No. 223 - Resolution Approving The 2005-06 Debt Limit For General Municipal Purposes

The following entitled legislation Failed in committee:

Int. No. 214P - Amending The 2005-06 Budget Of The City Of Rochester In Regard To The Music Fest - (\$200,000)

Int. No. 214Q - Amending The 2005-06 Budget Of The City Of Rochester In Regard To The High Falls Laser Show - (\$222,000)

Respectfully submitted,
Benjamin L. Douglas (Voted against Int. No. 214P)
Brian F. Curran
Robert J. Stevenson
Lois J. Giess (Voted on Int. No. 214A through Int. No. 223. Voted against Int. No. 214P)
Gladys Santiago (Voted on Int. No. 214A through Int. No. 223. Voted against Int. No. 214P))
FINANCE AND PUBLIC SAFETY COMMITTEE

Received, filed and published.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-176

Re: Agreement Amendment - Hilb Rogal and Hobbs, Health Insurance Study

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Hilb Rogal and Hobbs for completion of a comprehensive health insurance study for City employee and retiree benefits in an amount not to exceed \$55,000.

The original agreement, approved by Council in November 2004 for \$35,200, was for the initial phase of the study. This proposed legislation will allow for continuation of the study as it enters the next phases and will include analysis of alternative health plan designs, review of the Cafeteria Benefits Plan design, and development of communication strategies for collective bargaining unions, employees and retirees.

The additional \$55,000 shall be funded from the 2004-05 Budget for Undistributed Expenses.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-176
(Int. No. 203)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Health Insurance Review

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

Section 1. The sum of \$55,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Hilb Rogal & Hobbs for a comprehensive analysis of group health insurance provided to City employees and retirees. Said amount shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-177
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 \$5,779.53.

An amount of \$4,282.50 or 74.10% of the total, relates to two properties that had code violations and rehabilitation charges levied against a former owner or in error.

A total of \$1,497.03 or 25.90% of the total is attributed to one property that was protected by a bankruptcy proceeding.

If this cancellation is approved, total cancellations thus far for 2004-05 will be \$ 891,603.87.

Accounts Amounts

City Council	165	\$849,098.44
Administrative	84	42,505.43
Total	249	\$891,603.87

These cancellations represent .409% of the taxes receivable as of July 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-177
(Int. No. 204)

Cancellation Of Taxes And Charges

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

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

- (a) Properties with Code Violations and Rehabilitation Charges that were invalid or attributed to a former owner.

<u>S.B.L.</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
107.780-0002-016.1	H	2005	\$2,000.00
705-715 Culver Rd.			
120.240-0001-004	H	2005	<u>2,282.50</u>
6 Marlow St.			
Subtotal			\$4,282.50

- (b) One property that was protected by a bankruptcy action in 1995.

<u>S.B.L.</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
120.670-0003-040	H	1995	\$ 416.97
32 Florence St.			
		1996	<u>1,080.06</u>
Subtotal			<u>\$1,497.03</u>
Grand Total			\$5,779.53

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. 2005-178
Re: Good Grades Pay Program

R2010: Campaign 2 - Educational Excellence
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation relating to the Good Grades Pay (GGP) program. This legislation will:

- 1. Appropriate funds from the following sources

to finance the program:

- a. \$393,370 from the 2005-06 Budget of the Department of Parks, Recreation and Human Services;
 - b. \$21,404 from the 2004-05 Budget of the Department of Parks, Recreation and Human Services;
 - c. \$17,011 from the 2004-05 Community Development Block Grant (Job Creation/Youth Development Allocation); and
 - d. \$52,000 from the 2005-06 Community Development Block Grant (Job Creation/Youth Development Allocation).
2. Authorize an agreement with the Rochester City School District to provide payroll services for the CCC, TOPS and GGP+ programs. The agreement for \$116,978 is for youth wages and fringe benefits, plus administrative costs.
 3. Authorize an agreement with the Monroe Community National Youth Sports Program (MCC-NYSP), for \$19,695, to employ 10 Camp Counselor Assistant positions.
 4. Authorize any additional agreements necessary to implement the Good Grades Program.

The total number of youth to be served through Good Grades Pay 2005 is 343 for a total cost of \$483,785.

The Good Grades Pay program provides City middle and high school students (14-21 years old) with either summer work or a vocational exploration opportunity. The GGP program requires at least a 2.0 GPA for the marking period, a 90% minimum attendance rate, and no long-term school suspensions for the current school year.

The GGP vocational exploration/educational programs for 14 and 15 year olds are designed to provide participants with information and experience in specific career clusters highlighting the educational requirements and upward mobility of those areas.

In February 2005, the Good Grades Pay Request for Proposal was released and 14 agencies responded. Decisions to fund the ten programs selected were based on description of proposed services, past performance, and the amount of available funding. A list of programs is attached.

In addition to vocational exploration programs, the following components are also part of the Good Grades Pay program:

Community Conservation Corps (CCC), which will enroll 30 youth; and *Teens on Patrol (TOPS)*, which will enroll 20 youth at minimum wage to work in city recreation centers and/or with police-sponsored programs and sites. The programs are eight and seven weeks long, respectively. Funds for this component are included in the proposed 2005-06 budget.

Good Grades Pay Plus (GGP+) will provide work experience for 10 high school youth who are 16 years of age or older and exceed the GGP criteria by having at least a 3.0 GPA for the marking period and 95% or better school attendance. These youth will be paid \$6.50/hour in an internship-like experience.

MCC-NYSP enables 360 city youth between the ages of 10 and 16 to participate in organized athletic instruction and supervised activities. Of the \$19,695, \$9,695 will be used to hire the 10 GGP youth, and \$10,000 will be used to provide transportation for all youth participating in the program.

The most recent agreement for the GGP was approved by City Council in June, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-70

Ordinance No. 2005-178
(Int. No. 205)

Authorizing Agreements Relating To The 2005 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 with the following organizations in amounts not to exceed the following, or the following amounts are allocated, for the operation of projects and/or administration of projects for the 2005 Good Grades Pay Program:

Organization	Total
The Academy	\$ 13,210
Action for a Better Community	48,695
American Red Cross	47,600
Baden Street Settlement	51,058
Catholic Family Center	38,300
Community Place	40,380
Ibero American Action League	33,750
MCC-Damon	36,400
Fight Village	26,200
Rochester City School District - Legal Internships	11,519
Rochester City School District - Administrative Services	116,978
MCC - National Youth Sports	19,695

Section 2. The agreements and allocations shall obligate the City to pay an amount not to exceed \$483,785, and of said amount, or so much thereof as may be necessary, \$393,370 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services, \$21,404 shall be funded from the 2004-05 Budget of the Department of Parks, Recreation and Human Services, \$17,011 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2004-05 Community Development Program and \$52,000 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2005-06 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. 2005-179

Re: RASA I

(Int. No. 206)

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt of a grant in the amount of \$1,730,000 for the operation of the Rochester After School Academy, which includes \$42,195 in indirect costs;
2. Authorize agreements totaling \$1,341,394 with the following RASA I agencies:

<u>Agency</u>	<u>2005-06</u>
School Partner	
Puerto Rican Youth Development Edison Tech	\$ 123,002
Boys & Girls Club of Rochester Benjamin Franklin	141,635
Center for Dispute Settlement Wilson High School	140,600
Center for Youth Services East High School	135,506
City Bureau of Human Services Monroe High School	95,899
Society for the Protection and Care of Children Frederick Douglass	133,637
Baden Street Settlement School # 9	127,510
North East Area Development School # 33	132,049
YMCA of Greater Rochester School # 36	149,093
Coordinated Care Services, Inc. Year Round Service Provider	150,675
Rochester City School District Liaison	11,788
	<u>\$1,341,394</u>

\$346,411 of the grant has been included in the proposed 2005-06 Budget of the Department of Parks and Recreation to be used for the following sites of RASA I with DPRHS acting as lead agency.

School # 28	\$105,049
School # 39	87,082
Administration & Management	<u>154,280</u>
	<u>\$346,411</u>

In March 2003, the New York State Department of Education awarded a 21st Century Community Learning Centers Program grant to the City of Rochester for the Rochester After School Academy (RASA I) program. RASA I is a comprehensive and strategic approach to after school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA I will operate 11 Academies (Community Learning Center sites) at Title I schools, and will serve 950 students and 325 family members. This is the fourth year of a five year grant. The most recent agreement for these services was approved on June 22, 2004 (Ordinance No. 2004-204 and amendment Ordinance No. 2005-36).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-179

Authorizing Agreements Relating To The Rochester After School Academy I Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy I 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 Rochester After School Academy I Program:

<u>Agency</u>	<u>Amount</u>
School/Agency Partner	
Puerto Rican Youth Development Edison Tech	\$123,002
Boys and Girls Club of Rochester Benjamin Franklin	141,635
Center for Dispute Settlement Wilson High School	140,600
Center for Youth Services East High School	135,506
City Bureau of Human Services Monroe High School	95,899
Soc./Protection & Care of Children Frederick Douglas School	133,637
Baden Street Settlement School #9	127,510
North East Area Development School #33	132,049
YMCA of Greater Rochester School #36	149,093
Coordinated Care Services, Inc Year Round Service Provider	150,675
Rochester City School District Liaison	11,788
City Bureau of Recreation School #28	105,049
School #39	87,082
Administration	154,280
City of Rochester Indirect Costs	42,195

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$1,341,394, or so much thereof as may be necessary, to fund the agreements authorized herein with outside agencies. The City Bureau of Recreation Programs in the amount not to exceed \$346,411 and indirect City costs of \$42,195 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2005-180
 Re: RASA II

R2010: Campaign 2 - Educational Excellence

Transmitted herewith for your approval is legislation relating to the New York State 21st Century Community Learning Centers Program. This legislation will:

1. Authorize an agreement with the New York State Department of Education for the receipt of a grant in the amount of \$896,038 for the operation of the Rochester After School Academy, Year Three which includes \$21,855 in indirect costs;
2. Authorize agreements totaling \$657,734 with the following RASA II agencies:

Agency	2005-06
School Partner	
Catholic Family Center/CYO	
John Marshall	\$127,287
Southwest Area Neighborhood	
James Madison	93,628
Community Place of Greater Rochester	
Freddie Thomas	131,506
Rochester School for the Deaf	
School for the Deaf	194,187
Rochester City School District	
Liaison	2,012
Coordinated Care Services, Inc.	
Various School Sites	109,114
	<u>\$657,734</u>

\$257,529 of the grant has been included in the 2005-06 Budget of the Department of Parks and Recreation to be used for the following sites of RASA II with DPRHS acting as lead agency.

Jefferson High School	\$ 64,699
Administration & Management	<u>151,750</u>
	\$216,449

In March 2004, the New York State Department of Education awarded a 21st Century Community Learning Centers Program grant to the City of Rochester for the Rochester After School Academy (RASA II) program. RASA II is a comprehensive and strategic approach to after school programming, designed to enhance and extend learning opportunities beyond the traditional school day. RASA II will operate 5 Academies (Community Learning Center sites) at Title I schools, and will serve 320 students and 320 family members. This is the third year of a five year grant. The most recent agreement for these services was approved on June 22, 2004 (Ord. No. 2004-107 and amended by Ord. No. 2005-36).

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2005-180
 (Int. No. 207)

Authorizing Agreements Relating To The Rochester After School Academy II Program

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Education for funding under the New York 21st Century Community Learning Centers Program for the Rochester After School Academy II 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 Rochester After School Academy II Program:

Agency	Amount
School/Agency Partner	
Catholic Family Center/CYO	
John Marshall	\$127,287
South West Area Neighborhood Assn.	
James Madison	93,628
Community Place of Greater Rochester	
Freddie Thomas	131,506
Rochester School for the Deaf	
School for the Deaf	194,187
Rochester City School District	
Liaison	2,012
Coordinated Care Services, Inc	
Various school sites	109,114
City Bureau of Recreation	
Jefferson High School	64,699
Administration	151,750
City of Rochester	
Indirect Costs	21,855

Section 3. There is hereby appropriated from New York 21st Century Community Learning Centers Program Funds the sum of \$657,734, or so much thereof as may be necessary, to fund the agreements authorized herein with outside agencies. The City Bureau of Recreation Programs in the amount not to exceed \$216,449 and indirect City costs of \$21,855 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-181
 Re: Operation Impact Grant - Monroe County

R2010: Campaign 3 - Health, Safety and
 Responsibility
 Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the City share of the first round of IMPACT grant funds which originate at the NYS Division of Criminal Justice Office and are passed through to the City by the Monroe County District Attorneys Office, and amending the 2004-05 Budget by \$63,800, the amount remaining from the original award of \$91,300.

The award is designated primarily for deployment of police officers to conduct joint details with New York

State Trooper and Monroe County Sheriff's Deputies in high crime areas with the purpose of reducing violent crime. The program also utilizes local and national research methods to shape and evaluate strategies and efforts.

During the initial 90 days of operation in 2004, the IMPACT Teams accomplished the following:

Guns Seized	30
Stolen Vehicles Recovered	44
Cocaine Seized	1,357 grams
Felony Arrests	211
Marijuana Seized	22,664 grams

The term of the proposed agreement will be from January 1, 2005 through December 31, 2005. There are no matching funds for this grant and this is the first year we have received funding.

A portion of the funding from this award (\$27,500) was appropriated in December 2004, by City Council Ordinance No. 2004-256.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2055-181
(Int. No. 208)

Authorizing An Agreement With Respect To Project IMPACT And Amending The 2004-05 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under Project IMPACT.

Section 2. Ordinance No. 2004-162, the 2004-05 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 \$63,800, 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. 2005-182
Re: Photo Lab Services - Monroe County

R2010: Campaign 5 - Regional Partnerships
Campaign 7 - Quality Services

Transmitted for your approval is legislation authorizing an intermunicipal agreement with Monroe County to provide photo lab services to the Monroe County Sheriff's Office for the period of January 1, 2005 through December 31, 2009.

The photo lab processing will be provided by the City of Rochester Police Department Photo Lab based on current unit pricing in effect at the Photo Lab. The

agreement was authorized by the Monroe County Legislature Resolution No. 92 of 2005, in an amount not to exceed \$15,000 per year.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-182
(Int. No. 209)

Authorizing An Agreement With Respect To Photo Lab Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the City will provide photo lab services to the Monroe County Sheriff's Office for a unit pricing fee.

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. 2005-183
Re: Police Complaint Management Services

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing renewal of an agreement with the Center for Dispute Settlement, Inc. (CDS), for the provision of complaint management services. The maximum cost of the agreement is \$108,800, the same amount as the previous contract, and will be funded from the 2005-06 Budget of the Police Department.

Under the provisions of the agreement, CDS will administer the citizen complaint review process established by City Council in 1992, including selection and training of panelists, conduct of hearings, and maintenance of related records. CDS will continue to provide complaint intake services at its offices, for potential complainants who do not wish to come to Police Department offices; conciliation services for less serious complaints against RPD personnel; and will supply civilian panelists for Sec. 75 hearings.

During calendar 2004, CDS administered 41 Citizen Review Board hearings; three cases were referred for conciliation, one was completed.

The most recent agreement for this purpose was by authorized by City Council in June 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-183
(Int. No. 210)

Establishing Maximum Compensation For A Professional Services Agreement For The Continuation Of Citizen Complaint Services For The Rochester Police Department

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

Section 1. The sum of \$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 2005-06 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:
Ordinance No. 2005-184
Re: Officer Assistance Program

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an agreement with the University of Rochester Medical Center, Department of Psychiatry, for continued administration of the Officer Assistance Program (OAP).

The OAP provides a confidential and therapeutic setting to address the mental health and psychological needs of Rochester Police Department members and their families, including both self-referrals and mandatory referrals due to critical incidents. The OAP provides intake and counseling sessions, as well as a mobile Critical Incident Stress Management Team, which is available 24 hours a day, 7 days a week. Clinical services are offered in the U of R Department of Psychiatry at Strong Memorial Hospital or at a participating satellite office.

The University of Rochester Medical Center has administered the current OAP program since November 1996. The most recent contract with the U of R expired in October 2004; however the consultant has continued to provide services in the interim. An amount of \$16,700 from the 2004-05 Budget will be used to cover costs incurred between February and June 2005.

Authorization is requested for a two year contract expiring on June 30, 2007, with an option for three additional one year renewals. Estimated cost of the program is \$40,000 per year. Funding for this purpose is included in the 2005-06 Proposed Budget of the Police Department and additional amounts will be requested in subsequent budgets.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-184
(Int. No. 211)

Establishing Maximum Compensation For A Professional Services Agreement For The Officer Assistance Program

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the an-

nual compensation to be paid for a professional services agreement between the City and the Department of Psychiatry of the University of Rochester Medical Center for continued administration of the Officer Assistance Program, for a term not to exceed two years. Said amount shall be funded from the 2005-06 and subsequent budgets of the Rochester Police Department, contingent upon approval of subsequent budgets. The agreement may contain three one-year renewal options, with the amounts not to exceed the sums set forth in the annual budgets of the Rochester Police Department for said purpose. The agreement may also be retroactive to February 1, 2005 in an amount not to exceed \$16,700, which amount shall be funded from the 2004-05 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-185
Re: Veterinary Services for the Animal Services Unit

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted for your approval is legislation authorizing any necessary agreements to provide veterinary services to the City's Animal Services Unit during 2005-06, at a cost not to exceed \$76,000.

Routine veterinary services to animals in custody at the City of Rochester's Verona Street animal shelter, including spay/neuter surgeries, are provided on-site by several licensed veterinarians and veterinary technicians. Each of the consultant veterinarians provides services on a part-time or on-call basis. Weekend and evening emergency veterinary services are provided through an agreement with the Animal Hospital of Pittsford/Animal Emergency Services clinic located at 825 White Spruce Boulevard.

The estimated veterinary services expenses for 2005-06 are as follows:

On-site veterinary services	\$71,000
Daily visits, spay/neuter surgeries, and contract veterinary technician services	
Animal Emergency Services evening/weekend emergencies	<u>5,000</u>
Total	\$76,000

Offsetting revenues for spay/neuter surgeries are realized from sterilization fees charged to clients adopting animals from Animal Services, and from the new Low Income Spay-Neuter (LISN) Program for cats. Estimated revenues from these two sources for 2005-06 would be approximately \$60,000.

Funding for the agreements is included in the Proposed 2005-06 Budget of the Police Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-71

Ordinance No. 2005-185
(Int. No. 212)

Establishing Maximum Compensation For Professional Services Agreements For Veterinary Services

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

Section 1. The sum of \$76,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for professional services agreements for the provision of veterinary services for the Animal Control Shelter for 2005-06. Said amount shall be funded from the 2005-06 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-186
Re: Emergency Training and Information Network

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation relating to the Emergency Training and Information Network (ETIN). This legislation will:

1. Authorize an amendatory agreement with Home Performance Incorporated, 6200 County Line Road, Ontario, NY 14519, to install all the necessary equipment for participation in the ETIN. The cost of this agreement is \$71,520, increasing the total amount to \$81,056.
2. Authorize an amendatory agreement with WXXI, Public Broadcasting Council, 280 State Street, Rochester NY 14614, for consultation and transmission services to implement ETIN. The cost of this agreement is \$30,000, increasing the total amount to \$40,000.

The network will provide secure, timely and continuous training and information to over 102 emergency responder agencies and hospitals with the potential to link jurisdictions nationwide to a single point of distribution for Metropolitan Medical Response System training and information. Users will have access to a library containing multi disciplinary and agency specific training tools and information.

Funds for these agreements are part of a grant from the Department of Homeland Security, Federal Emergency Management Agency that was included in a Budget amendment approved by Council in November 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-186
(Int. No. 213)

Establishing Maximum Compensation For Amendatory Professional Services Agreements For The Emergency Training And Information Network

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$71,520, 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 Home Performance Incorporated for the installation of all equipment necessary for participation in the Emergency Training and Information Network. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department.

Section 2. The sum of \$30,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and WXXI Public Broadcasting Council for consultation and transmission services to implement the Emergency Training and Information Network. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-187
Re: Budget Amendment - Demolition of Vacant Structures - \$1,000,000

Transmitted herewith for your approval is an amendment to the 2004-05 Budget and reallocating funds within the Proposed 2005-06 Budget for the purpose of addressing privately owned vacant fire-damaged properties. The amendment would transfer \$500,000 from the 2004-05 Contingency account to a new allocation within Cash Capital for this purpose, and would reallocate \$500,000 within the Proposed 2005-06 Cash Capital allocation to this purpose.

As you know, the City Council annually appropriates \$2,000,000 for demolitions. The majority of those funds are expended on demolishing vacant and dilapidated structures that the City acquired through tax foreclosure. Very little is left to address the increasing pool of privately owned properties that are causing a blight in our neighborhoods, especially those that are fire damaged.

According to NET, there are currently 182 such properties throughout the City. While many of them may be candidates for rehabilitation, a significant number have no option other than demolition. In discussions with the Law and Community Development Departments, it has been determined that fifty demolition hearings per year could reasonably be scheduled within existing departmental resources, and that fifty additional demolitions could be added to the contracting process if financial resources were available. The proposed legislation will make them available.

The current year's Contingency balance will accommodate the transfer of \$500,000 to Cash Capital for this important initiative. The additional \$500,000 will be taken from the planned expenditure of that amount in the CIP for Waterfront Planning, Acquisition, and Facilities Development. It is anticipated that the entire \$2.7 million programmed for that purpose will not be required to be expended in 2005-06 and it can be replaced in 2006-07 as needed.

Respectfully submitted,

Wade S. Norwood
Councilmember-at-Large

Gladys Santiago
Vice President

Ordinance No. 2005-188
(Int. No. 214B)

Ordinance No. 2005-187
(Int. No. 214A)

Amending The 2004-05 Budget And The Proposed 2005-06 Budget Of The City Of Rochester To Establish A Program For Additional Demolition - \$1,000,000

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

Section 1. The 2004-05 Budget of the City Of Rochester, as amended, is hereby further amended by transferring \$500,000 from the Contingency Account to Cash Capital to fund a program for the demolition of privately owned vacant structures.

Section 2. The allocation of \$500,000 for Water-front Planning, Acquisition and Facilities Development in Cash Capital in the Proposed 2005-06 Budget is hereby reallocated for the demolition of privately owned vacant structures.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-188
Re: Budget Amendment - Maintenance of
City-owned Properties - \$100,000

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget for the purpose of enhancing maintenance of City-owned properties. The amendment would transfer \$100,000 from Undistributed to the Department of Environmental Services for this purpose.

The City has been asked to deal with an increasing number of vacant properties, both structured and vacant land, as a result of foreclosure activity. DES has funding in its Proposed Budget to do cleanup and grass mowing five times per season on these parcels. It is clear that such a level of maintenance would be unacceptable for privately owned property. It is also clear that the City cannot reasonably be expected to maintain properties that have come into public ownership as a result of the failures of the private market at the same level as we maintain regular municipal property.

We believe, however, that substantial additional resources should be provided to develop more expeditious and more creative approaches to such maintenance. We encourage the Administration to consider multiple alternatives to the problem, including a variety of different contracting approaches and/or the use of young people for summer employment as a part of the solution.

We believe that there are adequate funds within the Undistributed account between the allocations for Unemployment and Time Bank Accruals to enable the transfer of \$100,000 for this critical issue.

Respectfully submitted,
Lois J. Giess William F. Pritchard
President Councilmember-at-Large

Amending The Proposed 2005-06 Budget Of The City Of Rochester For Improved Maintenance Of City-Owned Property - \$100,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring the sum of \$100,000 from the Undistributed Account to the Department of Environmental Services to fund increased maintenance of City-owned property.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-189
Re: Budget Amendment - North Street
Recreation Center Summer Pool -
\$20,000

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$20,000 from the Contingency Account to the Department of Parks, Recreation and Human Services for the continuation of the North Street Recreation Center summer pool operation.

North Street Recreation Center is an important community asset, demonstrated by the fact that last year it had the highest attendance rate of the four recreation centers with summer pools. Swimming provides healthy recreation, teaches a useful skill, and introduces children to a sport they may otherwise not experience. Further, it provides a positive recreational activity during the long summer months.

Rochester 2010: The Renaissance Plan calls on us to support healthy urban neighborhoods with "... appropriate community resources, services and amenities...", all of which are excellent descriptors of the North Street pool's contribution to its neighborhood.

Respectfully submitted,
Benjamin L. Douglas Gladys Santiago
Councilmember Vice President
Northeast District

Ordinance No. 2005-189
(Int. No. 214C)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To Operating The North Street Recreation Center Summer Pool - \$20,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$20,000 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund the continued operation of the North Street Recreation Center summer pool operation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-190
Re: Budget Amendment - Genesee Valley
Park Pool - \$17,000

R2010: Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is an amendment to the proposed 2005-06 Budget transferring \$17,000 from the Contingency Account to the Department of Parks, Recreation and Human Services for the restoration of the Genesee Valley Park pool schedule.

Summer swimming is an important activity for youth, and the Genesee Valley Park pool enjoys high attendance. Maintaining the eleven-week season and forty-hour per week schedule of operation ensures that the community can make full use of this wonderful City asset.

In *Rochester 2010: The Renaissance Plan*, Campaign Four, Environmental Stewardship, states that we must "Preserve and enhance our waterways, parks, urban forest, recreation and open space areas..." and Campaign Nine, Healthy Urban Neighborhoods, states that "...appropriate community resources, services and amenities..." are necessary to "encourage strong, stable, vital and healthy neighborhoods..." This amendment supports both these goals.

Respectfully submitted,
Adam C. McFadden Wade S. Norwood
Councilmember Councilmember-at-Large
South District

Ordinance No. 2005-190
(Int. No. 214D)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To The Restoration Of The Genesee Valley Park Pool Operating Schedule - \$17,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$17,000 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund the restoration of the Genesee Valley Park pool operating schedule.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-191
Re: Budget Amendment - Winter Pool
Program At City Schools - \$25,500

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$25,500 from the Contingency Account to the Department of Parks, Recreation and Human Services for the continued operation of the winter pool programs at James Madison School of Excellence, Jefferson High School, and Charlotte High School.

Aquatic facilities are important assets to our recreation programs. Swimming is not only an excellent form of exercise but a valuable skill, if not just for safety reasons. We believe that after school programming is a critical component of keeping youth engaged in positive, supervised activities. These three programs demonstrated high attendance and a lower per-user cost than other programs that were eliminated.

Rochester 2010: The Renaissance Plan instructs us to encourage healthy neighborhoods through the support of appropriate community resources, services and amenities, not the least of which is recreation.

Respectfully submitted,
Gladys Santiago Robert J. Stevenson
Vice President Councilmember
Northwest District

Ordinance No. 2005-191
(Int. No. 214E)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To Operating Winter Pools At District Schools - \$25,500

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$25,500 from the Contingency Account to the Department of Parks, Recreation and Human Services to fund the continued operation of the winter pools at James Madison School of Excellence, Jefferson High School, and Charlotte High School.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-192
Re: Budget Amendment - PAC-TAC
Resources - \$20,000

R2010: Campaign 3 - Health, Safety and
Responsibility
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$20,000 from the Contingency Account to the Police Department for expanded PAC-TAC activity.

As you know, PAC-TAC is a long-standing and successful program that involves foot and/or bicycle patrols that partner citizens with Police Officers. Because of the heavy demands on Police services, PAC-TAC patrols often involve only the citizens directly, with the Police Officers remaining in contact

through radio communication. In the current year, additional resources were provided to the Police to enable the use of Officers to join with our citizens to improve neighborhood safety.

This proposed amendment would allocate \$10,000 each to the East and West Patrol sectors to be used as appropriate by the command staff.

Rochester 2010: The Renaissance Plan instructs us to encourage healthy neighborhoods through the provision of adequate and visible public safety resources. This small allocation will leverage substantial amounts of volunteer involvement toward improving the quality of life in our neighborhoods.

Respectfully submitted,
Robert J. Stevenson, Benjamin L. Douglas
Councilmember Councilmember
Northwest District Northeast District

Ordinance No. 2005-192
(Int. No. 214F)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To PAC-TAC Resources - \$20,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$20,000 from the Contingency Account to the Police Department to fund additional PAC-TAC resources.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-193
Re: Budget Amendment - Court Watch - \$15,000

R2010: Campaign 1- Involved Citizens

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$15,000 from the Contingency Account to the Police Department to help underwrite expenses for the Court Watch program.

Court Watch is a City-wide effort that relies on community volunteers to identify criminals involved in destructive neighborhood activities and to monitor the disposition of their cases in the criminal justice system. Volunteers observe courtroom activities and monitor the accountability of judges' decisions and District Attorney staff in vigorously prosecuting habitual offenders.

The requested funding will target Court Watch expenses for volunteers in several neighborhoods, including Sectors 3, 4, 8, 9, and 10. The funding will pay for parking expenses for volunteers attending Court appearances, office supplies, training sessions, web site design, database design, and a digital projector for presentations and training. Coordination will be provided by the Sector 4 Community Development Corporation, which has worked with representatives of the other planning sectors to reinvigorate this important citizen-based program.

Respectfully submitted,
Adam C. McFadden Robert J. Stevenson
Councilmember Councilmember
South District Northwest District

Ordinance No. 2005-193
(Int. No. 214G)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To Court Watch - \$15,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$15,000 from the Contingency Account to the Police Department and authorizing an agreement with the Sector 4 Community Development Corporation to provide assistance to the Court Watch program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-194
Re: Budget Amendment - Hearing Impaired Communications - \$4,000

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$4,000 from the Contingency Account to the Office of the City Council/City Clerk for the purchase of an Interpretype "conversation piece" device. The device will enable real-time communication between hearing impaired persons and the Clerk's staff by means of a pair of keyboards. The proposed system also includes English-Spanish translation software.

As you are well aware, Rochester has one of the highest hearing impaired populations per capita in the nation. This purchase will permit more effective communications with a significant portion of our residents.

The Interpretype device was developed and patented locally and is in use at the Central Public Library and at the Rochester Institute of Technology.

Respectfully submitted,
Lois J. Giess Gladys Santiago
President Vice President

Ordinance No. 2005-194
(Int. No. 214H)

Amending The Proposed 2005-06 Budget Of The City Of Rochester In Regard To Hearing Impaired Services - \$4,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$4,000 from the Contingency Account to the Office of the City Council/City Clerk to purchase an Interpretype device for communication with the hearing impaired.

Transmitted herewith for your approval is an amendment to the proposed 2005-06 Budget transferring \$5,000 from the Contingency Account to the Department of Community Development for the promotion of a Downtown City Living program.

The sponsorship of a Downtown City Living program will enable the furtherance of Council's agenda for a 24/7 downtown by building upon the success of City Living Sundays. The Downtown City Living program would be promoted in conjunction with the Landmark Society of Western New York's Inside Downtown Tour scheduled for September 23 and 24, 2005. The Landmark Society estimates that last year, over 1,000 people attended its tour, providing an excellent vehicle for promoting Downtown living.

Highlighting the unique quality of residential living in downtown will strengthen the desirability of our City and the willingness of individuals and businesses to invest in it.

Furthermore, this amendment supports several campaigns of *Rochester 2010: The Renaissance Plan*: Campaign Six, Economic Vitality; Campaign Nine, Healthy Urban Neighborhoods; and Campaign Ten, Center City, by promoting the expanded use of Center City as a place to live, and thereby encouraging the re-introduction of retail downtown.

Respectfully submitted,
William F. Pritchard Adam C. McFadden
Councilmember-at-Large Councilmember
South District

Ordinance No. 2005-197
(Int. No. 214K)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To A Downtown City Living Program - \$5,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$5,000 from the Contingency Account to the Department of Community Development for the promotion of a Downtown City Living program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-198
Re: Budget Amendment - Legal Services -
\$10,000

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$10,000 from Contingency to the City Council/City Clerk for legal services in regard to the City's real estate policy. The proposed amendment would engage an attorney specializing in real estate law for two purposes:

- to review the City's non-disturbance agreement with Maplestar at the Terminal to advise Council as to whether there may be any issues that would allow the City to void that agreement, and

- to review §21 of the City Code - Real Estate to recommend any necessary changes to ensure that our policies are consistent with "best practices" in that important area of law.

As you are well aware, the non-disturbance agreement with Maplestar permitted that sub-lease to survive the eviction of CATS for failure to operate the Fast Ferry service. Our purpose in proposing this legislation is not to second-guess that agreement. Rather, it is to recognize that all of us, including Mayor Johnson, would prefer that the City control all of the space at the Terminal now that the Rochester Ferry Company, LLC is the owner of the Fast Ferry.

Since the Administration was involved in the execution of the non-disturbance agreement, it is neither fair nor appropriate to involve them in the review of that agreement.

Regarding the review of the current policy in the City Code, it is important to recognize that real estate practices evolve over time; the current policy was established in 1993, and was based on long-standing prior administrative practices. At the time, Council did not envision substantial commercial leases with multiple LLCs and different layers of sub-leasing that have now become current practice with commercial properties. The review will seek to develop any amendments that would be appropriate to ensure that Council can adequately fulfill its responsibility to approve real estate transactions within a rational policy framework.

Respectfully submitted,
Lois J. Giess William F. Pritchard
President Councilmember-at-Large

Tim O. Mains
Councilmember-at-Large

Ordinance No. 2005-198
(Int. No. 214L)

Amending The Proposed 2005-06 Budget Of The City Of Rochester In Regard To Legal Services - \$10,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$10,000 from the Contingency Account to the City Council/City Clerk to fund legal services in regard to real estate transactions.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-199
Re: Budget Amendment - Historical
Markers - \$6,000

R2010: Campaign 11 - Arts and Culture

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$6,000 from the Contingency Account to the Administration (Budget Bureau) to supplement the efforts of the Rochester-Monroe County Freedom Trail

Commission. The Commission was created to document and interpret the lives and activities of those who sought freedom from enslavement and those who assisted them.

Through the use of markers, signage, and publications, the Commission seeks to highlight the profoundly significant work of local citizens involved in conducting the Underground Railroad. It has been estimated that 150 runaway slaves per week escaped to freedom through Rochester.

Numerous local citizens continued the valiant struggle for equality, civil rights, and human dignity after Emancipation. Frederick Douglass continued his battles for the rights of African-Americans long after the Civil War until his death in 1895.

In this same proud tradition, the purpose of this funding is to help support the creation of historical guideposts (either as published text or constructed plaques/markers) that the Commission deems appropriate to highlight the important contributions made by local African Americans in the post-slavery period.

Respectfully submitted,
Adam C. McFadden Wade S. Norwood
Councilmember Councilmember-at-Large
South District

Ordinance No. 2005-199
(Int. No. 214M)

Amending The 2005-06 Budget Of The City Of Rochester In Regard To Historical Markers - \$6,000

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$6,000 from the Contingency Account to the Administration (Budget Bureau) to supplement the work of the Rochester-Monroe County Freedom Trail Commission for the creation of historical markers as deemed appropriate by the Commission.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-200
Re: Budget Amendment-Mayoral
Transition Expenses - \$40,000

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$40,000 from Contingency to Undistributed for the purpose of supporting expenses associated with the transition to a new Mayor and Administration at the end of 2005.

As you know, a new Mayor will be elected in November. There are numerous expenses that will be required to ensure a smooth transition from the Johnson Administration to the new Administration. Many of these expenses will need to be made prior to January.

For example, in the past, transition teams were established to review personnel needs and advertise

and interview potential staff as necessary. Reviews of space needs and other logistical items may also be required. By identifying these resources now, it will ensure that the Mayor-elect will be able to undertake the required actions to ensure that the government will experience a smooth and effective transition.

Respectfully submitted,
Tim O. Mains Wade S. Norwood
Councilmember Councilmember
At-Large At-Large

Ordinance No. 2005-200
(Int. No. 214N)

Amending The Proposed 2005-06 Budget Of The City Of Rochester Mayoral Transition Expenses - \$40,000

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

Section 1. The Proposed 2005-06 Budget of the City of Rochester is hereby amended by transferring the sum of \$40,000 from the Contingency Account to the Undistributed Account to fund expenses associated with the Mayoral transition at the end of the year.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-15
Re: Resolution of Budgetary Intent -
RPD Reorganization Evaluation

Transmitted herewith for your approval is a resolution of budgetary intent recommending that the Administration engage a consultant to conduct an independent evaluation of the Rochester Police Department's reorganization.

As you know, last July, the RPD undertook a radical restructuring of its operations, changing from seven Police sections to two (East and West). The stated purposes of that change were to reduce response times, to reduce overtime costs, to equalize workloads, and to improve overall police services. The reorganization has now been in effect for nearly a year and a review is both warranted and appropriate.

As you may be aware, CGR is currently reviewing the implementation of the reorganization, focusing especially on response times and expenditures. While that review will certainly provide useful information, we believe that it is important to retain a consultant who has not been involved in the project to date. CGR provided all the analytical work that resulted in the restructuring of the previous car beats into the new Patrol Service Areas (PSAs) and the resultant overall restructuring. Given their intimate involvement in the project to date, we believe it would be more useful to retain a non-involved consultant to undertake the review.

During the past few months, Councilmembers have heard numerous complaints about the restructuring, largely focused on the perceived loss of direct connections between citizens and the Police who serve them. The long-standing neighborhood sections had fostered such connections and the implementation of the reorganization has left many with the impression that those vital connections have been lost. A full

review of both the benefits and drawbacks of the new structure should provide an adequate policy context for determining future directions for the RPD.

Respectfully submitted,
Tim O. Mains Benjamin L. Douglas
Councilmember-at-Large Councilmember
Northeast District

Resolution No. 2005-15
(Int. No. 214O)

Resolution of Budgetary Intent - Police Reorganization Evaluation

WHEREAS, in 2004 the Rochester Police Department underwent a major restructuring of its Patrol activities, closing the previous seven Sector offices and reopening two offices, one each on the East and West sides of the City, and

WHEREAS, the reorganization was based on analytical data provided by the Center for Governmental Research (CGR) that examined workloads, command responsibilities, response times, overtime expenses, and other salient factors, and

WHEREAS, the results of the CGR study led the Police Department to revise the system of policing through car beats to a more uniform system of Patrol Service Areas (PSAs), designed to equalize workloads between and among officers, and

WHEREAS, the aggregation of the PSAs into two sections, East and West, marked a fundamental shift in policing tactics, and

WHEREAS, the result of the reorganization was expected to provide greater equity among officers, reduced response times to calls for service, reduced overtime expenses, and higher quality police services, all while maintaining beat integrity, and

WHEREAS, Councilmembers have been made aware of significant citizen concerns about the perceived loss of a sense of "connectedness" with the officers who serve their neighborhoods, and

WHEREAS, a review of the impact of the reorganization is both appropriate and warranted as the first year anniversary of its implementation is reached, and

WHEREAS, the provision of such a review ought to be carried out by an independent consultant who has no previous connection with the reorganization plan to ensure impartiality and the elimination of any possible bias;

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

Section 1. The Mayor is hereby requested to engage an independent consultant to review the implementation of the Police Department reorganization following the completion of its first year.

Section 2. Said consultant shall establish metrics and recommend benchmarks to enable continued periodic reviews of police service and effectiveness.

Section 3. Should additional resources be required for such an evaluation beyond what exists in the Proposed 2005-06 Budget, the Council will be willing to appropriate such additional resources as the Mayor

deems necessary to complete such a review.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.
TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 214P
Re: Budget Amendment - Music Fest -
(\$200,000)

Transmitted herewith for your approval is an amendment to the Proposed 2005-06 Budget transferring \$200,000 from the Department of Parks, Recreation and Human Services to the Contingency Account for programming that supports additional police officers or creates jobs.

This summer marks the 11th annual Music Fest and the second largest subsidy since its inception, \$210,700 in 1995 and \$200,000 in 2005. After nine years of providing approximately \$130,000 from the General Fund to support this event, and repeated assurances that this festival would grow with corporate sponsorships, another \$200,000 is proposed for a 2006 Music Fest.

The City of Rochester is struggling with difficult financial times, as are our residents. Entertainment ventures should not be the purview of government but remain the province of the private entertainment industry. This money would be better spent putting more police officers on patrol or supporting job creation.

Rochester 2010: The Renaissance Plan instructs us in Campaign Three, Health, Safety, and Responsibility, to "Create the safest community in New York State..." and Campaign Six, Economic Vitality, urges us to help provide entry-level jobs as well as support a highly skilled and highly trained work force. In addition, Campaign Seven, Quality Service encourages us to "Balance our citizens' needs for high quality services, programs, information and infrastructure with a long-term understanding of their ability and willingness to pay for them." This amendment reinforces that police and employment take precedence over providing entertainment for select ticket holders.

Respectfully submitted,
Brian F. Curran
Councilmember-at-Large

Introductory No. 214P

Amending The 2005-06 Budget Of The City Of Rochester In Regard To The Music Fest - (\$200,000)

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$200,000 from the Department of Parks, Recreation and Human Services to the Contingency Account to fund additional police officers or to promote job creation.

Section 2. This ordinance shall take effect immediately.

Failed In Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 214Q
Re: Budget Amendment - High Falls Laser Show - (\$222,000)

Transmitted herewith for your approval is an amendment to the proposed 2005-06 Budget transferring \$222,000 from the Department of Parks, Recreation and Human Services to the Contingency Account for programming that supports additional police officers or creates jobs.

High Falls has been a losing proposition since its inception. The proposed budget provides \$805,900 subsidy to operate High Falls, including \$222,000 to restart the laser show. We should be preparing to phase out the subsidy for this business/entertainment area rather than increasing it.

This amendment supports Campaign Three, Health, Safety, and Responsibility, and Campaign Six, Economic Vitality of *Rochester 2010: The Renaissance Plan*, by reserving money for public safety and/or employment opportunities.

Respectfully submitted,
Brian F. Curran
Councilmember-at-Large

Introductory No. 214Q

Amending The 2005-06 Budget Of The City Of Rochester In Regard To The High Falls Laser Show - (\$222,000)

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

Section 1. The Proposed 2005-06 Budget of the City Of Rochester is hereby amended by transferring \$222,000 from the Department of Parks, Recreation and Human Services to the Contingency Account to fund additional police officers or promote job creation.

Section 2. This ordinance shall take effect immediately.

Failed In Committee.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance Nos. 2005-201, 2005-202, 2005-203, 2005-205, 2005-206, 2005-

207
And Local Improvement Ordinance

Nos. 1550 And 1551

Re: 2005-06 Budget

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the 2005-06 Budget. This legislation will:

1. Approve appropriations and establish revenue estimates for the City and the City School District;
2. Authorize the tax levies required to finance appropriations for the City and City School

District;

3. Authorize the budgets and related assessments for the Local Works program;
4. Confirm the assessments required for the following programs:
 - a. Street mall maintenance
 - b. Neighborhood parking lot operation
 - c. Public Market snow removal and security services
 - d. Street lighting and sidewalk districts
 - e. Merchants/Winton open space district
 - f. Downtown Guide District
 - g. Downtown Enhancement District
 - h. High Falls Improvement District;
5. Confirm the addition to the tax roll of various assessments, fees and unpaid charges;
6. Authorize an increase in local works rates;
7. Authorize an increase in residential refuse rates; and
8. Authorize fee increases for various City services.

The 2005-06 proposed budget of the City was submitted to City Council on May 13. The proposed legislation is based upon this budget which provides for:

1. Total appropriations of \$982,149,014 allocated for the City and the School District as follows:

	Proposed 2005-06	Amended 2004-05	Dollar Difference	Percent Difference
City	\$403,423,800		\$7,808,900	2.0
School	578,725,214		-5,547,339	-1.0
		584,272,553		
Total	\$982,149,014		\$2,261,561	0.2
		\$979,887,453		

Total non-tax revenue distributed between the City and the District as follows:

	Proposed 2005-06	Amended 2004-05	Dollar Difference	Percent Difference
City	\$358,270,225		\$6,568,304	1.9
School District	478,526,355		-8,306,739	-1.7
		486,833,094		
Total	\$836,796,580		-\$1,738,435	-0.2
		\$838,535,015		

2. Total tax levies of \$153,812,100 for the City and City School District as follows:

	Proposed 2005-06	Dollar Difference
--	---------------------	----------------------

	Amended 2004-05		Percent Difference
Tax Revenue	\$145,352,434	\$3,999,996	
	\$141,352,438		2.8
Tax Reserve	8,459,666	232,804	
	8,226,862		2.8
Tax Levy	\$153,812,100	\$4,232,800	
	\$149,579,300		2.8

3. Total appropriations for the Local Works fund of \$13,849,800 and total assessments of \$12,871,400.

	Proposed 2005-06	Dollar Difference	Percent Difference
Street Maintenance	\$ 2,966,494	\$1,133,572	
	\$ 1,832,922		61.8
Sidewalk Repair	1,169,499	55,516	
	1,113,983		5.0
Roadway Plowing	7,330,052	-893,317	
	8,223,369		-10.9
Sidewalk Plowing	1,405,355	-86,771	
	1,492,126		-5.8
Total	\$12,871,400	\$ 209,000	
	\$12,662,400		-1.7

4. The budgets for the Public Market and street malls were approved on March 15, 2005. The budgets for the Cascade and Norton Streetscapes and for the Downtown Enhancement Districts were approved on April 15, 2005. The budgets for the lighting, open space, High Falls Business District, Downtown Guides District, and parking lots were approved on May 10, 2005. The Local Improvement Ordinance for the St. Paul Street Streetscape was approved on August 26, 2003 and is being added to taxes for the first time. Amendments are being made to establish the interest and initial year and to clarify the benefited parcels. The assessments required for the various programs consist of the following:

	Proposed 2005-06	Dollar Difference	Percent Difference
Street Malls	\$ 83,580	\$ -3,105	
	\$ 86,685		-3.6
Parking Lots	69,575	6,697	
	62,878		10.7
Public Market	26,137	-5,834	
	31,971		-18.2
Lighting and Sidewalks	34,465	117	
	34,348		0.3
Open Space Districts	9,845	6,625	
	3,220		205.7
Downtown Guides	289,295	-13,621	
	302,916		-4.5
Downtown Enhancement	547,000	15,300	
	531,700		2.9

High Falls Improvement District	25,000	0	0.0
	25,000		
St. Paul Street Streetscape	20,649	20,649	N.A.
	0		

5. The proposed additions to the tax roll consist of the following charges:

	Proposed 2005-06	Dollar Difference	Percent Difference
Delinquent Refuse	\$ 505,542	\$ -2,044	
	\$ 507,586		-0.4
Delinquent Water	6,496,032	189,500	
	6,306,532		3.0
Code Enforcement	29,295	-4,798	
	34,093		-14.1
Supplemental and Omitted Taxes	356,360	-270,463	
	626,823		-43.1
Local Improvements	3,350	-87,218	
	90,568		-96.3
Encroachments	4,825	-325	
	5,150		-6.3
Rehabilitation/Demolition	97,875	-16,893	
	114,768		-14.7
Code Violations	2,531,919	480,158	
	2,051,761		23.4

6. A local works rate increase of 1.94% is proposed to balance the Local Works Fund. The proposed increase is expected to result in a net increase of \$230,000 in local works revenue.

7. A refuse rate increase of 4.97% for one, two, and three family residences is proposed to balance the refuse fund. The proposed increase is expected to result in a net increase of \$781,500 in residential collection revenue.

8. Amending the City Code for proposed departmental fee and fine increases will result in incremental revenues of approximately \$150,000 to the Police Department. In addition, the Police Department proposes increases in administrative fees totaling \$92,000 and the Department of Parks, Recreation and Human Services has proposed increases in administrative fees totaling \$43,900.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-201
(Int. No. 214, As Amended)

Adoption Of The Budget Estimates For Municipal Purposes For The 2005-06 Fiscal Year, Appropriation Of Sums Set Forth Therein And Approving Commercial Refuse Fees

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

Section 1. The budget estimate for municipal pur-

poses for the fiscal year July 1, 2005 to June 30, 2006, providing for the expenditure of \$403,423,800, 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 2005-06 are hereby authorized to be expended and the sum of \$403,423,800 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	\$[1,500,400]	<u>1,514,400</u>
Community Development	[9,841,900]	<u>9,847,900</u>
	[5,923,500]	<u>5,938,500</u>
Economic Development	[2,671,400]	<u>2,686,400</u>
Environmental Services	[71,017,400]	<u>71,117,400</u>
Finance	7,658,200	
Law	1,883,300	
Library	10,134,100	
Parks, Recreation, and Human Services	[17,939,300]	<u>18,001,800</u>
Emergency Communications	8,719,300	
Police	[64,891,200]	<u>64,926,200</u>
Fire	39,973,900	
Undistributed Expenses	[92,596,400]	<u>92,536,400</u>
Contingency	[7,570,500]	<u>7,383,000</u>
Cash Capital	28,475,300	
Debt Service	32,627,700	
Sub-total	\$403,423,800	
Tax Reserve	2,627,986	
Total	\$406,051,786	

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 2005-06 is hereby fixed and determined at \$358,270,255 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2005-06 providing for the raising of taxation on real estate for municipal purposes of the sum of \$47,781,561 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 2005-06.

Section 6. This ordinance shall take effect on July 1, 2005.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2005-202
(Int. No. 215)

Adoption Of The Budget Estimates For School Purposes For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006, 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, 2005 to June 30, 2006, providing for the expenditure of \$578,725,214, 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 2005-06 are hereby authorized to be expended and the sum of \$578,725,214 is hereby appropriated to the Board of Education for the following purposes:

Operations	\$537,706,187
Cash Capital	15,871,650
Debt Service	<u>25,147,377</u>
Subtotal	578,725,214
Tax Reserve	<u>5,831,680</u>
Total	\$584,556,894

Section 3. The budget estimate of the current revenues and other receipts, other than real estate taxes, for school purposes for the fiscal year 2005-06 is hereby fixed and determined at \$478,526,355 and said sum is appropriated for the purposes set forth in the budget estimate.

Section 4. The budget estimate for the fiscal year 2005-06 providing for the raising of taxation on real estate for school purposes of the sum of \$106,030,539 is hereby adopted.

Section 5. This ordinance shall take effect on July 1, 2005.

Passed unanimously.

Ordinance No. 2005-203
(Int. No. 216)

Levying Taxes For Municipal Purposes For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006

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

Section 1. The sum of \$47,781,561, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2005 and expiring June 30, 2006 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, 2005 and expiring June 30, 2006.

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, 2005 and expiring June 30, 2006.

Section 3. This ordinance shall take effect on July 1, 2005.

Passed unanimously.

Ordinance No. 2005-204
(Int. No. 217)

Confirming The Assessments, Amounts And Charges To Be Inserted In The Annual Tax Rolls For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006

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, 2005 and expiring June 30, 2006 are hereby in all respects confirmed:

Street and Lot Maintenance
\$2,966,494.00
Roadway Snow Removal
7,330,052.00
Sidewalk Snow Removal
1,405,355.00
Hazardous Sidewalk Repair
1,169,499.00
Delinquent Refuse
505,541.74
Delinquent Water Charges
6,496,032.33
Supplemental Taxes
356,360.43
Street Malls
76,525.00
Arnold Park Monuments
7,055.29
Parking Lots
69,575.00
Code Enforcements
29,295.00
Code Violations
2,531,919.00
Local Improvements
3,349.92
Downtown Enhancement
547,000.00
Public Market Plowing
3,867.84
Public Market Security
22,268.78
Encroachment Fees
4,825.00
Rehabilitation Charges
97,875.45
Downtown Guides
289,295.00
Lyll Avenue Street Lights -
District I
2,469.56
Lyll Avenue Street Lights -
District II
2,341.33
Wilson Blvd. Street Lights
528.94
Blossom Road Lights
609.42
Merchants/Winton Open Space
3,219.60
Monroe Avenue Lights I
7,126.74
Monroe Avenue Lights and
Sidewalk II
9,544.50
Norton Street District
4,087.98
Cascade District
4,032.74
Lake Avenue Lights
3,723.41
High Falls Business Improvement
District
25,000.00
South Avenue-Alexander Open Space
6,625.72
St. Paul Street Streetscape
20,649.38

Section 2. This ordinance shall take effect imme-

diately.

Passed unanimously.

Ordinance No. 2005-205
(Int. No. 218)

Levying Taxes For School Purposes For The Fiscal Year Commencing July 1, 2005 And Expiring June 30, 2006

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

Section 1. The sum of \$106,030,539, which sum is deemed by the Council sufficient with other revenues to produce from collection during the fiscal year commencing July 1, 2005 and expiring June 30, 2006 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, 2005 and expiring June 30, 2006.

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, 2005 and expiring June 30, 2006.

Section 3. This ordinance shall take effect on July 1, 2005.

Passed unanimously.

Local Improvement Ordinance No. 1550
(Int. No. 219)

Local Improvement Ordinance - Street Cleaning, Street And Sidewalk Snow Removal, And Hazardous Sidewalk Repair Commencing July 1, 2005 And Expiring June 30, 2006

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, 2005 to June 30, 2006, (2) that the provision of such service benefits the properties abutting on such streets and sidewalks, and (3) that the cost of providing such services should be borne by the benefitted properties according to the benefit received by such properties.

Section 2. The Commissioner of Environmental Services shall cause the following improvements and work to be provided on streets, sidewalks and lots in the City of Rochester during the fiscal year July 1, 2005 to June 30, 2006:

- 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 2005-06 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 2005-06 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, 2005 shall be \$12,871,400 consisting of \$2,966,494 for street and lot maintenance, \$1,169,499 for sidewalk repair, \$7,330,052 for roadway snow removal and \$1,405,355 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, 2005 and June 30, 2006, 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, 2005 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, 2005.

Passed unanimously.

Ordinance No. 2005-206
(Int. No. 220)

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	\$317.00
2	635.00
3	705.00

Section 2. This ordinance shall take effect on July 1, 2005.

Passed unanimously.

Local Improvement Ordinance No. 1551
(Int. No. 221)

Local Improvement Ordinance - Amending Local Improvement Ordinance No. 1522 - Upgrading Of Streetscape Features As A Part Of The St. Paul Street (Avenue E to Norton Street) Improvement Project

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

Section 1. Local Improvement Ordinance No. 1522, relating to the St. Paul Street (Avenue E to Norton Street) Streetscape Improvement Project, is hereby amended as follows:

- (a) The introductory to Section 2 is amended to read in its entirety as follows:

The Council hereby finds that the upgrading of said streetscape features will benefit the parcels of property fronting on St. Paul Street between Avenue E and Norton Street, as follows:

- (b) Section 3 is amended to read in its entirety as follows:

Such parcels are hereby defined to be the Special Assessment District for the payment of additional construction costs relating to the upgrading of the streetscape features. The Council hereby finds that the upgrading of the streetscape features will benefit the parcels in the district in proportion to each parcel's front footage along St. Paul Street, and the costs of such upgrading shall be allocated among the parcels in the district on that basis.

- (c) The first sentence of Section 4 is replaced with the following new sentences:

The additional construction costs relating to such streetscape features upgrading, in an amount not to exceed \$231,000, plus interest at a rate 1% above the City's "latest borrowing rate" on the unpaid balance, shall be assessed and billed as Special Assessments against the parcels of property within the district over a period of fifteen (15) years, commencing with the 2005-06 year. 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 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-207
(Int. No. 222)

Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, By Amending Provisions For

Redemption Of Motor Vehicles

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

Section 1. Chapter 111 of the Municipal Code, Traffic Ordinance, as amended, is hereby further amended by amending Section 111-72, Illegal parking and towing of vehicles, as follows:

- (a) Subsection B is amended by deleting the fee "\$80" for the redemption of passenger vehicles, including pickup trucks, passenger vans, minibikes, mopeds and motorcycles, and by inserting in its place the fee "\$100".
- (b) Subsection B is amended by deleting the fee "\$90" for the redemption of snowbound passenger vehicles, and by inserting in its place the fee "\$110".
- (c) Subsection B is amended by deleting the fee "\$5" for each notification by certified mail, and by inserting in its place the fee "\$10".
- (d) Subsection C is amended by deleting the amount "\$750" in each place it appears therein relating to the wholesale cost of a vehicle, and by inserting in its place the amount "\$1,250".

Section 2. This ordinance shall take effect on July 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-16
Re: 2005-06 Budget

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the 2005-06 Budget. This legislation will establish the Debt Limit, Debt Rollover and Debt Extension.

FY 2005-06 Debt Limit

The Debt Limit for tax supported borrowing is equal to the amount of principal on outstanding debt to be redeemed during the fiscal year for which the limit is established. The calculation excludes the redemption of principal on any borrowing approved as an exception to the Debt Limit (e.g. the Public Safety Building) and is further reduced by specific revenues attributable to bonded debt (e.g. Library Foundation Reimbursement).

The Debt Limit for FY 2005-06 is \$16,056,000. The attached Debt Authorization Plan calls for borrowing of \$16,056,000 in tax supported funds and an additional \$9,238,000 from Enterprise Funds.

Debt Rollover FY 2003-04 and FY 2004-05

The current fiscal year and the two immediately prior fiscal years Debt Authorization Plans are considered open so long as the rollover amounts are approved. This permits flexibility in the timing of authorizations which may vary depending upon project timing, availability of supporting funds, and the participation of private sector partners. The rollover amounts equal the difference between the debt limit for any fiscal

year and the sum of the authorizations made from the debt plan associated with that fiscal year. This sum may be further reduced by the amount of items in the debt plan, unauthorized, that are deemed as no longer necessary. The presentation of the rollover also includes any modifications made to the debt plan. Such rollovers do not result in authorizations exceeding the allowable authorization for any year.

FY 2004-05: The Debt Limit for this year is \$16,098,000. Of that amount \$12,021,000 has been authorized, leaving a balance of \$4,247,000. Approval of a rollover in that amount is requested. The plan has been modified to include to advance funding for Street Maintenance, City Hall Exterior Improvements and Manhattan Square Park as Council has been advised. The attached Debt Authorization Plan for FY 2004-05 itemizes projects remaining for that year and the details of the changes resulting from advanced funding.

FY 2003-04: The Rollover Limit for this year is \$13,021,000. Of that amount \$11,344,000 has been authorized, leaving a balance of \$3,092,000. Approval of a rollover in that amount is requested. This plan has not been modified. The attached Debt Authorization Plan for FY 2003-04 itemizes projects remaining for that year.

Time Limit Extensions for FY 2002-03, FY 2001-02 and FY 2000-01

Time limit extensions are requested when projects are delayed beyond two years by market forces, significant reprogramming of funds or other circumstances that justify carrying these authorizations beyond their expected authorization dates. Approval of extensions does not result in exceeding the allowable authorization for any fiscal year but is required by City Council Resolution. Extensions acknowledge the importance of these items as well as the fact that future replacement funds are not likely to be available.

FY 2002-03: The request for one-year extensions for the following items relate to programming and timing.

P-15 Fire Facilities \$ 325,000

This amount represents the reserve available either for building envelope emergencies or facility planning with regard to fire houses. The original intent of this allocation was to provide a contingency until related decisions were completed.

F-2 Hazardous Waste Remediation \$ 315,000

This amount is recommended for retention pertaining to the Photech project.

G-8 Center City Signage \$ 126,000

Expenditures for this project are not yet complete.

G-7 Port of Rochester \$1,167,000

This amount is programmed for the city-share of Terminal expenses.

FY 2002-03 Extensions \$1,933,000

FY 2001-02: The request for one-year extensions for the following items relate to programming and timing.

T-9 Broad Street Subway Tunnel \$ 152,000
(East Approach)

As final costs are uncertain it is prudent to retain this amount.

G-8 Gateway Improvements \$ 200,000

This is the balance remaining from an original amount of \$800,000. Funding for Gateway Improvements has been reduced. Retaining this amount will support further improvements of this type.

F-2 Hazardous Waste Remediation \$ 465,000

As above.

G-8 Housing Opportunity Initiatives \$ 387,000

This is the balance of a \$1,000,000 item originally programmed for the South River Corridor. Council was advised that these funds were being reprogrammed on behalf of nearer-term priorities. This amount is being held for use, if necessary, at the Olean/Kennedy project site. If not needed it will be eligible for reprogramming within the housing category.

G-8 Brooks Landing \$ 800,000

Various financial and regulatory delays effect this project to which the City remains committed.

FY 2001-02 Extensions \$2,004,000

FY 2000-01: City Council has approved two one-year extensions for three items from this year that involve Economic Development Initiatives. An additional extension, until June 30, 2006, is requested on the same bases that justified the first extensions.

G-8 West Main Street \$1,100,000
G-8 La Marketa 1,000,000
G-8 Brooks Landing 1,760,000
Total

\$3,860,000

Each of these projects depend on the partnership of developers and the cooperation of other governments. Like any business venture delays are inevitable when financial or regulatory obstacles delay implementation. At the same time the City must continue to demonstrate its good faith by the continued availability of these authorizations.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-72

Resolution No. 2005-16
(Int. No. 223)

Resolution Approving The 2005-06 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 2005-06 to \$16,056,000 for general municipal purposes.

BE IT FURTHER RESOLVED, unused authorizations from the debt limits for fiscal years 2003-04 and 2004-05 shall continue to be available, but no authorization included in the debt limit for a prior fiscal year, if not actually approved by the City Council, shall be carried-over and included in the limit for this

fiscal year. By this resolution, the Council specifically approves inclusion for this fiscal year of unused authorizations from the debt limit for fiscal year 2002-03 relating to Fire Facilities, Hazardous Waste Remediation, Center City Signage and Port of Rochester, from the debt limit for fiscal year 2001-02 relating to the Broad Street Subway Tunnel, Gateway Improvements, Hazardous Waste Remediation, Housing Opportunity Initiatives and Brooks Landing, and from the debt limit for fiscal year 2000-01 relating to West Main Street, La Marketa and Brooks Landing.

BE IT FURTHER RESOLVED, that exceptions to this policy are to be approved only for projects and purposes which could not reasonably be foreseen and, if not approved, would result in an obvious public danger or economic loss; and for projects and purposes for which the debt issued therefor would be self-supporting.

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

BE IT FURTHER RESOLVED, that the redemption of any debt issued as an exception to a debt limit shall be excluded from the calculation of subsequent debt limits.

This resolution shall take effect immediately.

Adopted unanimously.

This Meeting was adjourned at 9:01 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
JULY 12, 2005

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

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

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

Recognition Ceremony:

Retirement

DES

- *Sandy Beasley, Jr.
- *Jewell D. Wiggins
- *Michael D. Carlton

RPD

- *Mark J. Gerbino
- *Roy T. Hopkins
- *Cynthia A. Mull
- *Linda D. Proof
- *Antoinette Robak
- *Gail A. Stinauer
- *Joseph Sturnick

RFD

- *George V. Kalamaroff
- *Chester Przepolewski

LIBRARY

- *Mary D. Seebach
- *Tamara Strubel
- *Not attending meeting.

APPROVAL OF THE MINUTES
By Councilmember Curran

RESOLVED, that the minutes of the Regular Meeting of June 14, 2005 be approved as published in the official sheets of the proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

- Quarterly Report 3807-7
- Administrative Cancellation or Refund of Erroneous Taxes and Charges 3808-7
- Public Disclosure - CDBG Participation 3809-7

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:

Changing The Zoning Classification Of The Rear Portion of 87-89 Saratoga Avenue And A Portion Of The Abandoned Oak Street From M-1 Industrial To Erie Canal Urban Renewal District, Amending The Boundary Along West Broad Street, And Amending The Urban Renewal Plan Int. No. 257 No speakers

Amending Ordinances No. 2002-383 And 2003-278 To Designate The Rear Portion of 87-89 Saratoga Avenue And A Portion Of The Abandoned Oak Street For The Erie Canal Urban Renewal District Int. No. 258 No speakers

Amending Ordinance No. 2003-279, Relating To The Abandonment Of A Portion Of Oak Street, Accepting Donation Of Land And Granting Easements Int. No. 259 No speakers

Approving A Decrease In The Pavement Width Of Smith Street At Oak Street Int. No. 260 No speakers

Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Bi-Racial Partnership Program Int. No. 274 No speakers

Approving Changes In The Pavement Width Of Verona Street Between Morrie Silver Way And Jay Street Int. No. 244 No speakers

Local Improvement Ordinance - Street Lighting Enhancements As A Part Of The St. Paul Street Improvement Project (Bittner Street To Mortimer Street) Int. No. 245 No speakers

Dedication Of Additional Parcels To Street Purposes For Atlantic Avenue Between Culver Road And

North Winton Road Int. No. 271 No speakers

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Norwood
July 12, 2005

To the Council:

The Housing & Economic Development Committee recommends for Adoption the following entitled legislation:

Int. No. 227 - Authorizing The Sale Of Real Estate

Int. No. 228 - Authorizing An Agreement For The Operation Of The Municipal Parking Lot At 111 Franklin Street

Int. No. 229 - Resolution Amending Resolution No. 89-11, The Residential Antidisplacement And Relocation Assistance Policy

Int. No. 230 - Authorizing An Agreement With Neighborhood Housing Services

Int. No. 231 - Authorizing An Agreement With The Greater Rochester Housing Partnership, Inc. For Housing Services

Int. No. 232 - Authorizing An Agreement With The Enterprise Foundation For Housing Services

Int. No. 233 - Appropriating Funds And Authorizing Agreements For CHDO Housing Development And Operating Assistance

Int. No. 234 - Authorizing Agreements For Lead Hazard Evaluation Services

Int. No. 235 - Authorizing An Agreement For The Culture Builds Communities Program

Int. No. 236 - Local Law Amending The City Charter With Respect To The Electrical Examining Board

Int. No. 255 - Authorizing An Agreement For The Asset Control Area Program

Int. No. 256 - Authorizing An Agreement With Center For Governmental Research, Inc., As Amended

Int. No. 261- Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$929,000 Bonds Of Said City To Finance The Cost Of [Design Services] Construction Of Street Improvements Related To The Olean Street Housing Subdivision Infrastructure Project, As Amended

Int. No. 262 - Establishing Maximum Compensation For A Professional Services Agreement For The Olean Street Housing Subdivision Infrastructure Project And Amending Ordinances No. 2004-315 And 2005-72, As Amended

The Housing And Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 257 - Changing The Zoning Classification Of The Rear Portion Of 87-89 Saratoga Avenue And A Portion Of The Abandoned Oak Street From M-1 Industrial To Erie Canal Urban Renewal District,

Amending The District Boundary Along West Broad Street, And Amending The Urban Renewal Plan

Int. No. 258 - Amending Ordinances No. 2002-383 And 2003-278 To Designate The Rear Portion of 87-89 Saratoga Avenue And A Portion Of The Abandoned Oak Street For The Erie Canal Urban Renewal District

Int. No. 259 - Amending Ordinance No. 2003-279, Relating To The Abandonment Of A Portion Of Oak Street, Accepting Donation Of Land And Granting Easements

Int. No. 260 - Approving A Decrease In The Pavement Width Of Smith Street At Oak Street

The following entitled legislation is being held in committee:

Int. No. 261A - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At 56 Olean Street To Provide For Housing Development

Int. No. 265 - Authorizing A Lease Agreement And Appropriating Funds For Rochester City Living Center, As Amended

Respectfully submitted,
Wade S. Norwood

Adam C. McFadden (Voted against Int. No. 232)
Lois J. Giess (Voted on Int. No. 233 through 262)
Gladys Santiago (Abstained on Int. No. 233)
HOUSING AND ECONOMIC DEVELOPMENT
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-208
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
Neighborhoods

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

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

The next two properties are vacant lots that were sold at public auction, subject to the acceptance of a development proposal. The property located at 220 Epworth Street will be developed as a parking lot. The property located at 747 Jay Street will be fenced and landscaped and combined with the purchaser's adjoining property.

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

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment AE-73

Ordinance No. 2005-208
(Int. No. 227)

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	Lot Size	Legal Use	Price
S.B.L.#	Purchaser		
52 Elgin St. 135.27-2-88	30x110	1 Family Lake-Clinton, LLC	\$3,700
348 Hayward Ave. 106.68-3-47	44x126	2 Family John Rivera	9,000
392 Jay St. 105.83-2-40	45x104	2 Family Nothnagle Prop. Mgmt.	5,400
115 Otis St. 105.57-4-2	31x47	1 Family Lynette Gallagher	4,200
423 Remington St. 091.71-1-18	36x81	1 Family Isse & Khadija Abukar	4,200
44 Syke St. 120.34-1-71	40x132	1 Family Alan & Tamara Rodgers	9,200
6 Vinewood Pl. 120.52-2-89	49x102	1 Family Aletta Dennis	3,700
16 Weaver St. 091.71-2-56	33x97	1 Family Lake-Clinton, LLC	4,600

Section 2. The Council hereby further approves the sale of the following parcels of vacant land with proposal by regular auction:

Address	S.B.L.#	Lot Size	Price
Purchaser			
220 Epworth St. Bobby J. Anderson, Jr.	120.59-2-61	40x110	\$ 50
747 Jay St. Lilly Fields	105.81-3-20	43x119	200

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

Address	S.B.L.#	Lot Size
Sq. Ft.	Purchaser	
90 Clifford Av. 3200	106.29-4-64 Cheryl Rutledge	40x80
765 Emerson St. 430	105.40-1-4 Edward VanHook	43x10
15 Glendale Pk. 2186	105.35-2-8 Patty L. Schrock	33x66
21 Henry St. 5224±	106.40-2-24 Tikheayuka Nou	37x155

241 Remington St. 091.79-1-58 33x120
4086 Verda M. Brady

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-209
Re: Surface Lot at 111 Franklin Street

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Fairway Parking for the operation of the surface lot located at 111 Franklin Street. The lot contains 60 spaces and is currently operated by Allright New York Parking under an agreement that expires on July 31, 2005.

Proposals were sent to eight prospective operators. Fairway Parking was the only company to submit a response for this parking location.

Under the proposed agreement, the initial term will be for two (2) years commencing on August 1, 2005, and ending on July 31, 2007, with a one-year extension option at the City's discretion. The agreement will also include a clause allowing the City to terminate the lease within 60 days to ensure that the property would be available for any development opportunities.

Fairway Parking will pay the City the total annual fee of \$6,000 in fixed and equal monthly payments of \$500. Fairway Parking will be responsible for maintaining the parking lot (e.g., landscape care, snow removal, cleaning, asphalt repairs, payment for any utility and sewer charges, and provision for adequate insurance and a performance bond).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-209
(Int. No. 228)

Authorizing An Agreement For The Operation Of The Municipal Parking Lot At 111 Franklin Street

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Fairway Parking for the operation of the Municipal Parking Lot located at 111 Franklin Street for a term of two years, with an option for an additional one-year term. The City may terminate the agreement on sixty days notice if the lot is needed for economic 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 and perimeter landscaped areas, as well as keep adjacent sidewalks free of ice and snow.

Section 2. The agreement shall obligate Fairway Parking 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:

Resolution No. 2005-17
Re: Amendment of Residential
Antidisplacement and Relocation
Assistance Policy/HUD-funded Projects

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the City of Rochester's Residential Antidisplacement and Relocation Assistance (RARA) Policy for activities financed with certain federal funds.

City Council adopted its RARA Policy in 1989 (Resolution No. 89-11). Federal law specifies that a grantee under the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs must certify that it has instituted and is following a residential antidisplacement and relocation assistance plan ("Plan").

The components of the Plan must address: 1) one-for-one replacement of low- and moderate-income housing units, 2) relocation assistance, and 3) minimization of displacement. Displacement is defined as low- and moderate-income housing units that are demolished or converted to a use other than low- and moderate-income dwelling units with the use of HOME or CDBG funds.

In general, when federal funds are used for the acquisition, rehabilitation, or demolition of real property that directly results in displacement of housing units regardless of income level, the governing regulations are the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, and implemented through 49 CFR Part 24. If the source of the federal funds are CDBG or HOME funds and lower-income households are affected, then the 104(d) regulations implemented through 24 CFR Part 42, also apply. The 104(d) regulations were revised by HUD after the City's adoption of its RARA Policy; it is now necessary to amend the latter.

This legislation proposed herein will amend Resolution 1989-11 as follows:

1. Revise the replacement period to include the 12 months before the date of the submission of a project-specific Antidisplacement Plan to HUD. Formerly, this period included only the three year period following demolition or conversion of the lower-income dwelling units. The replacement period will now be a total of four

years plus the period between the submission of the Plan to HUD and the actual commencement of demolition or conversion of the lower-income housing units.

2. Permit the replacement of a dwelling unit with smaller units as long as they are consistent with the needs assessment in the City's HUD-approved Consolidated Plan. For instance, a two-bedroom unit could be replaced with two one-bedroom units.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-17
(Int. No. 229)

Resolution Amending Resolution No. 89-11, The Residential Antidisplacement And Relocation Assistance Policy

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

Section 1. Resolution No. 89-11, the Residential Antidisplacement and Relocation Assistance Policy, is hereby amended by amending Subsections I A and B to read in their entirety as follows:

- A. The City of Rochester will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606, and with funds provided through the Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, as described in 24 CFR Part 92.
- B. All replacement housing will be provided at any time during the period beginning one year before the City makes public the information required under its Residential Anti-Displacement and Relocation Assistance Policy and ending three years after the commencement of the demolition or rehabilitation relating to conversion.

Section 2. Resolution No. 89-1, the Residential Antidisplacement and Relocation Assistance Policy, is hereby further amended by adding thereto the following new Subsection I C(7):

7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the needs assessment contained in its HUD-approved Consolidated Plan.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-210
Re: Neighborhood Housing Services -
Revolving Loan Fund

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Neighborhood Housing Services of Rochester (NHS), 570 South Avenue, for the continued administration of the Revolving Loan Fund Program; and appropriating \$75,000 from the Improve the Housing Stock allocation of the 2005-06 Community Development Block Grant to fund the agreement.

The Revolving Loan Fund Program (RLF) provides rehabilitation loans to homeowners who have difficulty obtaining traditional loans due to excessive debt-to-income ratio, inadequate credit, or insufficient employment history.

NHS has administered the program since its inception in 1980. The most recent agreement with NHS for RLF administration was authorized by the City Council in June 2004. Since then, 28 loans totaling \$204,259 were made. These loans leveraged an additional \$128,851 in grant funds.

Under the agreement, NHS will provide the following services:

1. Program promotion;
2. For each loan - determine the eligibility of the property owner, inspect the property, estimate costs of rehabilitation, review insurance needs, provide financial counseling and loan packaging, prepare work specifications, solicit bids, provide construction management and service 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. Loan fund capitalization.

It is anticipated that 40 loans will be originated in 2005-06.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-210
(Int. No. 230)

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 of the Revolving Loan Fund Program.

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, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program.

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

be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-211
Re: Agreement - Greater Rochester Housing Partnership

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Greater Rochester Housing Partnership, Inc. (GRHP) for continued financing of its operation, and appropriating \$90,000 from the Housing Stock General Property Condition allocation (Housing Development Support account) of the 2005-06 Community Development Plan to fund the agreement.

The GRHP was established in 1991 to promote affordable housing throughout Monroe and surrounding Counties by encouraging private investment, soliciting contributions, and seeking federal and state funding. The City has provided funds to help finance the GRHP's administrative costs since its inception. The most recent allocation of \$85,000 for the continuation of these services was authorized by the City Council in June 2004. This is the first increase since 1998. The appropriation for 2004-05, and that proposed for 2005-06 both fund approximately 16% of the GRHP's annual operating costs.

A summary of the GRHP's accomplishments between July 2004 and May 2005 is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-74

Ordinance No. 2005-211
(Int. No. 231)

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 \$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 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-212
Re: Agreement - The Enterprise
Foundation

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legisla-
tion authorizing an agreement with the Enterprise
Foundation for the continued provision of housing
and community development activities through the
Rochester Community Development Collaborative
(RCDC), and appropriating \$100,000 from the Hous-
ing Stock and General Property Conditions allocation
of the 2005-06 Community Development Block Grant
to fund the agreement.

Under the proposed agreement, Enterprise will pro-
vide the following services:

1. Continue to administer the RCDC program and
provide technical assistance to the five agencies
participating in it;
2. Provide technical assistance to:
 - a. The Rochester Housing Development Fund
Corporation (RHDFC);
 - b. Non-profit housing developers that are in-
volved with projects in conjunction with the
RHDFC; and
 - c. The City of Rochester.

Enterprise, established in 1982, is a national non-profit
housing and community development organization.
Its mission is to assist people in obtaining jobs and
affordable housing.

Enterprise established a Rochester office in 1997
and in 2000 formed the RCDC in conjunction with
the City, Citibank, Daisy Marquis Jones Foundation,
United Way of Greater Rochester, and JPMorgan
Chase Bank. Additional funders include Rochester
Gas & Electric (RG&E), HSBC, Bank of America,
and the Bruner Foundation.

Through the RCDC, Enterprise has provided a total of
\$375,000 in grants to the RCDC organizations noted
below (since August 2000 unless otherwise noted):

1. North East Neighborhood Alliance/North East
Block Club Alliance (until October 2004)
2. Ibero-American Development Corporation
3. NCS Community Development Corporation
4. North East Area Development, Inc.
5. Sector 4 Community Development Corporation
(since August 2003)
6. South Wedge Planning Committee, Inc. (since
January 2005)

The RCDC operating support has enabled these or-
ganizations to leverage over \$21M in neighborhood
investment for housing and commercial real estate
projects. Over 152 homes have been rehabilitated or

are in the process of being rehabilitated, of which 119
have been sold to new homeowners since the RCDC
began. Over 74,500 square feet of commercial space
has been developed by these organizations during
this time frame.

The City has provided funding for these services
since 2001. The most recent allocation of \$100,000
for the continuation of these services by the Enter-
prise Foundation was authorized by City Council in
June 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-212
(Int. No. 232)

**Authorizing An Agreement 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 an agreement with The Enterprise Foundation
for technical assistance relating to housing and com-
munity development activities.

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 nec-
essary, is hereby appropriated from the Improving
the Housing Stock and General Property Conditions
Allocation of the 2005-06 Community Development
Program.

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

Section 4. This ordinance shall take effect im-
mediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas,
McFadden, Mains, Norwood, Pritchard, Santiago,
Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-213
Re: Community Housing Development
Organizations (CHDO)

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legisla-
tion authorizing agreements with organizations that have
been designated and certified as Community Housing
Development Organizations and as approved develop-
ers for the Home Rochester program, and appropriat-
ing a total of \$695,253 (\$523,035 for development
services, \$172,218 for operating assistance) from
the Community Housing Development Organization
Program allocation of the 2005 HOME Program.

The City is required to reserve at least 15% (in this
case, \$523,035) of its annual HOME award to fund
the development of affordable housing by non-profit
CHDOs. The City is also permitted to set aside an

additional 5% (\$172,718) of its HOME award to assist CHDOs with their operating costs.

To access these funds, HUD requires annual certification, which requires that organizations demonstrate that they continue to meet requirements pertaining to legal status, organizational structure and capacity, and experience. In addition, the City reviews production, the most recent annual audit, cost and direct labor allocation budget/plan, and a roster of current board members.

The Home Rochester program acquires and rehabilitates vacant homes for resale to income-eligible buyers through the HUD ACAP agreement. It is anticipated that approximately 25 buyers will be assisted through the proposed appropriation. The average subsidy will be approximately \$21,000.

The rehabilitated properties will be marketed to families with incomes not exceeding 80% of the median family income. All purchasers are required to attend pre- and post-purchase home buyer education classes. A residency period of 10 years is required.

The last appropriation for this purpose was approved by Council in June 2004. Attached is a status report of CHDO production.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-75

Ordinance No. 2005-213
(Int. No. 233, As Amended)

Appropriating Funds And Authorizing Agreements For CHDO Housing Development And Operating Assistance And Amending Ordinance No. 2005-157

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

Section 1. There is hereby appropriated from 2005 HOME Program funds the sum of \$523,035, or so much thereof as may be necessary, to fund housing development through the Home Rochester Program by designated Community Housing Development Organizations (CHDO's), and there is hereby appropriated from 2005 HOME Program funds the sum of \$172,218, or so much thereof as may be necessary, to fund the operating expenses of designated 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. Ordinance No. 2005-157, relating to transfers of funds and authorizing agreements for Community Development Programs, is hereby amended by amending the name of the party in Section 2 for the Buena Vista Project from the Ibero American Action League to the Ibero American Development Corporation.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Mains, Norwood, Pritchard, Stevenson - 8.

Nays - 0.

Councilmember Santiago abstained vote because she is an employee of Ibero-American Action League.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-214
Re: 2004 Lead-Based Paint Hazard
Reduction Demonstration Program

R2010: Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with five firms to complete lead hazard evaluations. The total amount of these agreements shall not exceed \$130,000 and will be funded by the 2004 Lead-Based Paint Hazard Reduction Demonstration Program Grant.

The following firms will participate:

1. Healthy Homes Associates, Inc., 25 Canterbury Road, Suite 310, Rochester, NY 14607
2. Environmental Testing & Consulting, Inc., P.O. Box 466, Batavia, NY 14021
3. Envoy Environmental Consultants, Inc., 145 Lake Avenue, Rochester, NY 14608
4. Lew Corporation, 1090 Bristol Road, Mountainside, NJ 07092
5. ENSR International, 6601 Kirkville Rd., East Syracuse, NY 13057

City LEAD (Lead: Educate, Assess, Decrease) is the City's lead hazard reduction and control program. City LEAD is funded from two HUD grants received in 2003, the 2004 grant, and a local match contribution. City LEAD makes available forgivable loans up to \$24,000 per unit to eligible landlords and owner-occupants for lead hazard reduction and control. The funds cover work such as: window and door replacement; porch repair/replacement; painting; siding; duct cleaning; and bare soil treatment. Approximately 600 units of housing will be made lead-safe through the program by 2008.

Lead hazard evaluation firms are needed for each unit assisted through the program. Services will include a combined lead-based paint inspection/risk assessment. Three firms currently under contract to provide these services for the 2003 HUD grants are Proway Management Corporation, Environmental Testing & Consulting, and Healthy Homes Associates.

Additional firms were recruited to adequately service the program. A request for proposal was distributed to 18 local EPA-Certified lead hazard evaluation firms on May 5, 2005. A total of six firms responded and five firms are recommended (two of which are under contract already for the 2003 grants). Firms were selected through an evaluation process which included the fol-

lowing criteria: cost; time of performance; experience; and organizational capacity. Costs for services will range from \$217 to \$429 per unit depending on the unit size. It is expected that a total of 227 lead hazard evaluation reports will be produced.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-214
(Int. No. 234)

Authorizing Agreements For Lead Hazard Evaluation 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 for lead hazard evaluation services:

- Healthy Homes Associates, Inc.
- Environmental Testing & Consulting, Inc.
- Envoy Environmental Consultants, Inc.
- Lew Corporation
- ENSR International

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$130,000, and said amount, or so much thereof as may be necessary, shall be funded from the appropriation made in Section 1 of Ordinance No. 2004-387.

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. 2005-215
Re: Agreement - Arts and Cultural
Council of Greater Rochester,
Culture Builds Communities

- R2010: Campaign 1 - Involved Citizens
- 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 of Greater Rochester in an amount not to exceed \$80,000, for administration of the 2005-06 Culture Builds Communities program; and appropriating \$40,000 from each of the 2004-05 and 2005-06 Community Development Block Grant Housing Stock and General Property Conditions allocations to fund the agreement.

The City has participated in the Culture Builds Communities program since 1997. The most recent agreement was authorized by the City Council in October 2003.

Culture Builds Communities is a joint venture with Citibank designed to enhance neighborhood pride and promote participation in artistic activities. Proposals for the 2005 program will be solicited by the Arts

Council through public advertisement. Submissions will be reviewed by a panel of representatives from diverse segments of the community. Recommended projects will be reviewed by the City's Interim Arts Commission for final approval.

Grants awarded to neighborhood, business, and school organizations will range from \$1,000 to \$20,000 to fund artists' fees, supplies and materials, and reasonable administrative expenses.

Attached is a summary report highlighting last year's Culture Builds Communities program accomplishments.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-76

Ordinance No. 2005-215
(Int. No. 235)

Authorizing An Agreement For The Culture Builds Communities Program

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

Section 1. The Mayor is authorized to enter into an agreement with the Arts and Cultural Council of Greater Rochester for the Culture Builds Communities Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$80,000, and of said amount, or so much thereof as may be necessary, \$40,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program and \$40,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 5
Re: Code Amendment - Electrical
Examining Board

- R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the Code of the City of Rochester to reduce the number of members on the Electrical Examining Board from nine to seven.

The Electrical Examining Board, currently comprised of nine members, oversees the licensing of electricians who perform work in the City of Rochester. It is their responsibility to verify the knowledge and technical ability of electrical licensees.

The board position reserved for a member representing an approved independent inspection agency has

been vacant since 2002 when an electrical inspection function was added to the Department of Community Development. Since that time, a City Electrical inspector has attended board meetings in a non-voting, advisory capacity. Therefore, the inspection agency representative position can be eliminated. In order to maintain an odd number of members for voting purposes, a position reserved for the architect will also be eliminated.

The board will now be composed of three electricians with at least 10 years' general experience; one electrician with at least ten years' specialized experience; a NYS licensed professional engineer; an electrical engineer in the department of the utility supplying power to the City; and the Commissioner of Community Development.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 5
(Int. No. 236)

Local Law Amending The City Charter With Respect To The Electrical Examining 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 subsection A of Section 12-39, Electrical Examining Board, to read in its entirety as follows:

- A. General. The Electrical Examining Board shall be composed of seven (7) members as follows: three (3) electricians with at least ten (10) years' practical experience in general electrical work; one (1) electrician with at least ten (10) years' practical experience in specialized work involving electrical installations; a licensed professional engineer of the State of New York; an electrical engineer in the electrical distribution department of the utility supplying electrical power in the City of Rochester; and the Commissioner of Community Development of the City of Rochester or his or her designated representative. All members of the Board shall be appointed by the Mayor, subject to confirmation by City Council, and shall be at least thirty (30) years of age, citizens of the United States and residents of the County of Monroe. All members of the Board shall have equal voting rights.

Each appointment, with the exception of the Commissioner of Community Development of the city, shall be for a three-year term from January 1. Any member may be removed by the Mayor for cause. A member may be appointed to succeed himself or herself. Vacancies shall be filled by appointment by the Mayor, subject to confirmation by City Council, within a period of sixty (60) days from the occurrence of such vacancy, and the members appointed to fill such vacancies shall hold office for the balance of the term so vacated. The four (4) electricians and the professional engineer who serve as members of the Board, shall receive such compensation for their services as shall be determined by the Mayor.

Section 2. This local law shall take effect imme-

diately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-216
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) for the continued implementation of the Asset Control Area Program. This legislation will:

1. Appropriate the sum of \$186,000 from the Housing Stock and General Property Conditions allocation of the 2005-2006 Community Development Block Grant; and
2. Authorize an agreement with the RHDFC.

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 construction managers;
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 participating non-profit construction managers.

The RHDFC facilitates the City's participation in HUD's Asset Control Area Program (ACAP), authorized by City Council on May 18, 2003 and executed by HUD on January 22, 2004. This agreement with HUD, obligates the City to purchase FHA-foreclosed, single-family properties in specified areas of the city. During the 24 month term of the agreement, up to 300 properties will be purchased from HUD.

Since signing the current ACAP Agreement, a total of 122 properties have been purchased; eighty-eight of these have been sold to the RHDFC. The homes sold to the RHDFC as part of HOME Rochester must be renovated and sold to income-eligible homebuyers.

The RHDFC, a non-profit organization, operates in partnership with the City, Enterprise Foundation, Greater Rochester Housing Partnership (GRHP), JPMorgan Chase Bank and other commercial lenders, Community Preservation Corporation (CPC), and the United Way/Martin Luther King Memorial Housing Fund. The RHDFC Board of Directors is composed of representatives from each participating entity which invests in a \$16,000,000 capital loan pool to fund the RHDFC's development activities. The RHDFC is

administered by the GRHP.

The RHDFC Board is responsible for approving construction loans for participating non-profit construction managers. When feasible, properties are aggregated into geographic clusters for assignment to selected organizations, which will receive a development fee of up to \$4,000 per property.

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 the RHDFC.

Upon completion of rehabilitation, the properties that have not been pre-sold, will be listed on the Greater Rochester Association of Realtors' Multiple Listing Service) by a private realtor, which will receive a 6% commission for each sale. Neighborhood Housing Services of Rochester provides homeownership education and pre- and post-purchase counseling. The City provides income certification and pre-qualifying for income-eligible, prospective homebuyers.

The RHDFC will also provide technical assistance to participating non-profit construction managers as needed. In the event that RHDFC expertise is needed, the construction management fee received by the non-profit may be pro-rated with the RHDFC.

Households with incomes of up to 115% of median family income (MFI) for the Rochester Metropolitan Statistical Area will be eligible to purchase ACAP homes. The majority of HOME Rochester buyers are below 80% of area median income. The combination of available subsidies from the City and State of New York will enable low- and moderate-income households earning as low as 40% of the MFI to realize homeownership.

The City has provided funding to RHDFC since 2001. The most recent allocation of \$186,000 for the continuation of these services by the RHDFC was authorized by the City Council in June 2004.

Since January 2004 (the beginning of the current 24 month agreement), the RHDFC rehabilitated and sold the following to income-eligible households: 1) 27 ACAP properties, and 2) 16 properties acquired through tax foreclosure or the private market. The RHDFC currently holds title to 61 properties, 21 of which are under contract with eligible buyers.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-216
(Int. No. 255)

Authorizing An Agreement For The Asset Control Area Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Housing Development Fund Corporation for operating funds to support the acquisition of HUD foreclosed properties from the City as a part of the Asset Control Area (ACA) Program and the rehabilitation and resale of said properties.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$186,000, and said

amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 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. 2005-217
Re: NET Program Evaluation

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Center for Governmental Research, Inc. (CGR) to conduct an evaluation of the Neighborhood Empowerment Teams (NET) program. The maximum cost of the agreement shall not exceed \$72,000, and will be financed through the 2004-05 Undistributed Account.

On June 22, 2004, Council adopted Resolution No. 2004-15 requesting that the Administration engage a consultant to review the NET initiative and to evaluate the effectiveness and efficiency of NET.

A team of representatives from the Budget Bureau, Law, NET, Mayor's Office, City Council, and Rochester Police Department conducted an initial financial analysis of NET operations. The team developed a tentative time-line for the evaluation, reviewed NET operations and issues to date, identified core areas to be included in a request for proposals (RFP). A copy of the RFP is on file with the City Clerk's Office.

There were three responses received to the RFP. The team has reviewed and rated proposals, and found CGR best suited and equipped to conduct the evaluation. They are expected to begin the evaluation on or around July 18, 2005, and provide the final report on or about November 1, 2005.

Additional funds will be reserved for administrative costs or post-evaluation activities that may occur.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-217
(Int. No. 256, As Amended)

Authorizing An Agreement With Center For Governmental Research, 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 the Center for Governmental Research, Inc. (CGR) to conduct an evaluation of the Neighborhood Empowerment Teams (NET) program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$72,000, and said amount, or so much thereof as may be

necessary, [is hereby appropriated from the 2004-05 Undistributed Account] shall be funded from the 2004-05 Budget for Undistributed Expense.

Section 3. This 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. 2005-218 And
Ordinance No. 2005-219
RE: Olean & Kennedy Revitalization
Project - Phase II - Professional
Services Agreement

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the public improvements necessary for the Olean Revitalization Project. This legislation will:

1. Authorize the issuance of bonds totaling \$929,000 and appropriate the proceeds thereof to finance a portion of the costs of the improvements;
2. Appropriate \$311,000 from the 2004-05 Community Development Block Grant allocation included in the 2004-05 Capital budget to finance a portion of the costs of the improvements;
3. Authorize a professional services agreement with Stantec Consulting Group Inc., at 85 Metro Park, Rochester, NY, 14623, for engineering design and construction inspection services at a maximum cost of \$93,000, to be funded from the bonds requested above.

The Olean & Kennedy Revitalization Project in the southwest quadrant of the City involves the redevelopment of two former public housing sites owned by the Rochester Housing Authority (RHA) - the Olean and the Kennedy townhouses. City Council previously authorized an agreement for the acquisition, design and construction of Phase I of the project, the Kennedy Revitalization Project.

Phase II is the Olean Revitalization Project, located west of South Plymouth Avenue on about 7.5 acres at RHA's former Olean townhouse site. Three new streets to serve the residential development will be constructed: two will connect Olean and Ford Streets; the third will be a loop connecting at both ends onto Olean Street. These streets will include granite curbs, catch basins, residential street lighting system, concrete sidewalks, driveway aprons and landscaping. New water and sewer mains to service the subdivision will also be installed.

The total cost, including roads, sewer mains and water mains is \$1,240,000 and will be financed from the 2004-05 CDBG (\$311,000) and the bonds requested herein (\$929,000). The bonds requested further consist of \$387,000 from the 2001-02 Debt Authorization Plan originally allocated for the South River Corridor

and subsequently reprogrammed for general housing opportunities and \$542,000 from the 2004-05 Debt Authorization Plan allocated for the Olean & Kennedy Revitalization Project.

Stantec Consulting Group will design the roadways, sewers and water mains for the project, as well as providing inspection services to the City during the site preparation which is being done by RHA. Stantec is recommended based upon their qualifications, availability to provide the services within the time frame established for the project and their familiarity with the housing subdivision. Stantec is under contract with RHA's developer to implement the revitalization plan, including preparing the site plan and the subdivision plan.

Design of the project is scheduled to be completed in fall 2005. Construction is expected to begin in winter 2005 and to be completed in summer 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-78

Ordinance No. 2005-218
(Int. No. 261, As Amended)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$929,000 Bonds Of Said City To Finance The Cost Of [Design Services] Construction Of Street Improvements Related To The Olean Street Housing Subdivision Infrastructure 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] planning and implementing street improvements, including but not limited to the construction of two new streets to connect Olean and Ford Streets and a third new street which will be a loop connecting at both ends onto Olean Street, with new water mains and services, storm and sanitary sewers with laterals, curbs, sidewalks, driveway aprons, street lighting and landscaping, in connection with the Olean Street Housing Subdivision Infrastructure Project within the City (the "Project"). The total estimated cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,240,000. The plan of financing includes the issuance of \$929,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with \$311,000 [from] which is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development [Block Grant allocation] Program, 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 \$929,000 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 proceed-

ings 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 \$929,000. 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] 20(c) of the Law, is [five (5)] 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.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2005-219
(Int. No. 262, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Olean Street Housing Subdivision Infrastructure Project And Amending Ordinances No. 2004-315 And 2005-72 And Providing For Environmental Remediation

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

Section 1. The sum of \$93,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Group, Inc. for engineering design services for the Olean Street Housing Subdivision Infrastructure Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. Ordinance No. 2004-315, relating to the Olean & Kennedy Revitalization Project, as amended, is hereby further amended by amending Section 5 thereof by appropriating the sum of \$488,000 from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program instead of funding said amount from the 2004-05 Cash Capital Allocation.

Section 3. Ordinance No. 2005-72, relating to an exchange of land for the Olean & Kennedy Revitalization Project, is hereby amended by changing the name of the entity with which the parcels are to be exchanged from the Rochester Housing Authority to Monroe South West Properties, LLC. The Mayor is further authorized to enter into such agreements as may be necessary to implement the exchange and the environmental remediation of the parcels. The agreements shall obligate the City to pay an amount not to exceed \$775,119 for environmental remediation of the Olean Street Housing site, and of said amount, or so much thereof as may be necessary, \$326,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program and \$449,119 is hereby appropriated from 2004 HOME Program Funds. 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 unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-220, 2005-221,
2005-222 And Ordinance No. 2005-223

Re: Erie Canal Urban Renewal District
and Oak Street Abandonment

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is the legisla-
tion related to the PaeTec Park Stadium Project. This
legislation will:

1. Amend the Zoning Map and the Erie Canal Urban Renewal District by making minor modifications to the district boundary line by rezoning two small parcels from M - 1 Industrial to Erie Canal Urban Renewal and incorporating them into the stadium site;
2. Amend Ordinance No. 2003-279 relating to the Oak Street abandonment by relocating the northern terminus twenty feet (20') southerly;
3. Accept a donation of land, a 30 foot by 85 foot portion of the former Oak Street right-of-way, from the Rochester Rhinos LLC;
4. Grant various easements to the Rochester Rhinos LLC; and
5. Authorize a change in pavement width on Smith Street.

Zoning Map/Erie Canal Urban Renewal District

On August 28, 2003, in conjunction with the PaeTec Park Project, the Erie Canal Urban Renewal District (Erie Canal URD) was created, and a portion of Oak Street between Smith Street and Lind Street was abandoned (Ordinance No. 2003-279).

The existing easterly boundary line of the Erie Canal URD is now proposed to be modified by incorporating a 17 foot by 40 foot area of land at the rear of the parcel at 87 Saratoga Street into the northeasterly portion of the stadium site by rezoning this 680 (+/-) square foot area of land from M - 1 Industrial District to Erie Canal URD. The proposed rezoning will remove an existing jog in the existing district boundary. In addition, the northern boundary of the district must be amended to correspond with the modification to the Oak Street abandonment line proposed below.

Oak Street Abandonment

Since the approval of the abandonment of Oak Street in August 2003, the ownership of 559 and 601 Oak Street, the two parcels across from the stadium parcel, changed. These two properties have frontages on the former Oak Street right-of-way along with stadium parcel, 554 Oak Street, which is owned by the City of Rochester. The terminus of Oak Street is therefore proposed to be relocated 20 feet southerly of the original line in order that the property at 601 Oak Street will not be affected by the abandonment. The property at 559 Oak Street is owned by the Rochester Rhinos who, upon abandonment of Oak Street, will convey reverter interest of the 30 ft. by 85 ft. area of the former Oak Street right-of-way to the City of Rochester subject to the City granting access and utility easements over the former right-of-way area.

The City Planning Commission heard these minor modifications to the Zoning Map, Urban Renewal District and Official Map on June 13, 2005. Two people spoke in support of the changes; by a vote of

4-0, the Commission recommended approval.

Smith Street Width Change

An eight foot decrease (from 40 to 32 feet) in the pavement width on Smith Street is proposed, beginning 62.5 feet north of the centerline of Oak Street for a distance of 125 feet southerly. The change provides for construction of a bump-out on the west side of the street. The bump-out is being constructed in correlation with installation of site improvements related to the new soccer stadium. Additionally, the City will be constructing a raised "tabled" intersection at the three-way intersection of Oak Street and Smith Street. These changes are intended to calm traffic and improve pedestrian safety at the entrance to stadium.

The bump-out will be constructed by the stadium developer. The bump-out and the raised table will be constructed this summer. The change in pavement width was endorsed by the Traffic Control Board on June 21, 2005.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor of the City of Rochester, as lead agency, has determined that the proposal will not result in any significant effects and has issued a negative declaration.

Public hearings are required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-77

Ordinance No. 2005-220
(Int. No. 257)

Changing The Zoning Classification Of The Rear Portion Of 87-89 Saratoga Avenue And A Portion Of The Abandoned Oak Street From M-1 Industrial To Erie Canal Urban Renewal District, Amending The District Boundary Along West Broad Street, And Amending The Urban Renewal Plan

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the rear portion of 87-89 Saratoga Avenue and a portion of the abandoned Oak Street, from M-1 Industrial to Erie Canal Urban Renewal District, and by amending the district boundary along West Broad Street, with the Erie Canal Urban Renewal District to be described in its entirety 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' 04" 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° 49' 13" W along the northerly line of West Broad Street a distance of 418.46 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 its various courses a distance of 375.81 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 its easterly extension a distance of 353.58 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 4.57 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 523.91 feet more or less to the southwesterly line of Oak Street;
- Thence 7) Northwesterly along the southwesterly line of Oak Street a distance of 84.79 feet;
- Thence 8) Northeasterly perpendicular to the southwesterly line of Oak Street a distance of 60 feet to the northeasterly line of Oak Street;
- Thence 9) Northwesterly along the northeasterly line of Oak Street a distance of 22.90 feet to the southeasterly right-of-way line of Lind Street;
- Thence 10) Northeasterly along the Lind Street right-of-way a distance of 293.51 feet more or less to the southwest corner of Lot 23 of the John Williams Tract;
- Thence 11) Southeasterly along the southwesterly lines of Lots 23 through 7 of the John Williams Tract a distance of 688.15 feet to the southeasterly corner of said Lot 7;
- Thence 12) Northeasterly along the southwesterly line of Lot 7 a distance of 15.57 feet to a point;
- Thence 13) Southeasterly along the northeasterly line of Lot R 37 as shown on a re-subdivision map of part of Township 1, Short Range of the Phelps and Gorham Purchase and filed in the Monroe County Clerk's Office in Liber 252 of maps at page 54 for a distance of 34.03 feet to an angle point in said line;

- Thence 14) Continuing southeasterly along the northeasterly line of said Lot R 37 a distance of 128 feet to the westerly line of Smith Street;
- Thence 15) Southwesterly along the right-of-way line of Smith Street a distance of 735 feet more or less 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 16) Northwesterly along the southwesterly line of said Lot 3 a distance of 123.25 feet to a point;
- Thence 17) Northeasterly along said Lot 3 a distance of 25.50 feet to a point;
- Thence 18) Northwesterly along the southwesterly line of said Lot 3 a distance of 120 feet to the southeasterly line of said Lot 2;
- Thence 19) 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 Urban Renewal Plan for the Erie Canal Urban Renewal District, as adopted by Ordinance No. 2003-274, is hereby amended by inserting the new description found in Section 1 hereof for the District Boundaries established in Section II of said Plan.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-221
(Int. No. 258)

Amending Ordinances No. 2002-383 And 2003-278 To Designate The Rear Portion Of 87-89 Saratoga Avenue And A Portion Of The Abandoned Oak Street For The Erie Canal Urban Renewal District

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

Section 1. By Ordinances No. 2002-383 and 2003-278, the Council designated parcels as substandard and unsanitary and appropriate for urban renewal in accordance with the provisions of Article 15 of the General Municipal Law of the State of New York, and designated the same as an urban renewal area to be known as the Erie Canal Urban Renewal District in order to facilitate the redevelopment of said area as the site of a new stadium for the Rochester Raging Rhino's Soccer Team. During the development of the plan for said district, the rear portion of 87-89 Saratoga Avenue and a portion of the abandoned Oak Street, adjacent to the district, have been identified as additions to the District in order to support the development of the stadium. The Council finds that the addition of said parcels to the district is necessary for the effective undertaking of the urban renewal program. The Council also amends the boundaries along West Broad Street due to street changes. The full area to be designated is now 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' 04" 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° 49' 13" W along the northerly line of West Broad Street a distance of 418.46 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 its various courses a distance of 375.81 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 its easterly extension a distance of 353.58 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 4.57 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 523.91 feet more or less to the southwesterly line of Oak Street;

Thence 7) Northwesterly along the southwesterly line of Oak Street a distance of 84.79 feet;

Thence 8) Northeasterly perpendicular to the southwesterly line of Oak Street a distance of 60 feet to the northeasterly line of Oak Street;

Thence 9) Northwesterly along the northeasterly line of Oak Street a distance of 22.90 feet to the southeasterly right-of-way line of Lind Street;

Thence 10) Northeasterly along the Lind Street right-of-way a distance of 293.51 feet more or less to the southwest corner of Lot 23 of the John Williams Tract;

Thence 11) Southeasterly along the southwesterly lines of Lots 23 through 7 of the John Williams Tract a distance of 688.15 feet to the southeasterly corner of said Lot 7;

Thence 12) Northeasterly along the south-

easterly line of Lot 7 a distance of 15.57 feet to a point;

Thence 13) Southeasterly along the northeasterly line of Lot R 37 as shown on a re-subdivision map of part of Township 1, Short Range of the Phelps and Gorham Purchase and filed in the Monroe County Clerk's Office in Liber 252 of maps at page 54 for a distance of 34.03 feet to an angle point in said line;

Thence 14) Continuing southeasterly along the northeasterly line of said Lot R 37 a distance of 128 feet to the westerly line of Smith Street;

Thence 15) Southwesterly along the right-of-way line of Smith Street a distance of 735 feet more or less 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 16) Northwesterly along the southwesterly line of said Lot 3 a distance of 123.25 feet to a point;

Thence 17) Northeasterly along said Lot 3 a distance of 25.50 feet to a point;

Thence 18) Northwesterly along the southwesterly line of said Lot 3 a distance of 120 feet to the southeasterly line of said Lot 2;

Thence 19) 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, or that the inclusion of parcels in the district is necessary for the effective undertaking of the urban renewal program. Designation of this area as an urban renewal area will permit clearance, planning and redevelopment activities to accomplish economic development objectives.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-222
(Int. No. 259)

Amending Ordinance No. 2003-279, Relating To The Abandonment Of A Portion Of Oak Street, Accepting Donation Of Land And Granting Easements

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

Section 1. Ordinance No. 2003-279, relating to the abandonment of a portion of Oak Street, is hereby amended by amending the description of the parcel to

be abandoned to read as follows:

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 a point in the northeasterly line of Oak Street southeasterly a distance of 22.90 feet from the intersection of the southeasterly line of Lind Street and the northeasterly line of Oak Street;

Thence 1) Southwesterly at a right angle to the northeasterly line of Oak Street a distance of 60.00 feet to the southwesterly line of Oak Street;

Thence 2) Southeasterly along the southwesterly line of Oak Street a distance of 307.01 feet more or less to an angle point;

Thence 3) Continuing southeasterly along the southwesterly line of Oak Street a distance of 516.00 feet to an angle point;

Thence 4) Southeasterly along the southwesterly street line of Oak Street a distance of 14.13 feet to the northwesterly street line of Smith Street;

Thence 5) Northeasterly along the northwesterly Street line of Smith Street a distance of 70 feet to the northeasterly line of Oak Street;

Thence 6) Northwesterly along the northeasterly line of Oak Street a distance of 523.61 feet more or less to an angle point;

Thence 7) Continuing northwesterly along the northeasterly line of Oak Street a distance of 304.42 feet more or less to the point or place of beginning.

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 June 13, 2005.

Section 3. The Council hereby approves the acceptance of an approximate 30 foot by 85 foot portion of the former Oak Street right-of-way from the Rochester Rhinos LLC. The Council hereby further approves the grant of access and utility easements over this land to the Rochester Rhinos LLC.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-223
(Int. No. 260)

Approving A Decrease In The Pavement Width Of Smith Street At Oak Street

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

Section 1. The Council hereby approves a decrease in the pavement width of Smith Street of 8 feet, from

40 feet to 32 feet, beginning 62.5 feet north of the centerline of Oak Street and extending for a distance of 125 feet southerly.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 261-A

BOND ORDINANCE OF THE CITY OF ROCHESTER, NEW YORK AUTHORIZING THE ISSUANCE OF \$75,000 BONDS OF SAID CITY TO FINANCE THE COST OF ENVIRONMENTAL CLEAN-UP AT 56 OLEAN STREET TO PROVIDE FOR HOUSING DEVELOPMENT

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the environmental clean-up of hazardous substances on a portion of the parcel of land at 56 Olean Street which the City will use for housing development (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 \$850,119. The plan of financing includes the issuance of \$75,000 bonds of the City, and said amount is hereby appropriated therefore, together with the sum of \$326,000 which is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program and the sum of \$449,119 which is hereby appropriated from 2004 HOME Program 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 \$75,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said 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 \$75,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said 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.

Item Held.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 265
Re: Rochester CityLiving Center

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation

related to the Rochester CityLiving Center. This legislation will:

1. Authorize a lease agreement with Kramer Justice LLC, for 1,250 sq. ft. of office space and 200 sq. ft. of secure storage space at 664-666 University Avenue at an annual rate of \$15,000. The space will be used to house the Rochester CityLiving Center.
2. Appropriate a total of \$65,000 for the cost of renovations, as well as rent and utilities for the first year of the lease. The renovations will be funded through a new City account, Housing Development and Management, in an amount not to exceed \$40,000. The rent and utility costs will be funded by \$18,000 from the 2005-06 Improve the Housing Stock and General Property Conditions allocation of the Community Development Block Grant and \$7,000 from the 2005-06 City Development Fund account.
3. Appropriate a total of \$75,000 for marketing city living and housing program promotion through the CityLiving Center. \$50,000 will be funded through the 2005-06 Improve the Housing Stock and General Property Conditions allocation of the CDBG, and \$25,000 will be funded through the 2005-06 City Development Fund account.

The Rochester CityLiving Center will offer information on the City's amenities, neighborhoods and available programs to assist home buyers and current home owners. The CityLiving Center will also provide home purchase grant assistance to income qualified applicants.

Term of the lease will be for three years beginning on September 1, 2005 or upon completion of the renovations of the space. The lease amount for the initial three year period will be \$12.00 per sq. ft., for a total of \$15,000 per year. The cost of utilities (gas, electric and water) is estimated to be \$10,000 per year. The cost of interior and exterior build-outs and renovation will not exceed \$40,000.

The lease will provide an option to renew for an additional three year period at an annual increase of 3%. The landlord will pay for building insurance, real estate taxes and common area maintenance. The terms of this lease were reviewed by an independent appraiser, Robert G. Pogel, whose conclusion was that the rental amount was within the market range for office space of this kind.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-78

Int. No. 265, As Amended

AUTHORIZING A LEASE AGREEMENT AND APPROPRIATING FUNDS FOR ROCHESTER CITY LIVING CENTER

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Kramer Justice LLC for 1,250 square feet of office space and 200 square feet of secure storage space at 664-666 University Avenue. The lease agreement may extend for a term of three years, with an option to renew for an additional term of three years. The City shall be responsible for rent

in the annual amount of \$15,000 for the initial term and \$16,260 during the renewal term, as well as the cost of renovations and utilities. Kramer Justice LLC shall be responsible for building insurance, real estate taxes and common area maintenance. The space will be used to house the Rochester CityLiving Center.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$65,000 for the first year, and of said amount, or so much thereof as may be necessary, \$40,000 is hereby appropriated from the [City's Housing Development and] Property Management Account for the cost of renovations, and \$18,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development [Block Grant allocation] Program and \$7,000 [is hereby appropriated] shall be funded from the 2005-06 City Development Fund [Account] for the rent and utility costs for the first year of the lease. Thereafter, rent and utility costs shall be funded from appropriations of subsequent City Development and Community Development Program Funds, contingent upon adoption of those appropriations.

Section 3. There is hereby appropriated an amount not to exceed \$75,000, and of said amount, or so much thereof as may be necessary, \$50,000 is hereby appropriated from the [City's] Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development [Block Grant allocation] Program and \$25,000 [is hereby appropriated] shall be funded from the 2005-06 City Development Fund [Account] for marketing city living and housing program promotion through the City Living Center.

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.

Bracketed material deleted; underlined material added.

Item Held.

By Councilmember Mains
July 12, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 237 - Authorizing An Agreement For The KidTech Project

Int. No. 263 - Authorizing An Agreement With Community Place Of Rochester, As Amended

The Public Services, Health & The Arts Committee recommends for Consideration the following entitled legislation:

Int. No. 238 - Authorizing An Agreement For The BEST Program

Int. No. 274 - Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Bi-Racial Partnership Program

Respectfully submitted,
Tim O. Mains
Benjamin L. Douglas
Lois J. Giess
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-224
Re: KidTech

R2010: Campaign 2 - Educational
Excellence

Transmitted herewith for your approval is legislation authorizing an agreement with the Academy for Career Development for the operation of the KidTech project. The cost of the agreement shall not exceed \$49,000 and will be funded from the General Community Needs allocation of the 2005-06 Community Development Block Grant.

The project is considered a project with matching funds and is eligible for up to five years of funding. The proposed agreement represents the third year of CDBG funding for the KidTech project. The most recent agreement for KidTech was approved by Council in July 2004.

KidTech, designed for youths of low-income families, is a program to increase access to and knowledge of computer and internet applications. Training is provided by the Academy for Career Development at six sites.

Project descriptions and budgets are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-79

Ordinance No. 2005-224
(Int. No. 237)

Authorizing An Agreement For The KidTech 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 KidTech Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$49,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-225
Re: Community Place of Rochester/
Friends & Families of Murdered
Children

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legisla-
tion related to the Friends and Families of Murdered
Children. This legislation will:

Authorize an agreement with Community Place
of Rochester to partially support the Friends &
Families of Murdered Children program. This
agreement will not exceed \$50,000, and will be
funded from the 2004-05 Undistributed Budget
(\$20,000) and the 2005-06 Budget of the Depart-
ment of Parks, Recreation and Human Services
(\$30,000). The term of this agreement will be six
months beginning August 1, 2005.

This agreement will support four consultant positions
to provide service coordination, resource develop-
ment, and administrative and court advocacy services
to the Families and Friends of Murdered Children
project and to support other expenses related to the
transition of the project to the Community Place of
Rochester. The Community Place of Rochester will
serve as the host agency for the Families and Friends
of Murdered Children project under the auspices of
a management services agreement signed by The
Community Place of Rochester and the Families and
Friends of Murdered Children's Board of Directors.

Friends & Families of Murdered Children was
established in 1994 by the City of Rochester to ad-
dress the ongoing impact of homicide and traumatic
loss in our community. The project continues to
offer immediate crisis intervention in the event of a
homicide or violent injury, and education activities
on violence and its consequences. The project will
maintain services for a minimum of 25-30 families
per year. The City's support will allow the project to
seek ongoing stable funding from a variety of sources
and to develop a service model that can be supported
on a long-term basis.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-225
(Int. No. 263, As Amended)

**Authorizing An Agreement With Community
Place Of Rochester**

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

Section 1. The Mayor is authorized to enter into
an agreement with the Community Place of Rochester
for the Friends & Families of Murdered Children
Program.

Section 2. The agreement shall obligate the City
to pay an amount not to exceed \$50,000, and of said
amount, or so much thereof as may be necessary,
\$20,000 [is hereby appropriated from the 2004-05
Undistributed Budget] ~~shall be funded from the 2004-
05 Budget for Undistributed Expense~~, and \$30,000 [is

hereby appropriated] ~~shall be funded~~ from the 2005-06
Budget of the Department of Parks, Recreation and
Human Services.

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

Section 4. This ordinance shall take effect im-
mediately.

Bracketed material deleted; underlined material
added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-226
Re: Agreement - Basic Employability
Skills Training (BEST) Program

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legisla-
tion authorizing an agreement for \$50,000 with Career
Systems Development for operation of the Basic
Employability Skills Training (BEST) program. The
project will be financed by the General Community
Needs allocation of the 2005-06 Community Develop-
ment Block Grant.

Career Systems will deliver the City of Rochester's
BEST curriculum to a total of 200 adults. The cur-
riculum addresses appearance, behavior, work, money
management and job retention.

The project is funded jointly by Rochester Works!,
Inc. (with Workforce Investment Act funds) and the
City of Rochester (with CDBG funds).

The most recent agreement for BEST was approved
by Council in July 2004.

A project description and budget are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-80

Ordinance No. 2005-226
(Int. No. 238)

**Authorizing An Agreement For The BEST
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 Career Systems Development
for the Basic Employability Skills Training (BEST)
Program.

Section 2. The agreement shall obligate the City
to pay an amount not to exceed \$50,000, and said
amount, or so much thereof as may be necessary, is
hereby appropriated from the General Community
Needs Allocation of the 2005-06 Community Devel-
opment Program.

Section 3. The agreement shall contain such ad-
ditional 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. 2005-227
Re: Bi-Racial Partnership

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the Bi-Racial Partnership program in the Sector 2 Maplewood area. This legislation will:

1. Authorize an agreement with the Center for Change, Inc. of Rochester, for \$40,000, to administer the program; and
2. Amend the 2004-05 Consolidated Community Development Plan by creating a new account for this program by transferring \$40,000 from the Neighborhood Parks/Playgrounds account of the Improve the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Block Grant.

The Bi-Racial Partnership Program was initiated in 2001 to break down walls of discrimination and prejudice in the greater Rochester community. The program pairs individuals of different races who then work together through a series of suggested activities. It began with community leaders and is now ready to be implemented at the grassroots level. The Sector 2 NET office has coordinated development of the project in the Maplewood area.

There will be two components to the program:

1. Students at John Marshall High School, where enrollment is predominately minority, will be paired with students at Aquinas Institute, where enrollment is predominately white.
2. Maplewood-area neighbors of different races.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-227
(Int. No. 274)

Amending The 2004-05 Community Development Program By Transferring Funds And Authorizing An Agreement For The Bi-Racial Partnership Program

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

Section 1. The Council hereby approves an amendment to the 2004-05 Community Development Program Plan whereby the sum of \$40,000 shall be transferred from the Neighborhood Parks/Playground Account in the Improving the Housing Stock and General Property Conditions allocation to a new account for the Bi-Racial Partnership Program in the General

Community Needs allocation.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Center for Change, Inc. to administer the Bi-Racial Partnership Program in the Sector 2 area.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2004-05 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
July 12, 2005

To the Council:

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

Int. No. 239 - Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Public Market

Int. No. 240 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Cornell Cooperative Extension

Int. No. 241 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For GPS And GIS Services

Int. No. 242 - Authorizing An Agreement With The County Of Monroe For The Collection And Disposal Of Solid Waste And Recyclable Materials

Int. No. 243 - Establishing Maximum Compensation For A Professional Services Agreement For An HVAC Study At City Buildings

Int. No. 266 - Resolution In Support Of A Grant Application By The Highland Park Conservancy To New York State

Int. No. 273 - Authorizing The Acquisition Of 15 Hebard Street And 3 Trinidad Street For Parking For The Public Market And Amending The 2004-05 Budget

The Parks, Public Works And The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 244 - Approving Changes In The Pavement Width Of Verona Street Between Morrie Silver Way And Jay Street

Int. No. 245 - Local Improvement Ordinance - Street Lighting Enhancements As A Part Of The St. Paul Street Improvement Project (Bittner Street To Mortimer Street)

Int. No. 267 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance

Of \$2,405,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

Ordinance No. 2005-228
(Int. No. 239)

Int. No. 268 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,248,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

Establishing Maximum Compensation For A Professional Services Agreement For The Rochester Public Market

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

Int. No. 269 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$234,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

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 with Joan Hildebrand for assistance with the management and operation of the Rochester Public Market. Said amount shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Int. No. 270 - Authorizing Agreements And Appropriating Funds For The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Int. No. 271 - Dedication Of Additional Parcels To Street Purposes For Atlantic Avenue Between Culver Road And North Winton Road

TO THE COUNCIL
Ladies and Gentlemen:

Int. No. 272 - Authorizing Agreements And Appropriating Funds For The Atlantic Avenue (CSX Railroad Bridge To Culver Road) Improvement Project

Ordinance No. 2005-229
Re: Cornell Cooperative Extension of Monroe County

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

R2010: Campaign 3 - Environmental Stewardship
Campaign 4 - Quality Service
Campaign 5 - Regional Partnerships

Received, filed and published.

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Cornell Cooperative Extension of Monroe County. This amendment will extend the agreement to September 25, 2005, and increase the amount by \$4,470 to a total of the \$12,415, which will be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-228
Re: Agreement - Joan Hildebrand
Rochester Public Market

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Joan Hildebrand, Rochester, NY, for assistance with the management and operation of the Rochester Public Market. The cost of the agreement will not exceed \$15,000, and will be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services. The term of this agreement will be August 1, 2005 to July 30, 2006.

Cornell Cooperative Extension (CCE) provides Nutrition Education and Environmental Education classes at City community and recreation centers, and recipe demonstrations at the Public Market. CCE has been providing these educational services to city residents for the past fifteen years. The scope of these services has recently been expanded, resulting in an increased contract amount.

A similar contract was approved by Council in October 2004. Ms. Hildebrand's duties will continue to include, but not be limited to: site management, promotion and publicity, assistance with on-going centennial events, acting as liaison with the Friends of the Market, exploring grant and funding opportunities, exploring and developing Public Market district opportunities and developing and implementing special events.

The nutritional education classes are for 6-10 year olds. Topics include: food groups, healthy snacking, food safety, and healthy life habits. Youth have the opportunity to help prepare, and then sample, healthy food.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

The environmental education classes are for children ages 6-12 and acquaint them with their surroundings through a combination of outdoor recreational and educational activities. Particular emphasis is placed on ecology and preservation of the environment. There are hands on activities weekly.

The Public Market component involves weekly cooking demonstrations showcasing fresh produce. The demonstrator is available to answer questions and to distribute recipe cards.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-229
(Int. No. 240)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
The Cornell Cooperative Extension**

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

Section 1. The sum of \$4,470, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an amendatory professional
services agreement with the Cornell Cooperative
Extension of Monroe County for nutrition and envi-
ronmental education services. Said amount shall be
funded from the 2005-06 Budget of the Department
of Parks, Recreation and Human Services.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2005-230

Re: Agreement - Geographical Information
System and Global Positioning System
Services

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation
authorizing an amendatory agreement with Mr. Jason
Wawro, Rochester, to provide technical services
related to brownfield and environmental applications
of geographical positioning systems (GPS) and geo-
graphical information systems (GIS). The maximum
cost of this amendatory agreement will be \$15,000
which will be financed from 2004-05 Cash Capital.
This will increase the total amount of Mr. Wawro's
agreement to \$25,000.

Mr. Wawro's responsibilities will include the fol-
lowing:

1. Develop, test and implement GPS and GIS applications for environmental projects and brownfield redevelopment, which will improve the efficiency and accuracy of City environmental projects and will help make decisions regarding brownfield property projects.
2. Design electronic forms for recording common environmental site activities (e.g., soil and groundwater sampling, demolitions, cleanup projects).
3. Assist in the development of a centralized electronic GIS database to store data from environmental projects.
4. Develop a program to create GIS shapefiles to assist Division of Environmental Quality staff in analyzing contaminant test results.
5. Work with DEQ to develop additional GIS data layers (e.g., waste site locations).
6. Train DEQ staff and develop operating procedure manuals.
7. Provide technical assistance to DEQ during the

demolition and clean-up phase of the 10 Felix
Street project.

Mr. Wawro is recommended for this agreement based
on the scope of his proposal, his experience with DEQ
procedures and data requirements, his knowledge of
City GPS and GIS programs, his previous work on
City brownfield projects, and cost.

This agreement will have an initial term of one year
with provisions for renewals for an additional two year
period. Adjustments during the second and third years
will be subject to the approval by the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-81

Ordinance No. 2005-230
(Int. No. 241)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
GPS And GIS Services**

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

Section 1. The sum of \$15,000, or so much thereof
as may be necessary, is hereby established as the com-
pensation to be paid for an amendatory professional
services agreement with Jason Wawro for technical
services related to brownfield and environmental
applications of geographical positioning systems
(GPS) and geographical information systems (GIS).
Said amount shall be funded from the 2004-05 Cash
Capital Allocation.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2005-231

Re: Agreement - Monroe County, Refuse
Collection Services From County
Facilities

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation
authorizing an agreement with Monroe County for
the continued collection by the City of solid waste and
recyclable materials generated by County facilities.
Such an agreement is authorized by section 110-o of
the NYS General Municipal Law.

The current agreement with the County for refuse
and recycling collection services was authorized
by Council in June 1996. Under the proposed
agreement, the City will continue to provide these
services to the County at standard City commercial
collection rates.

The proposed agreement would have a seven-year
term, through June 30, 2012.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-231

(Int. No. 242)

Authorizing An Agreement With The County Of Monroe For The Collection And Disposal Of Solid Waste And Recyclable Materials

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe whereby the City will continue to collect and dispose of solid waste and recyclable materials generated at County facilities for a term of seven years.

Section 2. The agreement shall obligate the County of Monroe to pay to the City of Rochester standard City commercial collection rates for such 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. 2005-232
Re: Agreement - Heating/Ventilation/
Air Conditioning (HVAC) Study
at Chestnut Street Firehouse and
Architectural Services/Building
Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Erdman, Anthony and Associates, Inc., for services related to an HVAC study at the Chestnut Street Firehouse, 185 North Chestnut Street, and Architectural Services/Building Services facility, 414 Andrews Street. The maximum cost of the agreement, \$45,000, will be financed from 2004-05 Cash Capital.

The Chestnut Street Firehouse, built circa 1936, is one of the oldest firehouses in the City. The facility at 414 Andrews Street houses Architectural Services, Building Services, and the City's Record Archives and was originally part of the Chestnut Street Firehouse Complex.

The consultant will be responsible for engineering studies of the HVAC systems in each facility. The studies will include engineering analysis, research of energy incentive programs and "Green Building" opportunities and schematic design .

Proposals were solicited from six engineering firms, and received from three firms. Erdman, Anthony and Associates, Inc. is recommended based on their qualifications and ability to perform the project within the City's project schedule.

The study is scheduled to be completed in the summer of 2005. It is anticipated that information gained in the study will be used for a request in future Capital Improvement Programs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-232
(Int. No. 243)

Establishing Maximum Compensation For A Professional Services Agreement For An HVAC Study At City Buildings

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

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Erdman, Anthony and Associates, Inc. for a heating, ventilation and air conditioning (HVAC) study at the Chestnut Street Firehouse at 185 North Chestnut Street and the Architectural Services/Building Services facility at 414 Andrews Street. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentleman:

Resolution No. 2005-18
Re: NY State Grant - Highland Park

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is a resolution endorsing an application by the Highland Park Conservancy for a grant from the Environmental Protection Fund of New York State to recreate the Children's Pavilion in Highland Park. Although a letter of support had already been sent, we recently learned that the terms of the grant require a formal resolution of support by the local legislative body.

As you know, Highland Park is owned by the City, although it is operated and maintained by Monroe County under a master agreement that was executed forty years ago. The community has long lamented the loss of the Children's Pavilion, a unique and wonderful architectural treasure that was a central focus within this jewel of a park. Unfortunately, neither the City nor the County has been in a financial position to rebuild the long-gone structure, but all are enthusiastic about the possibility of its replacement.

The proposed reconstruction of the Children's Pavilion will benefit not only the residents of Rochester, but also our neighbors from all the surrounding communities within Monroe County and it will further be enjoyed by the thousands of visitors who come to Highland Park for the annual Lilac Festival each May.

The specific requirements of the grant include assurances that the park and the improvements made under the grant will be maintained by the municipality in the event that the applicant cannot do so. The resolution indicates that the City will work closely with our colleagues in Monroe County and the Highland Park Conservancy to ensure that this structure will forever be maintained as a part of this vital parkland within the City.

Respectfully submitted,
Lois J. Giess

President

Resolution No. 2005-18
(Int. No. 266)

**Resolution In Support Of A Grant Application
By The Highland Park Conservancy To New York
State**

WHEREAS, the Highland Park Conservancy, a not-for-profit corporation, is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located in Highland Park, a site located within the territorial jurisdiction of the City of Rochester, and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located", and

WHEREAS, the City of Rochester has been working closely with the Highland Park Conservancy to develop a replacement for the Children's Pavilion, an historic structure that was lost many years ago,

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

Section 1. The Council hereby does approve and endorse the application of the Highland Park Conservancy for a grant under the Environmental Protection Fund for a park project known as the Highland Park Children's Pavilion located within the City of Rochester.

Section 2. Should the Highland Park Conservancy be unable to do so, said property, which is included as part of an inter-municipal agreement between the City of Rochester and Monroe County for the maintenance of major parks within the City of Rochester, shall be forever maintained within the terms of that agreement as a municipal park in this community consistent with the rules promulgated by OPRHP.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-233
Re: Acquisition - 15 Hebard Street and
3 Trinidad Street

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the acquisition of 15 Hebard Street and 3 Trinidad Street for an amount not to exceed \$250,000, and amending the 2004-05 Budget by transferring \$250,000 from Contingency to Cash Capitol to finance the acquisition. The properties, owned by 287 Bay Realty, Inc., and located on the west side of N. Union Street, will provide additional parking for the Public Market.

Renovations and management changes at the Rochester Public Market have resulted in an increase in vendors and patrons which, in turn, has created congestion. A recent survey of Market users indicates

that lack of parking is the primary detriment to further development of the market as well as the number one frustration with the market. As many as 20 vendors per Saturday are turned away due to lack of space during the peak market season; additional vendors avoid applying due to the space shortage. A shuttle has been tried to alleviate the parking shortage; however, customers laden with purchases have been reluctant to use the service.

The purchase of 3 Trinidad Street and 15 Hebard Street will provide approximately 350 parking spaces. Renovations to the parcels will include: demolition of structures, landscaping and paving. Funds for these improvements are in the process of being identified.

Addition of this new parking area will allow the conversion of 50 parking spaces within the market to vendor space, with an estimated annual revenue increase of \$40,000 to \$50,000. This project complements ongoing market revitalization efforts, economic development in the area, and the future reconstruction of Trinidad Street and the Union Street underpass. The acquisition amount of \$240,000 was established through an independent appraisal prepared by Kevin L. Bruckner, MAI. The total acquisition cost, including closing costs, will not exceed \$250,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-82

Ordinance No. 2005-233
(Int. No. 273)

**Authorizing The Acquisition Of 15 Hebard
Street And 3 Trinidad Street For Parking For
The Public Market And Amending The 2004-05
Budget**

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

Section 1. The Council hereby approves the acquisition of 15 Hebard Street and 3 Trinidad Street from 287 Bay Realty, Inc. for additional parking for the Rochester Public Market.

Section 2. The acquisitions shall obligate the City to pay an amount not to exceed \$240,000, and said amount, or so much thereof as may be necessary, and necessary closing costs not to exceed \$10,000, shall be funded from the 2004-05 Cash Capital Allocation.

Section 3. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$250,000 from the Contingency Account to the Cash Capital Allocation to fund these acquisitions.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-234
Re: Verona Street Public Improvement
Project (Morrie Silver Way-Jay Street)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation which will authorize the following pavement width changes on Verona Street:

1. A narrowing of 20 feet from 34 feet to 14 feet, beginning at Morrie Silver Way to a point 36 feet north of Morrie Silver Way;
2. Tapering from 14 feet to the existing 34 feet width from the latter point to a point 58 feet north of Morrie Silver Way;
3. Tapering from the existing 34 feet to 16 feet beginning 420 feet north of Morrie Silver Way, northerly for 20 feet;
4. Narrowing from the existing 34 feet to 16 feet beginning at the latter point for a distance of 20 feet;
5. Tapering from 16 feet to the existing 34 feet width beginning at the latter point for a distance of 20 feet;
6. Tapering from the existing 34 feet to 16 feet beginning 95 feet north of the latter point for a distance of 20 feet;
7. Narrowing from 34 feet to 16 feet beginning at the latter point northerly to Brown Street;
8. Narrowing from 38 feet to 23 feet beginning at Brown Street northerly for a distance of 35 feet;
9. Tapering from 23 feet to 32 feet beginning at the latter point northerly for a distance of 20 feet;
10. Narrowing from the existing 38 feet to 32 feet beginning at the latter point for a distance of 510 feet;
11. Tapering from 32 feet to 16 feet beginning at the latter point northerly for a distance of 20 feet; and
12. Narrowing from the existing 38 feet to 16 feet beginning at the latter point northerly to Jay Street.

These changes are part of the overall rehabilitation/reconstruction of the street and will provide traffic calming effects that have been requested by Kodak and will also benefit the stadium area. These width changes will be accomplished within the existing right-of-way.

The project is being designed by City staff and it is anticipated that the design will be completed in the fall 2005. Construction will begin in the spring of 2006 and be completed by the fall of 2006.

A public meeting was held on May 31, 2005. A copy of the minutes is attached. The pavement width changes were endorsed at the June 7, 2005 Traffic Control Board meeting.

A public hearing on the pavement width changes is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-83

Ordinance No. 2005-234
(Int. No. 244)

Approving Changes In The Pavement Width Of Verona Street Between Morrie Silver Way And Jay Street

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 Verona Street:

- 1) A narrowing of 20 feet from 34 feet to 14 feet, beginning at Morrie Silver Way to a point 36 feet north of Morrie Silver Way; and
- 2) Tapering from 14 feet to the existing 34 feet width from the latter point to a point 58 feet north of Morrie Silver Way; and
- 3) Tapering from the existing 34 feet to 16 feet beginning 420 feet north of Morrie Silver Way, northerly for 20 feet; and
- 4) Narrowing from the existing 34 feet to 16 feet beginning at the latter point for a distance of 20 feet; and
- 5) Tapering from 16 feet to the existing 34 feet width beginning at the latter point for a distance of 20 feet; and
- 6) Tapering from the existing 34 feet to 16 feet beginning 95 feet north of the latter point for a distance of 20 feet; and
- 7) Narrowing from 34 feet to 16 feet beginning at the latter point northerly to Brown Street; and
- 8) Narrowing from 38 feet to 23 feet beginning at Brown Street northerly for a distance of 35 feet; and
- 9) Tapering from 23 feet to 32 feet beginning at the latter point northerly for a distance of 20 feet; and
- 10) Narrowing from the existing 38 feet to 32 feet beginning at the latter point for a distance of 510 feet; and
- 11) Tapering from 32 feet to 16 feet beginning at the latter point northerly for a distance of 20 feet; and
- 12) Narrowing from the existing 38 feet to 16 feet beginning at the latter point northerly to Jay Street.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Improvement Ordinance No. 1552
 Re: St. Paul Street Improvement Project
 (Bittner Street to Mortimer Street)

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the St. Paul Street Public Improvement Project. The legislation will:

1. Appropriate a total of \$15,570 from the Local Improvement Fund to finance the cost of installing street lighting enhancements and authorize the subsequent assessment of this amount against the 26 properties having frontage on St. Paul Street between Bittner Street and Mortimer Street to replenish the Local Improvement fund; and
2. Authorize the establishment of a special assessment district for the 26 properties having a frontage on St. Paul Street between Bittner Street to Mortimer Street to finance the incremental costs associated with the operation and maintenance of the lighting enhancements.

As part of the overall strategy for this area of downtown, the City has been working closely with the St. Paul Street Business Association to improve the public infrastructure and the properties in this area in an effort to bringing in new business tenants and enhance the image of the district. These special assessments are in response to neighborhood petitions to install pedestrian level lighting.

Twenty of the 26 (77%) property owners with front footage within the proposed district have signed a petition supporting the creation of an enhancement assessment district. The remaining 6 property owners did not respond regarding the creation of an enhancement district.

Repayment of the cost of enhancements will occur over one year at an interest rate of 1% above the City's borrowing rate. These costs will be apportioned among the district properties. The assessment rate will be \$7.01 per foot, based on a total frontage of 2,221.25 feet.

The additional cost of the energy and maintenance associated with the enhancements will be assessed annually on a front footage basis. For the first year it is estimated that the incremental costs will be \$533, which results in a fee of \$0.24 per foot as the assessment rate.

Property Address	Front Footage
57 St. Paul Street	91.99
58-60 St. Paul Street	38
61 St. Paul Street	79
62 St. Paul Street	76.11
72-82 St. Paul Street	140.88
91 St. Paul Street	402.39
96-100 St. Paul Street	94.50
110-112 St. Paul Street	38
114-118 St. Paul Street	66
122-128 St. Paul Street	66
132-136 St. Paul Street	60.4
143-153 St. Paul Street	94.39
150-154 St. Paul Street	131.8
155-163 St. Paul Street	72.3
169-173 St. Paul Street	71.73
175-177 St. Paul Street	26.04
179-189 St. Paul Street	95

180 St. Paul Street	66.08
182 St. Paul Street	66.03
184-186 St. Paul Street	68
192-196 St. Paul Street	43.59
195 St. Paul Street	100
199-213 St. Paul Street	83.83
200 St. Paul Street	20.4
204 St. Paul Street	38.7
208-214 St. Paul Street	90

The project is being designed by the Bureau of Architecture and Engineering Services of the Department of Environmental Services. It is anticipated that construction will begin in the summer of 2005 and be completed by the fall of 2005.

The proposed changes were presented to the public at a meeting on March 28, 2005. Minutes of this meeting are attached. A public hearing on the special assessment is required.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Attachment No. AE-84

Local Improvement Ordinance No. 1552
 (Int. No. 245)

Local Improvement Ordinance - Street Lighting Enhancements As A Part Of The St. Paul Street Improvement Project (Bittner Street To Mortimer Street)

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

Section 1. The Council hereby authorizes the installation of pedestrian level street lighting enhancements along St. Paul Street, from Bittner Street to Mortimer Street. The Council further authorizes the operation and maintenance of such lighting enhancements for a period of ten years.

Section 2. The Council finds that the installation, operation and maintenance of the lighting enhancements will benefit the parcels of property fronting on St. Paul Street between Bittner Street and Mortimer Street, as follows:

Property Address	Front Footage	SBL No.
57 St. Paul Street	91.99	106.79-1-61
58-60 St. Paul Street	38	106.79-1-60
61 St. Paul Street	79	106.79-1-62
62 St. Paul Street	76.11	106.79-1-59
72-82 St. Paul Street	140.88	106.79-1-58
91 St. Paul Street	402.39	106.79-1-64
96-100 St. Paul Street	94.50	106.79-1-41
110-112 St. Paul Street	38	106.79-1-40
114-118 St. Paul Street	66	106.79-1-39
122-128 St. Paul Street	66	106.79-1-38
132-136 St. Paul Street	60.4	106.79-1-37
143-153 St. Paul Street	94.39	106.79-1-09
150-154 St. Paul Street	131.89	106.79-1-17
155-163 St. Paul Street	72.3	106.79-1-11.1
169-173 St. Paul Street	71.73	106.79-1-12
175-177 St. Paul Street	26.04	106.79-1-13
179-189 St. Paul Street	95	106.79-1-14
180 St. Paul Street	66.08	106.79-1-16
182 St. Paul Street	66.03	106.79-1-15
184-186 St. Paul Street	68	106.71-1-29
192-196 St. Paul Street	43.59	106.71-1-30

195 St. Paul Street	100	106.71-1-34
199-213 St. Paul Street	83.83	106.71-1-35.1
200 St. Paul Street	20.4	106.71-1-31
204 St. Paul Street	38.7	106.71-1-32
208-214 St. Paul Street	90	106.71-1-33

Section 3. Such parcels are hereby defined to be the Special Assessment District for the capital costs and incremental operating costs of the St. Paul Street pedestrian level street lighting enhancements. The full amount of the capital costs shall be assessed in one year, and the annual incremental operating and maintenance costs shall be assessed annually for ten years, against the parcels in the district.

Section 4. The Council finds that the installation, operation and maintenance of the lighting enhancements will benefit the parcels within the district in proportion to their front footage along St. Paul Street, and the costs shall be allocated among the parcels on that basis.

Section 5. The cost of installing the pedestrian level street lighting enhancements is estimated to be \$15,570. The incremental operating and maintenance costs are estimated to be \$533 per year, and said amount is authorized as the first-year operating assessment. Said amounts shall be charged as described hereinabove and paid from the Local Improvement Fund, and said amounts, or so much thereof as may be necessary, are hereby appropriated for this purpose.

Section 6. The special assessments shall be first billed on the annual tax bill issued after completion of the installation work.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-235, 2005-236
2005-237, 2005-238, 2005-239 And
2005-240

Re: Atlantic Avenue Improvement Project
(Culver Road to North Winton Road/
Railroad Bridge to Culver Road)

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation related to both Phase I (Culver Road to North Winton Road) and Phase II (CSX railroad bridge to Culver Road) of the Atlantic Avenue Public Improvement Project. For Phase I, Atlantic Avenue (Culver Road to North Winton Road), this legislation will:

1. Authorize the issuance of bonds totaling \$2,405,000 and the appropriation of the proceeds thereof to finance the cost of street improvements;
2. Authorize the issuance of bonds totaling \$1,248,000 and the appropriation of the proceeds thereof to finance the cost of water improvements;
3. Authorize the issuance of bonds totaling \$234,000 and the appropriation of the proceeds thereof to finance the cost of sewer improvements;
4. Authorize an agreement with FRA Engineer-

ing, P.C., 530 Summit Point Drive, Henrietta, NY 14467, for resident project representation services at a maximum cost of \$410,000;

5. Authorize an agreement with Rochester City School District (RCSD) at a maximum cost of \$116,000 and appropriate an anticipated reimbursement of these funds to finance the cost of RCSD improvements;
6. Authorize Official Map Amendments for dedication of right-of-way required for construction of the project.

For Phase II, Atlantic Avenue (CSX railroad bridge to Culver Road), this legislation will:

7. Authorize any necessary applications and agreements with the New York State Department of Transportation and Dormitory Authority of the State of New York (DASNY) for the City to participate in and administer Phase II of the project;
8. Appropriate \$600,000 of anticipated federal reimbursements to finance a portion of the construction of the Phase II improvements; and
9. Authorize an agreement with FRA Engineering, P.C., 530 Summit Point Drive, Henrietta, New York 14467, for design services for Phase II of the project in the maximum amount of \$75,000.

Phase I (Culver Road to Winton Road)

Design of the improvements by FRA Engineering, P.C. was authorized by Council in March 2004. Phase I improvements include pavement reconstruction, new stone curbing, new concrete sidewalks, driveway apron replacements, new water main including hydrant and water service, drainage improvements, street lighting upgrades, pavement markings and signalized intersection improvements, landscaping improvements and streetscape enhancements.

Design of the project was presented at public informational meetings on November 17, 2004 and February 4, 2005. Copies of the minutes are on file in the City Clerk's Office.

Bids for construction of Phase I improvements were received on June 28, 2005. The work will be performed by Sue-Perior Concrete & Paving Inc., at a cost of \$3,300,000, which is 1% less than the engineer's estimate. An additional \$460,000 (14%) will be allocated for contingencies which include street lighting costs.

Source	Construction	RPR
	Contingency	Total
Street Bond	\$1,838,820.37	\$254,077
	\$312,102.63	\$2,405,000
Water Bond	1,019,006.22	126,198
	102,795.78	1,248,000
Sewer Bond	212,723.35	0
	21,276.65	234,000
County Traffic	134,893.41	17,999
	14,107.59	167,000
RCSD		

	94,556.65	11,726
	9,717.35	116,000
Total	\$3,300,000.00	\$410,000
	\$460,000.00	\$4,170,000

The construction of the street, water and sewer improvements will be financed from the bonds authorized herein. Construction of the traffic improvements will be financed from previously appropriated anticipated reimbursements from Monroe County. Additionally, the North Winton Village Association recently obtained notification from DASNY of a \$50,000 grant to fund capital improvements to Atlantic Avenue. It is proposed that these grant funds be used to include streetscape improvements along Atlantic Avenue. Due to the timing of authorization of the grant, the City is financing the streetscape improvements, at this time, with street bond appropriations. Upon receipt, proceeds of the grant will be used in Phase II of the project to reduce the City's general debt obligation by \$50,000.

The Rochester City School District has requested recessed parking and other physical improvements to the East High School site. Construction of the recessed parking and physical improvements will be financed from reimbursements from the City School District.

FRA Engineering, P.C., 530 Summit Point Drive, Henrietta, NY 14467 was chosen for 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 services will be financed from street bond (\$254,077) and water bond (\$126,198) appropriations, 2003-04 anticipated reimbursements from Monroe County (\$17,999) and reimbursements from RCSD (\$11,726).

The Official Map Amendments requested herein provide for dedication of right-of-way along Atlantic Avenue at Culver Road and at North Winton Road. The dedication at Culver Road provides for previously constructed and proposed improvements at the intersection and the dedication at North Winton Road provides for an improved turning radius at the intersection. On June 13, 2005, the City Planning Commission recommended both dedications by a vote of 4 - 0.

Construction is expected to begin this summer and be completed in fall 2006.

Phase II (CSX railroad bridge to Culver Road)

Phase II will be implemented as a City-administered Federal-aid project for construction of the improvements. Planning and preliminary engineering for the Phase II improvements was performed by FRA Engineering, P.C. under the agreement authorized by Council in March 2004.

FRA Engineering is recommended to complete final design 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 2004-05 (\$60,000) and 2002-03 (\$15,000) Cash Capital.

It is anticipated that design will be completed in spring 2006 and that construction will begin in summer 2006 and be completed in 2007. The project features include rehabilitation or reconstruction of the pavement, intersection, drainage, curb, traffic signal, signage, sidewalk, landscaping, water system

and other improvements.

The estimated construction cost for Phase II is \$1,241,000 as described below:

<u>Atlantic Avenue (CSX Railroad bridge to Culver Road)</u>	
Federal	\$ 600,000
City	435,000
Monroe County (Traffic)	156,000
DASNY Grant	50,000
Total	\$1,241,000

Funding for the Federal portion of the construction is contained in the 2005 Federal Consolidated Appropriation. Funding for the DASNY grant is as described above. Funding for the remainder of the construction costs was planned for in the 2004-05 Capital Improvement Program.

Public hearings on the Map Amendments are required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-85

Ordinance No. 2005-235
(Int. No. 267)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$2,405,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Streets As A Part Of The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction and reconstruction of certain streets as a part of the Atlantic Avenue (Culver Road to North Winton Road) Improvement Project in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$2,405,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$2,405,000 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 \$2,405,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

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

declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

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

Passed unanimously.

Ordinance No. 2005-236
(Int. No. 268)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,248,000 Bonds Of Said City To Finance The Reconstruction Of Various Water Mains In The City Related To The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of certain water mains related to the Atlantic Avenue (Culver Road to North Winton Road) Improvement Project in the City (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,248,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,248,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,248,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,248,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the

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

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

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

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

Passed unanimously.

Ordinance No. 2005-237
(Int. No. 269)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$234,000 Bonds Of Said City To Finance The Cost Of Construction And Reconstruction Of Certain Sewer Improvements Related To The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction and reconstruction of certain sewer improvements related to the Atlantic Avenue (Culver Road to North Winton Road) Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$234,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$234,000 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 \$234,000 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 \$234,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

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

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

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

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

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

after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

Ordinance No. 2005-238
(Int. No. 270)

Authorizing Agreements And Appropriating Funds For The Atlantic Avenue (Culver Road To North Winton Road) Improvement Project

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

Section 1. The sum of \$410,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C. for resident project representation services related to the Atlantic Avenue (Culver Road to North Winton Road) Improvement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the Project. Of said amount, \$254,077 shall be funded from a Bond Ordinance for street improvements, \$126,198 shall be funded from a Bond Ordinance for water improvements, \$17,999 shall be funded from the 2003-04 Cash Capital Allocation and \$11,726 shall be funded from the appropriation made in Section 3.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester City School District whereby the School District shall pay for street improvements for the East High School site as a part of the Atlantic Avenue (Culver Road to North Winton Road) Improvement Project.

Section 3. The agreement shall obligate the School District to pay to the City an amount not to exceed \$116,000 to fund said improvements, and said amount, or so much as may be received and necessary, is hereby appropriated to fund the Atlantic Avenue (Culver Road to North Winton Road) Improvement Project.

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. 2005-239
(Int. No. 271)

Dedication Of Additional Parcels To Street Purposes For Atlantic Avenue Between Culver Road And North Winton Road

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Atlantic Avenue:

Part of 1801 East Main Street
Part of SBL # 107.79-1-32

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 easterly line of Culver Road and the northerly line of Atlantic Avenue;

Thence 1) Northeasterly along the Easterly line of Culver Road on a bearing of N 20°54'37" E a distance of 61.76 feet to a point;

Thence 2) Southeasterly through the lands of the City of Rochester (East High School) (reputed owner) on a bearing of S 19°24'48" E a distance of 27.79 feet to a point;

Thence 3) Easterly continuing through the lands of the City of Rochester (East High School) (reputed owner) on a bearing of S 87°30'21" E a distance of 285.71 feet to a point on the northerly line of Atlantic Avenue;

Thence 4) Westerly along the northerly line of Atlantic Avenue on a bearing of S 86°33'30" W a distance of 317.29 feet more or less to the point or place of beginning.

And being 5243± square feet.

Being part of the same premises acquired by the City of Rochester (East High School) situate in the County of Monroe, State of New York.

Subject to any easements or encumbrances existing or of record.

Section 2. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Atlantic Avenue:

Part of 575 North Winton Road
Part of SBL # 122.26-1-6.1

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 southerly line of Atlantic Avenue and the Westerly line of North Winton Road;

Thence 1) Southeasterly along the Westerly line of North Winton Road on a bearing of S 36°08' 12" E a distance of 13.02 feet to a point;

Thence 2) Southwesterly along the Westerly line of North Winton Road on a

bearing of S 21°00'46" W a distance of 8.66 feet to a point;

Thence 3) Northwesterly through the lands of Mobil Oil Corporation on a bearing of N 34°11'16" W a distance of 14.67 feet to a point;

Thence 4) Westerly continuing through the lands of Mobil Oil Corporation on a bearing of S 86°43'01" W a distance of 32.44 feet to a point;

Thence 5) Westerly continuing through the lands of Mobil Oil Corporation on a bearing of N 89°05'22" W a distance of 85.47 feet to a point on the southerly line of Atlantic Avenue;

Thence 6) Easterly along the southerly line of Atlantic Avenue on a bearing of N 86°43'01" E a distance of 121.72 feet more or less to the point or place of beginning.

And being 578± square feet.

Being part of the same premises acquired by Mobil Oil Corporation by a deed recorded in the Monroe County Clerk's Office on June 23rd, 1969 and filed in Liber 3991 of deeds at page 246.

Subject to any easements or encumbrances existing or of record.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-240
(Int. No. 272)

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

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

Section 1. The Council hereby approves participation by the City in the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 2. The Mayor is hereby authorized to enter into such agreements with the New York State Department of Transportation and the Dormitory Authority of the State of New York as may be necessary for the City to participate in and administer the Project.

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

Section 4. The sum of \$75,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, P.C., for design services related to the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$15,000 shall be funded from the 2002-03 Cash Capital Allocation and \$60,000 shall be funded from the 2004-05 Cash Capital Allocation.

Section 5. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$600,000, or so much thereof as may be necessary, to fund construction of the Atlantic Avenue (CSX Railroad Bridge to Culver Road) Improvement Project.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
July 12, 2005

To the Council:

The Finance & Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 246 - Cancellation Of Taxes And Charges

Int. No. 247 - Establishing Maximum Compensation For A Professional Services Agreement With General Code Publishers Relating To The Publication Of The City Charter And Code

Int. No. 248 - Authorizing An Application And Agreement For A Juvenile Accountability Block Grant

Int. No. 249 - Authorizing Agreements With The County Of Monroe For Funding For Police Services

Int. No. 250 - Authorizing An Agreement With The Town Of Irondequoit For Police Services To The Rochester Yacht Club

Int. No. 251 - Authorizing An Agreement With The County Of Monroe For Police Candidate Testing Costs

Int. No. 252 - Amending The 2005-06 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

Int. No. 253 - Establishing Maximum Compensation For A Professional Services Agreement For The 911 Call Recording System

Int. No. 254 - Establishing Maximum Compensation For Professional Services Agreements For The Emergency Training And Information Network, As Amended

Int. No. 264 Authorizing An Amendatory In Lieu Of Tax Agreement For The Crossroads Apartments - 125 St. Paul Street

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
Gladys Santiago
FINANCE AND PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-241
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 \$369,543.07. An amount of \$369,543.07 or 100.00% of the total, relates to 51 properties that were foreclosed upon by Monroe County and subsequently transferred to the City of Rochester.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$369,543.07.

	<u>Accounts</u>	<u>Amounts</u>
City Council	51	\$369,543.07
Administrative	0	
<u>0.00</u>		
Total	51	\$369,543.07

These cancellations represent .165% of the taxes receivable as of July 1, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-86

Ordinance No. 2005-241
(Int. No. 246)

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 taxes and charges in the amount of \$369,543.07 on the 51 properties transferred to the City through the County Tax Foreclosure Sale held on October 28, 2004 as per the schedule submitted herewith and on file in the Office of the City Clerk.

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. 2005-242
Re: Publication of the City Charter
and Code

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation establishing maximum compensation of \$69,465 for a three-year professional services agreement with General Code Publishers for maintenance and publication of the City Charter and Code in both paper and electronic versions. The cost of the proposed agreement will be funded from the 2005-06 and future budgets of the City Council/City Clerk (\$63,825) and the Department of Community Development (\$5,640).

The proposed agreement will provide for continued

maintenance of the Charter and Code through the preparation of new sections and amendments as approved by the City Council and signed into law by the Mayor, including both the paper and electronic versions of these volumes. As part of this agreement, General Code will continue to work with the City's Law Department to ensure that both the electronic and paper versions of the City Charter and Code accurately reflect laws as adopted.

The proposed agreement also provides for a continuation of the City's Code and Charter to be maintained on the Internet. The Internet version includes jump-links that connect web users to related City documents, such as *Rochester 2010: The Renaissance Plan*.

The agreement has a provision for the publication of pamphlets, containing reprints of specified sections of the Code, for individual departments and bureaus, the cost to be born by the offices requesting such pamphlets. In addition, the agreement provides for the printing and delivery to the City, on a quarterly basis, of all revisions to the Charter and Code.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2005-242
(Int. No. 247)

Establishing Maximum Compensation For A Professional Services Agreement With General Code Publishers Relating To The Publication Of The City Charter and Code

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

Section 1. Maximum compensation of \$69,465 is hereby established for a professional services agreement with General Code Publishers to publish the City Charter and Code of the City of Rochester and to provide for continued maintenance of the Charter and Code in paper and electronic versions. The agreement shall extend through June 30, 2008.

Section 2. Of said amount, \$21,275, or so much thereof as may be necessary, shall be funded each year from the 2005-06, 2006-07 and 2007-08 budgets of the City Council/City Clerk for supplementation services and licensing of PC Codebook and E-Code.

Section 3. Of said amount, the sum of \$5,100 shall be funded from the 2005-06 budget of the Department of Community Development for jump-link maintenance and ancillary documents, and sum of \$180 shall be funded each year from 2005-06, 2006-07 and 2007-08 budgets of the Department of Community Development for continued maintenance of the 1975 E-code.

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. 2005-243, 2005-244,
2005-245 And 2005-246

Re: Intermunicipal Agreements and Grants - Police Services

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted for your approval is legislation authorizing receipt and use of police grants and agreements for Police services as follows:

- New York State/Division of Criminal Justice Services (NYS/DCJS), Juvenile Accountability Incentive Block Grant (JABG) year 7, in the amount of \$20,109.
- Monroe County, Downtown Patrol Services 2005, in the amount of \$300,000.
- Monroe County, Firearms Instructor 2005, in the amount of \$55,675.
- Monroe County, DNA Cold Case review, in the amount of \$7,200.
- Monroe County, Tobacco Enforcement Program, in the amount of \$32,000.
- Town of Irondequoit, Response to Rochester Yacht Club.
- Monroe County Sheriff's Office, sharing of costs for psychological testing of common applicants.

Juvenile Accountability Incentive Block Grant

This JABG grant will be used to continue the Balanced and Restorative Justice, Juvenile Accountability Conferencing (JAC) project. These conferences are used to evaluate a juvenile offender's eligibility for diversion and enable the juvenile to make amends to the victim and the community, by imposing graduated sanctions. The program has one of the lowest recidivism rates in the country. The grant award of \$20,109 and 10% match are included in the 2005-06 budget. This is the 7th year of funding under this JAC program. The previous round was authorized under City Council Ordinance No. 2004-335.

Downtown Patrol Services 2005

The proposed agreement continues the program of County support for City police services to County residents. Traditionally called "Downtown Aid", it constitutes a general grant to the City of Rochester to provide police services "for such public safety services will benefit all the residents of the County including, but not limited to, those residents commuting into the City on a regular basis to their place of employment." The amount is not based on any specific level of activity or expenditure downtown or in any other area. The County's 2005 award to the City of \$300,000, is unchanged from the 2003 award. The actual cost of providing police services in the Downtown area is estimated at over five million dollars annually, thus the County award covers less than 6%. The agreement is authorized by Monroe County Legislature Resolution No. 50 of 2005, adopted February 8, 2005.

Firearms Instructor 2005

The proposed agreement provides for County reimbursement for a portion of the salary and benefits costs of one position of firearms instructor assigned

to train officers in Monroe County police agencies. The instructor, a Police Officer employed by the Rochester Police Department, is assigned 100% of the time to give range training to personnel from the Rochester Police Department, the Monroe County Sheriff's Office, and various town police departments. The amount of the reimbursement is unchanged from 2003. The agreement is authorized by Monroe County Legislature Resolution No. 49 of 2005, adopted February 8, 2005.

City Council Ordinance No. 2003-424, approved on December 29, 2003, authorized similar County Aid agreements for the 2003 calendar year; however, County funding was not provided for Downtown Patrol nor Firearms Instructors in calendar 2004. No budget amendment is required, as the services and reimbursements are included in the City budget estimates.

DNA Cold Case Review

The project represents a subcontract to the City of Rochester under a grant awarded to Monroe County by NYS DCJS under the DNA Cold Case Backlog Reduction Project. Funding will pay for investigator and officer overtime to screen old open cases that may be good candidates for the use of DNA technologies. Biological evidence from these cases would then be processed at the Monroe County Crime Lab to attempt to identify suspects. No match is required for the \$7,200 award, which expires on August 31, 2005.

Tobacco Sales Enforcement Program

This agreement will continue the program under which the Police Department will conduct inspections of licensed tobacco outlets, including cigarette vending machines, in the City of Rochester. These inspections will measure compliance with the age restrictions on tobacco sales, by utilizing underage "agents" to attempt to buy tobacco in violation of the law. RPD officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for proper documents and certificates. This agreement extends an enforcement program begun in April 1998 and most recently approved on August 25, 2004 under Ordinance No. 2004-301. Monroe County will reimburse costs, not to exceed \$32,000, for up to 400 compliance checks during the period July 1, 2005 through June 30, 2006.

Rochester Yacht Club Response

The Rochester Yacht Club on St. Paul Boulevard at the mouth of the Genesee River is partially in the City and partially in the Town of Irondequoit. This factor makes it difficult for the Emergency Communications Department to assign calls for police services to the appropriate responder. Even if an incident occurs on the City portion of the parcel, the Irondequoit police are often able to respond first. The Town of Irondequoit has agreed that in order to reduce confusion and provide a consistent response to this parcel, the Irondequoit Police Department will provide the initial response to all calls for police service at the Rochester Yacht Club.

Monroe County Sheriff's Office - Psychological Testing

Many applicants for the Rochester Police Department also apply for positions with the Monroe County Sheriff's Office. The City and the Sheriff both require applicants to undergo psychological testing through Law Enforcement Psychological Associates and the

same tests are administered to candidates for each Department. The agreement will allow candidates for both Departments to undergo the testing one time and will provide that the cost of the tests will be shared equally.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-243
(Int. No. 248)

Authorizing An Application And Agreement For A Juvenile Accountability Block Grant

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding under the Juvenile Accountability Block (JABG) Grant Program.

Section 2. The application and agreement 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. 2005-244
(Int. No. 249)

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 partial reimbursement during 2005 of the costs of police services to County residents residing or working in Rochester, and of a firearms instructor, and for funding under the DNA Cold Case Backlog Reduction Project and the Tobacco Sales Enforcement Program.

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.

Ordinance No. 2005-245
(Int. No. 250)

Authorizing An Agreement With The Town Of Irondequoit For Police Services To The Rochester Yacht Club

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Town of Irondequoit whereby the Irondequoit Police Department will provide the initial response for police service for all calls from the Rochester Yacht Club.

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.

Ordinance No. 2005-246
(Int. No. 251)

Authorizing An Agreement With The County Of Monroe For Police Candidate Testing Costs

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 the sharing of psychological testing costs of candidates who apply to the Rochester Police Department and the Monroe County Sheriff's Office.

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. 2005-247
Re: Forfeiture Funds For Greater
Rochester Area Narcotics
Enforcement Team (GRANET)

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 5 - Regional
Partnerships

Transmitted herewith for your approval is legislation authorizing appropriation of \$35,000 from Federal forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2005-06 Budget of the Police Department by its inclusion.

The appropriated funds will be used to support GRANET operations for the period July 1, 2005 through December 31, 2005. The mission of GRANET is to achieve maximum coordination and cooperation and bring to bear the combined resources of member agencies to primarily investigate mid and upper level narcotic related offenses in the greater Rochester/Monroe County area.

Under the current Memorandum of Understanding among the participating agencies, GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRANET, pursuant to forfeiture regulations of the United States Department of Justice, the United States Department of the Treasury, and the Monroe County District Attorney's Office. During its term of operation, GRANET will utilize asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. The proposed expenditures conform to the Attorney General's Guidelines for Seized and

Forfeited Property (July 1990). Salaries and overtime for participants will be paid by each officer's respective agency.

Ordinance No. 2005-248
(Int. No. 253)

The City of Rochester administers GRANET's equitable share of federal forfeiture funds, and keeps a separate accounting for these funds. The undesignated balance in the GRANET's forfeiture fund as of June 30, 2005 is approximately \$36,000. There have been no other appropriations of GRANET's forfeiture funds during 2005-06.

Establishing Maximum Compensation For A Professional Services Agreement For The 911 Call Recording System

Respectfully submitted,
William A. Johnson, Jr.
Mayor

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

Ordinance No. 2005-247
(Int. No. 252)

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Wilmac for maintenance and repair of the call recording system at the Emergency Communications Center. Said amount shall be funded from the 2005-06 Budget of the Emergency Communications Department.

Amending The 2005-06 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

Section 2. This ordinance shall take effect immediately.

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

Passed unanimously.

Section 1. Ordinance No. 2005-201, the 2005-06 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 \$35,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

TO THE COUNCIL
Ladies and Gentlemen:

Section 2. This ordinance shall take effect immediately.

Ordinance No. 2005-249
Re: Emergency Training and Information Network

Passed unanimously.

R2010: Campaign 3 - Health, Safety and Responsibility

TO THE COUNCIL
Ladies and Gentlemen:

Transmitted herewith for your approval is legislation related to the Emergency Training and Information Network (ETIN). This legislation will authorize agreements with the following:

Ordinance No. 2005-248
Re: Agreement - Wilmac, 9-1-1 Call-Recording System Maintenance

1. Post Central Inc., 170 B Linden Oaks, Rochester, to design and execute the 3D graphic visuals that end users will interact with on ETIN monitor screens. Total cost of this agreement is \$22,085.
2. WXXI, Public Broadcasting Council, 280 State Street, Rochester NY 14614, to install and implement at six sites the wireless connectivity (WI-MAX), necessary to upload documents and training files to WXXI's master server. Total cost of this agreement is \$23,500.
3. Triveni Digital Inc., 40 Washington Rd., Princeton Jct., NJ 08550 to develop, manufacture and deliver 102 digital receivers. Total cost of this agreement is \$324,119.
4. Fire and Emergency Training Network, 4101 International Parkway, Carrollton, Texas 75005, to purchase programming for content creation for use on the ETIN. Total cost of this agreement is \$10,700.

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Wilmac, 73 State Street, Rochester, for repair and maintenance of the call-recording system at the emergency communications center. The cost of this agreement will not exceed \$25,000, which will be financed from the 2005-06 budget of the Emergency Communications Department. The cost will be reimbursed by Monroe County under the 9-1-1 operating agreement authorized by Council in 1994.

Funds for these agreements are part of a grant from the Department of Homeland Security, Federal Emergency Management Agency that was included in Ordinance No. 2004-377, approved by Council in November, 2004.

The call-recording system for the emergency communications center was installed by Wilmac in August 2004 under an agreement with Monroe County, which had responsibility for the provision of all telecommunications equipment and systems for the center.

The network will provide secure, timely and continuous training and information to over 102 emergency responder agencies and hospitals with the potential to link jurisdictions nationwide to a single point of distribution for Metropolitan Medical Response System training and information. Users will have access

Wilmac will provide the annual maintenance and repair services for the call-recording system at the 9-1-1 Center. Services will include inspection, any necessary repairs, software upgrades and parts replacements. The term of this agreement will be for one year.

Respectfully submitted,
William A. Johnson Jr.
Mayor

to a library containing multi-disciplinary and agency specific training tools and information.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-249
(Int. No. 254, As Amended)

Establishing Maximum Compensation For Professional Services Agreements For The Emergency Training And Information Network

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

Section 1. The sum of \$22,085, 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 Post Central Inc. to design and execute three dimensional graphic visuals for the Emergency Training and Information Network monitor screens. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department.

Section 2. The sum of \$23,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and WXXI Public Broadcasting Council to install and implement at six sites the wireless connectivity (WI-MAX) necessary to upload documents and training files to WXXI's master server for the Emergency Training and Information Network. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department.

Section 3. The sum of \$324,119, 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 Triveni Digital Inc. to develop, manufacture and deliver digital receivers for the Emergency Training and Information Network. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department.

Section 4. The sum of \$[10,700] 14,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Fire and Emergency Training Network for programming for content creation for use on the Emergency Training and Information Network. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department.

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-250
Re: Payment In-Lieu-of Taxes (PILOT)
Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith is legislation extending, retroactively, a Payment in-Lieu-of Taxes (PILOT)

agreement with Rural Housing Action Corporation (RHAC) for the Crossroads Apartments at 125 St. Paul Street until 2017.

In 1975, the City sold a parcel of land to Crossroads Apartments, Inc., an affiliate of the Wilmorite Corporation. Crossroads Apartments Inc., built the 519-unit Crossroads Apartment facility on the parcel and entered into a PILOT agreement with the City that required the payment of 10% of shelter rents for a 30 year term (to have ended in 2005). The City also obtained the right to grant or withhold consent for any assignment of the PILOT to another entity.

In 1988, the City granted its consent for the conveyance of title on the apartment building and assignment of the PILOT to Crossroads Apartments Associates, another Wilmorite Associate. In this transaction, the payments were increased from 10% to 13% of shelter rents. The length of the PILOT agreement was shortened to a 1998 termination.

In 1994, Wilmorite sold the apartment building to Rural Housing Action Corporation, a not-for-profit affiliate of Rural Opportunities, Inc. (ROI). The City, via Ordinance No. 94-318, approved the assignment of the PILOT to RHAC, with key terms unchanged (13% of shelter rents, 1998 expiration).

In December of 1994, the Mayor signed an extension of the PILOT, making its new expiration 2017. This extension was not presented to Council for its consideration / approval, and arguably the PILOT expired in 1998. That notwithstanding, RHAC has continued to make its scheduled PILOT payments and otherwise behaved as if the PILOT remained in full force and effect. It is the omission of Council approval that this proposed legislation is intended to correct.

In 2004, RHAC, and its affiliate ROI, officials requested a reduction in shelter rent payments from the current 13% level to the original 10% level, which will result in an annual revenue loss of \$140,000. They cite dramatic increases in insurance costs (from \$70,000 per year to \$220,000, post-September 11, 2001) and a five-year freeze on rent subsidy cost-of-living increases by the U.S. Department of Housing and Urban Development as justifications for this reversion. They also note that 10% is normal and customary for many shelter rent-derived PILOTS administered by the City.

In the absence of the reduction, RHAC / ROI cannot commit to continuing ownership and management of the facility. Under the terms of the 1994 sale agreement, ownership of the facility is then likely to revert back to Wilmorite or an affiliate. If the extension is approved by the Council, the Administration intends to grant the requested 10% of shelter rents as the basis of PILOT payments.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-250
(Int. No. 264, As Amended)

Authorizing An Amendatory In Lieu Of Tax Agreement For The Crossroads Apartments - 125 St. Paul Street

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement for in-lieu-of

tax payments relating to the Crossroads Apartments, 125 St. Paul Street. The amendatory agreement shall retroactively extend the term of the prior agreement and shall provide prospectively for a decrease in in-lieu- of tax payments made to the City from 13% to 10% of the shelter rent derived from the apartment building. Such payments shall extend until [2017] 2045, after which the apartments shall be subject to full taxation.

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.

Bracketed material deleted; underlined material added.

Passed unanimously.

The meeting was adjourned at 8:50 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

REGULAR MEETING
AUGUST 9, 2005

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence in Remembrance of Deputy Mayor Jeffrey T. Carlson

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

Recognition Ceremonies:

Tiffany Torres - Miss Puerto Rico 2005

Retirements:

RPD

*John Dianni

Library

Tamara Strubel

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Douglas

RESOLVED, that the minutes of the Regular Meeting of July 12, 2005 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 Er-
 roneous Taxes and Charges 3810-7
 Quarterly Reports
 Delinquent Receivable 3811-7
 General Liability Claims & Workers Com-
 pensation 3812-7
 Public Disclosure - CDBG Participation 3813-
 7

THE COUNCIL PRESIDENT - PRESENTATION
 AND REFERENCE OF PETITIONS AND RE-
 MONSTRANCES.

1. Moratorium on filling subway bed, from Chill
 The Fill Petition No. 1609
2. Public safety on Portland Avenue Petition No.
 1610

THE COUNCIL PRESIDENT - RECEIVED AND
 FILED.

PUBLIC HEARINGS

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

Amending The 2004-05 Community Development
 Program Plan By Transferring Funds And Authorizing
 An Agreement For The Landscape Technician Project
 Int. No. 284 No speakers

Approving A Change In Traffic Flow On Irving
 Place From One-Way Northbound To One-Way
 Southbound Int. No. 293 No speakers

REPORTS OF STANDING COMMITTEES
 AND ACTION THEREON

By Councilmember Norwood
 August 9, 2005

To the Council:

The Housing And Economic Development Commit-
 tee recommends for Adoption the following entitled
 legislation:

Int. No. 275 - Authorizing The Sale Of Real Es-
 tate

Int. No. 276 - Appropriating Funds And Authoriz-
 ing Agreements For The Neighbors Building Neigh-
 borhoods Program

Int. No. 277 - Authorizing An Agreement For
 Housing Development Services

Int. No. 278 - Authorizing Agreements And Appro-
 priating Funds For The Rehab Rochester Program

Int. No. 279 - Appropriation Of Funds - Homebuyer
 Assistance Program

Int. No. 280 - Establishing Maximum Compensa-
 tion For A Professional With The Services Agreement With The
 Rochester Regional Community Design Center And
Amending The 2005-06 Budget, As Amended

Int. No. 281 - Amending The 2005-06 Budget For
 The Design Intern Program

Int. No. 282 - Establishing Maximum Compensa-
 tion For An Amendatory Professional Services

Agreement With The Rochester Broadway Theater
 League

Int. No. 283 - Authorizing An Agreement For An
 Aging In Place Summit

The Housing And Economic Development Committee
 recommends for Consideration the following entitled
 legislation:

Int. No. 284 - Amending The 2004-05 Community
 Development Program Plan By Transferring Funds
 And Authorizing An Agreement For The Landscape
 Technician Project

Respectfully submitted,
 Wade S. Norwood
 William F. Pritchard
 Adam C. McFadden
 Gladys Santiago
 HOUSING AND ECONOMIC DEVELOPMENT
 COMMITTEE

Received, filed and published.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-251
 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

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

Property Sales

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

The next property is a vacant lot that was sold at 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 purchaser's
 adjoining church.

The next property is being sold to the former owner.
 The purchase price includes all delinquent taxes,
 interest and penalties.

The last property is a vacant lot that is being sold to
 Flower City Habitat for Humanity for its appraised
 value. The parcel will accommodate the construction
 of a single family structure that will be subsequently
 sold to a family with a household income not to
 exceed 60% of the median family income for the
 Rochester area.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-87

Ordinance No. 2005-251
(Int. No. 275)

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	Lot Size	Legal Use	Price
S.B.L.#	Purchaser		
353 Champlain St. 120.59-2-83	33x141	2 Family	\$ 6,800
207 Colvin St. 120.33-2-19	34x80	1 Family	5,300
194 Conkey Ave. 106.21-3-22	36x140	1 Family	3,100
324 Conkey Ave. 091.77-3-25	40x125	1 Family	1,900
142 Cottage St. 135.28-1-65	32x100	1 Family	3,400
387 Hawley St. 120.75-2-24	33x145	1 Family	4,600
28-30 Lee Pl. 121.69-2-31&30	69x83	1 Family	3,700
74 Millbank St. 135.26-3-40	43x90	1 Family	23,000
54 Waverly Pl. 121.37-1-65	78x114	2 Family	14,800

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

Address: 345 Wilder St.
S.B.L.#: 120.26-2-16
Lot Size: 38x165
Price: \$500
Purchaser: Light of the World Assembly of God*

*Officer: Rev. Luis D. Hernandez

Section 3. The Council hereby further approves the sale of the following parcel of improved property by former owner sale:

Address: 1035 Hudson Ave.
S.B.L.#: 091.73-1-71
Lot Size: 33x110
Price: \$3,692.23
Purchaser: Gregory W. Moorehead, Jr.

Section 4. The Council hereby further approves the negotiated sale of the following parcel of vacant land with proposal:

Address: 60 Jefferson Ave.
S.B.L.#: 120.36-01-79
Lot Size: 40x122
Price: \$425
Purchaser: Flower City Habitat for Humanity**

**Officers: Dick Sprenkle, Musette Castle, Donna Murano, Bill Mason, Arthur Woodward

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. 2005-252
Re: Neighbors Building Neighborhoods

R2010: Campaign 1 - Involved Citizens

Transmitted herewith for your approval is legislation appropriating \$100,000 from the Support the Neighbors Building Neighborhoods allocation from the 2003-04 Community Development Block Grant, and authorizing agreements to implement the Community Leadership Development Program.

The \$100,000 will be used as follows:

- \$50,000 for the Sector planning committees;
- \$25,000 for NBN promotion and advertising for the sectors; and
- \$25,000 for the Community Leadership Development program.

The NBN planning process, initiated in 1993, resulted in the development of 10 unique sector plans outlining community goals, strategies and action plans. In the current NBN4process, the sector committees continue to implement their plans and engage in an evaluation of the entire NBN process. Over the last ten years, sector committees have participated in several planning sessions to update the plans. Since the inception of NBN an average of 76% of each plan's activities have been completed. Approximately 80% of the NBN3 activities have been reported as completed.

The proposed appropriation will be used to support the continuation for implementation of projects and activities in the Sector Action Plans for which other resources are not available and the marketing of these NBN activities, including administrative costs related to NBN committees (meetings, food, postage etc.), NBN NeighborLink Network Site support and materials (paper, printer cartridges, Internet services) and funding.

The Community Leadership Development Program is being developed in collaboration with the Rochester Institute of Technology, Monroe Community College and other community partners. Nine customized training modules are designed to teach grassroots leaders and citizens basic leadership principles. The program focuses on: Strategies and techniques to address vital community issues; state-of-the-art community planning tools; and best practices in community-building efforts. The program is expected to begin in March 2006.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AE-88

Ordinance No. 2005-252
(Int. No. 276)

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 2003-04 Community Development Program the sum of \$100,000, 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. 2005-253
Re: Urban League Economic Development Corporation (ULREDC)

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 (ULREDC) for the continued provision of housing development services; and appropriating \$85,000 from the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Block Grant to fund the agreement.

Below is a summary of ULREDC activities for the period of July 2004 to April 2005.

	Goal	Actual
HOME Rochester houses rehabilitated	18	24
New houses constructed	10	1
Rental projects developed	2	2
Projects planned/researched	2	3
Rental units managed	51	94

Activities proposed for 2005-06 are:

1. Home Rochester - Rehabilitate 30 structures.
2. Rental Development - Develop a minimum of two rental projects and seek funding to develop at least one additional project.
3. Technical Assistance - Provide technical assistance to non-profits as necessary.

4. Projects Planned/Researched - Continue project planning/research: two minimum.

5. Property Management - Continue to manage the ULREDC rental properties.

The City has provided funding for these services since 1994. The most recent appropriation for the continuation of these services by the ULREDC was authorized in June 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-253
(Int. No. 277)

Authorizing An Agreement For Housing Development Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Urban League of Rochester Economic Development Corporation for the continued provision of housing development services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$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 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-254
Re: Rehab Rochester Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the 2005-06 Rehab Rochester Program. This legislation will:

1. Appropriate a total of \$2,319,073 from the following sources to finance Rehab Rochester:
 - a. \$272,600 from Improving the Housing Stock and General Property Conditions (Rehab Rochester) allocations of the CDBG: \$189,900 (2005-06), and \$82,700 (2003-04).
 - b. \$2,046,473 from the HOME Program (Rehab Rochester allocation): \$400,000 (2005-06); \$410,073 (2004-05); \$10,400 (2002-03); \$1,226,000 (2003-04).
2. Authorize any agreements necessary to implement the program.

The Rehab Rochester Program provides grants to income-eligible households for the rehabilitation of owner-occupied, one and two-family houses. Households with incomes not exceeding 60% of the median family income (MFI) are eligible to participate.

In the past, grants of up to \$24,000 have been awarded. This appropriation will be used to provide grants of up to \$40,000 per structure, which will allow for increased costs of rehab due to lead paint remediation. Combined with \$565,000 of unexpended resources from the NY State Affordable Housing Corporation, a minimum of 72 households can be assisted.

The most recent CDBG and HOME appropriations for the program were approved by Council in June 2003 and October 2002. During 2003-04 and 2004-05, 86 and 46 properties, respectively, were included. The decrease was a result of funding and staff commitments made to the City LEAD (Lead: Educate, Assess, Decrease) Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-254
(Int. No. 278)

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. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program the sum of \$189,900, from the Improving the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Program the sum of \$82,700, from 2005-06 HOME Program funds the sum of \$400,000, from 2004-05 HOME Program funds the sum of \$410,073, from 2003-04 HOME Program funds the sum of \$1,226,000, from 2002-03 HOME Program funds the sum of \$10,400, or so much thereof as may be necessary, to fund the Rehab Rochester Program.

Section 2. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Rehab Rochester 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. 2005-255
Re: Homebuyer Assistance Program

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation appropriating \$300,000 from the 2004 HOME Program to finance the continuation of the Homebuyer Assistance Program, and authorizing any necessary

agreements for program implementation.

The Homebuyer Assistance Program provides financial assistance of up to \$6,000 to families with low or moderate incomes who purchase houses through the City's Housing Initiative, as described in the Consolidated Community Development Plan. The financial assistance may be used for closing costs and/or a down-payment.

A recipient is required to provide a five-year promissory note. If the recipient continues to reside in the house and the property is not resold during this period, the note expires.

Since the inception of the program in September 1993, \$2,823,168 has been disbursed or committed to 524 homebuyers. The total unencumbered balance of prior appropriations is \$142,173; of this amount, \$27,397 is limited to households whose income is between 80% and 100% of Median Family Income (MFI) for the Metropolitan Statistical Area.

The most recent HOME appropriation for the continuation of the program was in July 2004 for \$300,000 for buyers whose incomes do not exceed 80% of MFI.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-255
(Int. No. 279)

Appropriation Of Funds - Homebuyer Assistance Program

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

Section 1. The sum of \$300,000, or so much thereof as may be necessary, is hereby appropriated from 2004 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. 2005-256
Re: Rochester Regional Community Design Center

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Regional Community Design Center (RRCDC), 1115 East Main Street, in an amount not to exceed \$120,000 to undertake community design related services, and appropriating \$120,000 from the Undistributed Expense Allocation of the 2005-06 Budget.

The Design Center has functioned as a volunteer organization, with the recent addition of a part-time director, and provides design promotion, consultation and assistance to community organizations. Past and current activities include: facilitating charrettes (e.g., St. Paul, Winton East, South Clinton), development of design education and training programs for City and County planning boards and staff, and promoting the value of good design through presentations and events such as the annual Design Matters programs.

This agreement with the Design Center will help the transition from a part-time Center to a full service, full-time Center offering expanded services to citizens, community organizations and governmental agencies in the Rochester community. Programs anticipated to be enhanced or developed include:

1. Community Charrettes - Expanding the number of events the Center will be able to assist as well as development of expanded reports and implementation strategies;
2. Community design grants - Actively pursuing outside funding sources for Center and community projects and programs and providing design feasibility services and grants to community organizations considering community improvement projects;
3. Urban design awards program - collaborating with other design professions and community organizations in recognizing, promoting and celebrating quality public and private projects;
4. Preservation arts program - Developing programs through the School of The Arts and other area institutions that promote the importance and value of preserving the quality of our historic built environment;
5. Public realm training programs - working with local staff, boards and commissions to develop informational materials and programs supporting development of a quality and livable public realm (streets, walkways, and parks);
6. Promoting good design - Continuing and expanding public information programs such as the Design Matters events.

The Design Center will also be developing funding models and sources for the long term sustainability of the Center as a public service organization. Attached is a list of staff and board members.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-89

Ordinance No. 2005-256
(Int. No. 280, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Regional Community Design Center And Amending The 2005-06 Budget

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

Section 1. The sum of \$120,000, or so much thereof as may be necessary, is hereby established as

the compensation to be paid for a professional services agreement between the City and the Rochester Regional Community Design Center for community design services. Said amount shall be funded from the 2005-06 Budget [for Undistributed Expense] of the Department of Community Development.

Section 2. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$120,000 from the Contingency Account to the Department of Community Development to fund this agreement.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously,

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-257
Re: Design Intern Program

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation appropriating \$15,500 from the 2005-06 Support Neighbors Building Neighborhoods Design Center allocation of the Community Development Block Grant to support the Design Intern Program, and amending the 2005-06 Budget to reflect this appropriation.

The Design Intern Program, initiated in 2004-05, and operated through the Department of Community Development, Bureau of Planning, recruits and hires college students and recent graduates in the design profession. Interns work on design projects associated with Neighbors Building Neighborhoods, Center City, waterfront development, and historic preservation plans in support of the Rochester 2010 comprehensive plan.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-257
(Int. No. 281)

Amending The 2005-06 Budget For The Design Intern Program

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

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$15,500 to fund the design intern program in the Bureau of Planning, which amount is hereby appropriated from the Neighbors Building Neighborhoods Allocation of the 2005-06 Community Development Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-258
Re: Agreement - High Falls Festival
Management

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legisla-
tion authorizing an amendatory agreement with the
Rochester Broadway Theatre League d/b/a High
Falls Festival Management, Rochester, for continued
management services for City-sponsored events at the
High Falls Festival Site. The original agreement for
\$10,000 was initiated on April 1, 2004.

This legislation will increase the amount of the agree-
ment by \$14,000 to a total of \$24,000. This increase
will be funded from the Rochester Events Network
Trust Fund (\$10,000) and the 2004-05 Budget of the
Office of the Mayor (\$4,000).

The additional funding will support two additional
City-sponsored events: A concert in conjunction
with WDKX radio, and the Pathways to Peace
"Peacefest".

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-258
(Int. No. 2005-282)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement
With The Rochester Broadway Theatre League**

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

Section 1. The sum of \$14,000, 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, d/b/a
High Falls Festival Management, for the management
of City-sponsored events at the High Falls Festival
Site. Of said amount, \$4,000 shall be funded from
the 2004-05 Budget of the Office of the Mayor and
\$10,000 is hereby appropriated from the Rochester
Events Network Trust Fund.

Section 2. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-259
Re: Aging In Place Summit -
Appropriation and Agreement

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation
authorizing an agreement with Green Village Consult-
ing of Rochester (principal, Evan Lowenstein) for
the design, planning, promotion and implementation

of an "Aging In Place" Summit; and appropriating
\$18,000 from the Improve the Housing Stock and
General Property Conditions allocation (Aging in
Place account) of the 2005-06 Community Develop-
ment Program to fund the agreement.

Rochester is one of ten cities participating in a national
initiative, "Aging in Place", hosted by the Partners
for Livable Communities and National Association
of Area Agencies on Aging. This is a community
engagement process, and is focused on improving
opportunities for elderly residents to maintain a com-
munity base and stay in their own homes.

The summit, to be held in Rochester in October 2005,
will bring together community stakeholders to discuss
the issues of aging-in-place housing, and to develop
goals and strategies for creating viable housing pro-
grams to increase options to allow individuals to
continue living in their homes as long as possible.

The requested funds will be used to cover the services
of Green Village Consulting as follows:

Coordination	\$ 4,500
Speakers	4,000
Facility/Refreshments/Luncheon	4,000
Promotion and Outreach	3,000
Other and Contingency	2,500
Total	\$18,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-259
(Int. No. 283)

**Authorizing An Agreement For An Aging In
Place Summit**

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 Green Village Consulting for
the design, planning, promotion and implementation
of an Aging in Place Summit.

Section 2. The agreement shall obligate the City
of Rochester to pay an amount not to exceed \$18,000,
and said amount, or so much thereof as may be nec-
essary, is hereby appropriated from the Improving
the Housing Stock and General Property Conditions
allocation of the 2005-06 Community Development
Program.

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

Section 4. This ordinance shall take effect im-
mediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas
McFadden, Mains, Norwood, Pritchard, Santiago,
Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-260

Re: Landscape Technician Project

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation relating to the Consolidated Community Development Program/2004-05 to support the Landscape Technician Project for Sector 10. This legislation will:

1. Amend the 2004-05 Consolidated Community Development Program/Annual Action Plan by transferring \$18,000 from the Improve the Housing Stock and General Property Conditions, Neighborhood Parks and Playground, to the Landscape Technician Project.
2. Appropriate \$18,000 from the 2004-05 Community Development Block Grant to partially support the Northeast Block Club Alliance (NEBCA) Landscape Technician Project.
3. Authorize an agreement with NEBCA to implement the program.

NEBCA is collaborating with the Rochester Landscape Technicians Program, a workforce preparation program. NEBCA will recruit 15 youth and provide them with work experience and classroom instruction. Work experience will include gardening, landscaping, and record keeping; classroom time will be devoted to workforce preparation skills such as interviewing and career planning.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-260
(Int. No. 284)

Amending The 2004-05 Community Development Program Plan By Transferring Funds And Authorizing An Agreement For The Landscape Technician Project

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

Section 1. The Council hereby approves an amendatory 2004-05 Community Development Program Plan whereby the sum of \$18,000 shall be transferred from the Neighborhood Parks/Playground Account in the Improving the Housing Stock and General Property Conditions allocation to a new account in the General Community Needs allocation for the Landscape Technician Project.

Section 2. The Mayor is hereby authorized to enter into an agreement with the North East Block Club Alliance for the Landscape Technician Project.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$18,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs Allocation of the 2004-05 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Mains
August 9, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 285 - Authorizing Agreements For The Clarissa Street Reunion And Amending The 2005-06 Budget

Respectfully submitted,
Tim O. Mains
William F. Pritchard
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-261
Re: Clarissa Street Reunion

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation related to the Clarissa Street Reunion. This legislation will:

1. Authorize an agreement with the NYS Department of State for the receipt of a \$5,000 grant;
2. Authorize an agreement with the Clarissa Street Reunion committee for use of these funds; and
3. Amend the 2005-06 Budget of Parks, Recreation and Human Services to reflect the receipt and use of the grant.

The Clarissa Street Reunion has taken place annually for the past ten 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 festival's six blocks lure former residents back "home".

The \$5,000 grant was included in the 2005-06 NYS Budget through the efforts of Assemblyman David Gantt.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-261
(Int. No. 285)

Authorizing Agreements For The Clarissa Street Reunion And Amending The 2005-06 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State

Department of State for funding for the Clarissa Street Reunion.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Clarissa Street Reunion Committee for the Clarissa Street Reunion.

Section 3. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$5,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Section 4. Ordinance No. 2005-201, the 2005-06 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 \$5,000, 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.

By Councilmember Stevenson
August 9, 2005

To the Council:

The Parks, Public Works And The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 286 - Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Extension Of River Street

Int. No. 287 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,920,000 Bonds Of Said City To Finance The Cost Of The Replacement Of A Portion Of City Water Supply Conduit 1

Int. No. 288 - Establishing Maximum Compensation For A Professional Services Agreement For Architectural Engineering Services For Operations Center Building 100

Int. No. 289 - Authorizing An Agreement For Operation Of The Court Street Parking Garage

Int. No. 290 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Resident Project Representation Services For The South Avenue Garage Rehabilitation Project

Int. No. 291 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$6,500,000 Bonds Of Said City To Finance The Cost Of The Construction Of Structural Improvements To The South Avenue Parking Garage Within The City

Int. No. 292 - Authorizing An Agreement With The City School District For The Joint Use And Maintenance Of Facilities

Int. No. 299 - Establishing Maximum Compensation For An Agreement And Appropriating Funds for

The Genesee Riverway Trail Project

Int. No. 300 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$1,074,000 Bonds Of Said City To Finance The Cost Of The Construction Of A Portion Of The Genesee Riverway Trail From Turning Point Park To Petten Street Within The City

The Parks, Public Works And The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 293 - Approving A Change In Traffic Flow On Irving Place From One-Way Northbound To One-Way Southbound

Respectfully submitted,
Robert J. Stevenson
Adam C. McFadden
Gladys Santiago
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-262
Re: Port of Rochester Harbor Improvement
Project River Street Extension

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an agreement with LaBella Associates not to exceed \$130,000 for design of the extension of River Street into the Port area. The agreement will be financed from previously appropriated New York State multi-modal reimbursements (Ordinance No. 98-379), a portion of which was reserved for this purpose.

As a part of the Port of Rochester Harbor Improvement Project, River Street will be extended from its existing end, just north of Latta Road, to North River Street, which begins at Portside Drive and extends to Ontario Beach Park. Upon completion, River Street, from Stutson Street to Portside Drive will be dedicated as public right-of-way and will be renamed North River Street.

This project will require modifications to the existing Monroe County boat launch. The design of the boat launch modifications must provide for replacement in-kind of any displaced parking capacity. LaBella Associates will prepare alternative configurations to accommodate displaced parking. The River Street extension improvements will include new pavement, granite curbs, catch basins, concrete sidewalks and driveway aprons. Street lighting and streetscape features will be consistent with the Harbor Village Planning District. New water and sewer improvements are also proposed.

Preliminary design of the River Street Extension was prepared by LaBella Associates, the same firm hired to do preliminary design for the entire Port of Rochester Harbor Improvement Project. They were selected for the boat launch modifications design and final design of the River Street extensions based on their familiarity with the project and their ability to perform the services within the time period specified by the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

William A. Johnson, Jr.
Mayor

Attachment No. AE-90

Attachment No. AE-91

Ordinance No. 2005-262
(Int. No. 286)

Ordinance No. 2005-263
(Int. No. 287)

Establishing Maximum Compensation For A Professional Services Agreement For Design Services For The Extension Of River Street

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$1,920,000 Bonds Of Said City To Finance The Cost Of The Replacement Of A Portion Of City Water Supply Conduit 1

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

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

Section 1. The sum of \$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 LaBella Associates for design services for the extension of River Street into the Port Area as a part of the Port of Rochester Harbor 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 the appropriation made in Section 3 of Ordinance No. 98-379.

Section 1. The City of Rochester, in the County of Monroe, New York (herein called the "City"), is hereby authorized to finance the cost of the replacement of approximately 14,300 feet of City water supply Conduit 1 in the Towns of Rush and Mendon, New York (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 \$1,920,000. The plan of financing includes the issuance of \$1,920,000 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. This ordinance shall take effect immediately.

Section 2. Bonds of the City in the principal amount of \$1,920,000 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.

Passed unanimously.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,920,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

TO THE COUNCIL
Ladies and Gentlemen:

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.

Ordinance No. 2005-263
Re: Conduit Modernization Project

- R2010: Campaign 4 - Environmental Stewardship
- Campaign 5 - Regional Partnerships
- Campaign 7 - Quality Service

Transmitted for your approval is legislation authorizing the issuance of bonds totaling \$1,920,000 and appropriating the proceeds thereof to finance the replacement of 14,300 feet of 24" diameter water supply Conduit 1.

This section of Conduit 1 is located in the Towns of Rush and Mendon. It is 131 years old and has required a higher than normal level of maintenance. A portion of the replacement conduit will occupy a new alignment within Monroe County's Lehigh Valley Linear Trail (LVLTL). The County will provide a permanent easement to the City within the LVLTL, authorized by Ordinance No. 2005-8. The proposed LVLTL alignment offers several advantages over the original alignment, including mitigation of environmental impacts, reduction in permitting requirements and improved access for maintenance.

Bids for construction were received on July 14, 2005. The work will be performed by Villager Construction, Inc. at a cost of \$1,598,185. An additional \$321,815 will be allocated for contingencies and materials testing. The requested bonding is consistent with the 2001-02 and 2002-03 Capital Improvement Plan.

Construction is expected to begin this fall and be completed next summer. The Monroe County Water Authority is expected to reimburse the City for 54% of the cost of this work.

Respectfully submitted,

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

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:
Ordinance No. 2005-264
Re: Vehicle Maintenance Facility -
Building 100 Improvements

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with smith + accordo Architects, Pittsford, NY, for architectural engineering services related to improvements at the City's Operations Center Building 100, 945 Mt. Read Boulevard. The maximum cost of the agreement will be \$33,000 which will be financed from 2001-02 Cash Capital.

Building 100, built in the early 1980s, houses the vehicle maintenance operations including tire, welding, light and heavy equipment shops, stockroom and general offices. Currently, two control centers lead to inefficiencies in staffing; the parking area for vehicle drop off is not adequate with little security for vehicles; and there is no customer waiting area. This project will address these problems. The esti-

mated cost for construction of the improvements is \$270,000.

Proposals were solicited from four firms, and received from two. smith + accordo Architects is recommended based on their qualifications and ability to complete the work within our timeline.

Design is scheduled to begin in the fall of 2005. Construction is scheduled to begin in Spring 2006 and be completed in Summer 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-264
(Int. No. 288)

Establishing Maximum Compensation For A Professional Services Agreement For Architectural Engineering Services For Operations Center Building 100

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

Section 1. The sum of \$33,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Smith & Accordo Architects for architectural engineering services for improvements to Operations Center Building 100 at 945 Mt. Read Boulevard. 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 2001-02 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-265
Re: Court Street Parking Garage
Agreement

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Pro Park, LLC for the operation of the Court Street Parking Garage.

In June 2005, the Municipal Parking Division solicited proposals from six parking companies for operation of the garage. Proposals from three companies were received with annual remittances of net revenue as follows:

Current Net Revenue:

<u>Company</u>	<u>Estimated</u>	<u>Estimated</u>
<u>Percentage</u>	<u>Net Revenue</u>	<u>Return to City</u>
Pro Park, LLC	\$1,167,113	\$601,180
51.51%		

Proposed Net Revenue:

<u>Company</u>	<u>Estimated</u>	<u>Estimated</u>
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Percentage	Net Revenue	Return to City
Pro Park, LLC		
54.275%	\$1,180,928	\$640,949
Central Parking System		
50.0%	1,239,851	619,925
Home Leasing, LLC		
40.7%	1,131,311	460,444

Proposals were reviewed according to the following criteria: Completeness of proposal; relevant experience, qualifications of key personnel; financial condition of company; plans for customer service, special events, security, staffing, and quality assurance; and proposed return to the City.

Pro Park received the highest rating.

Pro Park currently operates three parking garages (Court Street, East End, and Sister Cities) and one parking lot (Plymouth Avenue) for the City. This agreement will be for two years, beginning September 1, 2005, with two one-year renewal options.

Pro Park will provide full-time managers and all personnel required for the operation of the garage. They will be responsible for materials and supplies; maintaining service agreements (e.g., electrical, plumbing, elevators, revenue control equipment); insurance; letter of credit; performance bond; utility costs; Downtown Enhancement District charges; Downtown Guides charges; and Pure Waters Capital charges/assessments.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-92

Ordinance No. 2005-265
(Int. No. 289)

Authorizing An Agreement For Operation Of The Court Street 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 Pro Park, LLC, for operation of the Court Street Parking Garage. Pro Park shall be responsible for all operating expenses of the garage. The agreement shall be for a term of two years, with an option to renew for two additional one-year terms.

Section 2. The agreement shall obligate Pro Park to pay to the City 54.275% of the gross revenues after payment of New York State sales taxes.

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. 2005-266 And
Ordinance No. 2005-267
Re: South Avenue Garage Rehabilitation Project

R2010: Campaign 7 - Quality Service
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing and agreement with Stantec Consulting Services, Inc., in the maximum amount of \$690,000 for resident project representation services related to the South Avenue Garage Rehabilitation Project, and authorizing the issuance of bonds totaling \$6,500,000 to finance the costs of the agreement and construction.

The South Avenue Garage Rehabilitation Project was designed by Stantec Consulting Services, Inc., authorized by Council in February 2004 and June 2005. The construction involves structural repair of concrete decks, beams and columns, expansion joint seals, waterproofing, and precast concrete wall panels; replacement of deck drains and piping; and replacement or repair of electric switch gear, panels and lighting.

Bids for construction of the project were received July 5, 2005. The low bidder for the general construction work is Crane-Hogan Structural Systems, Inc., at a cost of \$4,512,926. The low bidder for the plumbing work is D.G. Messmer Mechanical, at a cost of \$38,800. These costs total \$4,551,726, which is \$2,147,676 below the consultant engineer's estimate.

Stantec Consulting Services, Inc. was selected to perform the resident project representation services based on their qualifications and understanding of the project.

The remaining \$1,258,274 is being allocated for the electrical contractor and contingencies. The funding for this project is identified in the 2003-04 (\$5,000,000) and 2005-06 (\$1,500,000) Capital Improvement Programs.

Construction is scheduled to begin in the fall of 2005 and be completed in the fall of 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-266
(Int. No. 290)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Resident Project Representation Services For The South Avenue Garage Rehabilitation Project

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

Section 1. The sum of \$690,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the South Avenue Garage Rehabilitation Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project for which the services are provided. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-267
(Int. No. 291)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$6,500,000 Bonds Of Said City To Finance The Cost Of The Construction Of Structural Improvements To The South Avenue Parking Garage 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 the construction of structural improvements to the South Avenue Parking Garage within the City (the "Project"). The total estimated maximum cost of said specific object or purpose, described herein, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be \$6,859,300. The plan of financing includes the issuance of \$6,500,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$310,000 bonds previously appropriated in Ordinance No. 2004-60 and \$49,300 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 \$6,500,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$6,500,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12 of the Law, is twenty (20) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-268
Re: Agreement - Rochester City School District

- R2010: Campaign 1 - Educational Excellence
- Campaign 3 - Health, Safety and Responsibility
- Campaign 4 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the City School District for joint use and maintenance of the following facilities:

- 1. Adams Street Community Center/Nathaniel Rochester Community School
- 2. Flint Street Community Center/School No. 19
- 3. South Avenue Community Center/School No. 12

These facilities were constructed in the early 1970's for shared use by the City and the School District. The most recent consolidated agreement for this arrangement was authorized by City Council on August 21, 2001 and expired on June 30, 2005.

The proposed agreement will continue to specify responsibilities for each party with regard to: Hourly space utilization; supervision; maintenance and custodial services; equipment use, repair and replacement; utility costs; and liability and indemnification.

The agreement will specify the hourly fees to be paid by the District for use of the recreation facilities. These fees are consistent with the fees charged by the District for use of its facilities.

The agreement will have an initial term of two years with provision for renewal of up to two additional two-year renewal periods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-268
(Int. No. 292)

Authorizing An Agreement With The City School District For The Joint Use And Maintenance Of Facilities

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the City School District for the joint use and maintenance of the Flint Street Community Center/School No. 19, South Avenue Community Center/School No. 12, and the Adams Street Community Center/Nathaniel Rochester Community School. The agreement shall extend for a term of two years, with an option for renewal for two additional terms of two years upon mutual consent.

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. 2005-269 And
Ordinance No. 2005-270
Re: Genesee Riverway Trail
(Turning Point Park to Petten Street)

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation related to construction of a portion of the Genesee Riverway Trail, from Turning Point Park to Petten Street. This legislation will:

1. Authorize an agreement with Stantec Corporation, in the maximum amount of \$430,000, for resident project representation services;
2. Authorize appropriation of anticipated reimbursements from the Federal Highway Admin-

istration in the amount of \$4,228,276 to finance a portion of the construction costs; and

3. Authorize appropriation of a grant from the New York State Office of Parks Recreation and Historic Preservation in the amount of \$100,000 to finance a portion of the construction costs; and
4. Authorize issuance of bonds totaling \$1,074,000 and appropriation of the proceeds thereof to finance a portion of the local share of the construction costs. This amount is available from the 2003-04 Debt Authorization Plan - Lake Avenue River Trail (\$808,000) and reprogrammed funds from the 2002-03 Debt Authorization Plan - Port of Rochester Improvements (\$266,000).

The project was designed by Stantec Corporation, authorized by Council in November 2003. This project consists of the construction of a multi-use off-road trail facility to complete a major portion of the Genesee Riverway Trail on the west bank beginning just south of Turning Point Park and extending to Petten Street (to Lake Avenue), a distance of 1.6 miles. A portion of the trail will proceed north on a structure through the Turning Basin and traverse the steep northern bank (with a structure) through the area known as Turning Point Park North to Petten Street. The construction will also include improvements to the waterfront canoe launch area of Turning Point Park. This portion is to be funded entirely by a grant from the New York State Office of Parks, Recreation and Historic Preservation.

Bids for construction of the improvements were received on July 13, 2005. The work will be performed by Crane-Hogan Structural Systems, Inc of Spencerport, New York, at a cost of \$4,591,545, which is 37% over the engineer's estimate. This unanticipated increase in cost is due to the unique nature of the structure and the difficulty of construction in the river. This has produced a funding shortfall of \$1,101,545, which has been substantially offset by an increase of federal funding in the amount of \$868,276.

An additional \$810,000 will be allocated for inspection and contingencies.

Source	Construction	RPR
	Contingency	Total
FHWA	\$3,593,676	\$337,000
	\$297,600	\$4,228,276
NYOPRHP	84,000	8,000
	8,000	100,000
City	913,869	85,000
	74,400	1,073,269
Total	\$4,591,545	\$430,000
	\$380,000	\$5,401,545

As part of the Lake Avenue Project, the Federal Highway Administration will provide up to 80% of funding for construction on the trail portion of the project. Funding for the remainder of the trail portion of the project is from City bond funds. Funding for waterfront recreation enhancements is provided by a \$100,000 grant from the New York State Office of Parks, Recreation and Historic Preservation.

Stantec Corporation was selected to perform the resident project representation services based on its qualifications and understanding of the project.

The project was presented at public informational meetings on August 12, 2003 and September 25, 2003.

It is anticipated that the construction of the project will begin in September 2005 and be completed in fall 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-269
(Int. No. 299)

Establishing Maximum Compensation For An Agreement And Appropriating Funds For The Genesee Riverway Trail Project

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

Section 1. The sum of \$430,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services, Inc. for resident project representation services for the construction of the Genesee Riverway Trail from Turning Point Park to Petten Street. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project for which the services are provided. Of said amount, \$85,000 shall be funded from a bond ordinance adopted for this purpose, \$337,000 shall be funded from the appropriation made in Section 2 and \$8,000 shall be funded from the appropriation made in Section 3.

Section 2. The sum of \$4,228,276, or so much thereof as may be necessary, is hereby appropriated from anticipated reimbursements from the Federal Highway Administration to fund the construction of the Genesee Riverway Trail from Turning Point Park to Petten Street.

Section 3. The sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated from a grant from the New York State Office of Parks, Recreation and Historic Preservation to fund the construction of improvements to the waterfront canoe launch area of Turning Point Park.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-270
(Int. No. 300)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,074,000 Bonds Of Said City To Finance The Cost Of The Construction Of A Portion Of The Genesee Riverway Trail From Turning Point Park To Petten 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 the costs of construction of a portion of the Genesee Riverway Trail from Turning Point Park to Petten Street within the City (the "Project"). The total estimated maximum cost of said specific object or purpose, described herein, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be \$5,302,276. The plan of financing includes the

issuance of \$1,074,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$4,228,276 appropriated from anticipated reimbursements from the Federal Highway Administration, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,074,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$1,074,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.19(c) of the Law, is fifteen (15) years.

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-271
Re: Irving Place One-way Reversal

R2010: Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing a change in the direction of traffic flow on Irving Place from one-way north bound to one-way south bound (see attached map).

The Irving Place traffic reversal from north bound to south bound would improve pedestrian safety at Main Street by providing better visibility of both vehicles and pedestrians, and would improve motorist safety at Broad Street by better using the Broad Street median to restrict left turns.

Monroe County initiated the request to reverse the direction of traffic and they have obtained concurrence from adjacent property owners for the traffic flow change.

The Traffic Control Board endorsed the one-way south bound proposal at its June 7, 2005 meeting.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-93

Ordinance No. 2005-271
(Int. No. 293)

Approving A Change In Traffic Flow On Irving Place From One-Way Northbound To One-Way Southbound

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 Irving Place, from West Main Street to West Broad Street, from one-way northbound to one-way southbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Douglas
August 9, 2005

To the Council:

The Finance And Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 294 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Computerized Records Management System For The Rochester Fire Department

Int. No. 295 - Authorizing An Agreement For The Police Recruitment Education Program And Amending The 2005-06 Budget

Int. No. 296 - Establishing Maximum Compensation For Professional Services Agreements For Gunfire Detection Equipment

Int. No. 297 - Local Law Providing For Supplemental Pension Payments Under The Old City Pension Plan

Int. No. 298 - Authorizing Amendatory Agreements For Towing Services

Respectfully submitted,
Benjamin L. Douglas
Gladys Santiago
FINANCE AND PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-272
Re: Information Management System

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Alpine Software Corporation to recommend a personnel tracking system for use by the Fire Department. This amendment will increase the amount of the original agreement (authorized by Council in December 2003) by \$40,000, to be funded from 2003-04 Cash Capital, bringing the total to \$240,000. Also, the term of the agreement will be extended to April 30, 2006.

To date, Alpine has completed the following: site analysis; installation of software for fire incident reporting; installation of personnel management modules; and development of an electronic interface with the Emergency Communications computer aided dispatch system.

Work on the personnel management module indicated the need for an electronic, digital personnel identification tracking system. This system will allow the Fire Department to automatically track firefighter attendance and correlate it with training, incident, injury, exposure and sick records. Alpine will evaluate and recommend compatible software systems and

hardware devices that are compatible with the existing records management system.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-272
(Int. No. 294)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Computerized Records Management System For The Rochester Fire Department

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and the Alpine Software Corporation for the implementation of a computerized records management system for the Rochester Fire Department. Said amount shall be funded from the 2003-04 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-273 And
Ordinance No. 2005-274
Re: Police Recruitment Education Program
(PREP) & Gunfire Detection System

R2010: Campaign 3 - Health, Safety
and Responsibility
Transmitted herewith for your approval is legislation that will:

1. Authorize an agreement with Monroe Community College(MCC), for receipt and use of \$9,508 for participation in the Police Recruitment Education Program (PREP),
2. Amend the 2005-06 Budget to reflect the receipt and use of those funds; and
3. Authorize an agreement with ShotSpotter, Inc. for \$367,550 for installation and maintenance of, and training for, a gunfire detection system in the City.

Police Recruitment Education Program (PREP)

The goal of PREP is to help minority students successfully compete in the RPD testing and hiring process. The program, coordinated by MCC, includes tutoring, mentoring, job readiness training, physical fitness, and retention skills. The MCC grant will pay for student physical fitness training and mentoring through RPD. 20 students have completed the first two pilot rounds; eighteen remain. This funding will enable 15 new students to participate. The grant requires no cash match.

Gunfire Detection System

City Council previously authorized acceptance of a grant of \$305,859, secured by Congresswoman Slaughter via the COPS Technology Office, to be used

for a gunfire detection system. That grant is sufficient to provide five square miles of coverage. The additional funds from the 2002-03 Cash Capital allocation (\$61,191) will provide an additional square mile of coverage, providing a more effective base.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-273
(Int. No. 295)

Authorizing An Agreement For The Police Recruitment Education Program And Amending The 2005-06 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 Monroe Community College for funding for the Police Recruitment Education Program.

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

Section 3. Ordinance No. 2005-201, the 2005-06 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 \$9,500, which amount is hereby appropriated from funds to be received from Monroe Community College to fund the Police Recruitment Education Program.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-274
(Int. No. 296)

Establishing Maximum Compensation For Professional Services Agreements For Gunfire Detection Equipment

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

Section 1. The sum of \$367,550, 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 ShotSpotter, Inc. for the installation, training and maintenance of a gunfire detection system in the City. Of said amount, \$305,859 shall be funded from the 2004-05 Cash Capital Allocation and \$61,691 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:

Local Law No. 6
Re: Old Police and Fire Pension
Program Adjustments

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an increase in the amount of the annual pensions provided by the City's Police and Fire Pension Funds. The pension funds were established prior to the creation of the NYS Police and Fire Retirement System. Membership in the program is closed. The program provides for payments to be made directly by the City to Police and Fire retirees or their surviving spouses.

In 2005-06, payments are anticipated to be made to one surviving spouse of Police retirees and to five surviving spouses of Fire retirees.

The current annual benefit to each surviving spouse is \$7,800. The proposed legislation will increase that amount by \$300 each year. The benefit amount as of July 1, 2005, will be \$8,100, and \$7,800 as of July 1, 2006. The incremental cost per year for these adjustments (assuming a constant level of membership) is \$1,800. Funding will be provided in the annual Budgets.

Benefit amounts were last adjusted in June 2003 for a two-year period. The adjustment requested herein will be retroactive to July 1, 2005 and extend for the remainder of the lives of the surviving spouses.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Local Law No. 6
(Int. No. 297)

Local Law Providing For Supplemental Pension Payments Under The Old City Pension Plan

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

Section 1. The Council hereby approves an annual supplemental pension payment of \$300, commencing in the fiscal year beginning July 1, 2005 and in each succeeding fiscal year, to retired officers and members of the Police and Fire Departments of the City of Rochester, and to widows of retired officers and members of the Police and Fire Departments of the City of Rochester, who have heretofore been retired pursuant to the provisions of Article VIII C of the Charter of the City of Rochester. These supplemental pension payments shall be in addition to any other pension payments previously authorized.

Section 2. This local law shall take effect immediately and apply retroactively to July 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-275
Re: Amendatory Agreements - Towing

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing extensions of five agreements to provide vehicle towing services to the City. The City contracts with private towing agencies to provide towing of illegally parked, damaged, disabled, recovered stolen or abandoned vehicles, as well as in-pound towing. The towing assignments are rotated among

the companies.

The Administration is currently involved in a full review of towing services, rate structures, and performance. Until completion of this review, it is requested that current agreements (most recently authorized in 2002) be extended through December 31, 2005.

In 2004-05, a total of 9,440 vehicles were towed and the following amounts were paid to:

Mr. Tow, Inc.	\$190,971
Alliance Collision	180,302
East Avenue Auto	177,342
John & Son Towing	179,535
Joe Benson's Service	18,737
Total	\$746,887

These five vendors will continue to provide service through this calendar year. A rate schedule is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-94

Ordinance No. 2005-275
(Int. No. 298)

Authorizing Amendatory Agreements 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 amendatory agreements with the following contractors for the continued provision of towing services in the City in accordance with the current agreement through December 31, 2005:

<u>Contractor</u>	<u>Principal/Officer</u>
<u>Alliance Garage</u> <u>532 North Street</u>	<u>Daniel Tantalo</u>
<u>East Avenue Auto, Inc.</u> <u>1656 East Avenue</u>	<u>Paul Marone</u>
<u>John & Son Collision</u> <u>4 Niagara Street</u>	<u>Michael Piacente</u>
<u>Mr. Tow, Inc.</u> <u>120 White Street</u>	<u>Robert Sarfaty</u>
<u>Joe Benson's Service*</u> <u>1421 Scottsville Rd.</u> <u>*Heavy Towing</u>	<u>Joe Benson</u>

Section 2. The fees for such services shall be funded from the 2005-06 Budget of the Rochester Police Department.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:45 P. M.

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
SEPTEMBER 6, 2005

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

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

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

Recognition Ceremony

Retirement:

DCD

- Allen M. Fitzpatrick
- *Linda H. Luxenberg
- *John C. Marshall

DES

- *Delmina A. Loschi-Marella
- *John G. Hermann

RFD

- *Captain Peter J. Rizzo

RPD

- *Sgt. Robert F. Cunningham
- *Tracey J. Griffin-Manns

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of August 9, 2005 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 3814-7
- Settlement of Tax Assessment Proceeding 3815-7

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

Taxi Drivers Surcharge Petition No. 1611

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Approving The Sale Of Land In The Rochester Science Park To LeFrois Development, LLC Int. No. 310 No speakers.

Authorizing An Increase In The Pavement Width Of Farmington Road For A Recessed Parking Area At The Frank Fowler Dow School 52 Int. No. 326 No speakers.

Amending Ordinance No. 2005-133 Relating To The Acquisition of CSX Land Int. No. 327 One speaker: Edward J. Doherty.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
September 6, 2005

To the Council:

The Housing & Economic Development Committee recommends for Adoption the following entitled legislation:

Int. No. 301 - Authorizing The Sale Of Real Estate

Int. No. 302 - Amending Ordinance No. 2005-20 Relating To The Sale Of Real Estate

Int. No. 303 - Amending The Municipal Code With Respect To Noise Code Violations

Int. No. 304 - Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets For Noise Code Violations

Int. No. 306 - Authorizing An Agreement For The Aging In Place Home Modification Program

Int. No. 307 - Amending Ordinance No. 2005-44 Relating To The Housing Opportunities For Persons With AIDS Program

Int. No. 308 - Authorizing An Agreement With

NEBCA For The Sector Targeted Funding Initiative Program

Int. No. 309 - Resolution Approving An Appointment To The Rochester Economic Development Corporation

Int. No. 338 - Establishing Maximum Compensation For An Agreement For High Falls Festival Site Maintenance Services

The Housing & Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 310 - Approving The Sale Of Land In The Rochester Science Park To LeFrois Development, LLC

The following entitled legislation is being Held in committee:

Int. No. 305 - Authorizing Agreements And Appropriating Funds For The Rochester City Living Center, As Amended

Respectfully submitted, Wade S. Norwood William F. Prichard (Did not vote on Int. No. 303 through Int. No. 307) Adam C. McFadden (Did not vote on Int. No. 301 and Int. No. 302) Lois J. Giess (Voted on Int. No. 301 through Int. No. 307) Gladys Santiago (Did not vote on Int. No. 301 and Int. No. 302) HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-276 And Ordinance No. 2005-277 Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

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

Property Sales

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

The next two properties are structures that were sold at public auction, subject to the acceptance of a development proposal. Both properties will be rehabilitated as single family structures.

The next two properties were sold for their appraised values at a Request for Proposal Sale. The property at

524 Dewey Avenue will be rehabilitated as one store and two apartments. The property at 26-26.5 King Street contains two structures, one will be rehabilitated as a two family and one will be rehabilitated as a single family.

The next property is a single family structure that is being sold thru the Tenant Ownership Program for its appraised value. The purchaser will be required to rehabilitate the property within eighteen months and occupy the structure for a minimum of five years.

The next property is being sold to the former owner. The purchase price includes all delinquent taxes, interest and penalties.

The last 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.

Amendment

The Division of Real Estate is requesting that Ordinance No. 2005-20 which was passed on February 15, 2005, and which authorized the sale of 43 Madison Street to Flower City Habitat for Humanity be amended to authorize the sale of 43 Madison Street and the south half of 45 Madison Street to Flower City Habitat for Humanity. The Division of Real Estate has decided to include half of 45 Madison Street with the sale of 43 Madison Street. After Council approves sale of the additional parcel, the City will convey the combined parcel to Flower City Habitat for Humanity.

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

Respectfully submitted, Richard W. Hannon Deputy Mayor

Attachment No. AE-95

Ordinance No. 2005-276 (Int. No. 301)

Authorizing The Sale Of Real Estate

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

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

Table with 4 columns: Address, Legal Use, Price, Lot Size. Rows include 15-17 Cutler St., 32 DeJonge St., and 146-150 Garson Av.

243 Herald St.	Nunse, Jr. 1 Family	8,000	39x84
106.26-1-19	Robert Napier		
256 Parkway	1 Family	6,900	50x145
105.51-1-31	Tien Tran		
151 Seward St.	1 Family	5,000	37x132
121.61-1-50	Kurt J. Ovwenga		
12 Woodford St.	1 Family	5,800	40x110
106.29-1-77	Carol Sharpe Byng		

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

Address S.B.L.#	Price Purchaser	Lot Size
165 Gregory St. 121.63-3-30	\$20,700 Robert Napier	29x150
7 Mt. Pleasant Pk. 120.84-2-33	3,500 David M. Skinner	50x50

Section 3. The Council hereby further approves the sale of the following parcels of improved property by request for proposal sale:

Address S.B.L.#	Price Purchaser	Lot Size
524 Dewey Av. 105.42-1-1	\$3,000 Ronald Stebbins	40x62
26-26.5 King St. 120.36-2-44	1,000 Michael Warfield	40x128

Section 4. The Council hereby further approves the sale of the following parcel of improved property by tenant ownership program:

Address S.B.L.#	Legal Use Purchaser	Price	Lot Size
52 Radio St. 106.30-4-49	1 Family Willie & Polly Appleberry	\$4,000	35x96

Section 5. The Council hereby further approves the sale of the following parcel of improved property by former owner sale:

Address S.B.L.#	Legal Use Purchaser	Price	Lot Size
271 Reynolds St. 120.68-3-33	1 Family Willie J. Davis	\$1,943	40x140

Section 6. The Council hereby further approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

Address S.B.L.#	Lot Size Purchaser	Sq. Ft.
10 Chapel St. 107.77-1-21	38x82 Harry W. & Teresa Korleski	2739
748 Clifford Av. 106.32-2-27	30x144 Rochester Housing Authority*	4413±
NH 591 Dewey Av. Pt of 105.34-2-5	20x32 Martin Vasquez	640
SH 591 Dewey Av. Pt of 105.34-2-5	20x32 Steven J. & Heidi Z. Kasper	640

10 Kappel Pl. 106.38-2-19	35x78 Barbara Joan Baker	2739±
NH 45 Madison St. Pt of 120.36-1-47.1	18x115 Maria Manley	2183±
58-58.5 Miller St. 106.43-1-3	28x80 Abdul H. Mohammad	2294±
36 Orange St. 105.84-1-52.2	17x110 Sally Perez	2139±
80 Pardee St. 091.79-2-19	35x100 Betty Humphrey	3543±

* Officer: Elston Hernandez

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.

Passed unanimously.

Ordinance No. 2005-277
(Int. No. 302)

Amending Ordinance No. 2005-20 Relating To The Sale Of Real Estate

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

Section 1. Ordinance No. 2005-20, relating to the sale of real estate to Flower City Habitat for Humanity, is hereby amended by further authorizing the sale of the south half of 45 Madison Street, SBL #120.36-1-47.1, in addition to the sale of 43 Madison Street, as approved in Section 1.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2005-278 And
Local Law No. 7
Re: City Code Amendment - Noise

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the City Code to strengthen the standards prohibiting excessive noise within the City. The proposed legislation will expand the types of noise covered by the law beyond amplified sound to any sound, including human voices, that is audible either:

- 1) beyond 50 feet from the property line between 8:00 a.m. and 10:00 p.m., or
- 2) beyond the property line between the hours of 10:00 p.m. and 8:00 a.m., or
- 3) beyond 50 feet from the source of the noise if on a public street, public park, or other public place.

The legislation will also empower NET Administrators to issue tickets for violations of the noise ordinance. Currently, only Police Officers are authorized to issue

such tickets. It is assumed that noise violations will remain principally the responsibility of the Police Department since situations involving excessive noise frequently are accompanied by volatile behavior. However, providing the NET Administrators with the authority to issue such tickets when, in their judgment, it is prudent to do so, will enable the City to effectively expand the reach of our enforcement efforts.

Finally, the ordinance will permit the ticketing of the owner of a vehicle found in violation of the standards. Currently, the driver can be ticketed and the vehicle towed.

The City's noise ordinance has been in place since 1973. It was amended in 1983 to include the provisions cited above as they applied to amplified sound, and in 1998 to allow the towing of motor vehicles found to be in violation of the ordinance. It was most recently amended in 2002 to permit the filing of depositions by neighbors as a means of attesting to noise violations that were not originally witnessed by a Police Officer.

Despite these expansions of the law's reach, there are still numerous complaints about excessive noise intruding in the lives of our citizens. Amplified noise is not the only source of such noise; often, loud yelling and raucous behavior at parties or other gatherings create levels of noise that are unreasonable for neighbors to endure. The proposed legislation will treat such other sources of noise in the same fashion as amplified noise is currently treated.

The goal of the legislation is to improve the quality of life in City neighborhoods by making them quieter and more attractive places to live and work.

Respectfully submitted,
Lois J. Giess Wade S. Norwood
President Councilmember-at-Large

Ordinance No. 2005-278
(Int. No. 303)

Amending The Municipal Code With Respect To Noise Code Violations

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

Section 1. Section 75-4 of the Municipal Code, Excessive noise prohibited, is hereby amended to read in its entirety as follows:

§ 75-4. Excessive noise prohibited.

- A. No person shall make, continue, cause, or suffer or permit to be made or continued, and the owner and the person in control of a motor vehicle and the person in control of a premises shall not suffer nor permit to be made or continued, any excessive noise. It shall be prima facie evidence of a violation of this section if noise emanating from any source, including, but not limited to, voices or other sounds caused or emitted by humans, is:
- (1) Audible beyond the property line of the premises from which it emanates between the hours of 10:00 p.m. and 8:00 a.m.
 - (2) Audible at a distance of 50 feet beyond the property line of the premises from which it emanates between the hours of 8:00 a.m. and 10:00 p.m.

- (3) Audible at a distance of 50 feet from the source if emanating from a public street, public park or other public place.
- B. The provisions of this section shall not apply to noise emanating from the following:
- (1) Sources or activities regulated by Sections 75-7, 75-8, 75-9, 75-10, 75-12, 75-13 and 75-15 of this Chapter, and Sections 27-9A and 31-5 of the Municipal Code.
 - (2) Festivals, parades, block parties and other special events where a permit has been obtained from the Office of Special Events for such purpose.
 - (3) Political or religious activities or the operation or use of any organ, bell, chimes or other similar instrument from on or within any church, synagogue, temple, mosque or other house of worship.
 - (4) Any permitted athletic competition or recreational event held on athletic fields, stadiums or public places in the City.
 - (5) Lawn mowers, hedge trimmers, leaf blowers, chain saws, tillers, mulchers, chippers and other devices used for the care and maintenance of lawns, yards and vegetation, between the hours of 8:00 a.m. and sunset.
 - (6) Air conditioners.
 - (7) Snowblowers, snowthrowers or snowplows.
 - (8) Emergency generators.
 - (9) Manufacturing operations.
- C. Any motor vehicle used in connection with the commission of a violation of this section shall be towed in accordance with § 111-75 of the Municipal Code.

Section 2. Section 75-12 of the Municipal Code, Sound reproduction devices used for miscellaneous purposes, is hereby amended by amending the first sentence of subsection A thereof to read in its entirety as follows:

No person shall use or operate or suffer or permit to be used or operated, and the owner and the person in control of a motor vehicle and the person in control of a premises shall not suffer nor permit to be used or operated, any radio, television, stereo, compact disc player, musical instrument or other machine or device for the producing, reproducing or amplification of sound with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto.

Section 3. Section 75-20 of the Municipal Code, Administration and enforcement, is hereby amended by amending subsection A thereof to read in its entirety as follows:

- A. This chapter shall be administered and enforced by the Chief of Police and the Neighborhood Empowerment Team Administrators.

Section 4. Section 111-75 of the Municipal Code, Towing of motor vehicles used in quality-of-life

violations, is hereby amended by amending the first sentence of subsection C(1) thereof to read in its entirety as follows:

Any motor vehicle which has been or is being used in connection with the commission of a violation of § 75-4 of the Municipal Code (Excessive noise prohibited); in connection with the commission of a violation of § 75-9 of the Municipal Code (Motor vehicles); in connection with the commission of a violation of § 75-12 of the Municipal Code (Sound reproduction devices used for miscellaneous purposes); or in connection with the commission of a violation of § 20-16 of the Municipal Code (Illegal dumping), shall be subject to towing and impoundment under this section.

Section 5. This ordinance shall take effect two weeks after the date of its adoption.

Passed by the following vote:

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

Nays - Councilmember Curran, McFadden - 2.

Councilmember Mains abstained vote because he had insufficient information.

Local Law No. 7
(Int. No. 304)

Local Law Amending The City Charter With Respect To The Issuance Of Appearance Tickets For Noise Code 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 amending Section 3-8.1 thereof, relating to the Neighborhood Empowerment Team, by adding thereto the following new sentence to be inserted as the second to last sentence thereof:

NET Administrators are further authorized to issue appearance tickets for violations of the Noise Code.

Section 2. This local law shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Norwood Pritchard, Santiago, Stevenson - 7.

Nays - Councilmember McFadden - 1.

Councilmember Main abstained vote because of insufficient information.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-279
Re: Aging In Place Project - Appropriation and Agreement

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Lifespan of 1900 South Clinton Avenue for the implementation and promotion the Aging In Place Home Modification Program, and appropriating \$40,000 from the Improve the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program to fund the agreement.

The Aging in Place initiative will identify, provide, and coordinate services to help elder City residents maintain independence and remain in their homes. The primary purpose of the Aging in Place Home Modification Program will be to offer residential evaluations to determine adaptations needed to allow continued residence in a safe and comfortable environment, and to provide selected home modifications and/or repairs which will directly increase livability options that allow staying in one's home as long as possible. Eligible city homeowners who participate in existing City of Rochester housing rehabilitation programs, including Rehab Rochester and RAP, will be referred to Lifespan for this new service.

Lifespan, a community-based organization offering services to senior citizens, will conduct 200 "Aging In Place" Home Safety Surveys in the City, at a cost of \$12,000 (\$60 per survey); and provide modifications such as installation of bathtub grab bars for an estimated 150 of those surveyed, at a cost of \$28,000. Lifespan will also provide orientation and training to potential home modification service providers and make appropriate referrals for home modification work beyond the scope of this program.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-279
(Int. No. 306)

Authorizing An Agreement For The Aging In Place Home Modification Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Lifespan for the implementation and promotion of the Aging In Place Home Modification Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$40,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-280
Re: Housing Opportunities for Persons With AIDS Program - Amendment

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation related to changes in the Housing for Persons With AIDS (HOPWA) program. This legislation will:

1. Rescind the agreement with Action for a Better Community, in the amount of \$68,013, authorized in Ordinance No. 2005-44.
2. Authorize an agreement with DePaul in the amount of \$34,005 to provide HOPWA services for the period April 1, 2005 to September 30, 2005.
3. Amend the agreement authorized in Ordinance No. 2005-44 with AIDS Rochester Inc., to increase the amount by \$ 22,988, for a total of \$333,891.

Ordinance No. 2005-44 authorized \$68,013 for a twelve month agreement with Action for a Better Community (ABC). ABC was to assume operation of the HOPWA services which had previously been provided by the Health Association (now DePaul). ABC's participation was based upon anticipated approval by New York State of a larger AIDS Institute grant.

ABC, however, was not one of the programs selected to receive funding from the State. The DePaul program, in anticipation of handing over operations to ABC, is scheduled to close on September 30, 2005. To prevent disruption to clients who were to be transferred to ABC, the clients will instead be transferred to AIDS Rochester, Inc.

The combined costs of the agreements, \$56,993, will be financed from the HOPWA allocation included in the 2004-05 Consolidated Community Development Action Plan. The \$11,020 remaining from the original agreement will be reallocated at a future date.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-280
(Int. No. 307)

Amending Ordinance No. 2005-44 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. Ordinance No. 2005-44, relating to the Housing Opportunities for Persons With AIDS Program, is hereby amended by reducing the appropriation and rescinding approval for an agreement with Action for a Better Community in the amount of \$68,013, and by authorizing in its place an amendatory agreement with AIDS Rochester, Inc. in an amount not to exceed \$22,988 and an agreement with DePaul in an amount not to exceed \$34,005.

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$56,993, and said amount, or so much thereof as may be necessary, is hereby reappropriated from Housing Opportunities for Persons With AIDS Grant 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. 2005-281
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 an Urban Agricultural Training/Retail Center, a project of the Sector Targeted Funding Initiative Program. The maximum cost of this agreement will be \$50,000, which will be financed from 2000-01 Cash Capital.

The Rochester Renaissance 2010: Sector Targeted Funding Initiative (STFI) Program provides funding to enable neighborhood groups to utilize their own skills, talents, and abilities to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was provided to each of the ten NBN sector areas within the City to enhance their neighborhoods.

In order to receive funding, each sector is required to submit proposals that outline specific projects that will achieve highly visible physical improvements or economic development benefits (i.e., investment, job creation, retail or commercial services). Proposals must be collaborative in nature; and include additional funding and/or volunteer support and contributed services from other groups, organizations or businesses. Applicants are required to demonstrate a minimum ratio of 1:1 leveraged resources.

The NEBCA project, originally approved in September 2002, was to develop public space and an Urban Agricultural Training/Retail Center on a 2.69 acre vineyard and farm located at 126 Sander Street. To date, \$50,000 has been expended to complete: A stone gateway; border fencing; Public Open Space Development including landscaping; vineyard signage; public art (harvester statue); a bench, arbor and gazebo; crop irrigation system; and renovation of the well and barn.

The new agreement for the remaining \$50,000 will allow construction of the Center, which will include a training and meeting room, greenhouse and space for retail sales of produce.

The required leverage of resources will be matched through grants from the offices of NY State Senator Joe Robach and Assemblyman David Gantt. Building materials have been secured from Home Depot. In-kind donations of labor will be used to complete the Vineyard Project.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-281
(Int. No. 308)

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 additional agreement with the North East Block Club Alliance (NEBCA) for funding of an Urban Agricultural Training/Retail Center as a part of the Sector Targeted Funding Initiative Program. This agreement shall authorize the use of funds remaining after the expiration of the agreement authorized in Ordinance No. 2002-296.

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, shall be funded from the 2000-01 Cash Capital allocation.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-19
Re: Appointment - REDCO

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation confirming the appointment of Richard W. Hannon, Deputy Mayor, as a member of the Rochester Economic Development Corporation. Mr. Hannon will fill a vacancy created by the recent death of Deputy Mayor, Jeffrey T. Carlson. The term of this appointment will extend to June 30, 2007.

A copy of Mr. Hannon's resume is on file in the City Clerk's Office.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Resolution No. 2005-19
(Int. No. 309)

Resolution Approving An Appointment To The Rochester Economic Development Corporation

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

Section 1. The Council hereby approves the appointment of Richard W. Hannon, Deputy Mayor, to the Rochester Economic Development Corporation (REDCO) for a term which shall expire on June 30, 2007. Mr. Hannon shall replace Deputy Mayor Jeffrey T. Carlson, who recently passed away.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-282

Re: High Falls Festival Site Maintenance

R2010: Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing a two year agreement with the High Falls Development Corporation (principal, Ben Kendig), 1 Mt. Hope Avenue, for maintenance services at the High Falls Festival Site. The annual cost of \$15,000 will be financed from the 2005-06 and future Budgets of the Department of Environmental Services.

The High Falls Development Corporation, as owner, developer and operator of the High Falls Building adjacent to the festival site, has a significant interest in the maintenance of the festival site areas. As in previous agreements, authorized in September 2001 and 2003, the Corporation will continue to provide several services including litter, trash and graffiti removal, various landscape maintenance, and other repair and maintenance services as specified in their contract.

The annual cost of the proposed agreement is the same as the cost of the current agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-282
(Int. No. 338)

Establishing Maximum Compensation For An Agreement For High Falls Festival Site Maintenance Services

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

Section 1. The sum of \$15,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for an agreement between the City and High Falls Development Corporation for High Falls Festival Site maintenance services for a term not to exceed two years. Said amount shall be funded from the 2005-06 and future budgets 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. 2005-283
Re: Sale of Science Park Land

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing the sale of 12,250 square feet of land from parcel 7 in the Rochester Science Park to LeFrois Development, LLC. The parcel is located directly to the east of and adjacent to 110 Science Parkway, which is owned by LeFrois Development, LLC. A re-subdivision of the two properties will result in 110 Science Parkway increasing in size from 2.91 acres to approximately 3.19 acres. A map of the area is attached.

LeFrois owns the 16,389 sq. ft. building at 110 Science Parkway and leases it to Cardinal Health (9,864 square

feet) and the University of Rochester (6,525 square feet). Cardinal Health manages a cyclotron facility which delivers the necessary radiopharmaceuticals used in PET Imaging. The UR houses the region's only permanent PET/CT Scanner at this location.

The addition of the 12,250 sq. ft. parcel will allow LeFrois Development to add 4,300 sq. ft. to the current UR facility, which will allow space for additional necessary equipment.

The project is scheduled for groundbreaking in September 2005, with completion by January 2006. This project, along with the original development, is expected to result in the creation of 20 new jobs, most of which will be technology related and research positions.

The Rochester Science Park has approximately 55 total acres of which nearly 37.7 are developable. Currently, 12.79 acres over 4 parcels remain undeveloped. The Economic Development Department is actively working with four organizations to develop each of these remaining parcels.

Real estate appraisers Pogel, Schubmehl & Ferrara, LLC provided an appraisal of this parcel at \$24,500.

A public hearing is required.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Attachment No. AE-96

Ordinance No. 2005-283
(Int. No. 310)

Approving The Sale Of Land 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 approximately 12,250 square feet of land in Parcel 7 in the Rochester Science Park to LeFrois Development, LLC for the sum of \$24,500, which land shall be added to the LeFrois Development, LLC property at 110 Science Parkway.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 305
Re: City Living Center and City Housing Promotion

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation related to the establishment and operation of the City Living Center, a new program initiated by the Department of Community Development. This legislation will:

1. Authorize agreements with the Landmark Society of Western New York, Inc. for:

- A. Administration of the Home Room program for July-October 2005 for \$12,000; and
 - B. Operation and administration for 12 months of the City Living Center for \$279,000.
2. Appropriate \$291,000 to fund the above agreements, as follows:
 - A. \$26,000 from the Improve the Housing Stock and General Property Conditions objective (Homebuyer Services allocation) of the 2005-06 Community Development Block Grant;
 - B. \$167,000 from the 2005 HOME Program (Homebuyer Services allocation); and
 - C. \$98,000 from the 2005-06 City Development Fund (Homebuyer Services allocation).
 3. Authorize a three-year lease agreement with Kramer Justice LLC, for 1,250 sq. ft. of office space and 200 sq. ft. of secure storage space at 664-666 University Avenue. The space will be used to house the City Living Center.
 4. Appropriate \$15,000, to fund the first year of the lease, as follows:
 - A. \$10,000 from the 2005-06 Improve the Housing Stock and General Property Conditions objective (Homebuyer Services allocation) of the CDBG; and
 - B. \$5,000 from the 2005-06 City Development Fund (Homebuyer Services allocation).
 5. Appropriate \$152,500 from the Property Management Account for the cost of renovations at 664 University Avenue, furnishings, office equipment and professional services related to establishing the City Living Center.
 6. Appropriate \$75,000, for marketing and promotion efforts, as follows:
 - A. \$50,000 from the Housing Stock and General Property Conditions objective (Housing Promotion allocation) of the 2005-06 CDBG; and
 - B. \$25,000 from the 2005-06 City Development Fund (Housing Promotion allocation).

Program

The City Living Center will serve as a primary location for information on City living, providing comprehensive information on neighborhoods, amenities, and available services for home buyers and homeowners. The Center will capitalize on existing partnerships with the Greater Rochester Association of Realtors and the Landmark Society for operation of the Real Estate Marketing Initiative/Home Room, which has been administered by the Landmark Society since its inception in 1998. The Landmark Society will provide Home Room services on an interim basis (July - October) at a cost of \$12,000.

The Landmark Society will serve as the fiduciary entity for implementing the Rochester City Living Center. It is anticipated that the City Living Center

will begin operations by mid-October. The first year operating budget for the Center is as follows:

Staffing	\$175,000
Rent	15,000
Direct Costs	37,000
Indirect Costs	8,000
Promotion and Marketing	<u>59,000</u>
Total	<u>\$294,000</u>

The City will expand access to homeownership training, which will no longer be limited to low income households. The City Living Center will provide traditional home purchase assistance to income eligible applicants. It will also advise prospective home buyers, regardless of income, on home purchase and financing options available to them. Pre-purchase and post-purchase training will be provided to all interested home buyers. The home buyer training services will be delivered by a non-profit provider, to be designated through a separate agreement.

Lease

The term of the lease will be for three years beginning on November 1, 2005 or upon completion of the renovations of the space, whichever is later. The annual lease amount will be \$12.00 per sq. ft., or \$15,000. The lease will provide an option to renew for an additional three-year period in the amount of \$16,260 per year, an annual increase of 3% per year. The terms of this lease were reviewed by an independent appraiser, Robert G. Pogel, whose conclusion was that the rental amount was within the market range for office space of this kind.

Promotion/Marketing

The \$75,000 appropriation in #6 above will be used to continue the Marketing Assistance Program offered to local real estate agents, to fund marketing activities such as City Living Sundays, and to cover the costs of producing marketing and promotional materials for the City's housing and real estate sales programs, including the City Living Center.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Int. No. 305, As Amended

AUTHORIZING AGREEMENTS AND APPROPRIATING FUNDS FOR THE ROCHESTER CITY LIVING CENTER

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. in an amount not to exceed \$[12,000] 15,000 to administer the Real Estate Marketing Initiative/Home Room Program for [four] five months.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Landmark Society of Western New York, Inc. in an amount not to exceed \$279,000 to operate and administer the City Living Center for a term of one year.

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$[291,000] 294,000, and of said amount, or so much thereof as may be necessary, \$[26,000] 29,000 is

hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program, \$167,000 is hereby appropriated from 2005 HOME Program funds and \$98,000 shall be funded from the 2005-06 City Development Fund.

Section 4. The Mayor is hereby authorized to enter into a lease agreement with Kramer Justice LLC for 1,250 square feet of office space and 200 square feet of secure storage space at 664-666 University Avenue. The lease agreement may extend for a term of three years, with an option to renew for an additional term of three years. The City shall be responsible for rent in the annual amount of \$15,000 for the initial term and \$16,260 during the renewal term, [as well as the cost of renovations, not to exceed \$40,000,] and utilities, which shall be paid from funds for operation of the City Living Center. Kramer Justice LLC shall be responsible for building insurance, real estate taxes and common area maintenance. The space will be used to house the City Living Center.

Section 5. The agreement shall obligate the City to pay an amount not to exceed \$15,000 for the first year rent, and of said amount, or so much thereof as may be necessary, \$10,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program and \$5,000 shall be funded from the 2005-06 City Development Fund. Thereafter, rent shall be funded from appropriations of subsequent City Development and Community Development Program funds, contingent upon adoption of those appropriations.

Section 6. The Mayor is hereby further authorized to enter into an agreement with the Landmark Society of Western New York, Inc. in an amount not to exceed \$91,500 for renovations at 664-666 University Avenue and related professional services. The sum of \$152,500, or so much thereof as may be necessary, is hereby appropriated from the Property Management Account to fund renovations, furnishings, office equipment and services related to the establishment of the City Living Center.

Section [6] 7. The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program and the sum of \$25,000, or so much thereof as may be necessary, shall be funded from the 2005-06 City Development Fund for marketing city living and housing program promotion through the City Living Center.

Section [7] 8. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [8] 9. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Item Held in Committee.

By Councilmember Mains
September 6, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled

legislation:

Int. No. 311 - Authorizing Agreements For Human Services Programs

Int. No. 312 - Authorizing Agreements For The Communi-Tech Project

Int. No. 313 - Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

Int. No. 314 - Establishing Maximum Compensation For A Professional Services Agreement For A Competitive Swimming Program For Youth

Int. No. 315 - Authorizing An Agreement For The Clinton-Baden Community Center

Int. No. 316 - Authorizing An Agreement For The Rochester MusicFest 2005 And Amending The 2005-06 Budget

Respectfully submitted,
 Tim O. Mains
 William F. Pritchard
 Gladys Santiago

PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-284 And
 Ordinance No. 2005-285
 Re: Human Services Projects

R2010: Campaign 2 - Educational Excellence

Campaign 3 - Health, Safety, and Responsibility
 Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing agreements with the following organizations for Human Services projects:

Baden Street Settlement	\$35,000
Metro Council on Teen Potential (MCTP)	
Rochester Area Community Foundation	37,500
Quad A For Kids Neighborhood Ambassador Program (NAP)	
United Way	20,000
Creating Assets, Savings, Hope (CASH) Initiative	
The Academy for Career Development	95,200
Communi-Tech	
WXXI Public Broadcasting	4,800
WXXI Lease Agreement	

The above projects are all 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 represent the third year of CDBG funding for CASH, the fourth year for MCTP, Quad A, and Communi-Tech.

MCTP, a policy-making council, has oversight of the Adolescent Pregnancy Prevention Services grant.

Quad A NAP provides after-school and summer pro-

gramming for youth at Schools #17, #30 and #34.

The CASH Initiative seeks to lift low-income families from poverty by utilizing the Earned Income Tax Credit through the provision of free tax preparation services.

Communi-Tech provides a direct, on-line Help Desk that gives technical assistance to a network of neighborhood computer learning centers.

WXXI, through a lease agreement, provides a central location site for the Communi-Tech project. The location is also the site of the offices of the technical services personnel. Both organizations share similar goals of advancing community-based learning.

The cost of the agreements will be financed from the General Community Needs allocation of the 2005-06 Community Development Block Grant. Project descriptions and Budgets are attached.

Respectfully submitted,
 Richard W. Hannon
 Deputy Mayor

Attachment No. AE-97

Ordinance No. 2005-284
 (Int. No. 311)

Authorizing Agreements For Human Services Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects or the following amounts are allocated for Human Services Projects:

<u>Organization Project</u>	<u>Amount</u>
Baden Street Settlement, Inc.	\$35,000
Metro Council on Teen Potential	
Rochester Area Community Foundation Initiatives, Inc.	37,500
Quad A Kids Neighborhood	
United Way Services Corp.	20,000
Creating Assets, Savings, Hope (CASH) Initiative	

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$92,500, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-285
 (Int. No. 312)

Authorizing Agreements 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, Inc. for the Communi-Tech Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$95,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program.

Section 3. The Mayor is hereby further 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 4. 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 2005-06 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 No. 2005-286
Re: Agreement - Rochester Ice Hockey Officials, Inc.

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Ice Hockey Officials, Inc. for the provision of referees for adult men's and women's hockey leagues at the Genesee Valley Park Ice Arena. The maximum cost of the agreement will be \$19,500, which will be financed from the 2005-06 Budget of the Department of Parks, Recreation and Human Services. The revenue from the fee-based leagues covers all associated costs.

Rochester Ice Hockey Officials, Inc. has provided referees for the City since 1993 and also provides all equipment, materials, and supplies required to perform their services.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No., 2005-286
(Int. No. 313)

Establishing Maximum Compensation For A Professional Services Agreement For Hockey Referees

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

Section 1. The sum of \$19,500, or so much thereof as may be necessary, is hereby established as the

compensation to be paid for a professional services agreement between the City and Rochester Ice Hockey Officials, Inc. for continued provision of referees for adult men's and women's hockey leagues at the Genesee Valley Park Ice Arena. Said amount shall be funded from the 2005-06 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. 2005-287
Re: Agreement - Rochester Recreation Swim Team Inc.

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Recreation Swim Team, Inc. for provision of a competitive swimming experience and instruction for youth ages 6 - 18. The team will be based at Adams Street Community Center and also use Genesee Valley Park Pool during the summer. The maximum cost of this agreement will be \$13,500, which will be financed from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

The Rochester Recreation Swim Team has provided services since 1984. Participation by a minimum of 20 City youth is required; currently there are 31 members who are City residents.

Respectfully submitted,
Richard W. Hannon
Mayor

Ordinance No. 2005-287
(Int. No. 314)

Establishing Maximum Compensation For A Professional Services Agreement For A Competitive Swimming Program For Youth

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

Section 1. The sum of \$13,500, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Rochester Recreation Swim Team for continued operation of a competitive swimming program and instruction for youth. Said amount shall be funded from the 2005-06 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. 2005-288
Re: Amendatory Agreement - Clinton-Baden Community Center and Pool

R2010: Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending an agreement with Baden Street Settlement, Inc. for the operation of the Clinton-Baden Community Center and swimming pool. The amendment increases the cost of the agreement by \$5,000 to reflect increased costs for pool operation. The last increase in this agreement was provided in 2001. This brings the total cost of the current agreement to \$40,200. The increase will be financed through the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Baden Street Settlement provides staff and operates a full service recreation and aquatics program at the center. The \$40,200 is used to pay staff costs for the aquatics program. Baden Street Settlement is also responsible for the day-to-day maintenance of the facility; the City is responsible for structural maintenance and all utility costs.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-288
(Int. No. 315)

Authorizing An Agreement For The Clinton-Baden Community Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Baden Street Settlement, Inc. for the continued operation of the Clinton-Baden Community Center and swimming pool.

Section 2. The agreement shall obligate the City to pay Baden Street Settlement, Inc. an amount not to exceed \$40,200, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 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:

Re: Ordinance No. 2005-289
Rochester MusicFest 2005

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of State, for the receipt of a \$25,000 grant for production of the Rochester MusicFest, and amending the 2005-06 Budget of Parks, Recreation and Human Services to reflect the receipt of the grant.

Over the past ten years more than 285,000 people have attended MusicFest with an average of 24% from out

of town during the past three years. The festival is a key component of Rochester's travel and tourism initiatives and summer festival season.

The \$25,000 grant was included in the 2005-06 NY Stage Budget through the efforts of Assemblyman David Gantt.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-289
(Int. No. 316)

Authorizing An Agreement For The Rochester MusicFest 2005 And Amending The 2005-06 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of State for funding for the Rochester MusicFest 2005.

Section 2. Ordinance No. 2005-201, the 2005-06 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 \$25,000, which amount is hereby appropriated from funds to be received from the State of New York for the Rochester MusicFest 2005.

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
September 6, 2005

To the Council:

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

Int. No. 317 - Approving An Amendatory Professional Services Agreement For The River Street Waterfront Public Improvement Project And Appropriating Funds

Int. No. 318 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$360,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Land At 18 Petten Street Within The City For Construction Of A New Boat Launch And Vehicular Parking Area And Potential Future Parkland Uses

Int. No. 319 - Authorizing Agreements For Architectural Services For Building Renovation Projects

Int. No. 320 - Establishing Maximum Compensation For A Professional Services Agreement For Computerization Of Cemetery Records And Authorizing A Grant Agreement

Int. No. 321 - Authorizing An Agreement With The

New York State Department Of Transportation For Snow Removal

Int. No. 322 - Authorizing An Agreement For The Supply Of Electricity To City Facilities

Int. No. 323 - Amending The Municipal Code With Respect To Water Rates

Int. No. 324 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$130,000 Bonds Of Said City To Finance The Cost Of Construction Of Certain Sewer Improvements Related To The Lombard Street Improvement Project

Int. No. 325 - Establishing Maximum Compensation For A Professional Services Agreement For A Water System Security Study

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

Int. No. 326 - Authorizing An Increase In The Pavement Width Of Farmington Road For A Recessed Parking Area At The Frank Fowler Dow School 52

Int. No. 327 - Amending Ordinance No. 2005-133 Relating To The Acquisition of CSX Land

Respectfully submitted, Robert J. Stevenson Brian F. Curran Adam C. McFadden Gladys Santiago PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-290 Re: Port of Rochester/River Street Waterfront Public Improvement Project

R2010: Campaign 6 - Economic Vitality Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation related to the River Street Waterfront Public Improvement Project. The legislation will:

- 1. Authorize an amendatory agreement with FRA Engineering, 245 Summit Point Drive, in the amount of \$50,000 for additional engineering and design services. This increases the maximum amount payable from \$550,000 to \$600,000, to be funded from 2003-04 Cash Capital.
2. Appropriate \$33,685 from anticipated reimbursements from New York State Environmental Facilities Corporation to finance 75% of the cost for installation of a pump-out station.

Two rail crossings - a public access crossing at Latta Road, and a private crossing for service and maintenance access - are planned as part of Phase II of the Port of Rochester/River Street Waterfront Public Improvement project. CSX Transportation, Inc. has agreed to provide a conceptual study to develop a strategy and approach for these crossings that best addresses the needs of both the railroad and the City,

and safety concerns. FRA Engineers will perform engineering services for the City in conjunction with the CSX study.

Authorization for FRA's work to design the River Street Waterfront project was provided by City Council in March 2002 (\$400,000) and in January 2004 (\$150,000).

Phase I of the project includes installation of docking facilities, which requires installation of a pump-out station. The estimated cost of the installation, \$44,918, will be financed from the appropriation requested herein (\$33,685) and from Bond Ordinance No. 2004-325 (\$11,230).

Respectfully submitted, Richard W. Hannon Deputy Mayor

Attachment No. AE-98

Ordinance No. 2005-290 (Int. No. 317)

Approving An Amendatory Professional Services Agreement For The River Street Waterfront Public Improvement Project And Appropriating Funds

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 an amendatory professional services agreement between the City and FRA Engineering, P.C. for additional 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 the 2003-04 Cash Capital allocation.

Section 2. There is hereby appropriated from anticipated reimbursements from the New York State Environmental Facilities Corporation the sum of \$33,685, or so much thereof as may be necessary, to finance a portion of the cost of installation of a pump-out station as a part of the River Street Waterfront Public Improvement Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-291 Re: Port of Rochester - Acquisition of Property & Issuance of Bonds

R2010: Campaign 6 - Economic Vitality Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing the acquisition of part of 18 Petten Street, approximately 9.13 acres, from Genesee Marina, Inc. and the issuance of bonds in the amount of \$336,000 to fund the acquisition. The property will allow for the relocation of the Monroe County Boat Launch from River Street to the South End of Petten Street. The land will also provide increased parking and potential parkland uses.

The acquisition amount of \$336,000 was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

The total cost of the acquisition, including closing costs, will not exceed \$360,000, and is included in the 2005-06 Debt Authorization Plan, Waterfront Planning, Acquisition and Facilities Development.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Attachment No. AE-99

Ordinance No. 2005-291
(Int. No. 318)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$360,000 Bonds Of Said City To Finance The Cost Of Acquisition Of Land At 18 Petten Street Within The City For Construction Of A New Boat Launch And Vehicular Parking Area And Potential Future Parkland Uses

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the acquisition of approximately 9.13 acres of land at 18 Petten Street, reputedly owned by Genesee Marina, Inc. (Principal: Donald Suhr), for relocation of the Monroe County boat launch from River Street, vehicular parking and potential future parkland uses 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 \$360,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$360,000 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 \$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 specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.21(a) of the Law, is thirty (30) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in

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

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

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-292
Re: Agreements - Architectural Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing professional services agreements with the following companies for architectural services:

<u>Company</u>	<u>Address</u>
Architectura, P.C.	247 North Goodman Street
CMA Architecture, P.C.	7 Lawrence Street
PLAN Architectural Studio, P.C.	4 Commercial Street
Richard Alfred Mauer Architects	91 Pinnacle Road
Smith + Accordo Architects	756 West Bloomfield Road

The agreements will be financed from the annual budgets of the departments using the services, or from the proceeds of bond issues authorized for various projects.

The City routinely uses architectural services. The most recent agreements for these services with Architectura, P.C., Bergmann Associates, LoMonaco Associates, Pardi Partnership Architects P.C., Inc., and Richard Alfred Mauer Architects were authorized by the City Council in January 2002. In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals from nine companies, eight of which responded. We are recommending agreements with five of these firms.

Under the agreements whenever various City-owned buildings require architectural services, the selection for a specific company will depend upon the type of services required, and the company's ability to do the work and to meet the City's schedule. Following is a list of building renovation projects for which services are expected to be required during 2005-06:

<u>Building</u>	<u>Renovation</u>
Municipal Parking Garages	Elevator Evaluation
Washington Square Garage	Roof - Evaluation of water infiltration
Clinton NET Office	Envelope issues and masonry repair
Mt. Read Facility	Security Enhancements

The cost of the project specific proposals will be based on the unit prices, hours and hourly billing rates specified in each company's proposal. Each of the agreements will have an initial term of one year with provision for two additional renewals for an additional one year period based on mutual written agreement. Adjustment to the specific unit prices during the second and third years will be permitted subject to the City's approval.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-292
(Int. No. 319)

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:

<u>Company</u>	<u>Address</u>
Architectura, P.C.	247 North Goodman Street
CMA Architecture, P.C.	7 Lawrence Street
PLAN Architectural Studio, P.C.	4 Commercial Street
Richard Alfred Mauer Architects	91 Pinnacle Road
Smith + Accordo Architects	756 West Bloomfield 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. Unit prices may be adjusted by the City Engineer during the renewal periods.

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. 2005-293
Re: Agreement - Memorial Business Systems
for Computerization of Mt. Hope and
Riverside Cemetery Records

R2010: Campaign 4 - Environmental Stewardship
Campaign 7 - Quality Service
Transmitted herewith for your approval is legislation related to services to computerize Mt. Hope and Riverside Cemetery records. This legislation will authorize agreements with:

1. Memorial Business Systems, Inc. for services described below for \$117,000. The agreement will be funded as follows:
 - A. \$23,000 from the 2005-06 Budget of the Department of Parks, Recreation and Human Services;
 - B. \$19,000 from 2005-06 Cash Capital;
 - C. \$25,000 from the Rochester Cemetery Heritage Foundation;
 - D. \$50,000 from future Cash Capital and/or DPRHS allocations, pending budget approval.
2. The Rochester Cemetery Heritage Foundation for receipt of \$25,000.

Phase One of the project will involve the purchase of computer hardware and software for \$42,000. The services to be provided include the software licensing, future software upgrades, product customization, training, and support for Cemetery staff. Phase Two

of the project will be the mapping and inventory module of the software package, with an estimated cost of \$75,000. The final phase of the project will be the data entry, which is already supported by funding from the Rochester Cemeteries Heritage Foundation and volunteer support from the Rochester Genealogical Society. Data entry support from the Rochester Genealogical Society has provided over 50,000 entries to date.

The initial term of the contract will be October 1, 2005 and will expire September 30, 2006, with provisions for a one-year renewal in the amount of \$75,000 for the second phase.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-293
(Int. No. 320)

Establishing Maximum Compensation For A Professional Services Agreement For Computerization Of Cemetery Records And Authorizing A Grant Agreement

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

Section 1. The sum of \$117,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Memorial Business Systems, Inc., for computerization of Mt. Hope and Riverside Cemetery records. The agreement may extend for two years. Of said amount, \$23,000 shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services, \$19,000 shall be funded from the 2005-06 Cash Capital Allocation, and \$75,000 shall be funded from the 2006-07 Cash Capital Allocation and/or Budget of the Department of Parks, Recreation and Human Services, contingent upon approval of said budget.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Rochester Cemetery Heritage Foundation for the receipt of funding for this agreement. 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. 2005-294
Re: Agreement - NYS Department of Transportation, Snow Removal

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 W. Ridge Road; and
2. Plymouth Avenue, from Commercial to Troup Streets.

The total length of these two streets is 2.7 miles.

The City has provided these services since 1978 pursuant to periodic agreements. The most recent agreement was authorized by City Council in August 2004 and expires in June 2007.

The proposed agreement extends the existing agreement from June 30, 2007 to June 30, 2008; 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 \$34,738 for snow and ice removal performed during the 2005-06 winter, which is \$655 more than the prior amount.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-294
(Int. No. 321)

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, 2008. 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. 2005-295
Re: Agreement - Electricity Provider for the City of Rochester

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Constellation NewEnergy, 810 Seventh Avenue, Suite 400, New York, New York 10019, to supply electricity, as a commodity, to all City facilities including street lighting accounts, public libraries, the War Memorial and the Rochester Riverside Convention Center. The funds necessary to support this agreement are in the Heat, Light, and Power budget lines of the departments and agencies cited above beginning in FY 2005 - 06. This legislation is enabled by the "Voice Your Choice" program set up by the NYS Public Service Commission (PSC) to foster competition for the retail supply of energy within the State by allowing all utility customers to

purchase energy from a choice of suppliers. This program became available to the City in 2005.

As a result of discussions in 2003 within the R2010 Campaign 7 Quality Service Team, the Department of Environmental Services put together a team to monitor the evolution of the PSC's program and to make recommendations to the Mayor as to how the City could benefit from the implementation of retail energy competition.

A request for proposal for an "Electricity Provider for the City of Rochester" was issued to eighteen PSC certified energy service providers (ESCO's) in April 2005. The Team selected three finalists for the interview process. Constellation NewEnergy was recommended based on the price package offered, the experience that Constellation has dealing with large municipal customers (including Baltimore and Boston), and the visible role that they have in our community as evidenced by their recent purchase of the Ginna Power Plant. The City will be able to purchase renewable energy from Constellation, which supports the further development of "Green" initiatives.

Attached is additional information concerning the selection process.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Attachment No. AE-100

Ordinance No. 2005-295
(Int. No. 322)

Authorizing An Agreement For The Supply Of Electricity To City Facilities

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Constellation NewEnergy for the supply of electricity, as a commodity, to all City facilities, including street lighting accounts, public libraries, the War Memorial and the Rochester Riverside Convention Center, for a term of two years.

Section 2. The agreement may obligate the City to initially pay a variable rate for the electricity, but the Mayor is authorized to exercise an option for a fixed rate at any time. Funding shall be provided from the 2005-06 and subsequent City budgets, contingent upon approval of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-296
Re: Water Rates - Quantity Discount

R2010: Campaign 6 - Economic Vitality
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation

amending Chapter 23-27 of the City Code with regard to water fees. The effect of the proposed change would be to provide two new water consumption quantity discounts.

Currently, the water rate structure provides two quantity discounts - one for consumption in excess of 20,000 gallons per month, and one for use in excess of 620,000 gallons per month. These discounts reflect the fact that the City's costs diminish for incremental units of service. For example, a commercial account with high usage requires less servicing than the several residential accounts using a comparable amount of water.

While the current rate structure recognizes the economies of scale for most large-volume users, for very large industrial users, economies of scale are not adequate. Therefore, two additional quantity discount tiers are proposed - at 10,000,000 gallons per month and at 15,000,000 gallons per month - as summarized below:

Consumption Gallons per month	Current Rate	Proposed Rate
0 - 20,000	\$2.57	\$2.57
20,000 - 620,000	2.35	2.35
More than 620,000	1.84	n/a
620,000 - 10,000,000	n/a	1.84
10,000,000 - 15,000,000	n/a	1.20
More than 15,000,000	n/a	1.02

The new rate structure does not change water rates for any users of less than 10,000,000 gallons per month. While there could be an initial revenue loss of approximately \$144,000, ultimately, the new rate structure can be expected to enhance the city's economic development efforts.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-296
(Int. No. 323)

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) thereof to read in its entirety as follows:

A. Consumption rates.

(1) Consumption charge; schedule of rates.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 - 20,000	\$2.57
20,000 - 620,000	2.35
620,000 - 10,000,000	1.84
10,000,000 - 15,000,000	1.20
More than 15,000,000	1.02

Section 2. This ordinance shall take effect on October 1, 2005.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-297
Re: Western Gateway Sewers

R2010: Campaign 5 - Regional Partnerships
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$130,000, and the appropriation of the proceeds thereof, to partially finance the cost for construction of sewer and related street improvements along Lombard Street as part of the Western Gateway Sewers project.

Design of the sewer improvements is being provided by the County of Monroe. The new sewer will be installed within the existing pavement of Lombard Street this year, in advance of the Lombard Street improvement project. The street improvement project, which is being designed by the Bureau of Architecture and Engineering, is scheduled to be constructed in summer 2006 and includes pavement reconstruction, driveway aprons, a new water main including hydrant and water services, drainage improvements, street lighting upgrades, signage, topsoil and seed.

The construction of the sewer and the related improvements is estimated to cost \$220,000. \$25,000 will be financed by the County in the form of materials donations. The City will finance the remainder from the bond authorization requested herein (\$130,000), and from the 2005-06 Cash Capital allocation (\$65,000), consistent with the 2005-06 Capital Improvement Program.

Respectfully submitted,

Richard W. Hannon
Deputy Mayor

Attachment No. AE-101

Ordinance No. 2005-297
(Int. No. 324)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$130,000 Bonds Of Said City To Finance The Cost Of Construction Of Certain Sewer Improvements Related To The Lombard Street Improvement Project

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

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of certain sewer improvements related to the Lombard Street Improvement Project in the City (the "Project"). The total estimated cost of said class of objects or purposes authorized hereby, including preliminary costs and costs incidental thereto and the financing thereof, is \$220,000. The plan of financing includes the issuance of \$130,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$65,000 in current City funds and \$25,000 in materials from the County of Monroe, 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 class of objects or purposes for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a.4 of the Law, is forty (40) years.

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

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

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

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

(c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-298
Re: Security Services Agreement

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Business Protection Specialists (BPS) Canandaigua, NY, for an assessment of security needs and for the City's public water system.

BPS will evaluate identified water system vulnerabilities and will design and specify equipment and systems to be used to address these vulnerabilities. The total cost of this two year agreement will not exceed \$50,000 and will be funded from funds that have been allocated for security enhancements, specifically, \$35,000 and \$15,000 from 1998-99 and 2004-05 Cash Capital, respectively.

The water system Vulnerability Assessment study completed in 2003, used a federally mandated protocol to identify and rank security vulnerabilities. In its work to address these areas, the Water Bureau has determined to contract with BPS to provide a review of the vulnerabilities, identify potential solutions, and then prepare a plan for implementation. Upon approval, BPS will develop designs and specifications that will be used for competitive purchase and will assist in construction oversight, testing, and training.

BPS is the only area consulting firm that is uniquely dedicated to providing business-related security services, and in particular, these services as they relate to the water and wastewater industry. BPS performed similar work as specified herein for other area water/waste systems, and received very high grades from those agencies for that work. The firm holds memberships in the International Association of Security Consultants and the American Water Works Association.

Fifty-four percent of these costs will be reimbursed by the Monroe County Water Authority.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Attachment No. AE-102

Ordinance No. 2005-298
(Int. No. 325)

Establishing Maximum Compensation For A Professional Services Agreement For A Water System Security Study

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

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Business Protection Specialists for assessment of security needs and specification of security equipment related to the City's public water system. The agreement may extend for two years. Of said amount, \$35,000 shall be funded from the 1998-99 Cash Capital Allocation and \$15,000 shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-299
Re: Farmington Road - Recessed Parking

R2010: Campaign 7 -Quality Service

Transmitted herewith for your approval is legislation authorizing a ten foot increase in the pavement width, from 25 feet to 35 feet, on the north side of Farmington Road, beginning 59.5 feet east of Wyand Crescent, continuing easterly for a distance of 300 feet.

The change has been requested by the Rochester City School District to accommodate construction of seven school bus parking spaces within the right-of-way adjacent to Frank Fowler Dow School 52. The School District will finance and construct the improvements as soon as possible.

The widening was endorsed by the Traffic Control Board on July 19, 2005. The City Engineer is recommending that approval be contingent upon completion of the improvements within eighteen months of adoption of the authorizing ordinance.

A public hearing is required.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Attachment No. AE-103

Ordinance No. 2005-299
(Int. No. 326)

Authorizing An Increase In The Pavement Width Of Farmington Road For A Recessed Parking Area At The Frank Fowler Dow School 52

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

Section 1. The Council hereby approves an increase of 10 feet, from 25 feet to 35 feet, in the pavement width of Farmington Road, for a distance of 300 feet easterly from a point 59.5 feet easterly of Wyand Crescent, in order to provide a recessed bus parking area at the Frank Fowler Dow School 52.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Stevenson moved to return Introductory No. 327 to committee.

The motion was seconded by Councilmember Pritchard.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 327
Re: Property Acquisition - CSX, Amending Ordinance No. 2005-133

R2010: Campaign 4 - Environmental Stewardship
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending Ordinance No. 2005-133 regarding the acquisition of approximately 19.57 acres of land from the CSX Railroad. The Ordinance is being amended to allow for the acquisition of this land through negotiation or condemnation. The condemnation option could be required in the event that CSX is unable to clear certain title issues which affect the property.

A public hearing is required.
Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Introductory No. 327

**AMENDING ORDINANCE NO. 2005-133
RELATING TO THE ACQUISITION OF CSX
LAND**

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

Section 1. Ordinance No. 2005-133, relating to the acquisition of CSX land for construction of a connection to the Genesee Riverway Trail and for economic development purposes, is hereby amended by renumbering Section 3 thereof as Section 4, and by adding thereto the following new Section 3:

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

Section 2. This ordinance shall take effect immediately.

Item held.

By Councilmember Douglas
September 6, 2005

To the Council:

The Finance & Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 328 - Cancellation Of Taxes And Charges

Int. No. 329 - Amending The 2004-05 Budget

Int. No. 330 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

Int. No. 331 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Furniture, Fixtures, And Equipment For The East-side Patrol Division Office Of The Rochester Police Department Within The City

Int. No. 332 - Authorizing Extension Of The Lease Agreement For The Boys Club Parking Lot

Int. No. 333 - Resolution Approving An Appointment By The Mayor To The Rochester Ferry Company LLC

Int. No. 334 - Establishing Maximum Compensation For A Professional Services Agreement For Emergency Communications Center Systems

Int. No. 335 - Establishing Maximum Compensation For A Professional Services Agreement For Counseling And Stress Management Services

Int. No. 336 - Establishing Maximum Compensation For A Professional Services Agreement For Incident Management Team Training

Int. No. 337 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Appraisal Services
Respectfully submitted,
Brian F. Curran
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-300
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 \$24,758.18, as follows:

1. \$16,677.50 (67.36% of the total), relates to nine properties that were taken in foreclosure. Code violation charges appearing on the tax bills were included in the foreclosure actions.
2. \$5,100 (20.60%), applies to three properties where code violation charges appear on the tax bill that were attributed to the former owners. The code violations will be issued as judgments against the former owners.
3. \$2,980.68 (12.04%), applies to two properties where the current owners were entitled to tax exemptions that were not recorded on the 2005 Final Assessment Roll.

If these cancellations are approved, total cancellations thus far for 2005-06 will be \$447,241.89.

Accounts Amounts

City Council	65	\$394,301.25
Administrative	165	<u>52,940.64</u>
Total	230	\$447,241.89

These cancellations represent .199% of the tax receiv-ables as of July 1, 2005.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-300
(Int. No. 328)

Cancellation Of Taxes And Charges

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

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

- (a) The property owners applied and qualified for Senior Citizen and STAR tax exemptions that were not recorded on the 2005 Assessment Roll.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
<u>Address</u>			
075.410-2-27.1	NH	2006	\$ 1,454.89
62 Studley St.			
122.470-1-3.0/0308	NH	2006	<u>1,525.79</u>
1400 East Av.UN308			
Subtotal			\$ 2,980.68

- (b) These properties were purchased with code violations issued to the former owner. The violations will be cancelled from the tax file and a judgment will be issued against the former owners.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
<u>Address</u>			
090.660-2-11	H	2006	\$ 2,100.00
225 Alameda St.			
105.420-1-51	H	2006	1,200.00
282 Emerson St.			
106.220-2-23	NH	2006	<u>1,800.00</u>
1049 N. Clinton Av.			
Subtotal			\$ 5,100.00

- (c) These properties were taken through foreclosure actions. The code violations are attributed to the former owners and were included in the foreclosure action.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Cancelled</u>
<u>Address</u>			
075.790-1-3.3	NH	2006	\$ 1,200.00
1102 W. Ridge Rd.			
090.340-2-53	NH	2006	2,400.00
85 Palm St.			
090.500-3-34	H	2006	3,600.00
12-16 Electric Av.			

105.340-2-54	H	2006	1,800.00
354 Ravine Av.			
106.270-2-1	H	2006	1,000.00
17 Fernwood Av.			
107.690-1-14	H	2006	1,800.00
551-553 Hayward Av.			
107.720-3-6	H	2006	1,200.00
609 Cedarwood Ter.			
120.580-3-68	H	2006	1,052.50
31 Kirkland Rd.			
135.270-1-7	H	2006	<u>2,625.00</u>
449 Cottage St.			
Subtotal			\$16,677.50
Grand Total			\$24,758.18

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. 2005-301
Re: 2004-05 Year-End Budget Amendment

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the 2004-05 budget by:

1. Transferring budget appropriations totaling \$1,224,000 from the Contingency Appropriation to Cash Capital Allocation;
2. Transferring budget appropriations of \$35,000 from the Undistributed Account to the Law Department; and
3. Increasing revenue estimates from Monroe County and the Emergency Communications Department's budget by \$40,000.

The appropriation transfers are authorized by section 6-13 of the City Charter.

The City Council has previously authorized 50 other amendments to the 2004-05 budget. These amendments reflected 11 appropriation transfers, 39 appropriation increases based upon the receipt of additional revenues, and no technical corrections.

Actual receipts and expenditures for 2004-05 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 Cash Capital Allocation is for two projects: \$1,100,000 for an energy efficiency project; and \$124,000 for the Department of Parks, Recreation and Human Services repairs and improvements to facilities, grounds and fixtures.

The transfer of \$35,000 from the Undistributed Account to the Law Department will cover the overrun in personnel expense due to vacation leave payout to a retiring employee with 29 years of service.

The \$40,000 increase in revenue estimates from Monroe County is to reimburse the City for the overrun in personnel expense for the Emergency Communications Department (ECD). ECD experienced fewer vacancies during the year than the budget estimate assumed.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-301
(Int. No. 329)

Amending The 2004-05 Budget

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

Section 1. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,224,000 from the Contingency Account to the Cash Capital Allocation.

Section 2. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$35,000 from the Undistributed Expense Account to the Law Department.

Section 3. Ordinance No. 2004-162, the 2004-05 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Emergency Communications Department by the sum of \$40,000, which amount is hereby appropriated from reimbursements from the County of Monroe.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-302
Re: Amendatory Agreement - J. Martin Solutions, Inc. For Labor Relations Consultation Services

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with J. Martin Solutions, Inc. 4446 Hibbard Road, Holley, NY 14470, for the provision of labor relations consultation services.

The original agreement provides up to \$25,000 for the 12 months ending December 31, 2005. This amendment will increase the amount by \$10,000 to a total of \$35,000, and extend the term to June 30, 2006. The additional amount will be funded from the 2005-06 Budget.

J. Martin Solutions provides general counsel and guidance on labor relations matters, including participating in strategy sessions and conducting or assisting with research. The principal of J. Martin Solutions, John M. Girvin, coordinated labor relations matters for the Police Department prior to his retirement. His expertise has proved to be very beneficial to the

Police Department and the City Administration during preparation for labor contract negotiations.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-302
(Int. No. 330)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Labor Relations Consultation Services

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and J. Martin Solutions, Inc. for labor relations consultation services for the Rochester Police Department. Said amount shall be funded from the 2005-06 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.
TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-303
Re: Bond Authorization for Furniture and Fixtures for Police Facilities

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$200,000 and appropriating the proceeds thereof to finance the purchase of furniture, fixtures, and equipment for the newly-renovated Eastside Patrol Division office of the Rochester Police Department. The issuance of these bonds was planned for in the 2003-04 Debt Authorization Plan.

Construction on the new permanent facility for the Eastside Patrol Division began in October 2004 and is expected to be completed in December 2005. The new facility will occupy approximately 26,360 square feet in the Upper Falls Shopping Center. The new facility, once completed and furnished, is expected to be operational on or around January 1, 2006.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-303
(Int. No. 331)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$200,000 Bonds Of Said City To Finance The Cost Of Furniture, Fixtures And Equipment For The Eastside Patrol Division Office Of The Rochester Police Department 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 furniture, fixtures and equipment for the Eastside Patrol Division Office of the Rochester Police Department in the Upper Falls Shopping Center within the City (the "Project"). The total estimated maximum cost of said specific object or purpose, described herein, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be \$200,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$200,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$200,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$200,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.32 of the Law, is five (5) years.

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

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

hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

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

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

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-304
Re: Agreement - Boys Club Lot

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Vineyard Christian Church for the continued lease of a 116-space parking lot located at One Favor Street.

Currently, the Church leases the lots for \$2,473 per year, with the 50 spaces designated for use by Public Safety Building civilian City employees at no charge. Since parking near the Public Safety Building is severely limited, the City will increase its parking for civilian employees by 57 spaces, for a total of 107. This will leave nine spaces for Church use. The increase in City use results in an adjusted annual lease payment of \$310.50 (based on \$34.50 per space designated for City employees).

The City may reserve use of the entire parking lot, upon written notice to the Church, for special-event parking (e.g., Corn Hill Arts Festival). The lease payment would be adjusted for such special-event parking. In addition, in the event that the lot is needed for economic development purposes, the City would notify the Church, in writing, 90 days in advance before terminating the lease agreement.

The Church will be responsible for all expenses associated with operating the lot, which include snow plowing, utilities, and all maintenance and repairs. The term for this agreement will be for three years, with two one-year extension options.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Attachment No. AE-104

Ordinance No. 2005-304
(Int. No. 332)

**Authorizing Extension Of The Lease Agreement
For The Boys Club Parking Lot**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Vineyard Christian Church for the extension of the lease of the Boys Club Parking Lot at 25 and 31 Favor Street for an additional period of three years, with an option for two additional periods of one year. The Municipal Parking Coordinator may designate the lot for special event parking if necessary. In the event the City needs to use spaces in the lot, the rent shall be adjusted by the Municipal Parking Coordinator. The agreement may be terminated upon ninety days notice by the City if the lot is needed for economic development purposes. Vineyard Christian Church shall be responsible for all expenses associated with operating the lot.

Section 2. Vineyard Christian Church shall be obligated to pay to the City the sum of \$310.50 annually for the lease.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-20
Re: Appointment to the Board of
Managers - Rochester Ferry
Company

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the appointment of Linda Stango, Commissioner of Community Development, to the Board of Managers of the Rochester Ferry Company, LLC.

Ms. Stango will fill the vacancy created by the recent death of Deputy Mayor Jeffrey T. Carlson. Ms. Stango will complete Mr. Carlson's term which expires December 31, 2005.

As Commissioner of Community Development, Ms. Stango brings valuable expertise and perspective to the Board in its role as a tenant of the Port of Rochester. A copy of her resume is on file with the City Clerk.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Resolution No. 2005-20
(Int. No. 333)

**Resolution Approving An Appointment By The
Mayor To The Rochester Ferry Company LLC**

BE IT RESOLVED, by the Council of the City of

Rochester as follows:

Section 1. The Council hereby approves the appointment by the Mayor of Linda M. Stango, Commissioner of Community Development, to the Board of Managers of the Rochester Ferry Company, LLC for a term which shall expire on December 31, 2005. Ms. Stango shall replace Deputy Mayor Jeffrey T. Carlson, who recently passed away.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-305
Re: Agreement - SimplexGrinnell LP,
9-1-1 Center Security System

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with SimplexGrinnell LP, of Rochester, for security system services at the Emergency Communications Center. The cost of the agreement will not exceed \$19,500, and will be financed from the 2005-06 Budget of the Emergency Communications Department.

SimplexGrinnell LP will provide inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the 9-1-1 Center. Inspection services will include functional testing of all components of the systems and will be conducted in accordance with NFPA standards. Maintenance services will include all parts and labor necessary to diagnose and repair the systems, excluding problems in power and signal wiring. Maintenance service will also include after-hours emergency repairs for the intrusion alarm, access control and the fire alarm systems. This agreement will expire June 30, 2006.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-305
(Int. No. 334)

**Establishing Maximum Compensation For A
Professional Services Agreement For Emergency
Communications Center Systems**

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

Section 1. The sum of \$19,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with SimplexGrinnell LP for inspection and maintenance services for the intrusion alarm, security camera, access control, intercom and building fire alarm systems at the Emergency Communications Center. Said amount shall be funded from the 2005-06 Budget of the Emergency Communications Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-306
Re: Counseling and Stress Management
Services - Fire Department

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the Strong Employee Assistance Program, Department of Psychiatry, University of Rochester, for counseling and Critical Incident Stress Management services for Rochester Fire Department employees and their family members. The cost of this agreement will not exceed \$40,000 per year and will be funded from the 2005-06 and future Budgets of the Fire Department.

The University of Rochester was the sole responder to a request for proposals. The University, through the Strong Employee Assistance Program, has been providing both standard and Critical Incident Stress services to both the Fire and Police Departments.

The University's proposal offers a comprehensive package of employee assistance services to address individual, family and worklife needs. These services include confidential assessment and short term treatment; consultation and training for supervisors and managers to identify and resolve job performance issues and direct linkage to mental health and wellness resources with 24-hour crisis coverage by trained clinicians.

The proposed agreement will have an initial term of two years with provision for two additional one-year renewal periods.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-306
(Int. No. 335)

Establishing Maximum Compensation For A Professional Services Agreement For Counseling And Stress Management Services

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Strong Employee Assistance Program, Department of Psychiatry, University of Rochester, for counseling and stress management services for employees of the Rochester Fire Department, for a term of two years, with two one-year renewal periods. Said amounts shall be funded from the 2005-06 and subsequent Budgets of the Rochester Fire Department, subject to approval of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-307

Re: Incident Management Team Training

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Philip J. McLaughlin to provide a three-day Incident Management Team program for the Rochester Fire Department. The cost of this agreement will not exceed \$17,500 and will be funded by the Metropolitan Medical Response System Grant from of the Department of Homeland Security.

Mr. McLaughlin, a 35-year veteran of the Philadelphia Fire Department, and a nationally recognized incident command expert, works extensively with the National Fire Academy. A summary of his background and experience is attached.

The program will provide command-level, incident management training, meeting the Federal mandate of the National Incident Management System. Team members will conduct two target hazard exercises and two large scale incident management team exercises. Participants will assume roles of command, general staff, and emergency operations center functions. A large part of the training program is hands-on exercises, which will be facilitated by six "controllers"; this is consistent with the staffing at the courses conducted at the National Fire Academy. The course will be conducted for 25 command staff of the RFD and four senior staff of the Police Department.

Below is a summary of expenses:

Class preparation and delivery	
Pre-training site visit	\$ 800
Customizing exercises	3,000
Creating incident images	600
Materials preparation	400
On-site controllers	
Six facilitators x 3 days	7,200
Travel, lodging, meals	5,000
Total	\$17,000

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Attachment No. AE-105

Ordinance No. 2005-307
(Int. No. 336)

Establishing Maximum Compensation For A Professional Services Agreement For Incident Management Team Training

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

Section 1. The sum of \$17,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Philip J. McLaughlin for Incident Management Team Training for the Rochester Fire Department. Said amount shall be funded from the 2004-05 Budget of the Rochester Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen

CAROLEE A. CONKLIN
City Clerk

Ordinance No. 2005-308
Re: Amendatory Agreement for
Appraisal Services - Midland
Appraisal Associates, Inc.

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Midland Appraisal Associates, Inc., 673 Panorama Trail West, Rochester, NY 14625, for appraisal services related to the Days Inn Hotel at 384 East Avenue, which is the subject of an assessment review proceeding brought against the City by the owners of the hotel.

Midland has already been authorized to prepare a trial-ready appraisal of this property for the years 1998 through 2002, at a cost of \$9,300. The judge supervising the case has directed the parties to add the years 2003 and 2004 to their appraisals. That will add another \$1,500 to the cost of the appraisal. In addition, the Corporation Counsel is seeking authorization for \$6,000 for trial preparation and trial testimony services from Midland, if needed.

This amendatory agreement will authorize the expenditure of \$7,500, which, in addition to the \$9,300 already authorized, will bring the total authorized payment to Midland for services related to this property to \$16,800.

The term of the agreement will be for two years, or until the case is resolved.

The total tax refund demanded by the hotel owners is \$289,805.

The cost of this agreement will be funded from the 2005-06 budget of the Law Department.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Ordinance No. 2005-308
(Int. No. 337)

**Establishing Maximum Compensation For
An Amendatory Professional Services Agreement
For Appraisal Services**

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

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Midland Appraisal Associates, Inc. for appraisal services, trial preparation and trial testimony in relation to the assessment review proceeding involving the Days Inn Hotel at 384 East Avenue. The agreement may extend until the completion of the assessment review proceeding. Said amount shall be funded from the 2005-06 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:56 P.M.

REGULAR MEETING
OCTOBER 11, 2005

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - 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
- *Rolland R. Michael
- RFD
- *John E. Wallace
- RPD
- *Michael D. Bennett
- *Not attending meeting.

APPROVAL OF THE MINUTES
By Councilmember Mains

RESOLVED, that the minutes of the Regular Meeting of September 6, 2005 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 3816-7
 - Public Disclosure - HOME Participation 3817-7

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

In Favor of Curfew Petition No. 1612

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Amending The 2003-04 And 2004-05 Community Development Program Plans By Transferring Funds For The Business Assistance Program And Appropriating Those Funds Int. No. 346 No speakers

Dedication To Street Purposes Of Additional Parcel For Romeyn Street Int. No. 347 No speakers

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

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-309
Re: Home Room and City Housing Promotion

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with the Landmark Society of Western N.Y. to administer the Home Room program, and appropriating funds as follows to fund this agreement and to fund marketing and promotion of city living and housing programs:

1. To fund the agreement, \$75,000 will be appropriated from the 2005-06 Community Development Block Grant (Homebuyer Services allocation). The remaining \$25,000 will be

funded from the 2005-06 City Development Fund (Homebuyer Services allocation).

2. To fund marketing and promotion efforts, appropriate \$50,000 from the Housing Stock and General Property Conditions Objective (Housing Promotion allocation) of the 2005-06 CDBG; and \$25,000 from the 2005-06 City Development Fund (Housing Promotion allocation).

Home Room

Begun in 1998, the Home Room 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 currently administered by the Landmark Society with the assistance of the Greater Rochester Association of Realtors.

During the term of May 2004 to April 2005, the following actions or activities took place:

1. The Home Room, which contains informational materials and displays about city living and a multiple listing service computer, was visited by 125 persons.
2. The Home Room's web site logged 189,789 visitors, with an average of 524 a day. The average visit was 10 minutes. For the peak month of April, 2005, there were 26,292 visits, an average of 878 visitor sessions per day.
3. A 15 hour training class, *Marketing Historic Houses Successfully*, was completed by 40 real estate agents, bringing the total to 347.
4. City neighborhoods were featured in three editions of the Landmark Society's newsletter.
5. Countless area residents learned about the advantages of city living through new radio and television commercials, print and website advertising, brochures and e-mail alerts.

During the term of this agreement (July 2005 - June 2006), the Landmark Society will:

1. Continue to operate the Home Room;
2. Expand and link the web sites RochesterCityLiving.com and MovingtoRochester.org to other relevant web sites;
3. Continue to provide a real estate agent training class, 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;
6. Continue to support "City Living Sundays". Additionally, the Home Room will work with City of Rochester staff on related projects which in the past year included researching neighborhood history, promoting the Susan B. Anthony neighborhood and

surveying city residents. The Home Room has also been featured as a "Best Practice" by the National Trust for Historic Preservation and by the Neighborhood Reinvestment Corporation.

Promotion/Marketing

\$75,000 will be used by Department of Community Development to continue the Marketing Assistance Program offered to local real estate agents, to fund marketing activities such as City Living Sundays, and to cover the costs of producing marketing and promotional materials for the City's housing and real estate sales programs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-309
(Int. No. 368)

Authorizing An Agreement For The Home Room Program And Appropriating Funds For City Housing Promotion

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. to administer the Home Room Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$100,000, and of said amount, or so much thereof as may be necessary, \$75,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program and \$25,000 shall be funded from the 2005-06 City Development Fund.

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

Section 4. The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program and the sum of \$25,000, or so much thereof as may be necessary, shall be funded from the 2005-06 City Development Fund, for marketing and promotion of city living and housing programs.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
October 11, 2005

To the Council:

The Housing And Economic Development Committee recommends for Adoption the following entitled legislation:

Int. No. 339 - Authorizing The Sale Of Real Estate

Int. No. 340 - Authorizing The Acquisition Of A Portion of 18 Petten Street

Int. No. 341 - Approving A Property Tax Exemption And Authorizing An In Lieu of Tax Agreement For The Olean & Kennedy Revitalization Project

Int. No. 342 - Authorizing The Sale Of Real Estate For The Olean & Kennedy Revitalization Project And Amending Ordinance No. 2003-332

Int. No. 343 - Accepting And Appropriating Funds And Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Village/Genesee Street Enhancement Project

Int. No. 344 - Amending The 2005-06 Budget With Respect To Property Management Funds, As Amended

Int. No. 345 - Establishing Maximum Compensation For A Professional Services Agreement For The Rundel Library Skylight Improvement Project

The Housing And Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 346 - Amending The 2003-04 And 2004-05 Community Development Program Plans By Transferring Funds For The Business Assistance Program And Appropriating Those Funds

Int. No. 347 - Dedication To Street Purposes Of Additional Parcel For Romeyn Street

The following entitled legislation Failed in Committee:

Int. No. 305 - Authorizing Agreements And Appropriating Funds For The Rochester City Living Center, As Amended

Respectfully submitted,
Wade S. Norwood
William F. Prichard (Voted against Int. No. 305)
Adam C. McFadden (Voted against Int. No. 305)
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-310 And
Ordinance No. 2005-311
Re: Sale and Acquisition of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of two properties, the acquisition of one property, and the reconveyance and subsequent sale of four properties. Staff has audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement

were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property, 732-734 Bay Street, is a structure that is being sold to Flower City Habitat for Humanity for its appraised value. The structure will be rehabilitated as a single family and will subsequently be sold to an owner-occupant.

The second property, 165 Webster Avenue, is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to its size.

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

Acquisitions

Four parcels - 143, 182, and 238 Fulton Avenue, and 37 Phelps Avenue - which had previously been sold to the Urban League of Rochester Economic Development Corporation (ULREDC), are to reconveyed to the City. The State funding that ULREDC received, originally intended for new construction, is now targeted for the rehabilitation of existing housing; ULREDC no longer has a use for these properties. The reconveyance will allow the City to sell the parcels to Flower City Habitat for Humanity at their appraised value for construction of single-family homes for low-income buyers.

The acquisition of part of 18 Petten Street, approximately 9.13 acres, from Genesee Marina, Inc. should have accompanied the bond ordinance adopted for this purpose at the September 2005 Council meeting, but was inadvertently omitted. The cost of acquisition, \$336,000, will be financed from said bonds.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-106

Ordinance No. 2005-310
(Int. No. 339)

Authorizing The Sale Of Real Estate

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

Section 1. The Council hereby approves the negotiated sale of the following parcel of improved property:

Address: 732-734 Bay St.
S.B.L.#: 107.37-3-13.1
Price: \$1.00
Lot Size: 108x141
Purchaser: Flower City Habitat for Humanity*

*Officers: Arthur Woodward, Peter Prince, Elizabeth Stewart, Dick Sprenkle, Kevin Prinzing

Section 2. The Council hereby further approves the sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

Address: 165 Webster Ave.
S.B.L.#: 106.60-4-14
Lot Size: 33x95
Sq. Ft.: 3162±
Purchaser: Gloria Parker

Section 3. The Council approves the reconveyance of the following parcels of vacant land by the Urban League of Rochester Economic Development Corporation to the City. Upon reconveyance, the Council hereby approves their negotiated sale, for their appraised values, to Flower City Habitat for Humanity for the construction of single-family housing:

Address	S.B.L.#	Price
143 Fulton Ave.	105.43-2-21	\$475
182 Fulton Ave.	105.35-3-29	475
238 Fulton Ave.	105.27-2-37	500
37 Phelps Ave.	105.51-2-12	600

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-311
(Int. No. 340)

Authorizing The Acquisition Of A Portion Of 18 Petten Street

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

Section 1. The Council hereby approves the acquisition of approximately 9.13 acres of land at 18 Petten Street, reputedly owned by Genesee Marina, Inc. (Principal: Donald Suhr), for relocation of the Monroe County boat launch from River Street, vehicular parking and potential future parkland uses.

Section 2. The acquisition shall obligate the City to pay an amount not to exceed \$336,000, and said amount, or so much thereof as may be necessary, and necessary closing costs not to exceed \$24,000, shall be funded from Bond Ordinance No. 2005-291.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-312 And
Ordinance No. 2005-313
Re: Olean & Kennedy Revitalization
Project: Phase II - Sale of Vacant
Lots and PILOT Agreement

R2010: Campaign 9 - Healthy Urban

Neighborhoods

Transmitted herewith for your approval is legislation relating to Phase II of the Olean & Kennedy Revitalization Project. This legislation will:

1. Authorize the sale of 29 City-owned vacant lots (see attached list) at their appraised value to the Providence Olean Housing Development Fund Company, Inc., as nominee for Olean Housing LP.
2. Amend Ordinance No. 2003-332 to rescind the sale of four vacant lots - 126, 129, 131 and 135 Fulton Avenue - to the Urban League of Rochester Economic Development Corporation and reassign the sale to the Providence Olean Housing Development Fund Company.
3. Authorize the exemption of the project from property taxes and an agreement for payments in lieu of taxes with the Providence Olean Housing Development Fund Company, Inc.

Phase I is underway. The Edith Street extension and townhouse development is under construction on the Kennedy site. 21 scattered site rental units have basements completed and most are near to being framed.

The proposed legislation is related to Phase II of the project (the Olean portion, see attached map). This will consist of the construction of 48 town-homes to be built on the former Olean Townhouse site. In addition, 29 single-family rental units will be built on scattered sites throughout the southwest neighborhoods. These units will be the same as those constructed under the Kennedy Project; all will have porches, separate entrances, off-street parking and green space. Previous ordinances have authorized funds to construct 3 new roads on the Olean site and to undertake environmental remediation of a portion of the site. The environmental remediation is expected to begin this fall and road construction is expected to commence in December.

The in-lieu of tax agreement for Providence South Plymouth Housing Development Fund Company, Inc. will provide a 20-year property tax exemption in consideration for an annual in-lieu of tax payment equal to 10% of the project shelter rents (gross rents less utility costs). This agreement will include parcels on the attached list, the four sites listed in item 2 above, a portion of 56 Olean Street, 50 Olean Street, 649 and 651 South Plymouth Avenue, and 205 Atkinson Street.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-107

Ordinance No. 2005-312
(Int. No. 341)

Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement For The Olean & Kennedy Revitalization Project

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

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period

of 20 years, the following properties, provided they are owned by the Providence Olean Housing Development Fund Company, Inc., and are used for housing as a part of the Olean & Kennedy Revitalization Project:

Address	S.B.L. No.
187 Adams St.	121.45-1-16
290 Adams St.	120.52-1-12
308 Adams St.	120.52-1-5.1
154 Atkinson St.	121.37-1-37
162 Atkinson St.	121.37-1-33
205 Atkinson St.	120.44-3-1
29 Bartlett St.	121.61-2-19
127 Bartlett St.	120.68-3-24
163 Bartlett St.	120.67-3-15
165 Bartlett St.	120.67-3-14
7 Cady St.	121.53-1-71
59 Cady St.	120.60-2-27
63 Cady St.	120.60-2-25.1
152 Cady St.	120.59-1-37
160 Cady St.	120.59-1-41.1
162 Cady St.	120.59-1-42
171 Cady St.	120.59-2-13.1
236 Champlain St.	120.60-2-73
242 Champlain St.	120.60-2-77.3
368 Champlain St.	120.59-2-40
372 Champlain St.	120.59-2-41
17 Clifton St.	120.44-2-73
134 Clifton St.	120.51-1-19.1
159 Cottage St.	135.28-2-20.1
51 Elba St.	120.84-3-27
517 Frost Ave.	120.67-1-20
21 Fulton Ave.	105.60-1-29
126 Fulton Ave.	105.43-2-38
129 Fulton Ave.	105.43-2-47.1
131 Fulton Ave.	105.43-2-46.1
135 Fulton Ave.	105.43-2-45.1
226 Hawley St.	120.76-1-15
218 Magnolia St.	120.84-1-18
67-73 Prospect St.	120.44-2-54
649 S. Plymouth Ave.	121.61-1-22
651 S. Plymouth Ave.	121.61-1-23.1
50 Olean St.	121.53-2-24
Part of 56 Olean St.	121.53-2-25.1

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

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-313
(Int. No. 342)

Authorizing The Sale Of Real Estate For The Olean & Kennedy Revitalization Project And Amending Ordinance No. 2003-332

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

Section 1. The Council hereby approves the sale of the following parcels of real estate to the Providence Olean Housing Development Fund Company, Inc., for their appraised value, for the construction of housing as a part of the Olean & Kennedy Revitalization Project:

Address	S.B.L. No.	Amount
187 Adams St.	121.45-1-16	\$475
290 Adams St.	120.52-1-12	500
308 Adams St.	120.52-1-5.1	500
154 Atkinson St.	121.37-1-37	400
162 Atkinson St.	121.37-1-33	400
29 Bartlett St.	121.61-2-19	425
127 Bartlett St.	120.68-3-24	500
163 Bartlett St.	120.67-3-15	425
165 Bartlett St.	120.67-3-14	400
7 Cady St.	121.53-1-71	550
59 Cady St.	120.60-2-27	550
63 Cady St.	120.60-2-25.1	550
152 Cady St.	120.59-1-37	475
160 Cady St.	120.59-1-41.1	525
162 Cady St.	120.59-1-42	450
171 Cady St.	120.59-2-13.1	500
236 Champlain St.	120.60-2-73	425
242 Champlain St.	120.60-2-77.3	425
368 Champlain St.	120.59-2-40	450
372 Champlain St.	120.59-2-41	450
17 Clifton St.	120.44-2-73	450
134 Clifton St.	120.51-1-19.1	475
159 Cottage St.	135.28-2-20.1	450
51 Elba St.	120.84-3-27	475
517 Frost Ave.	120.67-1-20	425
21 Fulton Ave.	105.60-1-29	475
226 Hawley St.	120.76-1-15	425
218 Magnolia St.	120.84-1-18	400
67-73 Prospect St.	120.44-2-54	475

Section 2. Ordinance No. 2003-332, relating to the sale of real estate, is hereby amended by canceling authorization for the sale of the following parcels to the Urban League of Rochester Economic Development Corporation, as approved in Section 4 thereof, and by approving their sale to the Providence Olean Housing Development Fund Company, Inc., for their appraised value, for the construction of housing as a part of the Olean & Kennedy Revitalization Project:

Address	S.B.L. No.	Amount
126 Fulton Ave.	105.43-2-38	\$475
129 Fulton Ave.	105.43-2-47.1	450
131 Fulton Ave.	105.43-2-46.1	450
135 Fulton Ave.	105.43-2-45.1	475

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-314
Re: Brooks Village/Genesee Street
Enhancement Project (Brooks
Avenue - Cottage Street)

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban

Neighborhoods

Transmitted herewith for your approval is legislation related to streetscape enhancements along Genesee Street between Brooks Avenue and Cottage Street. This legislation will:

1. Authorize acceptance of \$407,000 in Capital Project Multi-Modal Program funding from the New York State Department of Transportation, and the appropriation of these funds to finance the cost of the project; and
2. Authorize an agreement with Bergmann Associates, in the amount of \$90,000, for engineering design and resident project representation services related to the project. This agreement will be funded from the above appropriation.

This project is a result of Sector 4 Community Development Corporation planning that began in 2001. The Corporation gathered community input on right-of-way modifications for Brooks Village, which is the area along Genesee Street north of Brooks Avenue. In a report commissioned by the City for the Corporation in 2002, FJF Architects summarized and refined proposed street and streetscape design concepts. In late 2004, the Corporation subsequently applied for and received the NYS Department of Transportation Multi-Modal Program funding.

The proposed features include curbing bump-outs along the east side of Genesee Street; decorative, concrete paver pedestrian crosswalks at the Brooks Avenue and Genesee Street intersection and at the Genesee Street and Sawyer Street intersection; repaving the curb park using a decorative, exposed-aggregate concrete; and installing a decorative street lighting system.

Bergmann Associates was selected to perform the engineering services because of its familiarity with the project, and their ability to work within the time frame established for the project.

Design of the project will begin this fall, with construction planned for Summer 2006. Completion is expected in the fall of 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-108

Ordinance No. 2005-314
(Int. No. 343)

Accepting And Appropriating Funds And Establishing Maximum Compensation For A Professional Services Agreement For The Brooks Village/Genesee Street Enhancement Project

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

Section 1. The Council hereby approves acceptance of Capital Project Multi-Modal Program funding from the New York State Department of Transportation for the Brooks Village/Genesee Street Enhancement Project (Brooks Avenue-Cottage Street). The Mayor is hereby authorized to enter into an agreement for the receipt of said funds. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 2. There is hereby appropriated from anticipated reimbursements of Capital Project Multi-Modal Program funds from the New York State Department of Transportation the sum of \$407,000, or so much thereof as may be necessary, to finance this Project.

Section 3. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for engineering design and resident project representation services for the Brooks Village/Genesee Street Enhancement Project (Brooks Avenue-Cottage Street). 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 appropriation made in Section 2.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Curran abstained because he is a property owner in the area.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-315
Re: Budget Amendment - Department of Community Development

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the 2005-06 Budget by transferring \$164,000 from the Property Management Account to the Department of Community Development Budget, and authorizing use of these funds for costs related to the management and development of City-owned properties.

These funds will be used toward ongoing operations of the Bureau of Housing and Project Development as follows:

- \$30,000 Management of properties acquired through tax foreclosure and other means while they remain in city ownership
- \$45,000 Cost of evictions and a reserve account for needed property repairs
- \$89,000 Engineering and design studies for developing city-owned property for residential purposes

This latter amount will be used to evaluate the feasibility of 1170 Genesee Street as a site for market-rate housing development. This project would be similar to current CityScape projects (i.e., Newcroft Park and Charlotte Street).

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-315
(Int. No. 344, As Amended)

Amending The 2005-06 Budget With Respect To Property Management Funds

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

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Community Development by the sum of \$[164,000] 189,200, which amount is hereby appropriated from the Property Management Account to fund the management and development of city-owned properties and soil condition and parking studies at the Port of Rochester.

Section 2. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-316
Re: Rundel Library Center Skylight Improvements Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with LoMonaco Associates for architectural design services related to repair of the center skylight at Rundel Library, 115 South Avenue. The maximum cost of the agreement will be \$18,000 which will be financed from 2004-05 Cash Capital.

The Rundel Library is the Central Library for the Rochester Public Library and the Monroe County Library Systems. The building is on the registry for Historic Buildings, and houses a magnificent center skylight and glass ceiling that has been subjected to moisture intrusion through the masonry and glazing above. The project will restore the masonry to prevent further deterioration and replace the glazing system of the skylight to protect the interior finishes and continue to provide natural lighting to the main circulation area.

Proposals were solicited from four firms, and received from two firms. LoMonaco Associates is recommended based on their qualifications and ability to complete work within the City's schedule.

Design is scheduled to begin in the Fall 2005. Construction is scheduled to begin in the Spring 2006, with completion in Summer 2006. The estimated cost for construction of the improvements is \$150,000 and will be financed from 2004-05 Cash Capital.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-316
(Int. No. 345)

Establishing Maximum Compensation For A Professional Services Agreement For The Rundel

Library Skylight Improvement Project

(Int. No. 346)

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

Section 1. The sum of \$18,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LoMonaco Associates for architectural design services for the Rundel Library Skylight 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 the 2004-05 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-317
Re: CDBG Appropriations - Business Assistance Program, Commercial Exterior Improvement Program, Neighbors Shopping Neighborhoods

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation amending the 2003-04 and 2004-05 Consolidated Plans by transferring \$64,000 from the following allocations of the Community Development Block Grant Program to the Business Assistance Program, and appropriating said funds.

Program Year	Allocation Amount	Program/Activity	Allocation
2004-05	Promote Economic Stability	Commercial Exterior Improvement Program	\$47,000
2004-05	Promote Economic Stability	Neighbors Shopping Neighborhoods	15,000
2003-04	Promote Economic Stability	Neighbors Shopping Neighborhoods	<u>2,000</u>
			\$64,000

The Commercial Exterior Improvement Program funds were designated for paying for the architectural services component of the program. The City no longer funds this component.

The Business Assistance Program, designed to maximize resources for small businesses, provides one-on-one technical assistance in advertising, computer, and store layout and design. If the business implements the recommendations of the consultant, the City provides assistance through the After Care Program which provides a 50/50 matching grant from \$2,000 to \$5,000 to help with the implementation. In the past year, 25 grants were awarded for advertising, 13 for computer and 6 for store layout and design.

A public hearing on these amendments is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-317

Amending The 2003-04 And 2004-05 Community Development Program Plans By Transferring Funds For The Business Assistance Program And Appropriating Those Funds

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

Section 1. The Council hereby approves amendatory 2003-04 and 2004-05 Community Development Program Plans whereby, within the Promoting Economic Stability Allocation of each year, the sum of \$47,000 shall be transferred in 2004-05 from the Commercial Exterior Improvement Program Account to the Business Assistance Program Account, the sum of \$15,000 shall be transferred in 2004-05 from the Neighbors Shopping Neighborhoods Account to the Business Assistance Program Account, and the sum of \$2,000 shall be transferred in 2003-04 from the Neighbors Shopping Neighborhoods Account to the Business Assistance Program Account.

Section 2. There is hereby appropriated from the Promoting Economic Stability Allocation of the 2004-05 Community Development Program the sum of \$62,000, and there is hereby appropriated from the Promoting Economic Stability Allocation of the 2003-04 Community Development Program the sum of \$2,000, or so much thereof as may be necessary, to fund the Business Assistance Program.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance 2005-318
Re: Official Map Amendment - Romeyn Street

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map of the City of Rochester by dedicating a newly constructed portion of Romeyn Street as right-of-way in conjunction with the construction of a car wash facility at 599 W. Broad Street.

This portion of Romeyn Street was constructed in order to fulfill the owner's obligations during the development of the Broad Street carwash. The portion of the former Romeyn Street was abandoned in October 2004, and now the newly constructed street must be dedicated to the City. Dedication was a condition of the approval to rezone the properties between Orange Street and Romeyn Street that enabled the owner to develop the car wash.

The Planning Commission held an informational hearing on August 8, 2005; one person spoke in support of the request. By a vote of 5-0-0, the Commission recommended approval. This is a Type II action.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-109

Ordinance No. 2005-318
(Int. No. 347)

Dedication To Street Purposes Of Additional Parcel For Romeyn Street

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Romeyn Street:

Commencing at a point in the easterly highway boundary line of Orange Street (50 feet wide) located 220.35 feet south of the southerly highway boundary line of Broad Street (60 feet wide); thence (1) southeasterly through the lands of The Sally Group a distance of 127.39 feet to a point; thence (2) southwesterly along the north line of existing Romeyn Street (60 feet wide) forming an interior angle of 90°-06'-44" with course (1) a distance of 41.06 feet to a point; thence (3) northwesterly along the north line of reputedly Juan V. & Carmen R. Ramirez and the extension thereof through the lands of The Sally Group forming an interior angle of 90°-36'-25" with course (2) a distance of 127.47 feet to a point; thence (4) northerly along the easterly highway boundary line of Orange Street forming an interior angle of 89°-17'-45" with course (3) a distance of 42.66 feet to the point of beginning. Course (4) forms an interior angle of 89°-59'-06" with course (1). Parcel contains 5.334 square feet which equals 0.122 acres.

The above-described premises are subject to all easements and restrictions of record.

This description was prepared by O'Neill-Rodak Land Surveying Associates, P.C. in accordance with a map by same dated May 3, 2005.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 305
Re: City Living Center and City Housing Promotion

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation related to the establishment and operation of the City Living Center, a new program initiated by the Department of Community Development. This legislation will:

1. Authorize agreements with the Landmark Society of Western New York, Inc. for:
 - A. Administration of the Home Room program for July-October 2005 for \$12,000; and
 - B. Operation and administration for 12 months of the City Living Center for \$279,000.
2. Appropriate \$291,000 to fund the above agreements, as follows:

- A. \$26,000 from the Improving the Housing Stock and General Property Conditions Objective (Homebuyer Services allocation) of the 2005-06 Community Development Block Grant;
 - B. \$167,000 from the 2005 HOME Program (Homebuyer Services allocation); and
 - C. \$98,000 from the 2005-06 City Development Fund (Homebuyer Services allocation).
3. Authorize a three-year lease agreement with Kramer Justice LLC, for 1,250 sq. ft. of office space and 200 sq. ft. of secure storage space at 664-666 University Avenue. The space will be used to house the City Living Center.
 4. Appropriate \$15,000, to fund the first year of the lease, as follows:
 - A. \$10,000 from the 2005-06 Improving the Housing Stock and General Property Conditions Objective (Homebuyer Services allocation) of the CDBG; and
 - B. \$5,000 from the 2005-06 City Development Fund (Homebuyer Services allocation).
 5. Appropriate \$152,500 from the Property Management Account for the cost of renovations at 664 University Avenue, furnishings, office equipment and professional services related to establishing the City Living Center.
 6. Appropriate \$75,000, for marketing and promotion efforts, as follows:
 - A. \$50,000 from the Housing Stock and General Property Conditions Objective (Housing Promotion allocation) of the 2005-06 CDBG; and
 - B. \$25,000 from the 2005-06 City Development Fund (Housing Promotion allocation).

Program

The City Living Center will serve as a primary location for information on City living, providing comprehensive information on neighborhoods, amenities, and available services for home buyers and homeowners. The Center will capitalize on existing partnerships with the Greater Rochester Association of Realtors and the Landmark Society for operation of the Real Estate Marketing Initiative/Home Room, which has been administered by the Landmark Society since its inception in 1998. The Landmark Society will provide Home Room services on an interim basis (July - October) at a cost of \$12,000. The Landmark Society will serve as the fiduciary entity for implementing the Rochester City Living Center. It is anticipated that the City Living Center will begin operations by mid-October. The first year operating budget for the Center is as follows:

Staffing	\$175,000
Rent	15,000
Direct costs	37,000
Indirect costs	8,000
Promotion and marketing	59,000
Total	<u>\$294,000</u>

The City will expand access to homeownership training, which will no longer be limited to low income households. The City Living Center will provide traditional home purchase assistance to income eligible applicants. It will also advise prospective home buyers, regardless of income, on home purchase and financing options available to them. Pre-purchase and post-purchase training will be provided to all interested home buyers. The home buyer training services will be delivered by a non-profit provider, to be designated through a separate agreement.

Lease

The term of the lease will be for three years beginning on November 1, 2005 or upon completion of the renovations of the space, whichever is later. The annual lease amount will be \$12.00 per sq. ft., or \$15,000. The lease will provide an option to renew for an additional three-year period in the amount of \$16,260 per year, an annual increase of 3% per year. The terms of this lease were reviewed by an independent appraiser, Robert G. Pogel, whose conclusion was that the rental amount was within the market range for office space of this kind.

Promotion/Marketing

The \$75,000 appropriation in #6 above will be used to continue the Marketing Assistance Program offered to local real estate agents, to fund marketing activities such as City Living Sundays, and to cover the costs of producing marketing and promotional materials for the City's housing and real estate sales programs, including the City Living Center.

Respectfully submitted,
Richard W. Hannon
Deputy Mayor

Int. No. 305, As Amended

Authorizing Agreements And Appropriating Funds For The Rochester City Living Center

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Landmark Society of Western New York, Inc. in an amount not to exceed \$[12,000] 30,000 to administer the Real Estate Marketing Initiative/Home Room Program for [four] six months.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Landmark Society of Western New York, Inc. in an amount not to exceed \$279,000 to operate and administer the City Living Center for a term of one year.

Section 3. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$[291,000] 309,000, and of said amount, or so much thereof as may be necessary, \$[26,000] 44,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program, \$167,000 is hereby appropriated from 2005 HOME Program funds and \$98,000 shall be funded from the 2005-06 City Development Fund.

Section 4. The Mayor is hereby authorized to enter into a lease agreement with Kramer Justice LLC for 1,250 square feet of office space and 200 square feet of secure storage space at 664-666 University Avenue.

The lease agreement may extend for a term of three years, with an option to renew for an additional term of three years. The City shall be responsible for rent in the annual amount of \$15,000 for the initial term and \$16,260 during the renewal term, [as well as the cost of renovations, not to exceed \$40,000, and utilities,] which shall be paid from funds for operation of the City Living Center. Kramer Justice LLC shall be responsible for building insurance, real estate taxes and common area maintenance. The space will be used to house the City Living Center.

Section 5. The agreement shall obligate the City to pay an amount not to exceed \$15,000 for the first year rent, and of said amount, or so much thereof as may be necessary, \$10,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program and \$5,000 shall be funded from the 2005-06 City Development Fund. Thereafter, rent shall be funded from appropriations of subsequent City Development and Community Development Program Funds, contingent upon adoption of those appropriations.

Section 6. The Mayor is hereby further authorized to enter into an agreement with the Landmark Society of Western New York, Inc. in an amount not to exceed \$91,500 for renovations at 664-666 University Avenue and related professional services. The sum of \$152,500, or so much thereof as may be necessary, is hereby appropriated from the Property Management Account to fund renovations, furnishings, office equipment and services related to the establishment of the City Living Center.

Section [6] 7. The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program and the sum of \$25,000, or so much thereof as may be necessary, shall be funded from the 2005-06 City Development Fund for marketing city living and housing program promotion through the City Living Center.

Section [7] 8. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section [8] 9. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Item Failed in Committee.

By Councilmember Mains
October 11, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 348 - Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

Int. No. 367 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

Respectfully submitted,
Benjamin L. Douglas
William F. Pritchard
Lois J. Giess
Gladys Santiago
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-319
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, 108 East Avenue, for music services. The maximum cost of the agreement will be \$50,000, which will be financed from the 2005-06 Budget of the Department of Parks, Recreation and Human Services. This is the same amount funded in 2004-05.

The services will include one full orchestra concert; six ensemble concerts which will be performed as afternoon programs; and classical music education for the City School District.

The full orchestra concert will be similar to those provided annually since 1987-88. The ensemble concerts will be in neighborhoods throughout the city as part of the summer performing arts season. The education curriculum will be developed by ensemble members and the schools' music and classroom teachers; thirty educational presentations will be provided to the approximately 5,000 students enrolled in grade three.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-319
(Int. No. 348)

Establishing Maximum Compensation For A Professional Services Agreement With The Rochester Philharmonic Orchestra For Public Concerts

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

Section 1. The sum of \$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 Rochester Philharmonic Orchestra for one full orchestra public concert, music education in City schools and six ensemble public concerts. Said amount shall be funded from the 2005-06 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. 2005-320
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, 45 East Ave., Rochester, NY 14604, for a five-day film festival, November 9-13, 2005, 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 2005-06 Undistributed Expense Budget.

The festival will include over 70 films including full-length, shorts, and documentaries. Last year over 7,000 film enthusiasts attended the festival from throughout the country. In addition to showcasing established independent filmmakers' works, a critical aspect of the festival is to encourage emerging works. Other specialty areas are Children's Programming, Foreign Language Films and Digital Technology. Catherine Wyler, daughter of the director William Wyler, is the Artistic Director; Randi Minetor is the Executive Director. The Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Taye Diggs, Robert Forster, Rachel Portman, Leslie Stahl, and the Honorable Louise Slaughter, among others.

Council authorized a similar agreement, for the same amount, in September 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-320
(Int. No. 367)

Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival

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

Section 1. The sum of \$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 showcasing and celebrating the exceptional work of women in film and video. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
October 11, 2005

To the Council:

The Parks, Public Works And The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 351 - Authorizing An Agreement For A Harbor Master And For War Memorial Oversight

Int. No. 352 - Establishing Maximum Compensation For A Professional Services Agreement For A Water Hydraulic Model

Int. No. 353 - Authorizing Agreements For Environmental Site Assessments

Int. No. 354 - Establishing Maximum Compensation For A Professional Services Agreement For The Joseph Avenue Improvement Project

Int. No. 355 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Audit Services For Federal Aid Projects

Int. No. 356 - Amending The 2005-06 Budget For The Removal Of Hazardous Trees

Int. No. 357 - Authorizing Acceptance Of Grants And Amending The 2005-06 Budget For An Urban Forestry Management Plan

Int. No. 358 - Determination And Findings Relating To The Acquisition Of CSX Land

Int. No. 327 - Amending Ordinance No. 2005-133 Relating To The Acquisition Of CSX Land

The Parks, Public Works And The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 349 - Authorizing Agreements And Appropriating Funds Relating To The Port Of Rochester Master Plan

Int. No. 350 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$445,500 Bonds Of Said City To Finance The Cost Of Preparation Of A Master Plan For Development At The Port Of Rochester

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted against Int. No. 349 & Int. No. 350)
Adam C. McFadden
Lois J. Giess (Did not vote on Int. No. 327)
Gladys Santiago
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-321
Re: Professional Services Agreement - Harbormaster and War Memorial Oversight

R2010: Campaign 7 - Quality Service
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing a one year agreement for \$15,000 with Robert Whiting, 614 Beach Avenue, Rochester, New York, 14612, for services related to management of the Port of Rochester and the Blue Cross Arena at the Rochester Community War Memorial. Funding is provided in the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Mr. Whiting assumed the role of Harbormaster on July 30, 2004 and has assisted the City of Rochester in coordinating maintenance, parking and traffic management, community relations, and marketing at the Port of Rochester. In addition, Mr. Whiting continues to play an integral role in the oversight of the SMG, Inc. contract for management of the Blue Cross Arena

at the Rochester Community War Memorial.

The 2004-05 agreement for these services, approved by Council in July 2004, was for \$30,000.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-321
(Int. No. 351)

Authorizing An Agreement For A Harbormaster And For War Memorial Oversight

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 Robert Whiting to serve as the Harbormaster and to provide oversight of the Blue Cross Arena at the War Memorial. Said amount shall be funded from the 2005-06 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. 2005-322
Re: Water Bureau Hydraulic Modeling

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 4 - Environmental Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Malcolm Pirnie of 300 State Street to create a water hydraulic model at a maximum cost of \$45,000 to be funded from 2005-06 Cash Capital.

This project will provide consulting engineering services and computer training support services required for the creation of a computer hydraulic model from the City's GIS data and the software program, InfoWater. This will be a calibrated computer model with several applications, including functional independence studies, water quality issues, capital planning and design, distribution system optimization, and satisfying EPA regulatory measures.

Malcolm Pirnie was selected based upon an interview; the firm's experience with hydraulic modeling, specifically, the InfoWater modeling software; and extensive work with current EPA water system regulations.

Consulting services will start this fall and continue until completion, which is expected in the spring of 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-322
(Int. No. 352)

Establishing Maximum Compensation For A Professional Services Agreement For A Water Hydraulic Model

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

Section 1. The sum of \$45,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Malcolm Pirnie for engineering consulting and support services for the creation of a water hydraulic model based on the Water and Lighting Bureau's GIS data. Said amount shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-323
Re: Professional Services Agreements -
Environmental Site Assessment
and Remedial Services

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for environmental assessments, investigations, and remedial phase services:

<u>Company</u>	<u>Address</u>
Day Environmental, Inc.	40 Commercial Street
LaBella Associates	300 State Street
Leader Professional Services, Inc.	640 Kreag Road
Lu Engineers	2230 Penfield Road
Larsen Engineers	700 West Metro Park
Stantec Consulting Services, Inc.	85 Metro Park
Bergmann Associates	28 East Main Street

The agreements will be financed from the budgets of the departments using the services or from capital funds appropriated for specific environmental, construction and redevelopment projects.

Environmental site assessments are required for properties that are involved in real estate transactions. Such assessments allow a prospective buyer to identify suspect environmental conditions, consider potential remediation costs during negotiations, plan for cleanup during redevelopment, and avoid or limit liability for these costs.

The following Phase I site assessment services will be provided:

1. A review of title and deed history records;
2. An examination of other public records, including aerial photographs, that may contain relevant environmental information;

3. Governmental agency review (NYSDEC, City of Rochester, MCDOH, etc.);
4. An inspection of the property and observation of adjacent properties; and
5. The preparation of a report with recommendations based on the findings.

If requested by the City, additional Phase II investigation and environmental engineering and remedial services will be provided which may include the following:

1. The performance of subsurface soil and groundwater testing;
2. The collection and analysis of wastes, soil, and groundwater samples;
3. Identification of remedial options; and
4. The preparation of a report documenting findings and recommendations.

The City routinely performs site assessments prior to acquiring commercial and industrial properties. The most recent agreements for these assessments were authorized by Council in May 2003.

In anticipation of the expiration of these agreements the Department of Environmental Services solicited proposals from seven companies, all of which responded. We are recommending agreements with all seven of these firms.

When departments require environmental assessment, environmental testing or environmental remediation professional services, proposals from one or more of these companies will be requested. The selection of a specific company will depend upon the type of environmental investigation required, its ability to meet the City's schedule, and the quality and cost of its proposal.

The volume of projects will depend on the needs of departments that are planning to acquire property requiring assessment and testing. The cost of the project specific proposals will be based on the unit prices specified in each company's agreement with the City.

Each of the agreements will have an initial term of one year with provisions for renewal for an additional two-year period based on mutual written agreement. Adjustment to the specific unit prices during the renewal term will be permitted subject to the City's approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-323
(Int. No. 353)

Authorizing Agreements For Environmental Site Assessments

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

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for environmental site assessments and remedial services

as required by the City:

<u>Company</u>	<u>Address</u>
Day Environmental, Inc.	40 Commercial Street
LaBella Associates	300 State Street
Leader Professional Services, Inc.	640 Kreag Road
Lu Engineers	2230 Penfield Road
Larsen Engineers	700 West Metro Park
Stantec Consulting Services, Inc.	85 Metro Park
Bergmann Associates	28 East Main Street

Section 2. Each agreement shall have a term of one year, with provision for renewal for an additional two years. Each agreement shall provide for an assessment to be performed on an as needed basis, and shall establish a unit price to be paid for a particular assessment. The unit price may be adjusted during the renewal term with the approval of the City Engineer. The cost of said assessment 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. 2005-324
Re: Joseph Avenue Improvement Project
(Ward Street/Upper Falls Boulevard
and Clifford Avenue/Avenue D)

R2010: Campaign 1 - Involved Citizens
Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with Corneles Engineering, P.C., 3495 Winton Place, Rochester, for engineering planning and design services for the Joseph Avenue Improvement Project at a maximum amount of \$220,000. This will be funded from 2002-03 (\$26,400), 2003-04 (\$19,800), and 2004-05 (\$173,800) Cash Capital allocations.

The project will involve the rehabilitation or reconstruction of pavement; installation of new curbs, catch basins and driveway aprons; replacement of sidewalks, lighting and water mains, as required; and tree planting.

The construction cost of the project is estimated at \$2,718,000. The financing for the construction cost of this project is planned within the 2005-06 Capital Improvement Program.

Proposals for this project were solicited from four organizations. Corneles Engineering, P.C. is recommended to provide the required services based upon the qualifications of the firm.

Design of the project is scheduled to be completed in

Summer 2006. Construction is expected to begin in Fall 2006, and be completed in 2007.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-110

Ordinance No. 2005-324
(Int. No. 354)

Establishing Maximum Compensation For A Professional Services Agreement For The Joseph Avenue Improvement Project

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

Section 1. The sum of \$220,000, 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, P.C. for engineering planning and design services for the Joseph Avenue Improvement Project (Ward Street-Upper Falls Boulevard and Clifford Avenue-Avenue D). The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$26,400 shall be funded from the 2002-03 Cash Capital allocation, \$19,800 shall be funded from the 2003-04 Cash Capital allocation and \$173,800 shall be funded from the 2004-05 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-325
Re: Consultant Audit Services for Federal
Aid Project Agreements

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Lumsden & McCormick, LLP, 403 Main Street, Buffalo, NY, for audit services related to City-administered Federal aid street improvement projects. This will increase the maximum cost of the agreement by \$40,000, to \$70,000. The additional funds will be financed from the 2004-05 Cash Capital Allocation and anticipated reimbursements from the State and Federal governments.

In April 2005 City Council authorized an agreement with Lumsden & McCormick to provide audit services required by NYSDOT for closeout of eighteen consultant agreements related to the following projects:

- Bicycle and Pedestrian Improvements
- Chili Avenue, West City Line to West Avenue
- Elmwood Avenue Bridge
- Ford Street Bridge
- Lake Avenue Reconstruction, Burley Road to Lake Ontario State Parkway
- Lexington Avenue, Mt. Read Blvd to Dewey Avenue
- Port of Rochester

During the process of developing the specific audit plan, the NYSDOT Consultant Audit Bureau realized

that the scope of the audits needed to be expanded to include a review of financial controls and overhead rates of the consultant firms. Also, audits of agreements for two current projects - the Genesee Riverway Trail and the West Ridge Road Reconstruction (Veterans' Memorial Bridge to Hanford Landing Road) - were added to the scope.

Audit services will be performed during Fall 2005 for the Bicycle and Pedestrian Improvements, Chili Avenue, Elmwood Avenue Bridge, Ford Street Bridge, and Port of Rochester projects. Audit services will be performed in 2007 for the Lake Avenue Reconstruction and Genesee Riverway Trail projects, Lexington Avenue, and West Ridge Road, following completion of construction work.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-325
(Int. No. 355)

**Establishing Maximum Compensation For An
Amendatory Professional Services Agreement For
Audit Services For Federal Aid Projects**

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Lumsden & McCormick, LLP, for audit services for federal aid street projects. Said amount shall be funded from the 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-326 And
Ordinance No. 2005-327
Re: Budget Amendments - Urban Forest

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 4 - Environmental
Stewardship
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the stock of trees in the City. This legislation will:

1. Amend the 2005-06 Budget by transferring \$60,000 from Contingency to Cash Capital for the purpose of removing hazardous trees from city-owned property;
2. Amend the 2005-06 Budget to reflect \$10,000 in grants received from the NYS Department of Environmental Conservation Urban and Community Forestry Program.

Tree Removal from City-Owned Property

Properties acquired by the City often have trees that are aged, diseased, in danger of collapse, or present

a risk to adjoining private property.

While the Budget provides for the demolition of structures, and for the planting of trees to maintain the urban forestry program initiated after the 1991 ice storm, there is no provision to cover expenses for tree removal on these City-owned parcels. Occasionally, in the past, funds from the Forestry budget have been used. However, the increasing numbers of trees that need to be removed, the high cost for removing what are usually very large trees, and cut-backs in the funds available to Forestry have resulted in a need for a separate, dedicated allocation. Provision for will be considered for future capital budgets.

It is estimated that there are 150 trees that need to be removed in the current fiscal year at a cost of \$400 per tree. The Forestry Division will complete a survey of trees in this category to establish a priority work plan and further establish funding requirements.

Forestry Grants

These funds will be used to plant trees on city streets. This will include the purchase and planting of trees and two years of young tree care. The grant requires a \$10,000 match, which will be satisfied through services from City staff, vehicles, and equipment.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-326
(Int. No. 356)

**Amending The 2005-06 Budget For The Re-
moval Of Hazardous Trees**

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

Section 1. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$60,000 from the Contingency Account to the Cash Capital allocation to fund the removal of hazardous trees on City property.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-327
(Int. No. 357)

**Authorizing Acceptance Of Grants And Amend-
ing The 2005-06 Budget For An Urban Forestry
Management Plan**

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

Section 1. The Mayor is hereby authorized to enter into agreements with the New York State Department of Environmental Conservation's Urban and Community Forestry Program for funding for an Urban Forestry Management Plan.

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

Section 3. Ordinance No. 2005-201, the 2005-06 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 agreements authorized in Section 1 for an Urban Forestry Management Plan.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-328
Re: Determinations & Findings - CSX
Railroad Land

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation making the determinations and findings relating to the acquisition, by negotiation or condemnation, of 19.57 acres of real property from the CSX Railroad. 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 6, 2005. Based upon the public hearing, the following determinations and findings are proposed:

1. Project description - The project is the development of a 2.4 mile recreation trail; extension of River Street, and future development activities.
2. Project purpose - There are three separate units to be acquired: 1) A portion of abandoned railroad corridor, south of Seneca Park, totaling 16.99 acres. The portion on the east side of the River will be used as a recreation trail; the portion on the west will be used for future development. 2) A 2.05 acre parcel in Charlotte that will be used to extend River Street to the harbor area. 3) A .53 acre parcel on Lake Avenue that will facilitate continued implementation of the City's Local Waterfront Revitalization Plan.
3. Project effect - The general effects are beneficial, as the project provides for public recreation, a public street, and land for economic development. There are no significant adverse environmental effects.

If these determinations and findings are approved, the legislation authorizing the property acquisition (Introductory 327) may be considered.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-328
(Int. No. 358)

Determination And Findings Relating To The Acquisition Of CSX Land

WHEREAS, the City of Rochester proposes to acquire approximately 19.57 acres of land reputedly owned by the CSX Railroad, including but not limited to acquisition of: approximately 16.99 acres of the abandoned railroad corridor known as the Rochester Running Track extending from Seneca Park south

through the 14621 and CONEA neighborhoods and crossing the Genesee River and terminating near Brown Street and the former RG&E Beebee Station; approximately 2.05 acres of land located in Charlotte between the main harbor area and the River Street area; and approximately .53 acres of land located in Charlotte on Lake Avenue immediately southwest and adjacent to the active rail right-of-way, for construction of a connection from Seneca Park through the 14621 and CONEA neighborhoods to the Genesee Riverway Trail near St. Paul Street between Hart Street and Scrantom Street, and for economic development purposes, and

WHEREAS, the Council of the City of Rochester held a public hearing on September 6, 2005 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this land,

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 CSX land:

- (a) Proposed Public Project: Development of a 2.4 mile recreation trail; extension of River Street and future development activities.
- (b) Proposed Property Acquisition and Public Purpose: 19.57 acres of abandoned and excess railroad property further described as follows:

The property to be acquired includes three separate units. Unit 1 is a portion of the abandoned railroad corridor commonly known as the Rochester Running Track. This former rail extends from the former Hojak line in Charlotte to near downtown. The portion to be acquired includes that section within the City of Rochester, south of Seneca Park. This section includes a total of 16.99 acres along a 2.4 mile corridor that runs south from Seneca Park through the 14621 and CONEA neighborhoods, and then crosses the Genesee River and terminates near Brown Street and the former RG&E Beebee power station. The portions of this section on the east side of the Genesee River will be used to construct the planned recreation trail. The portions on the west side of the river will be used for future development.

Unit 2 is a 2.05 acre parcel located in Charlotte that has historically separated the main harbor area from the River Street area. This acquisition will permit the extension of River Street and enhance the developments currently underway along River Street.

Unit 3 is .53 acre parcel that fronts on Lake Avenue immediately southwest and adjacent to the active railroad. Acquisition of this parcel will facilitate the continued implementation of the City's Local Waterfront Revitalization Plan.

- (c) Public Benefit: The acquisition of the CSX land will permit the construction of a public recreation trail and a public street and provide land for economic development purposes. The general effects of the acquisition of this land will be beneficial. The project will have no

significant adverse environmental effects.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. 327 was introduced September 6, 2005, and appears in its original form with its transmittal letter on page 286 of the current Council Proceedings.

Ordinance No. 2005-329
(Int. No. 327)

Amending Ordinance No. 2005-133 Relating To The Acquisition Of CSX Land

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-330 And
Ordinance No. 2005-331
Re: Charlotte Port Master Plan

R2010: Campaign 7 - Quality Service
Campaign 8 - Travel and Tourism

Transmitted herewith for your approval is legislation relating to the development of a master plan for a 30 acre tract located at the Charlotte Port area. This legislation will:

1. Authorize an agreement with Sasaki Architects, Landscape Architects and PE, P.C. for development of a master plan, market profile analysis and urban design guidelines at a maximum cost of \$375,500;
2. Authorize any additional agreements necessary to support the master plan development; it is anticipated that such agreements may be required for parking, foundation, soil conditions, seawall conditions and supplemental market analyses; and
3. Authorize the issuance of bonds in the amount of \$445,500 to fund the agreements.

The City is committed to developing the Port of Rochester as an exciting, unique, mixed use waterfront urban village and tourist destination. The port area is considered prime for private investment and development. With the recent start up of the Fast Ferry service between Rochester and Toronto, interest in the Port will leverage significant investment dollars for development and tourism. The site (see attached map) has been identified in the City's Comprehensive Plan and Local Waterfront Revitalization Plan as a potential international tourist destination. The Master Plan will guide future development of the Port Site to realize the Renaissance Plan goals.

Selection of a consultant was given intense and thorough consideration. The preparation of the request for proposals and the review of received proposals was completed by an inter-departmental team representing Community Development, Law and City Council.

This was done to ensure that the highest quality development occurs at the Port site. The RFP was sent to 25 local and national firms with experience in urban waterfront development. A thorough review of the 13 received resulted in selecting four to interview with the team. Two of those firms were clearly superior. Following further investigation of references and additional discussions regarding their proposed scope of work and details about their market analysis approach, the team recommended Sasaki Architects.

The Master Plan will include the following key components:

- Development Master Plan
- Market Profile Analysis and Opportunities Report
- Parcel Development Concepts and Development Phasing Plan
- Urban Design Guidelines
- Code Evaluation and Proposed Amendments
- Economic Framework Report
- Marketing Strategy and Developer RFP Outline

The Port Site Master Plan work plan and budget are as follows:

Master Plan Contract	\$375,500
Printing and Advertising	30,000
Additional Technical and Market Analyses	20,000
Public Scoping Meetings	5,000
Developer Roundtable	5,000
Pre-bid Conference	5,000
RFQ/RFP Marketing Coordination	5,000
	\$445,500

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-111

Ordinance No. 2005-330
(Int. No. 349)

Authorizing Agreements And Appropriating Funds Relating To The Port Of Rochester Master Plan

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Sasaki Architects, Landscape Architects and P.E., P.C. for the preparation of a master plan, market profile analysis and urban design guidelines for the development of city-owned land in the Port of Rochester in an amount not to exceed \$375,500.

Section 2. The Mayor is hereby further authorized to enter into such agreements as may be necessary to support the master plan development.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$445,500, and said amount, or so much thereof as may be necessary, shall be funded from a bond ordinance adopted for this purpose.

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 Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

Ordinance No. 2005-331
(Int. No. 350)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$445,500 Bonds Of Said City To Finance The Cost Of Preparation Of A Master Plan For Development At The Port 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 finance the cost of preparation of a master plan for development of City-owned land at the Port of Rochester (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 currently estimated to be approximately \$445,500. The plan of financing includes the issuance of \$445,500 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 \$445,500 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$445,500. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.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 Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

By Councilmember Douglas
October 11, 2005

To the Council:

The Finance And Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 359 - Cancellation Of Taxes And Charges

Int. No. 360 - Authorizing Agreements Relating To The Rochester After School Academy I Program And

Amending The 2005-06 Budget

Int. No. 361 - Amending The 2005-06 Budget For Fire Prevention And Safety

Int. No. 362 - Authorizing An Application And Agreement With Respect To The Buffer Zone Protection Plan Program And Amending The 2005-06 Budget

Int. No. 363 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Expert Witness Services

Int. No. 365 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 366 - Resolution Approving An Appointment To The Board Of Assessment Review

The following entitled legislation is being Held in Committee:

Int. No. 364 - Authorizing The Lease Of Municipal Lot No. 14 To The Rochester City School District

Respectfully submitted, Benjamin L. Douglas, Brian F. Curran, Robert J. Stevenson, Gladys Santiago, FINANCE AND PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL Ladies and Gentlemen:

Ordinance No. 2005-332 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 \$13,429.67.

An amount of \$6,000.00 or 44.68% of the total relates to 3 properties where code violation charges appearing on the tax bills were included in foreclosure actions, attributed to a former owner or were invalid.

The sum of \$7,429.67 or 55.32% of the total applies to one property where the current owner is entitled to an Empire Zone tax exemption that was not recorded on the 2005 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$469,611.34.

Table with 3 columns: Accounts, Amounts, and a third unlabeled column. Rows include City Council, Administrative, and Total.

These cancellations represent .209% of the tax receivables as of July 1, 2005.

Respectfully submitted, William A. Johnson, Jr. Mayor

Ordinance No. 2005-332 (Int. No. 359)

Cancellation Of Taxes And Charges

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

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

- (a) These properties have Code Violations that are either attributed to a former owner, were invalid or included in a foreclosure action.

Table with 4 columns: S.B.L.#, Class, Tax Year, Amount Canceled. Lists properties with tax amounts and a subtotal of \$6,000.00.

- (b) This property is entitled to an Empire Zone exemption that was not recorded on the 2005 Final Assessment Roll.

Table with 4 columns: S.B.L.#, Class, Tax Year, Amount Canceled. Lists property 135.340-2-38.1 NH 2006 and a Grand Total of \$13,429.67.

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. 2005-333 Re: RASA I Amendments

R2010: Campaign 1 - Educational Excellence

Transmitted herewith for your approval is legislation related to the Rochester After School Academy (RASA I) program. This legislation will:

- 1. Amend the 2005-06 Budget of the Department of Parks, Recreation and Human Services by transferring \$95,900 from the RASA Trust Fund to fund the RASA I program at Monroe Middle School from October 17, 2005 through June 2, 2006. This amount was previously appropriated (Ord. No. 2005-179) for this purpose.
2. Authorize an agreement with the Community Place of Greater Rochester for \$30,000 to operate the Community Parents Initiative project at School #39 to support RASA parent involvement. This agreement will be funded from the 2005-06 Budget. The project is also being supported by \$22,000 from the Rochester City

School District.

- 3. Authorize an agreement with the Children's Institute for \$15,000 to develop a quality assessment tool for after-school programs. The Youth Program Quality Assessment tool will allow for self-assessment and peer-review of programs to facilitate program improvements. The project is also being funded in the amount of \$38,000 by the Rochester Area Community Foundation and the Rochester-Monroe County Youth Bureau. The City portion will be funded from 2004-05 Cash Capital.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-333
(Int. No. 360)

Authorizing Agreements Relating To The Rochester After School Academy I Program And Amending The 2005-06 Budget

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

Section 1. Ordinance No. 2005-201, the 2005-06 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 \$95,900, which amount shall be funded from the Rochester After School Academy I Program Funds appropriated in Ordinance No. 2005-179 and therein authorized for the City Bureau of Human Services, to fund the Monroe Middle School Rochester After School Academy I Program within the Department.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Community Place of Greater Rochester for the Community Parents Initiative Project at School #39 for the Rochester After School Academy I Program. The agreement shall obligate the City to pay an amount not to exceed \$30,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the Children's Institute for the development of a Youth Program Quality Assessment tool as a part of the Rochester After School Academy I Program. The agreement shall obligate the City to pay an amount not to exceed \$15,000, and said amount, or so much thereof as may be necessary, shall be funded from the 2004-05 Cash Capital Allocation.

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

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-334
Re: Department of Homeland Security
Fire Prevention and Safety Grant

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation amending the 2005-06 Budget by including in Cash Capital a \$52,200 grant received by the Fire Department from the Department of Homeland Security.

The funds from this grant will support fire prevention and safety training for children and senior citizens. Specifically, funds will purchase a robot and other teaching aides to be used by firefighters in presentations to school children; carbon monoxide and smoke alarms; smoke alarms for people who are deaf or hard of hearing; and equipment to create prevention and safety videos specifically aimed at senior citizens.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-334
(Int. No. 361)

Amending The 2005-06 Budget For Fire Prevention And Safety

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

Section 1. Ordinance No. 2005-201, the 2005-06 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 \$52,200 to fund fire prevention and fire safety equipment, which amount is hereby appropriated from a Department of Homeland Security Grant for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-335
Re: Homeland Security - Buffer Zone
Protection Plan

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted for your approval is legislation authorizing an application and agreement with the NYS Office of Homeland Security for acceptance of grant funds in the amount of \$150,000 through the state Buffer Zone Protection Plan (BZPP) program and amending the 2005-06 Cash Capital allocation to reflecting anticipated receipt and use of these funds. Funds would reimburse project expenses at three sites in Rochester with pre-approved Buffer Zone Protection Plans.

The BZPP requires that, in the event of a crisis or mass casualty incident, the Rochester Police Department be the lead agency to coordinate a local law enforcement response. The Buffer Zone response is specifically aimed at critical infrastructure facility/site assets, including, the Arch Chemical industrial complex, the Midtown Plaza business complex, and the Blue Cross Blue Shield Arena recreation and entertainment complex. For security reasons, public disclosure of the content of individualized site plans is strictly prohibited. Funds would be used to purchase equipment,

supplies and materials required to bring the facilities in compliance with the BZPP.

The NY State Office of Homeland Security has pre-approved the BZPP for each site. The submission of the application completes an administrative requirement, thereby authorizing the State to release contractual award documents.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-335
(Int. No. 362)

Authorizing An Application And Agreement With Respect To The Buffer Zone Protection Plan Program And Amending The 2005-06 Budget

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

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Office of Homeland Security for funding under the Buffer Zone Protection Plan Program.

Section 2. Ordinance No. 2005-201, the 2005-06 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 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. 2005-336
Re: Agreement - Litigation Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement for the provision of expert police procedure services relating to certain litigation involving the City. The maximum cost of the agreement will be \$10,000, which will be financed from the 2005-06 Budget of the Law Department. The City currently has an agreement for such services at a maximum cost of \$9,000.

The Law Department often requires various professional services and assistance in conjunction with claims and litigation involving the City. For this reason, the Council periodically authorizes agreements with private investigators, medical experts, or others.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-336
(Int. No. 363)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Expert Witness Services

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

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement for police procedure expert witness services in conjunction with pending litigation. Said amount shall be funded from the 2005-06 Budget of the Law Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 364
Re: Agreement - Municipal Lot No. 14

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester City School District for the lease of a 61-space parking lot located at 242 West Main Street (adjacent to the former Lofton Academy).

The District plans to invest \$2.5 to \$3.0 million in refurbishing the former Lofton Academy building for use as administrative, including the District's Central Placement Office. The parking lot is critical to the District's successful operation of the building and its use as a customer service center.

The term will be three years beginning November 1, 2005, with annual renewal upon mutual consent. The District will pay the City an annual rent of \$10,000 based on a recent appraisal conducted by Kevin Bruckner, MAI, of Bruckner, Tillet, Rossi, Cahill and Associates. The rent will be adjusted at the start of each renewal period by a percentage equivalent to the increase in the Consumer Price Index issued by the U. S. Department of Labor for the Northeast Region.

The District will take over from the City, the management and maintenance of the lot. The District would also, at their cost, install an access card controlled security gate at the lot's entrance.

The State Department of Transportation permit gives the City the authority to operate and the responsibility to maintain the parking lot. It also allows the City to lease the parking lot to another party as long as the permit remains with the City. In the event that the permit is cancelled or the terms of such authority are modified, the City will notify the District, in writing, no later than five days after such cancellation or modification. If such authority is cancelled, the agreement with the District would become null and void as of the date of the cancellation. Also, in the event that the parking lot is needed for economic development purposes, the City will notify the District, in writing, 12 months in advance of terminating the lease.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 364

AUTHORIZING THE LEASE OF MUNICIPAL LOT NO. 14 TO THE ROCHESTER CITY SCHOOL DISTRICT

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with the Rochester City School District for the lease of Municipal Lot No. 14, 242 West Main Street, for School District parking, for an initial term of three years, with annual renewals thereafter upon mutual consent. The District shall be responsible for the management and maintenance of the parking lot. In the event the City's permit for said lot from the State of New York is cancelled or modified, the City shall notify the District in writing no later than five days after such cancellation or modification. If the parking lot is needed for economic development purposes, the City shall notify the District in writing twelve months in advance of termination of the lease.

Section 2. The lease agreement shall obligate the Rochester City School District to pay to the City the sum of \$10,000 annually during the initial term of the agreement. Said amount shall be adjusted for any renewal period by a percentage equal to any increase in the Consumer Price Index issued by the United States Department of Labor for the Northeast Region.

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

Section 4. This ordinance shall take effect immediately.

Item Held.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-21
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 Peter J. Easterly
104 Melrose Street 65 Beacon Street
Rochester, NY 14619 Rochester, NY 14607

Eileen M. Mance Justin Underwood
95 Merriman Street 91 Jewel Street
Rochester, NY 14607 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 only five panelists will be required for the workload in the coming cycle since a full revaluation was completed in 2004.

The five temporary members would each serve for

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

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

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

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2005-21
(Int. No. 365)

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 2006:

Ruth Brooks Ward Peter J. Easterly
104 Melrose Street 65 Beacon Street
Rochester, NY 14619 Rochester, NY 14607

Eileen M. Mance Justin Underwood
95 Merriman Street 91 Jewel Street
Rochester, NY 14607 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:

Resolution No. 2005-22
Re: Appointment - Board of
Assessment Review

Transmitted herewith for your approval is legislation to approve the reappointment to the Board of Assessment Review of Adrienne M. Kilc for a five-year term. Ms. Kilc was originally appointed in October 1999 to serve the remaining year of the term of A. Sue Lione, who resigned. Subsequently, she was appointed to a full five-year term in October 2000. She is eligible to be appointed for one more full term.

Ms. Kilc has an extensive background for over twenty-five years in real estate. In the past, she has

also served on both the City Planning Commission and the Preservation Board.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2005-22
(Int. No. 366)

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 reappointment of

**Adrienne M. Klac
215 Aldine Street
Rochester, NY 14619**

to the Board of Assessment Review for a term that will expire on September 30, 2010.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

The meeting was adjourned at 8:47 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

**REGULAR MEETING
NOVEMBER 15, 2005**

Present - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 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.

Recognition Ceremony

Retirement

ECD

Leonard J. Pulio

DES

*Elias Agosto

*Dan J. Barbarito

DPRHS

*Kathleen T. Prince

RPD

*Louis J. Alletto

*Richard J. Gosnell, Jr.

*David Steven Larrabee

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Norwood

RESOLVED, that the minutes of the Regular Meeting of October 11, 2005 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:
 - Sealed Bid Sale - December 9, 2005 3818-7
 - Administrative Cancellation or Refund of Erroneous Taxes and Charges 3819-7
 - Quarterly Reports 3820-7

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

4,000 Post Cards in Favor of Legislation to End Lead Poisoning By 2010 Petition No. 1613

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

- Approving The Sale Of Land In The Rochester Science Park To Moseley Associates, Inc. Int. No. 379 No speakers
- Authorizing The Acquisition By Condemnation Of

844 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan Int. No. 406 Five Speakers: Anthony LaBue, Fashun Ku, Tanya Smolinsky, Albert Algarin, Larry Glazer

Dedication Of Additional Parcel To Street Purposes For Jefferson Avenue Int. No. 390 No speakers

Authorizing An Increase In The Pavement Width Of Carter Street For A Turning Lane At The Rochester General Hospital Entrance Int. No. 391 Four speakers: Sharon Scopu, Craig Young, Judy Gordon, Dennis O'Malley

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

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2005-337
Re: Mayoral Transition

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with the Rochester Business Alliance for services related to the Mayoral transition. The cost of this agreement shall not exceed \$40,000 and will be funded from the 2005-06 Budget for Undistributed Expense. The funds will be used for expenses of a transition office, recruitment and selection of mayoral appointees, and other costs associated with the change in Administration.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-337
(Int. No. 407)

Establishing Maximum Compensation For A Professional Services Agreement For Assistance In The Mayoral Transition

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

Section 1. The sum of \$40,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Business Alliance for assistance in the Mayoral transition process. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
November 15, 2005

To the Council:

The Housing And Economic Development Committee recommends for Adoption the following entitled legislation:

Int. No. 369 - Authorizing The Sale Of Real Estate

Int. No. 370 - Amending Ordinance No. 2005-208 Relating To The Sale Of Real Estate

Int. No. 371 - Authorizing Agreements For Lending Awareness Services

Int. No. 372 - Authorizing An Agreement For Fair Housing Lending Monitoring Services

Int. No. 373 - Authorizing Agreements For Neighborhood Improvement Programs

Int. No. 374 - Authorizing The Sale Of 250 South Avenue

Int. No. 375 - Authorizing An Agreement For Continuation Of The Asset Control Area Program

Int. No. 376 - Authorizing An Agreement With The Town Of Brighton For Building Inspection Services

Int. No. 377 - Approving A Professional Services Agreement For The La Avenida Streetscape Project

Int. No. 378 - Designating Parcels In Charlotte For Urban Renewal To Be Known As The River Street Urban Renewal District

Int. No. 404 - Amending Ordinance No. 2005-218 By Rescinding Partial Bond Authorization For The Olean & Kennedy Revitalization Project

Int. No. 405 - Authorizing An Agreement For Street Improvements As A Part Of The Olean & Kennedy Revitalization Project

The Housing And Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 379 - Approving The Sale Of Land In The Rochester Science Park To Moseley Associates, Inc

Int. No. 406 - Authorizing The Acquisition By Condemnation Of 844 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan

Respectfully submitted,
William F. Pritchard
Adam C. McFadden
Lois J. Giess
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-338 And
Ordinance No. 2005-339
Re: Sale of Real Estate

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation approving the sale of seven properties, and amending a prior ordinance. Staff have audited the city records to ensure that purchasers do not own other properties with code violations and delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance

ticket during the past five years.

Property Sales

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

The next property is a two-family structure that was sold at public auction, subject to the acceptance of a development proposal. The property will be rehabilitated as a two-family structure that will be leased as affordable housing units.

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

Ordinance No. 2005-208 , passed in July 2005 authorized the sale of 220 Epworth Street to Bobby J. Anderson, Jr. This will be amended to authorize the sale of this property to Bobby J. Anderson, Sr.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-112

Ordinance No. 2005-338
(Int. No. 369)

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	Lot Size	Legal Use	Price
S.B.L.#	Purchaser		
563 Hague St. 105.72-1-51	40x150	1 Family	\$20,500
44 Third St. 106.59-2-52	40x120	1 Family	6,900
		Margaret Austin	
		Homero Pimentel	

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

Address: 111-113 Hamilton St.
 S.B.L.#: 121.55-2-22
 Lot Size: 33x167
 Legal Use: 2 Family
 Price: \$44,100
 Purchaser: South Wedge Planning Committee*

*Officers: Robert Boyd, Tanya Zwahlen, Daniel Buyer, Nannett Cepero, Tony Sciarabba

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

Address	Lot Size	Sq. Ft.
S.B.L.#	Purchaser	
289 Bernard St. 106.25-3-55	37x143.5	4879±
WH 250 Clifford Av. 106.30-4-67.3	18.5x153	2831±
31 Hoeltzer St. 106.39-2-15.1	51.96x82.49	4286±
831-833 Plymouth Av S. 121.69-2-52	29x100	2900
	Edmund L. Kidd, 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. 2005-339
(Int. No. 370)

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

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

Section 1. Ordinance No. 2005-208, relating to the sale of real estate, is hereby amended by authorizing the sale of 220 Epworth Street to Bobby J. Anderson, Sr., instead of Bobby J. Anderson, Jr. as authorized in Section 2.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-340
Re: Agreements - Anti-Predatory Lending Campaign

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with the Empire Justice Center and the Housing Council in the Monroe County Area, Inc. for continued operation of the Don't Borrow TroubleSM Campaign; and appropriating \$75,000 from the 2005-06 Community Development Block Grant (Improve the Housing Stock and General Property Conditions - Foreclosure Prevention allocation). \$40,000 will fund the agreement with the Empire Justice Center (formerly Public Interest Law of Rochester); \$35,000 will fund the Housing Council agreement.

The most recent legislation authorizing these services was passed by City Council in October 2004, Ordinance No. 2004-344.

Predatory lending involves the provision of loans to individuals who do not meet standard credit criteria or may be unable to repay loans. Predatory loans are also those offered at high interest rates to individuals who could qualify for market rate loans. Typical results are foreclosure or repossession of property.

This campaign provides legal assistance when appropriate and access to financial counseling programs and foreclosure prevention services. Public education, a media campaign, and outreach to community counseling agencies are provided.

The Housing Council provides education, counseling and referral services and Empire Justice Center concentrates on providing legal services and professional or peer training. A report on activity during the past year is attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-113

Ordinance No. 2005-340
(Int. No. 371)

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 2005-06 Community Development Program.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center 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 2005-06 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. 2005-341
Re: Fair Housing/Lending Monitoring
Empire Justice Center

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Empire Justice Center to continue monitoring home mortgage lending activity of local lending institutions, and appropriating \$70,000 from the 2005-06 Community Development Block Grant (Housing Stock and General Property Conditions - Fair Housing Activity allocation) to fund the agreement.

This service fulfills an activity of the Community Choice Action Plan that was developed by the City, Monroe County, Towns of Greece and Irondequoit and Rochester Housing Authority as recipients of and in compliance with federal housing assistance.

The Community Choice Action Plan provides for the monitoring and analysis of lending activity of local financial institutions. Empire Justice Center, formerly Public Interest Law of Rochester, will continue the service which was implemented in 1998. The most recent agreement for this particular activity was authorized by Council in October 2004, Ordinance No. 2004-343; mortgage lenders monitored were: Canandaigua National Bank, Bank of America, Citizens Bank, Citigroup (including Citifinancial), JPMorgan Chase, HSBC (HFC and Beneficial), KeyBank and M&T.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-341
(Int. No. 372)

Authorizing An Agreement For Fair Housing Lending Monitoring Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Empire Justice Center for continued services relating to the Community Choice (Fair Housing) Action Plan.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$70,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-342
Re: Community Development Block
Grant/Neighborhood Improvement
Program

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing agreements with several Sectors as part of the Neighborhood Improvement Program and appropriating funds from the 2005-06 Community Development Block Grant as follows: \$52,850 from the Other Programs, Sector Funding Initiative allocation; and \$2,500 from the Other Programs, Mini-Grant program allocation.

The Neighborhood Improvement Program provides grants of up to \$20,000 for sector planning committees to undertake housing and community development activities. The following sector projects are being recommended:

Sector 1
Harbortown Village Center Plan \$20,000

The Harbortown Village Plan will allow Sector 1 to pursue a New York State Grant for a Harbortown Village Square designation. The project involves a marketing study, grant writing, preliminary design drawings and legal and administrative costs.

Sector 6
Neighborhood Beautification Projects \$15,350

The sector planning committee supports three neighborhood beautification efforts: the Swillburg Identification Project for neighborhood and street signs; the Lilac Neighborhood Identification Project for physical improvements of the public area at the Quint/Midi House #3 firehouse and the Banner Project; and a pet waste disposal station with the Pembroke Street Block Club.

Sector 7
Monroe Village Strategic Plan \$20,000

As a part of the Monroe Village Task Force to reinvigorate Monroe Avenue, the Sector will complete the Monroe Avenue strategic plan which will provide concrete steps for implementing initiatives and ideas. The plan would include the following topics: quality of life/public safety, design, economic development and marketing.

It is anticipated that the remaining sectors will be submitting for future Council consideration.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-342
(Int. No. 373)

Authorizing Agreements For Neighborhood Improvement Programs

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

Section 1. The Mayor is hereby authorized to enter into agreement with the sector planning committees in the following sectors for projects under the Neighborhood Improvement and Mini-Grant Programs in the following amounts:

Sector Project	Amount
Sector 1 Harbortown Village Center Plan	\$20,000

Sector 6
Neighborhood Beautification Projects 15,350
Sector 7
Monroe Village Strategic Plan 20,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$55,350, and said amount, or so much thereof as may be necessary, is hereby appropriated from the Other Programs Allocation of the 2005-06 Community Development Program.

Section 3. The 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. 2005-343
Re: Sale of 250 South Avenue
Natatorium

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods
Campaign 10 - Center City

Transmitted herewith for your approval is legislation authorizing the sale of 250 South Avenue (the former Natatorium Building) to 250 South Development LLC (Principals: Richard Van Cuyck, Christopher P. Lopez, and Mark A. Pandolf) for \$88,600. The building is a three-story, 7,236 sq. ft. masonry brick structure with several decorative windows and an open floor plan.

A Request for Proposal was issued in March of 2005, published in the Daily Record and the Rochester Business Journal and sent directly to parties who had expressed an interest in the property. Approximately 20 individuals viewed the property during a public showing in April. Six proposals were received and reviewed by staff representing Economic Development, Zoning, and Real Estate. 250 South Development LLC received the highest rating based on proposed use, experience, financial capabilities, completeness of the proposal and its consistency with the objectives laid out in the South Avenue/Capron Street Revitalization Study completed in 2004 by Sear Brown (now Stantec).

250 South Development LLC proposes mixed use, market rate housing and office space. The first floor will consist of 2,740 sq. ft. commercial office space for tenants PLAN Architectural Studio and an engineering firm. The second and third floors will contain four market rate 1,370 sq. ft. residential loft units and one rooftop 2,155 sq. ft. penthouse unit. Amenities will include off-street parking, secured and keyed elevator access, shared common space, washer/dryer in each residential unit, wireless internet and cable service, and private balconies. A 20 space parking lot will be developed.

The City recently re-subdivided 250 South Avenue (see attached map) in order to:

1. Create a parcel to be sold under the RFP containing approximately 16,100 sq ft (Lot 1).

2. Create a new 7,000 sq. ft. parcel for area parking needs (Lot 2).
3. Accommodate existing parking obligations to Excellus Blue Cross/Blue Shield over portions of the former festival site.

Access to lot 2 will be accomplished through an easement retained by the City over a portion of 250 South Avenue.

The parcel was appraised for \$105,000, and the access easement at \$3.75 per square foot by Midland Appraisal Associates, Inc. The sale price of the property was established as the appraised value minus the developer's access easement. 250 South Development LLC estimated this access easement at 4,375 sq ft. Therefore, this access easement is priced at \$16,406 resulting in a sale of 250 South Ave for \$88,600.

A Phase I and II Environmental Assessment was completed for the parcel by Lu Engineers with no recognized environmental conditions noted.

250 South Development LLC estimates the project cost to be approximately \$1,200,000 and financed as follows:

Source	
Bank Financing	\$ 870,000
City Commercial Bldg. Ren. Program	30,000
Equity	<u>300,000</u>
Total	\$1,200,000
Use	
Construction	\$1,040,000
Acquisition	88,600
Soft costs	<u>71,400</u>
Total	\$1,200,000

This development will provide a stimulus to the revitalization efforts in the South Avenue/Capron Street area and will provide a visible signature building that will add to the area. The renovation will be respectful of the building's historic roots. Thirteen jobs will be retained, and one new job will be created. Employment includes approximately five city residents.

The project schedule is as follows:

- Design/Development
October 2005 - December 2005
- Construction Documents
November 2005
- Construction/Renovation
December 2005 - August 2006
- Occupancy
September 2006

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-114

Ordinance No. 2005-343
(Int. No. 374)

Authorizing The Sale Of 250 South Avenue

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

Section 1. The Council hereby approves the sale of 250 South Avenue to 250 South Development LLC

(Principals: Richard Van Cuyck, Christopher P. Lopez and Mark A. Pandolf) for the sum of \$88,600. The City shall retain an easement over a portion of the parcel for parking lot access.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-344
Re: The Asset Control Area Program (ACA)

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the United States Department of Housing and Urban Development (HUD) for City participation in the Asset Control Area (ACA) Program for an additional 12 months. The original agreement, authorized by Council in May 2003, was for a two year term.

The Asset Control Area Program is a partnership between HUD, the Rochester Housing Development Fund Corporation and the City of Rochester that allows the City to acquire HUD owned properties at a discount. The majority of the properties are developed through the City's acquisition rehabilitation program known as Home Rochester. A smaller number of properties that do not meet the Home Rochester selection criteria are developed directly by the RHDFC and sold to income qualified owner-occupants. Since its inception, over 150 properties have been acquired through the program and it received excellent program compliance reviews conducted by independent auditors, Ghenene & Associates of Silver Springs, Maryland, through a contract with HUD.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-344
(Int. No. 375)

Authorizing An Agreement For Continuation Of The Asset Control Area Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Housing and Urban Development (HUD) for City participation in the Asset Control Area (ACA) Program for an additional term not to exceed twelve months.

Section 2. The Council hereby further approves the cancellation of outstanding City taxes and other charges against parcels of residential real estate upon their acquisition through the ACA Program from HUD and extending through the date of their resale by the City.

Section 3. The agreement shall contain such ad-

ditional 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. 2005-345
Re: Agreement - Town of Brighton,
Building Inspection Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an intermunicipal agreement with the Town of Brighton for the provision by the City of certain building plan review and inspection services. The original agreement, approved by Council in 1994, has expired.

Annual services have included:

Service	Number
Plan Review	450
Regular Inspections	2,500
Special Inspections	200 - 250
Pre-Permit Meetings	12
NYS Board of Review Meetings	2

Under the proposed agreement, the City will continue to provide the following services:

1. Review the plans submitted with all applications for buildings, plumbing, and conditional use permits;
2. Provide a written report on the results of all reviews, to allow the Town to decide whether or not to issue permits;
3. When permits are issued, perform the related inspections and recommend to the Town whether or not certificates of occupancy should be issued;
4. At the request of the Town, conduct special inspections relating to:
 - a. Proactive enforcement of codes and regulations
 - b. Citizen complaints, and
 - c. Fire damaged structures; and
5. Attend pre-permit workshops and any necessary administrative and organizational meetings with Town personnel.

The plan review services will not include sign, fence and electrical permits, nor will inspection services include electrical work.

The total amount of basic service provided annually for both plan review and inspection will be \$87,396.

The following additional payments will be required for services beyond the basic services:

1. Special inspections: \$ 37.00 per hour.
2. Emergency or after-hours inspections: \$ 50.00

per hour.

3. More than 36 pre-permit meetings: \$ 43.00 per hour.
4. Assistance in variance request to the NYS Board of Review: \$ 43.00 per hour.
5. Computer Service: \$ 40.00 per hour.

The City is able to provide the required services with its current staffing levels.

The agreement will have an initial term of one year, from January 1, 2006 through December 31, 2006. At the option of the Town, it may be renewed for four additional one-year periods. Upon such renewal the required monthly and hourly payments will be adjusted by an amount equivalent to any increase in the annual compensation rate for non-uniformed employees of the City.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-345
(Int. No. 376)

Authorizing An Agreement With The Town Of Brighton For Building 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 Town of Brighton to provide building plan review and inspection services. The agreement shall have an initial term of one year and may contain four annual renewal options. The agreement shall obligate the Town of Brighton to pay the City \$87,396 annually for plan review and inspection services. The agreement shall also establish rates for additional services requested by the Town. During any renewal term, the payment rates shall increase by the percentage of compensation increase granted to the City's full-time non-uniformed employees for that renewal term.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-346
Re: La Avenida Streetscape Project
(North Clinton Avenue - Upper
Falls Blvd to Norton Street)

R2010: Campaign 1 - Involved Citizens
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Bergmann Associates, First Federal Plaza, Rochester, in the amount of \$90,000 for design services related to streetscape enhancements along North Clinton Avenue. The cost of the agreement will be funded from 2004-05

Cash Capital.

A community design charette for the project area was held on July 28, 2001. The results of the charette and design recommendations were presented in The North Clinton Avenue Neighborhood Commercial Revitalization Plan, prepared by DeWolff Partnership for the City in October 2001.

The proposed streetscape improvements include sidewalk enhancements, tree lawn, gateway and decorative street lighting in support of the planned design character and economic development initiatives. No revisions to street width or traffic features are anticipated.

Bergmann Associates was selected to perform the design services because of the quality of their proposal and their availability to provide the services within the time frame established for the project.

Design of the project will begin this fall and is anticipated to be completed in the spring of 2006. It is anticipated that the project construction will begin in the fall of 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-115

Ordinance No. 2005-346
(Int. No. 377)

Approving A Professional Services Agreement For The La Avenida Streetscape Project

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

Section 1. The sum of \$90,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates for design services for the La Avenida Streetscape 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 2004-05 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-347
Re: Urban Renewal District Designation -
River Street Revitalization Area

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted for your approval is legislation approving the River Street Revitalization Area as eligible for designation as an Urban Renewal District.

This area is generally bounded by the Genesee River on the east, federally owned property and Latta Road on the north, Lighthouse Street and Lake Avenue on the west and Stutson Street on the south. A boundary

map is attached.

The proposed designation is intended to facilitate the redevelopment of the River Street Revitalization Area. A copy of the condition analysis report prepared by CMA Architecture, P.C. in October 2005, is available for review in the Office of the City Clerk.

The district would comprise 47 parcels which include the following existing uses: 6 residential properties, 15 commercial mixed-use properties, 5 commercial 1-story properties, 11 vacant lots, 3 vacant commercial properties, 5 parking lots, 1 railroad property and 1 driveway. The district would be subdivided as development parcels.

Many of the structures within the proposed district are in poor condition. There are numerous vacant structures along with vacant lots that have resulted from the demolition of structures. These conditions constitute sufficient evidence to define the area as "blighted", satisfying requirements for its designation as an Urban Renewal District.

Upon approval of the area's eligibility as an Urban Renewal District, a formal plan will be developed. Approval of this plan by the Planning Commission and the Council will be required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-116

Ordinance No. 2005-347
(Int. No. 378)

Designating Parcels In Charlotte For Urban Renewal To Be Known As The River Street 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 by the Genesee River on the east, Federally owned property and Latta Road on the north, Lighthouse Street and Lake Avenue on the west, and Stutson Street on the south, 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 River Street 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, more particularly known and described as part of Lots 28 thru 32 of the Village of Charlotte, dated 1878 and filed in Liber 4 of Maps, Page 71 and more particularly bounded and described as follows:

Beginning at the intersection of the easterly ROW line of Lake Avenue (99' wide) and the northerly ROW line of Stutson Street (66' wide), said intersection being the Point or Place of Beginning; thence

- 1) N26°51'53"E, along said easterly ROW line of Lake Avenue, a distance of 497.05 feet to the southerly ROW line of Latta Road (66' wide); thence

- 2) S63°14'07"E, along said southerly ROW line of Latta Road, a distance of 412.50 feet to the southerly projection of the easterly ROW line of Lighthouse Street (49.5' ROW); thence
- 3) N26°51'53"E, along said easterly ROW line of Lighthouse Street and its southerly projection, a distance of 595.17 feet to the northerly end of said ROW; thence
- 4) S63°14'07"E, along the projection of said northerly end of the Lighthouse Street ROW, a distance of 94.50 feet to the southeast corner of lands now or formerly of the County of Monroe, commonly known as the Charlotte-Genesee Lighthouse, and deeded in Liber 8447, Page 183; thence
- 5) N26°51'53"E, along the east line of said lands of the County of Monroe, a distance of 132.00 feet to a point; thence
- 6) S63°14'07"E, along the southerly line of lands now or formerly of the United States Government (US Coast Guard), a distance of 283.55 feet to a point which is the northerly extension of the east line of the former NY Central Railroad; thence
- 7) Southerly, along said east line and its extension of the NY Central Railroad, a distance of 1224.23 feet to a point on the said northerly ROW line of Stutson Street; thence
- 8) N63°14'07"W, along said Stutson Street ROW, a distance of 788.83 feet to the said easterly ROW line of Lake Avenue, said intersection being the Point or Place of Beginning.

Intending to describe a parcel of land approximately 14.82 acres, more or less.

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. 2005-348 And

Ordinance No. 2005-349

Re: Olean & Kennedy Revitalization Project - Phase II

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation regarding funding of aspects of the Olean Revitalization Project. The proposed legislation will:

1. Amend Ordinance No. 2005-218 by rescind-

ing the authorization of \$869,000 in bonds to finance the cost of design and construction of street improvements.

2. Appropriate a total of \$1,489,000 from the 2003-04 (\$657,700) and 2005-06 (\$831,300) Improving the Housing Stock and General Property Conditions objective (Neighborhood Improvements allocation) of the Community Development Block Grant. These CDBG funds will be used to finance the cost of design and construction of the streets.
3. Authorize an agreement with Monroe South West Properties, LLC or an affiliated entity for the construction of three streets.

The Olean & Kennedy Revitalization Project is sponsored by the Rochester Housing Authority (RHA) as the redevelopment of the former Olean and Kennedy public housing projects into a mixed-income residential community. The total estimated cost of this undertaking is \$30.2 million. RHA selected the development team of Providence Housing Development Corporation and Rochester's Cornerstone Group, Ltd. as project developers through a competitive process in 2003.

The project is significant in its size and scope; financing structure is complex, and has multiple sources. Funding commitments have been received from the following sources to finance the redevelopment, including: the State of New York (\$4M), RHA (\$7.7M), Federal Home Loan Bank (\$1M), and Low Income Housing Tax Credits commitments that will generate \$14.2M in additional equity funding. The City is contributing \$3.3 million in financing to fund the cost of infrastructure improvements, environmental remediation, and housing.

The 111 units of public housing formerly present on the two sites were demolished in 2003. However, significant delays were experienced in securing the required financing and in resolving issues concerning site conditions and construction costs, resulting in a May 3, 2005 groundbreaking.

The first phase of redevelopment, on the Kennedy site, is well underway and will result in 67 new units of rental housing on-site and 39 new units of rental housing at off-site locations in southwest neighborhoods. A new Edith Street is also being constructed by the developer.

The second phase of development, on the Olean site, must be initiated by the end of the year in order to preserve the funding commitments made for the project by the State of New York, with environmental site remediation taking place this Fall. This phase of development will include 48 new units of rental housing on-site, 29 new units of rental housing off-site and the construction of three new streets. A third phase of development, a fourteen lot subdivision, will be developed by the City in 2007.

Due to the unanticipated delays experienced in moving the project forward, project costs have escalated. City staff have collaborated with the developer in assessing ways in which project costs can be controlled and reduced. One of the recommended means of addressing the escalating cost issue would be to permit the developer to construct the new streets at the Olean site. Because the developer will be responsible for both site remediation and mass grading of the site, there are both cost efficiencies and time saving benefits in allowing the developer to remain

on-site with its contractors and construct the streets. If the City were to proceed with street construction itself, the work would not be initiated until the Spring of 2006.

To enable the developer to construct the streets, the bond financing authorized for this purpose by Ordinance No. 2005-218 will require rescindment and a new source of financing to be substituted. It is proposed that Community Development Block Grant funding be utilized as the substitute source. The bond amount originally authorized at \$929,000 will be reduced to \$60,000 since that amount has already been borrowed.

The new Olean streets had an original budget estimate of \$1,240,000. That estimate has now been revised to \$1,800,000 due to sharply rising costs for materials, and that the existing subsurface conditions require excavation and removal.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-348
(Int. No. 404)

Amending Ordinance No. 2005-218 By Rescinding Partial Bond Authorization For The Olean & Kennedy Revitalization Project

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

Section 1. Bond Ordinance No. 2005-218, authorizing the issuance of \$929,000 bonds of the City to finance the construction of street improvements related to the Olean & Kennedy Revitalization Project, as amended, is hereby further amended by reducing the amount of bonding authorized and appropriated therein to the sum of \$60,000, thereby rescinding authorization for bonding in the amount of \$869,000. Said amount shall be replaced by Community Development Program funds appropriated at this meeting.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-349
(Int. No. 405)

Authorizing An Agreement For Street Improvements As A Part Of The Olean & Kennedy Revitalization Project

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Monroe South West Properties, LLC, or an affiliated entity, for the construction of streets as part of the Olean & Kennedy Revitalization Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$1,800,000, and of said amount, or so much thereof as may be necessary, \$657,700 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2003-04 Community Development Program, \$831,300 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2005-06 Community

Development Program and \$311,000 shall be funded from the appropriation of Community Development Program funds made in Ordinance No. 2005-218.

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. 2005-350
Re: Sale of Science Park Land

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation to authorizing the sale of approximately 3.228 acres of land (parcel 7) in the Rochester Science Park to Moseley Associates, Inc. for the purpose of expanding their company, Microwave Data Systems, Inc. (MDS).

MDS, currently located at 175 Science Parkway, has approximately 215 employees. The sale of this land across the street at 175 Science Parkway will provide space for a 25,000 square foot building to expand their operations. The expansion will result in the creation of up to 50 new, high paying technology jobs. The total investment of the facility and equipment is expected to be over \$2.6 million. The decision was made to expand in Rochester, New York, rather than in Santa Barbara, California, home of Moseley Associates.

MDS, previously a division of Adaptive Broadband Corporation, was acquired by Moseley Associates, Inc. in July 2000. Jamal Hamdani is the President and CEO of Moseley Associates, Inc.

MDS designs and manufactures a wide array of secure wireless networking solutions. Applications are used for both wireless video and voice products that are used in the emergency response and public safety markets.

Construction will begin in Spring 2006, with completion expected by the end of 2006.

Real estate appraisers Pogel, Schubmehl & Ferrara, LLC provided an appraisal of this parcel at \$60,000 per acre. The total price for Moseley Associates, LLC, for the purchase of this land is \$194,000 (3.228 x \$60,000 = \$193,680 rounded to \$194,000).

A public hearing is required for the sale of land in the Rochester Science Park.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-117

Ordinance No. 2005-350
(Int. No. 379)

Approving The Sale Of Land In The Rochester Science Park To Moseley Associates, Inc.

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

Section 1. The Council hereby approves the sale of approximately 3.228 acres of land in Parcel 7 in the Rochester Science Park to Moseley Associates, Inc. for the sum of \$194,000.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Norwood moved to return Introductory No. 406 to Committee.

The motion was seconded by Councilmember McFadden.

The motion was adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 406
Re: La Marketa Development Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing the acquisition, by condemnation, of 844 North Clinton Avenue as part of the La Marketa Development Project.

The property is included in the La Marketa North Clinton Avenue Urban Renewal District, which, along with the La Marketa North Clinton Avenue Urban Renewal Plan and La Marketa North Clinton Avenue Urban Renewal zoning regulations, were approved by City Council in June 2004.

As part of the La Marketa Development Project, City Council approved the sale of certain city-owned properties adjacent to 844 N. Clinton to Buckingham Properties LLC (Developer) for the development of an approximately 20,000 sf, internationally themed commercial retail center with parking. It has since been determined that the property at 844 N. Clinton Avenue is needed to provide visual access to the development, thereby enhancing its marketability.

The proposed commercial retail center will act as a catalyst for the subsequent redevelopment of the North Clinton Avenue corridor between Upper Falls Shopping Center and Hickey-Freeman Co.

Since Federal funding is not being used for this development project, a preliminary Anti-Displacement and Relocation Plan is not required. The City will relocate present occupants of properties to be acquired following the Rules and Regulations Governing Relocation Payments for Property Appropriated by the City for Non-Federally Assisted Projects, adopted by Council in 2002.

Relocation costs are estimated at \$10,000 for each of the two first-floor business tenants plus certain moving expenses and \$1,000 for one occupied second-floor residential apartment.

The compensation to the owner of 844 N. Clinton Ave., Mahmood Aishaibi, will be \$83,500, which was established through an independent appraisal prepared by Jay Loson, MAI of Midland Appraisal Associates, Inc. The price does not include any consideration of environmental or geo-technical conditions and

assumes an environmentally clean site. Acquisition and relocation costs will be funded from 2005-06 Cash Capital.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 406

AUTHORIZING THE ACQUISITION BY CONDEMNATION OF 844 NORTH CLINTON AVENUE TO FURTHER THE LA MARKETA NORTH CLINTON AVENUE URBAN RENEWAL PLAN

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

Section 1. The Council hereby approves the acquisition of 844 North Clinton Avenue, SBL #106.39-1-1 (reputed owner: Mahmood Aishaibi) to implement the La Marketa North Clinton Avenue Urban Renewal Plan.

Section 2. The Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 3. This ordinance shall take effect immediately.

Item held in Committee.

By Councilmember Mains
November 15, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 380 - Authorizing An Agreement With SWAN For A Neighborhood Recreation Program

Int. No. 381 - Authorizing Agreements And Amending The 2005-06 Budget For A Substance Abuse Prevention Program

Int. No. 382 - Establishing Maximum Compensation For A Professional Services Agreement For The Biracial Partnership Program, As Amended

Int. No. 400 - Authorizing Agreements For Human Services Programs, As Amended

Respectfully submitted,
Benjamin L. Douglas
William F. Pritchard
PUBLIC SERVICES, HEALTH & THE ARTS
COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-351
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 neighborhood recreation programs for youth 14 and younger 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 per year which will be funded from the 2005-06 Budget.

The after-school program is 10 hours per week for a 44 week period and includes arts and crafts, gym activities, tutoring, and computer use. The summer program consists of group games, summer lunch program field trips, gym activities and sports for 35 hours per week for a period of eight weeks.

The term of this agreement is one year with an option to renew for three additional one-year terms subject to the agreement of both parties and the availability of funds. It is consistent with the previous agreement approved by City Council October 15, 2005.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Ordinance No. 2005-351
(Int. No. 380)

Authorizing An Agreement With SWAN For A Neighborhood Recreation Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the Southwest Area Neighborhood Association (SWAN) for a neighborhood recreation program at the Southwest Community Center for a term of one year, with options to renew for three additional one-year terms.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000 annually, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 and subsequent Budgets of the Department of Parks, Recreation and Human Services, contingent upon adoption of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-352
Re: Substance Abuse Grant

R2010: Campaign 3 - Health, Safety and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing receipt of a grant from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration

in the amount of \$100,000. In addition, this legislation will:

1. Amend the 2005-06 Budget in the amount of \$100,000 to reflect receipt of the grant.
2. Authorize an agreement with Baden Street Settlement of Rochester, Inc./Metro Council for Teen Potential for \$52,200 to operate a project to reduce substance abuse, especially alcohol and marijuana, among youth ages 11 to 18, through the efforts of a community-wide coalition. MCTP will direct the project, coordinate the community coalition, and oversee needs assessment, analysis and evaluation. MCTP and the Bureau of Parks and Recreation will promote social marketing and engage parents and Rochester City School District teachers in substance abuse prevention.
3. Authorize an amendatory agreement with Roc Music to increase their contract by \$5,000 (bringing the total cost of the agreement to \$11,000) Roc Music provides music for teen special events; the contract term is September 1, 2005 to June 30, 2006. The increase in funds will be for the creation of six music video public service announcements with the assistance of 20 youth to be shown on the "Youth Voice, One Vision" television show. The contractor will also teach a twelve week class of music production on the theme of substance abuse prevention.
4. Authorize additional agreements as necessary to produce skits and public service announcements on substance abuse, not to exceed \$5,000.

The remainder of the grant, \$37,800, will be used to cover City administrative and indirect costs. The grant is available for five years, with \$100,000 per year, subject to the availability of Federal funds and the satisfactory progress of the project.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-352
(Int. No. 381)

Authorizing Agreements And Amending The 2005-06 Budget For A Substance Abuse Prevention Program

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Substance Abuse and Mental Services Administration for funding for a substance abuse prevention program for youth.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Baden Street Settlement for Youth, Inc./Metro Council for Teen Potential in an amount not to exceed \$52,200, and an amendatory agreement with Roc Music in an amount not to exceed \$5,000, for services relating to the substance abuse prevention program for youth.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$57,200, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

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

Section 5. Ordinance No. 2005-201, the 2005-06 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 \$100,000, which amount is hereby appropriated from funds to be received from the grant agreement authorized in Section 1 for a substance abuse prevention program for youth.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-353
Re: Agreement - Idea Connection Systems Inc., Biracial Partnerships Program

R2010: Campaign 1 - Involved Citizens
Campaign 2 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Idea Connection Systems, Inc., 693 East Avenue, for continuation of the Biracial Partnership Program. The maximum amount of this agreement will \$50,000 and will be funded from the 2005-06 Undistributed allocation.

The Biracial Partnership Program began in 2001 as part of the Mayor's Commission on Race and Ethnicity. The goal of the program is to confront/reduce racial prejudice in Rochester. Individuals are assigned a partner from a different cultural, ethnic and/or racial background. The partners use guided exercises and experiences to explore what they might have in common.

Idea Connection Systems, Inc. will facilitate the program by recruiting and pairing participants, conducting a variety of large and small group sessions for and training volunteer facilitators. Approximately 50 individuals will participate in the next phase of the Biracial Partnership Program.

The Rochester Area Community Foundation is also providing \$50,000 to support this program and efforts are underway to solicit additional contributions in order to expand the program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-353
(Int. No. 382, As Amended)

Establishing Maximum Compensation For A Professional Services Agreement For The Biracial Partnership Program

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 Idea Connection Systems, Inc. for implementation of the Biracial Partnership Program. Said amount shall be funded from the [2004-05] 2005-06 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. 2005-354
Re: Human Services Projects

R2010: Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety, and Responsibility
Campaign 6 - Economic Vitality

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>
The Salvation Army Moving Forward	\$85,000
Rochester Fatherhood Resource Initiative, Inc. BEEAMS Young Males Project (BEEAMS/YMP)	85,000

Both programs will be funded from the General Community Needs Allocation of the 2005-06 Community Development Program.

While the 2003 Mayor's Youth Summit resulted in successful youth program initiatives, there are still many local disadvantaged youth who are now seriously at-risk young adults in need of non-traditional programs. To focus effective programs and services into the lives of these young adults, the Department of Parks Recreation and Human Services has expanded its program prioritization specifically to include the 18-26 year old male population of Rochester.

In August 2005, a Request for Proposal (RFP) was issued and advertised, seeking qualified organizations to implement programs and services for seriously at-risk young adult males. A review team evaluated nine proposals on their ability to offer personal support, and guidance to at-risk males with the ultimate goal of completion of education, and/or placement into employment. Of the nine proposals reviewed, the two agencies listed above best fit the goals of the RFP.

Both projects are considered projects with matching funds and are eligible for up to five years of funding. Program descriptions are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-118

Ordinance No. 2005-354

(Int. No. 400, As Amended)

Authorizing Agreements For Human Services Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects:

Organization Project	Amount
The Salvation Army Moving Forward	\$85,000
Rochester Fatherhood Resource Initiative, Inc. BEEAMS Young Males Project (BEEAMS/YMP)	85,000

The Rochester Fatherhood Resource Initiative, Inc. agreement may extend for a term of eighteen months.

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$170,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program.

Section 3. The 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 unanimously.

By Councilmember Stevenson
November 15, 2005

To the Council:

The Parks, Public Works And The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 383 - Approving A Professional Services Agreement For The Water Main Extensions And Improvements Program

Int. No. 384 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A New Water Works Operations Center And Appropriating Funds

Int. No. 385 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$550,000 Bonds Of Said City To Finance The Additional Cost Of The Construction Of A New City Operations Center Building

Int. No. 386 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Services For 10 Felix Street

Int. No. 387 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of

\$268,400 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up At The City's Bureau Of Water & Street Lighting Site At 10 Felix Street

Int. No. 388 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Conduit Modernization Project

Int. No. 389 - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$2,910,000 Bonds Of Said City To Finance The Cost Of The Design, Inspection And Construction Of A Catholic Protection Program For City Water Supply Conduits

The Parks, Public Works And The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 390 - Dedication Of Additional Parcel To Street Purposes For Jefferson Avenue

Int. No. 391 - Authorizing An Increase In The Pavement Width Of Carter Street For A Turning Lane At The Rochester General Hospital Entrance

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Did not vote on Int. No. 383; Voted against Int. No. 384, 385, 386, and 387)
Adam C. McFadden
PARKS, PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-355
Re: Water Main Extensions & Improvements Program

R2010: Campaign 4 - Environmental Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Zerkel Land Surveyors of 140 Rutgers Street, Rochester, NY for surveying and mapping services at a maximum cost of \$34,000 to be funded from the 2005-06 Cash Capital Allocation.

The Water Main Extensions and Improvements Program provides for scheduled replacement of deteriorated and inadequate water mains. There are approximately 600 miles of pipe within the City's distribution system of which approximately 400 miles of this pipe has exceeded the expected 75 years of useful life of water mains.

Zerkel Land Surveyors will provide the surveying and mapping services required to develop detailed construction plans for the Water Main Extensions and Improvements project. Design and inspection of this project will be performed by Water and Lighting Bureau staff.

Proposals were solicited from three local surveying firms. Zerkel Land Surveyors was selected because of their responsiveness, software compatibility and experience.

Surveying and mapping is expected to begin in win-

ter 2005 and be completed in spring 2006. Design will commence shortly thereafter with construction anticipated to begin in fall 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-119

Ordinance No. 2005-355
(Int. No. 383)

Approving A Professional Services Agreement For The Water Main Extensions And Improvements Program

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

Section 1. The sum of \$34,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Zerkel Land Surveyors for surveying and mapping services for the Water Main Extensions and Improvements Program. Said amount shall be funded from the 2005-06 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-356 And
Ordinance No. 2005-357

Re: New Water Works Operations Center

R2010: Campaign 4 - Environmental
Stewardship
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the New Water Works Operations Center for the Bureau of Water, Street Lighting and Parking Meters. This legislation will:

1. Appropriate the sum of \$127,100 from anticipated reimbursements from New York State Research and Development Authority to partially finance the cost of electric energy efficiency features. This funding is an incentive by the state for energy efficiency features that exceed current building codes.
2. Authorize an amendatory agreement with the Pike Company for construction management services by increasing maximum compensation by \$25,000 to a total of \$775,000. The original agreement for \$750,000, was authorized in February 2005. The additional funding will cover costs for additional cost estimates, coordination of the environmental remediation and construction phases of the project, and provide additional assistance with the Leadership Energy and Environmental Design (LEED) certification program. The \$25,000 will be funded from 2001-02 Cash Capital.
3. Authorize the issuance of bonds totaling \$550,000 to finance the remaining cost of construction, and the purchase of furnishings, fixtures, and equipment for the building. This

funding is consistent with the 2005-06 Capital Improvement Program.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-356
(Int. No. 384)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A New Water Works Operations Center And Appropriating Funds

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

Section 1. The sum of \$25,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and The Pike Company for construction management services for a new Operations Center Building for the Bureau of Water, Street Lighting and Parking Meters. 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. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$127,100, or so much thereof as may be necessary, to fund electric energy efficiency features in the new Operations Center Building.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-357
(Int. No. 385)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$550,000 Bonds Of Said City To Finance The Additional Cost Of 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 additional cost of the construction of a new City Operations Center Building for the Bureau of Water, Street Lighting and Parking Meters at 10 Felix Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is expected to be in excess of \$10,902,100. The plan of financing includes the issuance of \$550,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$7,831,000 bonds previously appropriated in Ordinance No. 2005-92, \$200,000 bonds previously appropriated in Ordinance No. 2005-93, \$750,000 bonds previously appropriated in Ordinance No. 2005-28, \$1,300,000 bonds previously appropriated in Ordinance No. 2004-58, \$119,000 bonds previously appropriated in Ordinance No. 2002-396, \$25,000 in current funds and \$127,100 appropriated at this meeting from anticipated reimbursements from the State of New York, 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 \$550,000 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 \$550,000. 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 unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-358 And
Ordinance No. 2005-359
Re: Amendatory Agreement - LaBella
Associates, P.C., New Operations
Center for Bureaus of Water &
Street Lighting

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with LaBella Associates, P.C., 300 State Street, in the amount of \$268,400, for environmental cleanup and restoration services for contaminated City-owned property at 10 Felix Street (the Site), and authorizing the issuance of bonds to finance this cost.

In December 2004, City Council authorized the issuance of \$940,000 in bonds to finance the environmental cleanup of the Site. In March 2005, Council authorized an agreement with LaBella for a maximum of \$940,000. As a cost saving measure, the Department of Environmental Services (DES) used \$600,000 for LaBella's services, and the balance of the bond authorization, \$340,000, was used for direct payments under the City's solid waste agreement with Monroe County for contaminated soil transportation and disposal to the Mill Seat Landfill operated by Waste Management. Since that time, additional services have been identified that will be required to complete the cleanup.

DES is in the process of redeveloping the Site as the new City Operations Center for the Bureau of Water, Lighting, and Parking Meters. The redevelopment and environmental cleanup project began in the Spring of 2005 with the demolition of all existing buildings. The central and southern portions of the Site were formerly used as the City's Department of Public Works facility from the early 1900s until the 1980s, and formerly contained vehicle repair and maintenance garages, machine shops, collision and paint shops, above-ground and underground storage tanks, and equipment and material storage buildings.

The central portion of the Site contains a large plume of primarily petroleum contamination which was estimated to contain 14,500 tons of contaminated soil. Groundwater within the plume contains contaminants that exceed the NY State's groundwater standards and guidance values. The sources of the contamination

included former underground storage tanks, historic releases from underground utilities (e.g., drains), and suspected spills and releases from former operations. The plume is located under several existing buildings, and also under the proposed footprint of several buildings associated with the new Operations Center.

In January 2005 LaBella developed an environmental Corrective Action Plan (CAP) which specified the remedial measures warranted to address the source of the large petroleum plume, to decontaminate subsurface structures which will be encountered during demolition, to remediate groundwater contamination, and to construct engineering controls to mitigate odors and vapors. The CAP Work Plan was approved by the New York State Department of Environmental Conservation (NYSDEC) and the Monroe County Department of Health. The CAP included a source removal plan for the soil excavation and off-site disposal of approximately 11,000 tons of contaminated soil and several thousand gallons of groundwater. The source removal program was initiated in July 25, 2005 and continued through October 14, 2005. The approved CAP required excavation of soil into the water table, thought to be located 8 feet below grade. Soil contaminants below the water table were to be treated with a groundwater remediation system. During actual excavation groundwater was not encountered at the expected depths, and below 8 feet, soils were highly contaminated with high levels of volatile organic compounds, such as benzene.

DES consulted with the NYSDEC regarding this situation, and on August 23, 2005 the NYSDEC recommended that either additional soil removal be performed or the City install and operate a soil remediation system to cleanup the soils. A soil remediation system would require additional time and resources to design, install, and operate; and would potentially extend the duration of the environmental cleanup and delay the construction of the new facility. As a result, it was determined that the additional contaminated soil would be excavated and disposed of off-site. The additional soil removal would not impact the original project schedule. The NYSDEC and the Monroe County Department of Health (MCDOH) are in agreement with this approach.

LaBella submitted proposals for the additional services in the amount of \$268,400 to complete the additional cleanup. LaBella was selected for this project on the merit of its proposed technical approach, reasonableness of costs, its ability to coordinate and complete the remedial activities in accordance with the complex redevelopment schedule. Engineering controls and a groundwater remediation system will be installed as part of the new construction of the buildings, and groundwater remediation is expected to require at least two years of operation and monitoring. If this amendatory agreement is approved, the total cost of the LaBella agreement will increase to \$868,400.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-358
(Int. No. 386)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Services For 10 Felix Street

BE IT ORDAINED, by the Council of the City of

Rochester as follows:

Section 1. The sum of \$268,400, 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 LaBella Associates, P.C., for environmental cleanup and restoration services for the City-owned property at 10 Felix Street. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-359
(Int. No. 387)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$268,400 Bonds Of Said City To Finance The Additional Cost Of Environmental Clean-Up At The City's Bureau Of Water & Street Lighting Site At 10 Felix Street

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 additional cost of the environmental clean-up of hazardous substances at the Bureau of Water & Street Lighting site at 10 Felix 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 \$1,665,600. The plan of financing includes the issuance of \$268,400 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$457,200 bonds previously appropriated in Ordinance No. 2001-318 and \$940,000 bonds previously appropriated in Ordinance No. 2004-401, 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 \$268,400 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said 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 \$268,400. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 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 unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-360 And
Ordinance No. 2005-361
Re: Bonds - Conduit Modernization Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation relating to the water supply conduit modernization project. This legislation will:

1. Authorize an amendatory agreement with O'Brien & Gere Engineers, 400 Andrews Street, to increase maximum compensation by \$160,000, for additional design and resident project inspection services. The original agreement, authorized in August 2004, was for \$530,000. This brings the total amount to \$690,000.
2. Authorize the issuance of bonds totaling \$2,910,000 and appropriate the proceeds thereof to finance this amendatory agreement and the construction of the cathodic protection of water supply conduits.

In 2001, the City began its conduit modernization program, which provides cathodic protection for selected portions of the system and pipe replacement or rehabilitation in areas where cathodic protection is not viable and the condition of the conduit is known to be poor.

The current project is the final phase of the cathodic protection component of the conduit modernization program. It will involve cathodic protection of approximately 25 miles of Conduits 2 and 3 from Big Tree Road in the Town of Livonia to Stoney Lonesome Road in the Town of Mendon. Work will also include replacement of several thousand feet of conduits and the installation of additional stop gate valves to improve system redundancy.

Under the proposed amendatory agreement, O'Brien & Gere will perform additional design and inspection services required to include an additional 6 miles of conduit into the project.

Bids for construction were received on October 19, 2005. The work will be performed by Villager Construction, Inc. at a cost of \$2,295,185. An additional \$454,815 will be allocated for contingencies and materials testing.

The requested bonding is consistent with the 2002-03 and 2003-04 Capital Improvement Plans. Construction is expected to begin this winter and be completed in the fall of 2006. The Monroe County Water Authority is expected to reimburse the City for 54% of the cost of a portion of this work, in accordance with the 1978 agreement.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-120

Ordinance No. 2005-360
(Int. No. 388)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Conduit Modernization Project

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

Section 1. The sum of \$160,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and O'Brien & Gere for additional design and resident project inspection services for the Conduit Modernization Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection

of the Project. Said amount shall be funded from a bond ordinance adopted for this purpose.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2005-361
(Int. No. 389)

Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$2,910,000 Bonds Of Said City To Finance The Cost Of The Design, Inspection And Construction Of A Catholic Protection Program 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 the design, inspection and construction of a cathodic protection program for approximately 25 miles of City water supply Conduits 2 and 3 from Big Tree Road in the Town of Livonia to Stoney Lonesome Road in the Town of Mendon, New York (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 \$3,440,000. The plan of financing includes the issuance of \$2,910,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$530,000 bonds previously appropriated in Ordinance No. 2004-282, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$2,910,000. 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 unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-362
Re: Jefferson Avenue/Official Map
Amendment

R2010: Campaign 6 - Economic Vitality
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the Official Map by dedicating public right-of-way being constructed in conjunction with the Jefferson Avenue & Brown Street Improvement Project.

The street improvement project will affect Jefferson Avenue, from West Main Street to Brown Street, and Brown Street, from Kensington Street to Jefferson Avenue. It will include new pavement, curbs, sidewalks, water main improvements, catch basins, street lighting improvements, tree planting and the realignment of the Jefferson Avenue/Brown Street/Silver Street intersection.

The realignment requires dedication of additional right-of-way at 11 Jefferson Avenue, a city-owned parcel. The additional right-of-way will enable the sidewalk to be shifted approximately five feet to the south and will not affect the existing features on the remainder of this parcel.

Pavement width changes for this project were authorized by City Council in June 2005. Construction of the public improvements are scheduled to begin in Spring 2006 with completion expected in the fall.

The Official Map Amendment was presented to the City Planning Commission on October 17, 2005. Their vote, 5-0, was to support the map amendment.

A public hearing on the amendment is required .

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-121

Ordinance No. 2005-362
(Int. No. 390)

Dedication Of Additional Parcel To Street Purposes For Jefferson Avenue

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

Section 1. Chapter 76 of the Municipal Code, Official Map, as amended, is hereby further amended by dedicating the following parcel to street purposes and adding said parcel to Jefferson Avenue:

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

Beginning at a point in the southerly street line of Brown Street 402.695 feet northeasterly from the intersection of the northerly street line of Terry Street at a point of curvature;

Thence 1) Northerly, easterly and southerly along a curve to right, concave to the southwest, having a radius of 21 feet, a distance of 49.27 feet to a point of tangency on the westerly street line of Jefferson Avenue;

Thence 2) S 0° 38' 50" E, along said street line, a distance of 10.71 feet to a point of curvature;

Thence 3) Northwesterly, westerly and southwesterly, along a curve to the left, concave to the southwest, having a radius of 25.50 feet, a distance of 59.83 feet to a point of tangency on the easterly street line of Brown Street;

Thence 4) N 44° 55' 44" E, along said southerly street line of Brown Street, a distance of 10.71 feet to the point or place of beginning.

Containing 0.006± acre of land, 253± Sq. Ft.

Being part of the premises acquired by the City of Rochester in Tax Foreclosure proceeding by Deed L 7695 P 177 filed August 1, 1989.

Subject to any easements or encumbrances of record.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Stevenson moved to return Introductory No. 391 to Committee. Motion was seconded by Councilmember Mains.

TO THE COUNCIL
Ladies and Gentlemen:

Introductory No. 391
Re: Carter Street - Pavement Width Changes

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a change in the pavement width on Carter Street. The applicant, Rochester General Hospital, has requested the widening in conjunction with construction of a new parking garage on the hospital campus. The legislation will authorize a variable widening from 24 feet to 30 feet on Carter Street, beginning 125 feet north of Rexford Street, for a distance of 150 feet to the north.

The widening would accommodate a protected left turn lane for southbound vehicles entering the Rochester General Hospital campus. Construction of the widening is scheduled to begin immediately upon approval and to be completed by year end. The changes were presented at a public information meeting conducted by the applicant on August 25, 2004. The mailing list provided by the applicant for the meeting did not include the properties on Carter Street.

The widening was endorsed by the Traffic Control Board on October 18, 2005. A public hearing on the change is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Introductory No. 391

AUTHORIZING AN INCREASE IN THE PAVEMENT WIDTH OF CARTER STREET FOR A TURNING LANE AT THE ROCHESTER GENERAL HOSPITAL ENTRANCE

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

Section 1. The Council hereby approves a variable increase from 24 feet to 30 feet in the pavement width of Carter Street, beginning 125 feet north of Rexford Street for a distance of 150 feet to the north, in order to accommodate a turning lane into the Rochester General Hospital entrance.

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

Section 3. This ordinance shall take effect immediately.

Item held in Committee.

By Councilmember Douglas
November 15, 2005

To the Council:

The Finance And Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 392 - Cancellation Of Taxes And Charges

Int. No. 393 - Amending The Municipal Code With Respect To The Designation Of Depositories

Int. No. 394 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Health Insurance Review

Int. No. 395 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Investigative Services

Int. No. 396 - Establishing Maximum Compensation For A Professional Services Agreement For Radiological Training For The Fire Department

Int. No. 397 - Authorizing An Application And Agreement For The STOP Violence Against Women Program

Int. No. 398 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$233,000 Bonds Of Said City To Finance The Cost Of Upgrading The Computer System Of The Rochester Police Department

Int. No. 399 - Amending The 2005-06 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

Int. No. 401 - Authorizing Agreements With Respect To Operation IMPACT II And Amending The 2005-06 Budget

Int. No. 402 - Approving The Weed & Seed Program And Amending The 2005-06 Budget

Int. No. 403 - Approving The Weed & Seed Anti-Gang Initiative And Amending The 2005-06 Budget

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran
Robert J. Stevenson
FINANCE AND PUBLIC SAFETY COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-363
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 \$24,786.60.

An amount of \$22,314.35 or 90.03% of the total relates to 7 properties where code violation charges appearing on the tax bills were included in foreclosure actions, attributed to a former owner or were invalid.

The sum of \$2,472.25 or 9.97% of the total applies to one property that is owned by the City of Rochester. The City tax exemption was not recorded on the 2005 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$499,429.35.

	Accounts	Amounts
City Council	77	\$432,517.52
Administrative	194	66,911.83
Total	271	\$499,429.35

These cancellations represent .223% of the tax receivables as of July 1, 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-363
(Int. No. 392)

Cancellation Of Taxes And Charges

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

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

- (a) These properties have Rehab/Code Violations that are either attributed to a former owner, were invalid or included in a foreclosure action.

S.B.L.#	Class	Tax Year	Amount Canceled
106.820-2-12	H		
26-28 Erion Cres.	2006		\$ 4,100.00
107.620-2-18	H		
399-401 Grand Av.	2006		3,600.00
120.340-1-73	H		
56 Syke St.	2006		1,800.00
120.650-1-29	H		
161 Normandy Av.	2006		3,364.35
121.270-1-12.1	NH		
595 University Av.	2006		3,000.00
135.410-2-85	H		
233 Spruce Av.	2006		4,200.00
135.490-1-63	H		
186 Genesee Pk. Blvd.	2006		
2,250.00			
Subtotal			\$22,314.35

- (b) This property is now owned by the City of Rochester and is tax exempt. The 2005 Final Assessment Roll failed to reflect that tax exempt status.

S.B.L.#	Class	Tax	Amount
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Address	Year	Canceled
135,340-2-28	NH	
926-928 Genesee St.	2006	\$ 2,472.25
Grand Total		\$24,786.60

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. 2005-364
Re: City Code Amendment - Depositories

R2010: Campaign 7 - Quality Services

Transmitted herewith for your approval is legislation amending the City Code to change the names of depositories as follows to accommodate name changes made by these financial institutions:

1. Replace Chase Manhattan Bank with JP Morgan Chase Bank, N.A.
2. Replace Fleet Bank with Bank of America; and
3. Replace Charter One Commercial with Citizens Bank.

The designation by the City Council of depositories is required by section 6-22 of the City Charter and section 39 of the NYS General Municipal Law.

Since that time, Chase Manhattan Bank merged with JP Morgan Investment Bank and with Bank One. In addition, Fleet Bank was acquired by Bank of America and Charter One was acquired by Citizens Bank. The proposed legislation reflects these changes.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-364
(Int. No. 393)

Amending The Municipal Code With Respect To The Designation Of Depositories

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

Section 1. Section 8-9 of the Municipal Code, Designation of Depositories, as amended, is hereby further amended by amending the chart therein to read in its entirety as follows:

Depository Name	Maximum Amount
JP Morgan Chase Bank, N.A.	\$150,000,000
HSBC Bank, USA	125,000,000
Bank of America	75,000,000
Citibank N.A.	50,000,000
Manufacturers & Traders Trust Company	50,000,000

KeyBank	50,000,000
Citizens Bank	50,000,000

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-365
Re: Amendatory Agreement - Hilb Rogal and Hobbs Health Insurance Study

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Hilb Rogal and Hobbs (HRH). The cost of the agreement will increase \$7,200 for a total of \$97,400.

HRH was originally authorized to conduct a comprehensive health insurance study for benefits received by City of Rochester employees and retirees. This amendment will allow HRH to provide actuarial attestations for each of the City's Medicare supplemental prescription drug plans as currently provided to retirees. Actuarial attestations will supply necessary data for the City to determine how it will receive Medicare Part D subsidies that will become available January 1, 2006. Actuarial attestations are also required by the Centers for Medicare and Medicaid Services for certain subsidy options.

The additional \$7,200 shall be funded from the 2005-06 Budget allocation for Undistributed Expenses.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2005-365
(Int. No. 394)

Establishing Maximum Compensation For An Amendatory Professional Services Agreement For A Health Insurance Review

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

Section 1. The sum of \$7,200, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Hilb Rogal & Hobbs for a comprehensive analysis of group health insurance provided to City employees and retirees. Said amount shall be funded from the 2005-06 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-366
Re: Amendatory Agreement - Compass Adjusters & Investigators, Inc.

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement in the amount of \$12,600 with Compass Adjusters & Investigators, Inc., 96 Haarlem Avenue, White Plains, NY, for continued investigative services. This cost will be funded from the 2005-06 Budget.

Compass Adjusters & Investigators, Inc., has provided these services to the City under periodic agreements. The most recent agreement was executed in December, 2004.

Compass Adjusters & Investigators, Inc., will provide an additional 225 hours of investigative services at the hourly rate of \$56 (this amount is the same as in the past agreement), increasing the total cost of the agreement to \$17,100 for a two-year period.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-366
(Int. No. 395)

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

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

Section 1. The sum of \$12,600, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Compass Adjusters & Investigators for continued investigative services. Said amount shall be funded from the 2005-06 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. 2005-367
Re: Agreement with Rochester Institute of Technology

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with Rochester Institute of Technology to provide basic and advanced radiological training to uniform members of the Fire Department. The cost of this agreement will not exceed \$35,000 and will be funded through a grant from the U.S. Department of Homeland Security that was appropriated by Council in November 2004.

The Basic Radiological Safety course is designed to educate the firefighters on radiation, its properties, and its health effects, as well as on the selection of personal protection equipment, radiological triage, radiation instruments.

The Advanced Radiological Training course is to provide in-depth training to Hazardous Materials Team members on radiological incidents to assist them in reducing risk to themselves and citizens.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-367
(Int. No. 396)

Establishing Maximum Compensation For A Professional Services Agreement For Radiological Training For The Fire Department

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

Section 1. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Rochester Institute of Technology for advanced radiological training for members of the Rochester Fire Department. Said amount shall be funded from the Homeland Security Grant Funds previously appropriated in Ordinance No. 2004-377.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-368
Re: Stop Violence Against Women Grant

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the acceptance of an award under the STOP Violence Against Women (VAWA) program, in the amount of \$69,600.

The VAWA Program is intended to provide victims of domestic violence assistance to ensure their immediate safety, to help them secure safe housing, and to offer legal advocacy and other appropriate follow up services to ensure their continued safety.

This is the seventh round of funding received under the VAWA program. The new grant period is for January 1 through December 31, 2006. The award amount of \$69,600 is the same as last year's amount. No budget amendment is necessary, as the renewal and the required 25% match were anticipated in the 2005-06 Budget of the Police Department.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-368
(Int. No. 397)

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

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

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

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-369
Re: Bond Ordinance for Computer
Technology for the Police Department

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing the issuance of \$233,000 in bonds to purchase new, upgraded or replacement computer equipment, software and related licensing for the Rochester Police Department. The borrowing for this project was planned for in the 2003-04 Debt Authorization Plan.

Acquisitions will include routine equipment replacements and upgrades for existing desktop computer workstations, servers, and network printers throughout the Department, as well as new applications software and related licenses.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2005-369
(Int. No. 398)

Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$233,000 Bonds Of Said City To Finance The Cost Of Upgrading The Computer System Of The Rochester Police Department

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 upgrading the Computer System of the Rochester Police Department in multiple locations within the City (the "Project"). The total estimated maximum cost of said specific object or purpose, described herein, including preliminary costs and costs incidental thereto and the financing thereof, is currently estimated to be approximately \$233,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$233,000 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 \$233,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein

called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$233,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.25 of the Law, is ten (10) years.

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

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

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

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

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized

and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-370
Re: Appropriation of Forfeiture Funds
for Greater Rochester Area Narcotics
Enforcement Team (GRANET)

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 5 - Regional Partnerships

Transmitted herewith for your approval is legislation authorizing appropriation of \$117,000 from forfeited property revenues attributable to the Greater Rochester Area Narcotics Enforcement Team (GRANET), and amending the 2005-06 Budget to reflect this amount.

The appropriated funds will be used to support GRANET operations for the period ending June 30, 2006. GRANET's mission is to use the combined resources of member agencies for maximum coordination and cooperation to investigate mid- and upper-level narcotic related offenses in the greater Rochester/Monroe County area. GRANET participates in the Greater Rochester Area Special Operations Group (GRASOG) which also investigates illegal weapons offenses and aggressively investigates career criminals in the greater Rochester/Monroe County area.

A Memorandum of Understanding among the participating agencies outlines the mission and procedures governing the participating agencies for the period ending June 30, 2007. Agencies included are: Rochester Police; Monroe County Sheriff; Monroe County District Attorney; Federal Bureau of Alcohol, Tobacco, Firearms and Explosives; and police departments of Brighton, Brockport, East Rochester, Fairport, Gates, Greece, Irondequoit, Ogden, and Webster.

The Memorandum of Understanding stipulates that GRANET will share in any properties or funds confiscated as a direct result of a criminal investigation initiated by GRASOG. GRANET will utilize asset forfeiture funds for operational expenses, including: communications, electronic surveillance, confidential funds and vehicle rentals for undercover operations, parking, supplies, and training. Salaries and overtime for participants will be paid by each officer's respective agency.

The City administers, and separately accounts for, GRANET's share of federal forfeiture funds. City Council, in July 2005, authorized an appropriation to GRANET for the first half of the fiscal year, based on the funding available in July. The undesignated balance in GRANET's forfeiture fund as of September 30, 2005 was \$117, 049.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-370
(Int. No. 399)

Amending The 2005-06 Budget By Appropriating Forfeiture Funds For The Greater Rochester Area Narcotics Enforcement Team

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

Section 1. Ordinance No. 2005-201, the 2005-06 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 \$117,000, which amount is hereby appropriated from funds realized from seized and forfeited assets to fund the operations of the Greater Rochester Area Narcotics Enforcement Team (GRANET).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-371
Re: Operation Impact II

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 5 - Regional Partnerships
Transmitted for your approval is legislation authorizing an agreement with the County of Monroe in the amount of \$301,600, for reimbursement of City expenses to participate in the state-funded Operation Impact program; amending the 2005-06 Budget to reflect receipt of said amount in anticipated reimbursements from the County; and authorizing any other agreements necessary to implement Operation Impact.

The Monroe County District Attorney's Office is entitled to receive local aid revenue of \$893,000 from the New York State Division of Criminal Justice Services (DCJS) to support Operation Impact. A pass-through amount of \$301,600 is earmarked for the Rochester Police Department to reimburse the City's share of DCJS-approved program expenses. Under the award agreement, the County will reimburse the City for eligible costs incurred through March 31, 2006.

Under this program, the Rochester Police Department will participate in activities designed to reduce violent crime in local jurisdictions through improved coordination among federal, state, and local criminal justice agencies. Expenditures will primarily support deploying officers on overtime details for Night-watch, warrant enforcement, joint law enforcement patrol and expanded drug enforcement activities, as well as equipment and related services to support crime analysis. This is the second round of funding the City is to receive through the County under this program. City Council authorized the previous award in June 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-371
(Int. No. 401)

Authorizing Agreements With Respect To Operation IMPACT II And Amending The 2005-06 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding under Operation IMPACT II.

Section 2. The Mayor is hereby further authorized to enter into an agreement with the Rochester Institute of Technology as a part of Operation IMPACT II, in an amount not to exceed that set forth in the Operation IMPACT II Budget, which shall be funded from the 2005-06 Budget of the Rochester Police Department.

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

Section 4. Ordinance No. 2005-201, the 2005-06 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 \$301,600, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein to fund Operation IMPACT II.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-372
Re: Weed and Seed Initiative

- R2010: Campaign 1 - Involved Citizens
- Campaign 2 - Educational Excellence
- Campaign 3 - Health, Safety and Responsibility
- Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Weed and Seed Initiative. This legislation will:

1. Authorize an agreement with the U.S. Department of Justice for receipt and use of supplemental grant of \$450,000 under the Weed and Seed Initiative;
2. Amend the 2005-06 Budget as follows:
 - \$86,800 to the Police Department
 - \$7,800 to Undistributed;
3. Authorize an agreement with the Center for Youth in an amount not to exceed \$25,000; and
4. Authorize any additional agreements necessary to implement the program.

A total of \$194,000 of these funds has been included in the 2005-06 Budget.

The program supports both anti-crime efforts (weed) and projects that prevent crime by improving neighborhood conditions (seed). The program is operated in Sectors 3, 4, 9 and 10. The grant will support the following programs:

Northeast

RPD	\$ 47,308
Teen Court	40,680
Personnel	30,680
Pathways to Peace	25,732
Safe Haven	5,000
Center for Youth	25,000
Community Leadership Development	5,000
PeaceFest	10,000
Sector Community Grant	20,000
Travel	7,500
Supplies	6,099
Equipment	2,001
Total	<u>\$225,000</u>

Southwest

RPD	\$ 47,308
Teen Court	49,080
Personnel	30,680
Pathways to Peace	45,641
Safe Haven	5,000
Community Leadership Development	5,000
Youth Council	9,905
Sector Community Grant	20,000
Travel	7,500
Supplies	3,189
Equipment	1,695
Total	<u>\$224,998</u>

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-372
(Int. No. 402)

Approving The Weed & Seed Program And Amending The 2005-06 Budget

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

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of Justice, Office of Justice Programs, for funding under the Weed & Seed Grant Program.

Section 2. There is hereby appropriated from Weed & Seed Grant Program Funds the sum of \$256,000, or so much thereof as may be necessary, to fund the Weed & Seed Program.

Section 3. The Mayor is hereby further authorized to enter into an agreement with the Center for Youth in an amount not to exceed \$25,000, and such other agreements as may be necessary to implement the Weed & Seed Program, in amounts not to exceed those set forth in the Weed & Seed Program Budget.

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

Section 5. Ordinance No. 2005-201, the 2005-06 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 \$86,800 and to Undistributed Expense by the sum of \$7,800, which amounts shall be funded from the appropriation made in Section 2.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-373
Re: Weed and Seed: Anti-Gang Initiative
R2010: Campaign 1 - Involved Citizens
Campaign 2 - Educational Excellence
Campaign 3 - Health, Safety and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation related to the Weed and Seed Anti-Gang Special Emphasis Initiative. This legislation will:

1. Authorize an agreement with the U.S. Department of Justice for receipt and use of supplemental grant of \$159,903 under the Weed and Seed Anti-Gang Special Emphasis Initiative;
2. Amend the 2005-06 Budget as follows to reflect the grant:
 - \$18,300 to the Police Department
 - \$67,900 to the Mayor's Office
 - \$6,900 to Undistributed
3. Authorize agreements with Monroe County for services from the Probation Department and the District Attorney's Office. The agreements shall not exceed \$66,764, to be funded from the grant.

The program is designed to support both anti-crime efforts (weed) and projects that prevent crime by improving neighborhood conditions (seed). In Rochester, the program will be operated in Sectors 3, 4, 9 and 10.

The grant will be used to support the following programs:

Northeast

Pathways to Peace	\$39,891
Monroe County District Attorney's Office	<u>40,012</u>
Total	\$79,903

Southwest

RPD (School Resource Officer OT)	\$20,060
Pathways to Peace	32,411
Probation Department (County)	26,782
Equipment (cell phone use)	<u>747</u>
Total	\$80,000

Respectfully submitted
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-373
(Int. No. 403)

Approving The Weed & Seed Anti-Gang Initiative And Amending The 2005-06 Budget

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

Section 1. The Mayor is hereby authorized to

enter into an agreement with the United States Department of Justice, Office of Justice Programs, for funding under the Weed & Seed Grant Program (Anti-Gang Special Emphasis Initiative).

Section 2. There is hereby appropriated from Weed & Seed Grant Program Funds the sum of \$159,903, or so much thereof as may be necessary, to fund the Weed & Seed Program (Anti-Gang Special Emphasis Initiative).

Section 3. The Mayor is hereby further authorized to enter into agreements with the County of Monroe for services through the District Attorney's Office in an amount not to exceed \$40,012, and the Probation Department in an amount not to exceed \$26,782, to implement the Weed & Seed Program (Anti-Gang Special Emphasis Initiative).

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

Section 5. Ordinance No. 2005-201, the 2005-06 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$18,300, to the Mayor's Office by the sum of \$67,900 and to Undistributed Expense by the sum of \$6,900, which amounts shall be funded from the appropriation made in Section 2.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

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

CAROLEE A. CONKLIN
City Clerk

REGULAR MEETING
DECEMBER 20, 2005

Present - President Giess, Councilmembers Curran, Douglas, Mains, McFadden, Norwood, Pritchard, Santiago, Stevenson - 9.

Absent - 0.

The Council President requested the Council to rise for a Moment of Silence, in memory of Frank Lamb, Mayor of Rochester from 1964 to 1969, Councilmember from 1958 to 1977.

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

Recognition Ceremony

Retirement

DPRHS

Kathy Prince

Finance Department

*Marie Petramalo

Fire Department

*Arthur P. Kucewicz

*Paul R. Lewandowski

Police Department

*Robinson Aponte

*Frank A. Colaprete

*Eric C. Weaver

*Did not attend meeting.

Comments by President Giess:

I know that this isn't part of the regular retirement ceremonies, but tonight is the last Council meeting for several long-time City employees. Now, how long have these folks been around? Cedric Alexander - three years; Linda Kingsley - eleven years; Bridgette Burch White - eleven years; Rod Cox-Cooper - twelve years; Lynn Stango - eighteen years; Rick Hannon - 22 years; Wendell Bellamy - 25 years; Loretta Scott - 28 years; Ed Doherty - 31 years; and Fashun Ku - 35 years. They've been committed professionals, and we wish them well.

And you are all aware that this will also be William A. Johnson, Jr.'s last meeting as our Mayor. As well as anybody, he has understood the nature of leadership, engaged our citizens in debate about real challenges, and encouraged all of us to work better and harder for our community.

Each one of them, I believe, in their heart took the Athenian Oath for Public Service. "We will strive for the ideals and sacred things of the City, both alone and with many. We will unceasingly seek to quicken the sense of public duty. We will revere and obey City laws. We will transmit this City not only not less, but greater, better, more beautiful than it was transmitted to us."

Thank you all for your service to the City.

APPROVAL OF THE MINUTES

By Councilmember Pritchard

RESOLVED, that the minutes of the Regular Meeting of November 15, 2005 be approved as published in the official sheets of the proceedings.

Passed unanimously.

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

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

The Mayor submits the following:

Public Disclosure - HOME Participation 3821-7

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3822-7

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

Letters from Realtors regarding proposed lead paint legislation Petition No. 1614

THE COUNCIL PRESIDENT - RECEIVED AND FILED.

PUBLIC HEARINGS

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

Abandonment Of A Portion Of Ford Street And Amending Ordinances No. 2005-72 And 2005-312 To Include Said Parcel In A Land Exchange And Grant Tax Exemption As Part Of The Olean & Kennedy Revitalization Project And Authorizing Further Amendments, As Amended Int. No. 417 No speakers

Amending Chapter 120 Of The Municipal Code, The Zoning Code Int. No. 429 No speakers

Resolution Approving Relocation To The Monroe County Empire Zone Int. No. 454 No speakers

REPORTS OF STANDING COMMITTEES AND ACTION THEREON

By Councilmember Norwood
December 20, 2005

To the Council:

The Housing And Economic Development Committee recommends for Adoption the following entitled legislation:

Int. No. 408 - Authorizing The Sale Of Real Estate

Int. No. 409 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

Int. No. 411 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Design Services For The Brooks Landing Revitalization Project

Int. No. 412 - Authorizing A Loan Agreement For The Renovation Of The Hamilton Apartments

Int. No. 413 - Authorizing An Agreement And Amending The 2005-06 Budget For The Design Intern

Program

Int. No. 414 - Authorizing Agreements For Neighborhood Improvement Programs

Int. No. 415 - Authorizing An Agreement With Downstairs Cabaret Theatre As Part Of The Sector Targeted Initiative Program

Int. No. 416 - Authorizing An Agreement With The Grove Place Association For The East End Garage Art Façade Project

Int. No. 419 - Authorizing An Agreement For Housing Development Support And Amending Ordinance No. 2002-168

Int. No. 420 - Authorizing An Agreement For Continuation Of The Fair Housing Enforcement Project

Int. No. 406 - Authorizing The Acquisition By Condemnation Of 844 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan, As Amended

Int. No. 421 - Determination And Findings Relating To The Acquisition Of 844 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan

Int. No. 422 - Authorizing The Mayor To Make Application For Redesignation Of Certain Areas Within The City Of Rochester As An Empire Zone

Int. No. 423 - Acceptance Of Library Grants And Amending The 2005-06 Budget

Int. No. 451 - Authorizing An Agreement For Homebuyer Training Services

Int. No. 452 - Authorizing The Sale Of A Portion Of 110-120 Colfax Street And Amending Ordinance No. 2005-350, As Amended

Int. No. 453 - Local Law Adding The Peko Precision Products Facilities To The City Of Rochester Empire Zone As A Regionally Significant Project

The Housing And Economic Development Committee recommends for Consideration the following entitled legislation:

Int. No. 410 - Authorizing The Sale Of Parcels In The Brooks Landing Urban Renewal District

Int. No. 417 - Abandonment Of A Portion Of Ford Street And Amending Ordinances No. 2005-72 And 2005-312 To Include Said Parcel In A Land Exchange And Grant Tax Exemption As Part Of The Olean & Kennedy Revitalization Project And Authorizing Further Amendments, As Amended

Int. No. 418 - Authorizing A Loan Agreement For The Olean & Kennedy Revitalization Project, As Amended

Int. No. 424 - Adopting The Environmental Review Statement Of Findings For The Municipal Code Revisions With Respect To Lead-Based Paint Poisoning Prevention

Int. No. 425A - Amending Chapter 90 Of The Municipal Code With Respect To Lead-Based Paint Poisoning Prevention, As Amended

Int. No. 426A - Resolution Regarding Targeting

Lead Enforcement, As Amended

Int. No. 427A - Resolution Regarding Public Education On Lead, As Amended

Int. No. 428 - Resolution Regarding A Voluntary Lead Program

Int. No. 429 - Amending Chapter 120 Of The Municipal Code, The Zoning Code

Int. No. 454 - Resolution Approving Relocation To The Monroe County Empire Zone

Respectfully submitted,
Wade S. Norwood
William F. Pritchard (Did not vote on Int. No. 408)
Adam C. McFadden (Voted against Int. No. 425A, 426A, 427A and 428)
Lois J. Giess
HOUSING AND ECONOMIC DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-374
Re: Sale of Real Estate

R2010: Campaign 9 -Healthy Urban Neighborhoods

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

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

The next property is a structure that was sold at a Request for Proposal sale for its appraised value. The property will be rehabilitated as sixteen apartments.

The last property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The parcel is considered unbuildable due to its size.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-122

Ordinance No. 2005-374
(Int. No. 408, 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	Lot Size	Price
310 Alphonse St 106.33-2-20	1 Family Edmond Toub	36x123	\$ 2,300
295 Avenue C 106.22-1-8	1 Family T. Kassidis	40x65	7,100
644 Avenue D 091.80-1-78	1 Family T. Kassidis	40x66	8,000
193 Cady St 120.59-2-4	1 Family Gloria Franco	33x158	9,600
[25 Carl St 106.31-1-7	1 Family William D. Torres]	38x94	8,000
27 Carl St 106.31-1-8	1 Family Gloria Franco	38x94	11,800
404 Child St 105.82-1-65	1 Family Tenodros & Miriam Bashu	60x40	4,800
99-101 Cleon St 091.73-3-13	1 Family Amada Belliard	32x75	7,700
87 Clifford Av 106.29-4-47	1 Family Jo A. Dickenson	34x110	2,000
32 Durgin St 106.37-2-6	1 Family Jo A. Dickenson	30x109	3,600
40 Harris St 106.29-1-40	2 Family Antonio Masonave	52x97	9,200
155 Lincoln St 106.34-3-41	1 Family Domingo E. Pimentel	40x130	6,000
12 Lochner Pl 106.34-2-16	1 Family Delia L. Bowman	37x110	4,900
302 Lyceum St 092.70-3-15	1 Family Jhon Manuel Zorrilla	40x101	28,100
168 Mohawk St 091.75-1-6	1 Family T. Kassidis	35x97	18,500
1 Mozart Pl 106.37-3-26	1 Family Scrantom Street Associates, LLC*	33x71	7,000
215 Reynolds St 120.68-1-36	1 Family Pablo Falcon	35x100	3,100
52 Somerset St 120.49-1-44	1 Family Cynthia Ramadham	45x152	33,500
39 Treyer St 106.30-1-12	1 Family William D. Torres	35x96	4,100
55 Weld St 106.73-1-10	1 Family Gloria Franco	35x141	8,700
287 Whitney St 105.74-2-2	1 Family William D. Torres	33x101	6,600

*Officer: Rudolph W. Warren

Section 2. The Council hereby further approves the sale of the following parcel of improved property by request for proposal sale:

Address: 1063 St. Paul St
S.B.L.#: 105.36-1-27
Lot Size: 123x185
Price: \$[40,000] 28,000
Purchaser: Andy Cardot

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

Address: 123 Woodward St
S.B.L.#: 106.74-1-82
Lot Size: 33x138.25

Sq. Ft.: 4562±
Purchaser: Robert Burney

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

Section 5. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-375
Re: Lease - 1015 Thomas Avenue

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing a one year lease agreement with Voyager Boat Sales, Inc. for the continued use of premises located at 1015 Thomas Avenue. Voyager has leased this area from the City for more than thirty years.

The current lease expires on December 31, 2005. The new lease will commence January 1, 2006 and expire on December 31, 2006. The monthly rental amount will be \$2,200 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-375
(Int. No. 409)

Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the continued lease of 1015 Thomas Avenue for one year. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent in the amount of \$26,400, payable in monthly amounts of \$2,200.

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

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-376
Re: Brooks Landing Public Waterfront
Improvements

R2010: Campaign 6 - Economic Vitality
 Campaign 8 - Tourism Destination
 Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates, Rochester, for additional services relating to the Brooks Landing Public Waterfront Improvements required for subsequent State and Federal environmental review processes. The additional cost of \$77,000 will bring the maximum cost of the agreement to \$327,000, and will be funded from 2004-05 Cash Capital.

The project and its funding of \$150,000 were originally approved by Council in August 2002 and provided for the design of a riverfront promenade, an open plaza and a boat dock/landing and coordination with the adjacent private hotel and restaurant development. As the project's design developed further, Council Ordinance No. 2005-105 subsequently authorized an amendatory agreement with Bergmann Associates for an additional cost of \$90,000 that provided for additional services relating to the design of a required vehicular turn-around with parking area, associated environmental reviews, permit processes and construction phase design services and incorporated the remaining scope and funding of an additional \$10,000 agreement with Bergmann Associates approved in July 2003.

The \$77,000 requested herein will provide for services in either the original agreement or the subsequent amendatory agreements. These additional environmental review processes are required by multiple State and Federal agencies are for parkland conversion approval and include the preparation, production and multiple submissions of a National Environmental Policy Act (NEPA) Environmental Assessment (EA), revised designs, the administration of a public comment period with additional EA submissions and a subsequent final EA submission. All submissions require hard-copy, digital and online formats.

The cost of construction is estimated to be \$1,890,000 including contingencies and resident project representation. The project will be financed from 2000-01 General Debt. It is anticipated that construction will begin in the summer of 2006.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2005-376
 (Int. No. 411)

Establishing Maximum Compensation For An Amendatory 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 \$77,000, 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 additional landscape architectural and engineering design and environmental review 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 the 2003-04 Cash Capital Allocation.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, Mains, McFadden, Norwood Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Curran abstained because he is a property owner in the area.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-377
 Re: The Hamilton Apartments/Genesee
 Gateway Houses Renovation

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation regarding the renovation of the high-rise at Genesee Gateway Houses. This legislation will:

1. Authorize a loan of \$1,000,000 to Conifer Hamilton LLC or an affiliated limited partnership or housing development fund corporation to be formed by the LLC;
2. Appropriate the sum of \$500,000 from the 2005-06 HOME Program;
3. Appropriate the sum of \$500,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Consolidated Community Development Plan; and
4. Authorize the adjustment of the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the project.

In March 2004, City Council authorized a Memorandum of Understanding with Conifer Realty regarding the funding and scope of this redevelopment project.

The Hamilton Apartments, the high-rise at Genesee Gateway Houses, is located at 185 Mt. Hope Avenue. The Project was constructed in 1975 under the sponsorship of the NYS Urban Development Corporation. It contains 202 studio, one- and two-bedroom apartments available to those who are at or below 60% Median Family Income. Rent subsidies are provided through HUD's Rental Assistance Program.

On April 15, 2004, Genesee River Front Commons, LLC, a wholly-owned subsidiary of Conifer Realty, LLC, purchased the general partner interest in the ownership from TFG/New York Properties, Inc. Ownership will now be transferred to Conifer Hamilton LLC and the renovations will take place after the transfer.

Modest improvements were made to the structure over the last 30 years by its former owners. It is a 13-story concrete panel building. Repairs were made to the building's façade in 1992; however, further

deterioration has occurred. No significant building-wide improvements have been made. An extensive rehabilitation program is required and will include the following:

Apartments

- New kitchen cabinets and counters
- New bathroom vanity, sink and medicine chest
- New appliances
- New doors
- Hardwired smoke detectors
- New windows
- New lighting
- Painting and flooring as required

First Floor and Common Areas

- New community room
- Painting and flooring as required
- New entry
- Signage
- Addition of manager unit

Building Systems

- New roof
- Facade repair/treatment
- Replace hot water boilers
- Lighting
- Replace elevators

Site Improvements

- Landscaping

The budget is as follows:

Sources of Funds

Mortgages	
1. HUD 236 Loan	\$ 5,232,228
2. Bank mortgage	2,975,828
3. City loan	1,000,000
4. HUD IRP	707,220
5. NYS HFA	1,493,000
Equity	<u>5,501,745</u>
Total	\$16,910,021

Uses of Funds

Site acquisition	\$ 8,327,500
Construction costs	3,914,170
Professional services	645,300
Carrying and finance charges	942,113
Project contingency	365,810
Development fees	2,015,128
Transition reserve	400,000
Replacement reserves	100,000
Debt service reserve/escrows	<u>200,000</u>
Total	\$16,910,021

During construction, the City loan shall be provided as construction financing at a 1% interest rate. When the loan is converted to permanent financing, the term and interest rate of the City's loan will be thirty (30) years at the applicable federal rate (AFR). Annual interest-only payments of one percent will be made; the principal will be due in thirty years. The difference between one percent and the AFR will also be deferred and paid at the end of the term.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-377
(Int. No. 412)

Authorizing A Loan Agreement For The Reno-

vation Of The Hamilton Apartments

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 Conifer Hamilton LLC, or an affiliated partnership or housing development fund corporation to be formed by it, for the renovation of the Hamilton Apartments at Genesee Gateway Houses, 185 Mt. Hope Avenue. During construction, the City loan shall be provided as construction financing at a 1% interest rate. When the loan is converted to permanent financing, the loan shall extend for a term of 30 years, with interest at the applicable federal rate. Annual interest-only payments of one percent shall be required during the term of the loan. Payment of principal and deferred interest shall be due in full at the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The loan agreement shall obligate the City to pay an amount not to exceed \$1,000,000, and of said amount, or so much thereof as may be necessary, \$500,000 is hereby appropriated from 2005 HOME Program Funds and \$500,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions Allocation of the 2004-05 Community Development Program.

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.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-378
Re: Genesee Transportation Council
Planning Grant

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation regarding the Design Center Intern Program. This legislation will:

1. Appropriate \$23,000 from the Neighbors Building Neighborhoods Allocation (Design Center Staff Account) of the 2004-05 Community Development Block Grant;
2. Authorize an agreement with the Genesee Transportation Council for receipt of a \$40,000 grant; and
3. Amend the 2005-06 operating budget of the Bureau of Planning in the amount of \$63,000 to reflect both amounts.

The grant will allow a six month extension of the Design Intern Program to support a study of neighborhood traffic calming design and implementation options that may be appropriate in areas where community based planning studies and design charrettes are being undertaken.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Ordinance No. 2005-378
(Int. No. 413)

**Authorizing An Agreement And Amending The
2005-06 Budget For The Design Intern 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 Genesee Transportation
Council for funding for the Design Intern Program.

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

Section 3. Ordinance No. 2005-201, the 2005-06
Budget of the City of Rochester, as amended, is hereby
further amended by increasing the revenue estimates
and appropriations to the Department of Community
Development by the sum of \$63,000 to fund the
Design Intern Program in the Bureau of Planning, of
which amount \$23,000 is hereby appropriated from
the Neighbors Building Neighborhoods allocation
of the 2004-05 Community Development Program
and \$40,000 is hereby appropriated from funds to be
received from the grant approved in Section 1.

Section 4. This ordinance shall take effect im-
mediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-379
Re: Community Development Block Grant -
Neighborhood Improvement Program

R2010: Campaign 1 - Involved Citizens
Campaign 7 - Quality Service
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation
authorizing agreements with NBN Sectors 6 and
10 to implement their Neighborhood Improvement
Programs and appropriating \$27,150 from the Other
Programs, Sector Funding Initiative of the 2005-06
Consolidated Community Development Plan to fund
these agreements.

The Neighborhood Improvement Program provides
grants of up to \$20,000 for sector planning committees
to undertake housing and community development
activities. These projects are recommended:

Sector 6 Various Neighborhood Improvements
\$7,150

Sector 6 used a request for proposal process to
identify primary neighborhood projects, includ-
ing: playground improvements at East Morland
Playground, artistic benches on Hickory Street,
planters at the intersection of South Clinton Avenue
and South Goodman Street, and refreshments for
meetings.

Sector 10 Vineyard Parking Lot Improvements
and Property Rehabilitation Subsidy \$20,000

Sector 10 will construct a parking lot at 34 Hem-
pel Street as part of the Vineyard Project and will
provide additional rehabilitation subsidies to 7
owner-occupants on Sander Street.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-379
(Int. No. 414)

**Authorizing Agreements For Neighborhood
Improvement Programs**

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

Section 1. The Mayor is hereby authorized to
enter into agreement with the sector planning com-
mittees in the following sectors for projects under the
Neighborhood Improvement Program in the following
amounts:

<u>Sector</u> <u>Project</u>	<u>Amount</u>
Sector 6 Neighborhood Improvement Projects	\$ 7,150
Sector 10 Vineyard Parking Lot and Property Rehabilitation Subsidy	20,000

Section 2. The agreements shall obligate the City
of Rochester to pay an amount not to exceed \$27,150,
and said amount, or so much thereof as may be neces-
sary, is hereby appropriated from the Other Programs
Allocation of the 2005-06 Community Development
Program.

Section 3. The agreements shall contain such ad-
ditional 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. 2005-380
Re: Agreement - Downstairs Cabaret Theatre
Facade improvements - 20 Windsor Street
Facade and Infrastructure Improvements

-
540 E. Main Street

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation
authorizing an agreement with Downstairs Cabaret
Theatre for various improvements at 20 Windsor
Street and at 540 East Main Street (their education
center). The cost of this agreement will not exceed
\$45,000 and will be funded from the Sector Targeted
Funding Initiative Program.

This agreement will cover the cost of facade im-
provements at the theatre at 20 Windsor Street and
facade and infrastructure improvements at 540 E.
Main Street, the education center. The budget, listing

specific improvements is attached. This project will restore and improve the exterior of the Windsor Street property, thereby enhancing its visibility. It will also enhance the infrastructure at the Main Street property for safety and comfort. Both properties contribute to the vitality of the East End Cultural District.

The Rochester Renaissance 2010: Sector Targeted Funding Initiative (STFI) Program provides funds for neighborhood groups to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was provided to each of the ten NBN sector areas within the City to enhance their neighborhoods. Each project is required to provide matching funds and/or resources. The Downstairs Cabaret Theatre will fulfill this requirement in two ways:

1. Their Capital Campaign, which to date has \$635,000 in pledges, will provide resources for long term maintenance and operational support.
2. They will offer, to City School District students, education program tuition waivers, scholarships for workshops and summer programs, and tickets to productions over the next five years.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-380
(Int. No. 415)

Authorizing An Agreement With Downstairs Cabaret Theatre As Part Of The Sector Targeted Initiative Program

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

Section 1. The Mayor is hereby authorized to enter into agreement with the Downstairs Cabaret Theatre under the Sector Targeted Initiative Program for funding for facade improvements at 20 Windsor Street and facade and infrastructure improvements at 540 East Main Street, in exchange for education program tuition waivers, scholarships for summer camps, workshops, and individual instruction, and tickets to theatre productions for City students.

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, shall be funded from the Sector Targeted Funding Initiative.

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. 2005-381
Re: Agreement - Grove Place Association
East End Garage Art Facade

R2010: Campaign 9 - Healthy Urban
Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with the Grove Place Association for the East End Garage Art Facade project, and appropriating \$20,000 from the Other Programs Allocation (Sector Funding Initiative Account) of the Consolidated Community Development Plan to partially fund the project. This represents a portion of the Sector 5 Sector Targeted Funding Initiative funds.

The total cost of the project will not exceed \$68,100. Remaining funding will include \$24,000 from 2000-01 Cash Capital; this amount includes the \$20,000 Neighborhood Improvement Program grant available to each Sector. The Grove Place Association will provide \$24,100 in cash and in-kind donations. A detailed budget is attached.

The Grove Place Neighbors Association proposes to collaborate with Rochester Institute of Technology's School for American Crafts to design, create and install an art façade at the Main Street entrance of the East End Garage. The project is intended to improve and enhance the visual quality of the East End garage and surrounding streetscape. The art installation will be on the Main Street wall and include the Scio St. entrance in order to enhance and promote continuity in the architecture of the neighborhood.

The Rochester Renaissance 2010: Sector Targeted Funding Initiative Program provides funds for neighborhood groups to accomplish the goals of the Renaissance Plan. A \$100,000 allocation was provided to each of the ten City NBN sector areas to enhance their neighborhoods.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-123

Ordinance No. 2005-381
(Int. No. 416)

Authorizing An Agreement With The Grove Place Association For The East End Garage Art Facade 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 Grove Place Association for funding of the East End Garage Art Facade Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$44,000, and of said amount, or so much thereof as may be necessary, \$24,000 shall be funded from the 2000-01 Cash Capital Allocation and \$20,000 is hereby appropriated from the Other Programs Allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-382
 Re: Housing Opportunities, Inc.

R2010: Campaign 9 - Healthy Urban
 Neighborhoods

Transmitted herewith for your approval is legislation relating to Housing Opportunities, Inc. (HOP), 400 Andrews Street, for the continued provision of housing development and tenant services. The proposed legislation will:

1. Authorize an agreement with Housing Opportunities Inc., 400 Andrews Street, in an amount not to exceed \$108,000.
2. Appropriate a total of \$93,000 of Community Development Block Grant funds as follows:
 - a. \$1,000 from the 2003-04 Improving the Housing Stock and General Property Conditions objective (Housing Development Support allocation);
 - b. \$89,000 from the 2005-06, Improving the Housing Stock and General Property Conditions objective (Housing Development Support allocation); and
 - c. \$3,000 from the 2005-06 Improving the Housing Stock and General Property Conditions objective (Landlord/Tenant Services allocation).
3. Amend Ordinance No. 2002-168 by reducing the total appropriated by \$15,000 and re-appropriating said amount for use by HOP.

HOP has been a significant producer of affordable housing and related services for the City since 1993. The most recent agreement with HOP was authorized by Council in June 2004. Following is a summary of HOP's performance under that agreement for July 1, 2004 - June 30, 2005.

	Goal	Actual
HOME Rochester houses rehabilitated	4	2
Rental units developed	78	47
Tenants served (rental units)	346	250
Projects planned/researched	2	3
Single-family new construction	4	1

Activities proposed for 2005-06 include the following:

1. Rent to own, New Affordable Rental Housing - Obtain funding for the construction of 24 single-family rent-to-own homes in the 14621 neighborhood.
2. Technical Assistance - Provide technical assistance to other non-profit housing developers as necessary, including assistance to the Wilson Commencement Park to help develop its Phase II housing project.
3. Tenant Services - Provide services to residents of HOP-owned units in the City.
4. Projects Planned/Researched - Continue planning/researching a minimum of two affordable rental projects.
5. Susan B. Anthony Project - Rehabilitate the 35-unit apartment building located at First Street

and Central Park.

6. Rexford Place - Continue construction of 12 units of rent-to-own housing.
7. 144 Chili Ave - Continue planning for the rehabilitation of this structure.

In providing resident services, HOP will operate in Marketview Heights to continue its work with residents to implement the Collective Action Plan. This is a neighborhood planning collaborative that involves beautification, safety and security, housing development and creating a "gateway" along Union Street.

This agreement represents 16% of HOP's total budget of \$677,824.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2005-382
 (Int. No. 419)

Authorizing An Agreement For Housing Development Support And Amending Ordinance No. 2002-168

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 \$108,000, and of said amount, or so much thereof as may be necessary, \$15,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Program, \$1,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2003-04 Community Development Program and \$92,000 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program.

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

Section 4. Ordinance No. 2002-168, relating to an agreement for housing development support, is hereby amended by reducing the amount authorized and appropriated therein from the Improving the Housing Stock and General Property Conditions allocation of the 2002-03 Community Development Program by the sum of \$15,000, which amount is reappropriated in Section 2.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-383
 Re: Fair Housing Enforcement Project

R2010: Campaign 5 - Regional Partnerships
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation authorizing an agreement with Legal Aid of Western New York, Inc. in an amount not to exceed \$143,000 for continuation of the Fair Housing Enforcement Project; and appropriating \$3,460 from the 2004-05 and \$139,540 from the 2005-06 Community Development Block Grant - Improving the Housing Stock and General Property Conditions allocations for Fair Housing to fund the agreement.

The Fair Housing Enforcement Project (FHEP) has been operated by the Monroe County Legal Assistance Center (MCLAC), which is now known as Legal Aid of Western New York, Inc., since 1998. The project has addressed illegal housing discrimination in the Greater Rochester area through community outreach, investigation of complaints, and legal representation. Two dozen FHEP clients represented in federal court have collectively received awards of approximately \$1 million since 1998.

The program depends on funding from grants from the Department of Housing and Urban Development's Fair Housing Initiatives Program (FHIP), some assistance from the City of Rochester, and leveraged advertising and technical support from the Advertising Council of Rochester.

HUD, in the Spring of 2005, classified MCLAC/FHEP as a high performing grantee on the basis of excellent performance reviews. This made MCLAC eligible to submit a 3-year continuation grant application, in addition to the standard eighteen month grant. HUD has recently informed MCLAC that neither of its applications were funded.

The opportunity for renewed HUD funding is not expected to be available until 2007. Additional City funds are required to enable the project to continue services through the end of 2006. The most recent City appropriation (\$44,540) and agreement for FHEP were authorized by Council in March 2005. City funded services were previously limited to community education and outreach. It is proposed that City funded services be expanded to include the testing and enforcement activities previously funded by HUD. This would include the cost of a part-time testing coordinator and a full-time attorney. MCLAC will assume the cost of office overhead, supplies, and costs related to litigation and testing. MCLAC will also be obligated to continue litigation already commenced and will do so without the use of city funds. Services would be restricted to Monroe County, and City residents would be targeted for assistance.

Proposed program activities center around three primary functions:

1. The generation of discrimination complaints by increasing public awareness of fair housing enforcement services through outreach efforts and intake through the bi-lingual telephone hotline;
2. Investigation of complaints, including complaint-based, paired tests to confirm discriminatory practices; and
3. Providing direct legal representation for clients with meritorious claims.

Enabling FHEP to continue operating without inter-

ruption will help ensure that the fair housing rights of our citizens will be protected.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-383
(Int. No. 420)

**Authorizing An Agreement For Continuation
Of The Fair Housing Enforcement Project**

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Legal Aid of Western New York, Inc. for continuation of the Fair Housing Enforcement Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$143,000, and of said amount, or so much thereof as may be necessary, \$3,460 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2004-05 Community Development Program and \$139,540 is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2005-06 Community Development Program.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-384 And
Ordinance No. 2005-385
Re: La Marketa Development Project

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation making the determinations and findings related to the acquisition of property at 844 North Clinton Avenue, and amending Introductory 406, currently held in Committee. The amendment establishes the maximum cost of acquisition, including closing and relocation costs, at \$143,000, to be funded from the 2004-05 Cash Capital Allocation.

The property to be acquired is near the site of the planned La Marketa Development Project. These determinations and findings are required by Article 2 of the Eminent Domain Procedure Law.

The legislation providing for the acquisition of the property, Introductory 406, was submitted for the November Council cycle; a public hearing was held at the November 15, 2005 Council meeting.

There were five speakers at the hearing. Three of the speakers supported the acquisition of the property. One speaker was neutral regarding acquisition of the property by the City, but agreed to the importance of

the project. One speaker - representing the owner of the property - opposed the City's acquisition of the property.

Based on the comments presented at the public hearing, the following determinations and findings are proposed:

1. Project description - that the acquisition include the specified property at 844 North Clinton Avenue.
2. Project purpose - that the acquisition will eliminate blighted structures and permit the subsequent redevelopment of the properties in a manner that will complete the planned La Marketa Development Project and enhance the City's tax base.
3. Project effect - that the acquisition and subsequent redevelopment of the properties will have no significant adverse effect on the environment and indeed will assist in the revitalization of the neighborhood.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-384
(Int. No. 406, As Amended)

Authorizing The Acquisition By Condemnation Of 844 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan

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

Section 1. The Council hereby approves the acquisition of 844 North Clinton Avenue, SBL #106.39-1-1 (reputed owner: Mahmood Aishaibi) to implement the La Marketa North Clinton Avenue Urban Renewal Plan. The sum of \$143,000, or so much thereof as may be necessary, shall be funded from the 2004-05 Cash Capital allocation to fund the acquisition, closing and relocations costs associated with this acquisition.

Section 2. The Corporation Counsel is hereby authorized to commence condemnation proceedings for the acquisition of said parcel.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.
Nays - Councilmember McFadden - 1.

Ordinance No. 2005-385
(Int. No. 421)

Determination And Findings Relating To The Acquisition Of 844 North Clinton Avenue To Further The La Marketa North Clinton Avenue Urban Renewal Plan

WHEREAS, the City of Rochester proposes to acquire 844 North Clinton Avenue, SBL #106.39-1-1 (reputed owner: Mahmood Aishaibi) to implement

the La Marketa North Clinton Avenue Urban Renewal Plan, and

WHEREAS, the Council of the City of Rochester held a public hearing on November 15, 2005 pursuant to Article 2 of the Eminent Domain Procedure Law to consider the acquisition of this property,

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 844 North Clinton Avenue:

- (a) Public benefit/purpose:

The La Marketa Project is located along the east side of North Clinton Avenue between Sullivan Street and Hoeltzer Street. The acquisition of 844 North Clinton Avenue is necessary for the development of the La Marketa Project.

The project consists of an approximately 20,000 square foot commercial retail center and parking. The commercial retail center will act as a catalyst for the subsequent redevelopment of the North Clinton Avenue corridor between the Upper Falls Shopping Center and Hickey-Freeman Company.

The acquisition of 844 North Clinton Avenue will allow for the following:

1. The redevelopment of vacant and underutilized parcels.
2. Mitigation of the deteriorated conditions of the neighborhood.
3. The creation of job opportunities.
4. The economic vitality of the neighborhood.

- (b) Project effect:

The land assembly and subsequent redevelopment of the property at 844 North Clinton Avenue as well as the adjacent City-owned land, will enhance the neighborhood and increase jobs and investment within the City. The project will have no adverse environmental impacts. The environmental review process has resulted in a Negative Declaration issued by the Lead Agency.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember McFadden - 1.

TO THE COUNCIL
Ladies & Gentlemen:

Local Law No. 8
Re: NYS Empire Zone

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the reconfiguration of the City's Empire Zone.

Effective April 1, 2005, several changes were made to the New York State Empire Zone program. All census tract Zones must be contained within three distinct and separate contiguous areas. One additional distinct and contiguous area "upon demonstration of need" may be added.

The strategic framework for revisions in Rochester are as follows:

- The boundaries were drawn to include as many of the current Zone boundaries and EZ certified businesses as possible. However given acreage limitations (1,280 acres), certain areas were deleted for the following reasons:
 - a. No development occurring or development project is complete;
 - b. The area is remote and the acreage sacrifice was too high;
 - c. Change in land use;
 - d. Business or development area was not consistent with development policy;
 - e. Long term development potential is present, but is not evident in the short term;
 - f. Project could be included in EZ as Regionally Significant.
- Any certified business located outside of the 4 distinct and separate contiguous areas (after the one-time reconfiguration) will be "grandfathered".
- We should take full advantage of the Regionally Significant provision to add land acreage to the Zone since it will be exempt from the allowable 1,280 acres.
- On a very limited basis, new areas were added to the EZ for the following reasons:
 - a. Growing companies who are projecting sizeable expansion projects if they were adjacent to one of the proposed areas and would take a minimal sacrifice of acreage.
 - b. Property required to be added as a connector to make a contiguous area.

Using this framework, the proposed boundary revisions resulted in four areas:

- Mt. Read/Emerson/West Avenue/Lyell/West Main/East Main/St. Paul Street Corridors;
- East Main/Goodman/Humboldt/Railroad area;
- 14621 Industrial Park;
- The Port area.

All certified businesses and property owners who were removed from the Zone were notified first through a phone call and then a follow-up letter.

Attached are maps of the proposed areas and the

legal description of the reconfigured Empire Zone boundaries.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-125

Local Law No. 8
(Int. No. 422)

Authorizing The Mayor To Make Application For Redesignation Of Certain Areas Within The City Of Rochester As An Empire Zone

WHEREAS, by Ordinance No. 94-26, the Council of the City of Rochester authorized the Mayor to prepare and submit an application for designation of an Empire Zone, pursuant to Section 961 of the General Municipal Law, and the creation of such Zone was approved by the New York State Commissioner of Economic Development and such Zone was formally designated by the Empire Zones Designation Board on July 27, 1994; and

WHEREAS, the New York State Legislature and the Governor have enacted into law changes to the Empire Zones program, whereby each existing Empire Zone must configure its existing zone acreage into no more than four "distinct and separate contiguous areas"; and

WHEREAS, pursuant to Sections 961 and 957(d) of the General Municipal Law, as amended, the City Council of the City of Rochester hereby authorizes the Mayor to prepare and submit the City of Rochester's application for redesignation of the existing Empire Zone into four "distinct and separate contiguous areas", including a description of the areas identified for such redesignation, to the New York State Commissioner of Economic Development for ultimate approval by the Empire Zones Designation Board; and

WHEREAS, such designation will greatly benefit the City of Rochester in that new businesses will be encouraged to locate in the zone areas, existing businesses will be encouraged to expand in the zone areas, and new and expanded businesses will generate new jobs for city residents;

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

Section 1. The Mayor is hereby authorized and empowered to submit an application for redesignation of certain areas within the City of Rochester as an Empire Zone.

Section 2. The boundaries of said areas to be included in said Empire Zone shall be as set forth in Schedule A, which is attached hereto and made a part hereof.

Section 3. This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-386
Re: Library 2005-06 Budget Amendment -

Grants for the Lyell and Wheatley Branch Libraries

R2010: Campaign 6 - Economic Vitality
 Campaign 7 - Quality Service
 Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation amending the 2005-06 Budget, Cash Capital allocation by \$42,200 to reflect the receipt of the following State Construction Grants:

Lyell Branch Expansion	\$15,000
Wheatley Branch Renovation Project	27,200
Total	\$42,200

The first grant will be used to cover a portion of the heating, ventilation, and air conditioning costs associated with the new meeting room at the Lyell Branch.

The second grant will be used to cover a portion of the costs of the window replacement and landscaping at the Wheatley Branch Library.

Respectfully submitted,
 William A. Johnson, Jr.
 Mayor

Ordinance No. 2005-386
 (Int. No. 423)

Acceptance Of Library Grants And Amending The 2005-06 Budget

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

Section 1. The Council hereby approves the acceptance of New York State Construction Grant funds for improvements to the Lyell and Wheatley Branch Libraries.

Section 2. Ordinance No. 2005-201, the 2005-06 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 \$42,200, which amount is hereby appropriated from the grant funds authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
 Ladies and Gentlemen:

Ordinance No. 2005-387
 Re: Agreement - Homebuyer Training Services

R2010: Campaign 9 - Healthy Urban Neighborhoods

Transmitted herewith for your approval is legislation related to the continuation of Homebuyer Training Services. This legislation will:

1. Authorize an agreement with NeighborWorks Rochester (NWR), formerly Neighborhood Housing Services of Rochester, located at 570 South Avenue, in an amount not to exceed

\$75,000 for the continued provision of homebuyer training. This agreement will cover the term July 1, 2005 through June 30, 2006.

2. Appropriate \$75,000 from the Homebuyer Services allocation of the 2005-06 HOME Program to fund the agreement.

The agreement will be a continuation of the homebuyer training program which has been provided by this organization since 1994. Buyers receiving City assistance through the Home Expo, Home Rochester, Home Purchase Assistance and Employer Assisted Housing Initiative programs must attend pre- and post-purchase training. NWR has the capacity to train approximately 1,000 participants each year. The most recent agreement of \$75,000, covering the period July 1, 2004 to June 30, 2005, resulted in the following accomplishments:

<u>Pre-purchase Training</u>	
Number of Sessions	Total Graduates
Fastrack to Homeownership (8 hour class)	12
Home Buyers Club (16 hours plus 1-1 counseling)	179
	3
	27

<u>Post-purchase Training</u>	
Number of Sessions	Total Participants
Making Your House Your Home (3 hour class)	4
Best on the Block - Spring (3 hour class)	76
	4
Best on the Block - Fall (3 hour class)	92
	4
	141

Proposed Services

NWR has continued to provide homebuyer training services since July of this year in the same manner as services were delivered under past contracts. Beginning in January, 2006, a revised service delivery format is proposed. The composition of classes provided will be modified to align with NeighborWorks Rochester's newly revised homebuyer training program, and continue to provide both pre-purchase and post-purchase sessions. The majority of pre-purchase training, for mortgage-ready participants, will be offered in a two-session format, Home Purchase Made Easy, and will utilize the NeighborWorks America's Realizing the American Dream curriculum. The Home Purchase Made Easy course is comprised of a three-hour home purchase process overview and a five-hour session that will provide a more in-depth focus on critical issues and aspects of the home purchase process. Home Purchase Made Easy will be offered monthly from January through April and twice monthly in May and June, for a total of eight complete sessions.

The Home Buyers Club service component will be replaced; it was both time and resource intensive, with a limited number of participants completing the program. To address financial and credit issues for participants who are not mortgage-ready, NWR will include the FDIC MoneySmart Curriculum in the pre-purchase training program. Completion of a six-month series of workshops will provide a solid foundation for participants to then complete homebuyer training by enrolling in Home Purchase Made Easy. This program will be offered three times, with

sessions beginning in January, March and May.

The post-purchase sessions and formats will remain the same as noted above.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-387
(Int. No. 451)

Authorizing An Agreement For Homebuyer Training Services

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

Section 1. The Mayor is hereby authorized to enter into an agreement with NeighborWorks Rochester for the continued provision of homebuyer training services.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$75,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2005-06 HOME Program funds.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-388
Re: Land Sale to Peko Precision Products

R2010: Campaign 4 - Environmental Stewardship
Campaign 6 - Economic Vitality

Transmitted for your approval is legislation authorizing the sale of city owned property located at 110-120 Colfax Street, to Invofab Industries, Inc., a related entity of Peko Precision Products, for \$171,000. Peko will use the site to expand their facilities. The purchase price was determined by an independent appraisal prepared by Bruckner, Tillett & Rossi.

The City will subdivide a portion of the property at 110-120 Colfax Street for sale to Peko. The parcel to be acquired is a 2.70 +/- acre site, with an 11,360 square foot facility currently occupied by the Department of Parks and Recreation, Forestry Division.

Peko Precision Products, founded in the city in 1965, has evolved into a full service contract manufacturer servicing the printing and publishing, automotive, alternative energy, semiconductor, transportation, medical and defense industries.

Peko, its related entity, Marex Acquisition (d/b/a Martec Industries), and Invofab Industries own and operate four facilities at 500 Colfax Street, and 1385, 1400, and 1425 Emerson Street totaling approximately 175,000 square feet. As a result of significant growth with customers in the alternative energy, automotive, and defense industries, the company needs to expand. They will use the Colfax site for a 20,000

square foot addition to the existing facilities at 1425 Emerson Street.

Peko and Martec currently employ 380 workers, including engineers, welders, toolmakers, machinists, programmers, sheet metal mechanics, assemblers and machine operators. Based on current projections, they anticipate creation of an additional 75 new jobs within three to five years.

Peko will accept the property in an "as is" condition, and expects that construction will begin in the first quarter of 2006 and be completed by August 2006.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-388
(Int. No. 452, As Amended)

Authorizing The Sale Of A Portion Of 110-120 Colfax Street And Amending Ordinance No. 2005-350

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

Section 1. The Council hereby approves the sale of a portion of 110-120 Colfax Street, constituting approximately 1.54 acres, to Invofab Industries, Inc., for the sum of \$171,120. The Council further approves the granting of a license to Invofab Industries, Inc., for use of the parcel, if necessary, prior to the date of closing.

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

Section 3. Ordinance No. 2005-350, relating to the sale of property in the Rochester Science Park, is hereby amended by authorizing the sale to Moseley Associates, Inc. or its affiliate Microwave Data Systems, Inc., instead of just Moseley Associates, Inc.

Section 4. This ordinance shall take effect immediately.

Underlined material added.
Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 9
Re: NYS Empire Zone

R2010: Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation approving the inclusion of Peko Precision Products in the City of Rochester Empire Zone. This company meets the criteria of being a regionally significant project.

Effective April 1, 2005, several changes were made to the New York State Empire Zone Program. One

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

Peko Precision Products is expanding their manufacturing facilities in the City of Rochester. The company will be investing approximately \$1,655,000 in constructing a new 20,000 square foot addition and purchasing machinery and equipment. As a result of this expansion, Peko will create 75 new jobs within five years.

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

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-126

Local Law No. 9
(Int. No. 453)

Local Law Adding The Peko Precision Products Facilities To The City of Rochester Empire Zone As A Regionally Significant Project

WHEREAS, Peko Precision Products and its affiliates are proposing an expansion of their manufacturing facilities in the City of Rochester; and

WHEREAS, this expansion will add 75 jobs that support Peko Precision Products on-site manufacturing; and

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

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

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

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

Section 1. The City Council of the City of Rochester approves the allocation of empire zone lands for the proposed expansion of Peko Precision Products manufacturing project for a regionally significant project as determined by the Zone Administrative Board and the New York State Department of Economic Development Law, said zone lands to constitute the properties owned by Peko Precision Products and/or its affiliate, Invofab Industries, described as follows:

1400 Emerson Street - SBL #104.440-0001-013.000/0000

1425 Emerson Street - SBL #104.440-0001-014.001/0000

1385 Emerson Street - SBL #105.370-0001-027.000/0000

530 Colfax Street - SBL #104.360-0002-004.000/0000

And the following property to be sold by the City of Rochester to Invofab Industries:

Part of 110-210 Colfax Street
Part of SBL #105.450-01-001.001

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York, more particularly known and described as part of Town Lot 83, in the 20,000 Acre Tract, more particularly bounded and described as follows: Beginning at a point which is the intersection of the southerly ROW line of Emerson Street (80' ROW), and the easterly ROW line of Colfax Street (70' ROW), said intersection being the Point of Commencing;

Thence A) S 14°23'33" W, along said easterly ROW line of Colfax Street, a distance of 660.33 feet to the southwest corner of lands conveyed by the City of Rochester to Peko Precision Products by Liber 8696 of Deeds, Page 168, said corner being the Point or Place of Beginning;

Thence 1) S 75°17'54" E, along the south line of said lands of Peko Precision Products, a distance of 228.00 feet to a point;

Thence 2) S 14°23'33" W, parallel with said Colfax Street, a distance of 293.75 feet to a point;

Thence 3) N 75°17'54" W, parallel with said south line of Peko Precision Products, a distance of 228.00 feet to the said easterly ROW line of Colfax Street;

Thence 4) N 14°23'33" E, along said easterly ROW line of Colfax Street, a distance of 293.75 feet to the Point or Place of Beginning.

Containing 1.54 acres of land, more or less, and reference being made to a map entitled "Peko Precision Products, Inc - Site & Utility Plan", prepared by MRB Group and dated October 2005.

Subject to covenants, easements or restrictions of record, if any.

Being part of the same premises conveyed to the City of Rochester by a deed filed March 23, 1945, in Liber 2236, Page 275.

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

Section 3. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-389
Re: Property Sales - Brooks Landing
Revitalization Project Sub-Area II

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination
Campaign 9 - Healthy Urban
Neighborhoods

Transmitted for your approval is legislation approving the sale of City-owned property (listed below) to Genesee Brooks LLC, for the appraised value of \$150,000 for redevelopment as a commercial retail and office building with parking. These properties comprise an approximately 1.8 acre development site and are included in the Brooks Landing Urban Renewal District. The sale is subject to finance commitments. The properties to be sold are:

- 910 Genesee St.
- 926 Genesee St.
- 942 Genesee St.
- 954 Genesee St.
- 6 Agnew Court
- 10 Brooks Avenue
- 1315 South Plymouth Ave. (portion)
- 920 Genesee St.
- 930 Genesee St.
- 948 Genesee St.
- 4 Agnew Court
- 8 Agnew Court

Genesee Brooks LLC, will develop and construct a 28,000 sf. 2-story commercial retail and office building with parking in Sub-Area II of the Brooks Landing Revitalization Project. The new building will have a minimum of 6,000 sf. of retail space on the first floor at the corner of Brooks Avenue and Genesee Street.

The total project cost is estimated at \$3,133,200 with the following breakdown of uses and sources of funds:

<u>Uses</u>	
Soft costs	\$ 303,200
Hard costs	<u>2,830,000</u>
Total	\$3,133,200
<u>Sources</u>	
Bank loan	\$2,552,806
Developer equity	<u>580,394</u>
Total	\$3,133,200

As a part of the land sale agreement, Genesee Brooks LLC agrees to reimburse the City for all consultant fees in the amount of \$9,276 paid by the City for the preparation of site related information required to complete Phase II environmental investigations. Environmental investigations and demolition of the site have been completed by the City.

The proposed project schedule is as follows:

December 31, 2005:
- Construction and permanent financing commitments obtained

February 28, 2006:
- Close on the land purchase.
- All required government approvals for the project obtained

March 15, 2006:
- Construction commencement

October 30, 2006:
- Construction completion

Pursuant to the requirements of Article 8 of the NYS Environmental Conservation Law and Chapter 48 of the City Code, it has been determined that the pro-

posed sale will not result in any significant effects. A negative declaration has been issued.

This project is consistent with plans for the Brooks Landing Urban Renewal Plan and is endorsed by Sector 4.

It is anticipated that this redevelopment project will create fifteen full-time jobs.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-389
(Int. No. 410)

Authorizing The Sale Of Parcels In The Brooks Landing Urban Renewal District

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

Section 1. The Council hereby approves the sale of 910, 920, 926, 930, 942, 948 and 954 Genesee Street, 4, 6 and 8 Agnew Court, 10 Brooks Avenue and a portion of 1315 South Plymouth Avenue in the Brooks Landing Urban Renewal District to Genesee Brooks LLC for the sum of \$150,000.

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

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - None - 0.

Councilmember Curran abstained vote because he owns a home in the area.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-390 And
Ordinance No. 2005-391
Re: Olean Revitalization Project

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation related to the Olean Revitalization project. This legislation will:

1. Amend the Official Map by abandoning a portion of Ford Street;
2. Amend Ordinance No. 2005-72 to add an additional parcel in the exchange of real estate;
3. Amend Ordinance No. 2005-312 to add an additional parcel to the PILOT agreement;
4. Appropriate \$150,000 from the 2005 HOME

Program, Rental Housing Fund; and

5. Authorize an agreement with Providence Housing Development Fund Company, Inc. and Olean Housing, L.P. not to exceed \$150,000.

The Olean Revitalization project is sponsored by the Rochester Housing Authority (RHA) as the redevelopment of the former Olean public housing projects into a mixed-use residential community. The project involves the construction of 48 new units of rental housing, a community center and the construction of three new streets. A total of 29 rental units will be constructed off-site. Home Expo 2007 is also planned for the Olean site where 14 single-family homes will be constructed. Since August 2004, City Council has adopted a total of eight ordinances in support of the Olean project. Most recently, in November, Council authorized an appropriation of \$1,489,000 to support the design and construction of the new streets.

Ford Street Abandonment

The City currently holds title to the Ford Street right-of-way, a small portion of which (.236 acres) is proposed for abandonment. A map and legal description of the proposed abandonment are attached. The abandonment of this portion of the Ford St. right-of-way is necessary to accommodate construction of the townhouses. When abandoned, the parcel will be combined with adjacent parcels to be owned by Monroe South West Properties, LLC. The right-of-way abandonment received Planning Commission approval on December 12, 2005.

Ordinance No. 2005-72

The abandoned right-of-way will be incorporated as part of the real estate land exchange for the project by amending Ordinance No. 2005-72 authorized by Council on April 12, 2005. This authorization provided for the exchange of 2.75 acres of land owned by RHA located at 56 Olean Street for three City parcels, 50 Olean Street, 649 S, Plymouth Ave and 651 South Plymouth Ave.

Ordinance No. 2005-312

The abandoned right-of-way will also be incorporated in the PILOT agreement authorized for the project by amending Ordinance No. 2005-312 authorized by Council on October 11, 2005.

The project received Subdivision approval from the Planning Commission on April 27, 2004. All other necessary planning and zoning approvals for the Olean project have been received.

Agreement

Several unanticipated delays have prevented the commencement of the Olean project. During the course of contending with these delays, construction costs have risen. The project is now over-budget by \$725,000. Providence Housing/Cornerstone Development has been able to close this shortfall by securing additional equity from its private investors. However, a balance of \$150,000 remains. The City funds will close this funding gap.

The interest rate of the City's loan will be 0% during construction. When the loan is converted to permanent financing, the term and interest rate will be for 30 years at the applicable federal rate. Annual interest-only payments of one percent will be made, with the accrued interest and principal will be due upon

maturity of the loan.

A public hearing is required on the official map amendment.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-124

Ordinance No. 2005-390
(Int. No. 417, As Amended)

Abandonment Of A Portion Of Ford Street And Amending Ordinances No. 2005-72 And 2005-312 To Include Said Parcel In A Land Exchange And Grant Tax Exemption As Part Of The Olean & Kennedy Revitalization Project And Authorizing Further Amendments

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 Ford Street:

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

Commencing at a point which is the northeast corner of a portion of Bartlett Street abandoned per Ordinance No. 2004-298, said corner being the former intersection of the westerly ROW line of South Plymouth Avenue and the northerly ROW line of Bartlett Street, said point also being a point of curvature; thence

- A) N 36°25'54" E, along said westerly ROW line of South Plymouth Avenue, a distance of 88.16 feet to a point of curvature; thence
- B) Northerly, along a curve to the left, having a radius of 450.00 feet, a distance of 82.81 feet to a point on the westerly ROW line of Ford Street as previously defined by the Dept. of Finance, said point having coordinates of N 1,146,691.578, E 757,319.0215 and being the Point or Place of Beginning; thence
 - 1) Continuing northerly, along a curve to the left, having a radius of 450.00 feet, a distance of 367.53 feet to the end of said curve; thence
 - 2) N 20°17'42" W, along said Dept. of Finance ROW line, a distance of 139.97 feet to a point on the westerly ROW line of Ford Street as defined and dedicated per Ordinance No. 83-104 (course 11); thence
 - 3) S 30°48'05" E, along said westerly ROW line of Ford Street (course 11), a distance of 142.34 feet to a point of curvature; thence
 - 4) Southerly and westerly, along a curve to the right, having a radius of 275.00 feet,

a distance of 272.09 feet to a point of tangency (course 10); thence

- 5) S 25°53'18" W, continuing along said westerly ROW line of Ford Street (course 9), a distance of 116.94 feet to the Point or Place of Beginning.

Hereby intending to describe a portion of Ford Street lying within that area as dedicated by Ordinance No. 83-104 and as shown on the Dept. of Finance ROW map, said area containing 0.236 acres, more or less.

Section 2. Ordinance No. 2005-72, relating to an exchange of parcels as part of the Olean & Kennedy Revitalization Project, as amended by Ordinance No. 2005-219, is hereby further amended by adding the parcel abandoned in Section 1 to the parcels authorized to be exchanged by the City, upon abandonment of said parcel, and by changing the name of the entity with which the parcels are to be exchanged from Monroe South West Properties, LLC, to Providence Olean Housing Development Fund Company, Inc.

Section 3. Ordinance No. 2005-312, relating to a tax exemption and payment in lieu of tax agreement for the Olean & Kennedy Revitalization Project, is hereby amended by adding the parcel abandoned in Section 1 hereof, and 183 Adams Street, SBL #121.45-1-15, to the parcels for which the tax exemption and payment in lieu of tax agreement is authorized.

Section 4. Ordinance No. 2005-313, relating to the sale of real estate for the Olean & Kennedy Revitalization Project, is hereby amended by adding the parcel at 183 Adams Street, SBL #121.45-1-15, to the parcel at 187 Adams Street to be included in the sale of real estate.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Ordinance No. 2005-391
(Int. No. 418, As Amended)

Authorizing A Loan Agreement For The Olean & Kennedy Revitalization Project

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

Section 1. The Mayor is hereby authorized to enter into a loan agreement with Providence Olean Housing Development Fund Company, Inc., Olean Housing, L.P., or an affiliated partnership or company, for the Olean & Kennedy Revitalization Project. During construction, the interest rate shall be 0%. When converted to permanent financing, the loan shall extend for a term of 30 years, with interest at the applicable federal rate. Annual interest-only payments of one percent shall be required during the term of the loan. Payment of principal and deferred interest shall be due in full at the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits and for the Project.

Section 2. The loan agreement shall obligate the City to pay an amount not to exceed \$150,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2005 HOME Program

Funds.

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.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-392
Re: Environmental Review - Lead Legislation

Transmitted herewith for your approval is legislation approving the environmental findings statement for the Lead-Based Paint Poisoning Prevention Program. Such approval is required by the NYS Environmental Quality Review Act and Chapter 48 of the City Code.

A draft generic environmental impact statement for the projects was prepared by Ecology & Environment, Inc. pursuant to an agreement authorized by the City Council on March 15, 2005. This DGEIS was published on September 9, 2005.

A public hearing on the DGEIS was conducted September 26. Comments from the public were accepted through October 10.

The Rochester Environmental Commission reviewed the DGEIS and public comments and prepared a Comment Summary and Disposition Report. A Final Generic Environmental Impact Statement was submitted to the City on December 1.

The attached environmental findings statement was prepared by the Department of Community Development and is based on the FGEIS.

Respectfully submitted,
Lois J. Giess
President

Attachment No. AE-127

Ordinance No. 2005-392
(Int. No. 424)

Adopting The Environmental Review Statement Of Findings For The Municipal Code Revisions With Respect To Lead-Based Paint Poisoning Prevention

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

Section 1. The Council hereby approves and adopts the Environmental Review Statement of Findings which is submitted herewith for the revisions to the Municipal Code relating to Lead-Based Paint Poisoning Prevention.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2005-393,
Resolution No. 2005-23 And
Resolution No. 2005-24

Re: Lead Legislation Amendments

Transmitted herewith for your approval are a series of amendments to the proposed legislation. The amendments have been drafted in response to comments by the public, other Councilmembers, and staff. They will accomplish the following:

- Add bare soil within the drip line of a house as a health and safety violation. Our intent was to include such language in the original submission; it was inadvertently omitted. Appropriate definitions and other clarifying language are required in several sections to make this change.
- Clarify that the legislation does not impose any new requirements on single-family owner-occupied housing. It has been the intent of the Council to limit the impact of this legislation to properties that are part of the Certificate of Occupancy (C of O) system. That system excludes single-family owner-occupied properties. However, it has been pointed out that the citation of exterior paint violations on a single-family owner-occupied house could possibly trigger the new ordinance. The proposed amendments will ensure that there will be no difference between the requirements for these properties after the effective date of the new ordinance and at the present time. The only additional requirement that any property owner will have imposed is the requirement to conduct any work using lead-safe work practices. As you know, this includes avoiding dry sanding and spreading tarps to collect the paint flakes during the work period. Any properties that are cited for exterior peeling paint violations only (with the exception of porch problems on C of O properties) will only need to have the work approved by a City inspector, not a Certified Lead expert. This approach is consistent with EPA standards.
- Adding additional tenant protections by requiring that the formal Notice to Tenants that is provided when lead hazard reduction work is to be undertaken includes a notice that retaliatory action against the tenant is prohibited, and adding language to indicate that the protections afforded by this ordinance are in addition to any other protections to be found elsewhere in law.
- Combining two remedies for violations (90-56 A and 90-56 D) into a single item in 90-56 B; the two sections provide the same general guidance and there is no need for the duplicative language.
- Technical language corrections to items that were pointed out during the review of the legislation include making consistent use of the term "deteriorated paint violation" instead of the occasional use of "lead-based paint hazard", using "cited" instead of "identified" to describe the creation of a record of a violation; and using "removed" instead of "cleared" to describe the elimination of a violation. Also, adding "abrading" and "chewable surface that contains visible signs of chewing" to the definition of Deteriorated Paint.

- A further technical correction to the targeting resolution (Int. 426) to deleting the reference to "thirty-nine" census tracts. In fact, the agreed-upon boundaries are based on census block groups rather than entire tracts. There is no substantive change to the area in question, just to the reference. A list of the block groups is on file in the Clerk's office. In addition, an amendment is proposed to recognize that the boundaries of the target area could shift based on the findings of the Monroe County Health Department and allows for that possibility.

- Councilmember Douglas has recommended that we add the creation of a Citizen Advisory Group to provide appropriate advice and feedback to the Administration during the implementation of the legislation. The resolution on Public Education (Int. 427) is amended to include this group and calls upon the Mayor to make appointments from interested citizens, a majority of whom live in the designated target area.

It is our belief that these amendments improve the entire program and move us toward the goal of a Lead Safe Community by 2010. In addition, there are some potential ancillary benefits to this program, including increased job opportunities for lead technicians and home remodeling contractors. We urge the City Administration to make the training and nurturing of this potential new source of City jobs a priority among its economic development goals

Respectfully submitted,

Lois J. Giess
President

Wade S. Norwood, Chair
Housing & Economic
Development Committee

Ordinance No. 2005-393
(Int. No. 425A, As Amended)

Amending Chapter 90 Of The Municipal Code With Respect To Lead-Based Paint Poisoning Prevention

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

Section 1. Chapter 90 of the Municipal Code, Property Conservation Code, is hereby amended by renumbering Article III as Article IV, renumbering Sections 90-45 and 90-46 as Sections 90-70 and 90-71, respectively, and by adding a new Article III thereof to read in its entirety as follows:

Article III. Lead-Based Paint Poisoning Prevention.

§90-50. Policy and intent.

It is the policy of the City of Rochester to help prevent the poisoning of its residents by requiring that the presence of deteriorated lead-based paint on the interior and exterior of pre-1978 residential structures and on the exterior of pre-1978 non-residential structures be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present in order to prevent human exposure to such hazards.

§90-51. Legislative findings.

- A. Lead poisoning poses a serious public health threat to children and adults in the City of Rochester.

- B. Younger children are particularly susceptible to the hazards of lead-based paint since their bodies are still developing. Fetuses are also vulnerable to the effects of lead-based paint because pregnant women can transfer lead to their fetuses, which can result in adverse developmental effects.
- C. A small amount of lead can cause elevated blood lead levels resulting in serious and irreversible developmental damage, particularly in children under the age of six years.
- D. Exposure to lead hazards from deteriorated lead-based paint is a primary cause of elevated blood lead levels in humans.
- E. Structures built before 1978 are the most likely to contain lead-based paint hazards.
- F. Residential properties are more likely than are non-residential properties to be a source of exposure to lead-based paint hazards by children.
- G. Children living in older, poorly maintained homes are disproportionately at risk for lead-based paint hazards.
- H. The exposure to lead-based paint hazards in the City of Rochester is most common, and presents the most serious risk, to young children residing in rental housing built before 1978.
- I. It is essential to the overall public health of persons in the City of Rochester, and particularly for children younger than six years of age, that they be protected from exposure to lead-based paint hazards.
- J. According to the environmental impact statement, proposed lead-based paint poisoning prevention legislation could have a cost impact on the rental housing market as high as \$540 million, depending on the alternative chosen.
- K. The application of lead-based paint poisoning prevention legislation to the owner-occupied housing market could cause extensive housing abandonment in at least nine distinct neighborhoods.
- L. Although unquestionably positive, the potential health benefits of lead-based paint poisoning prevention legislation are difficult to quantify since the number of people at-risk is undetermined, the transient nature of tenants makes targeting difficult, the mere presence of lead in a structure does not necessarily lead to human exposure to lead-based paint hazards, and the generally agreed-upon group at greatest risk, children from 0-6 years of age, are significantly transient.

§90-52. Definitions.

ABATEMENT means any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of "PERMANENT"). Abatement includes: (1) The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and (2) All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

CERTIFIED means licensed or certified to perform such activities as risk assessment, lead-based paint inspection, or abatement supervision by the United States Environmental Protection Agency (EPA) in accordance with 40 CFR Part 745, Subpart L.

CERTIFIED LEAD-BASED PAINT INSPECTOR means an individual who has been trained by an accredited training program, as defined by 40 CFR §745.223, and certified by EPA pursuant to 40 CFR §745.226 to conduct lead-based paint inspections. A certified lead-based paint inspector also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CERTIFIED RISK ASSESSOR means an individual who has been trained by an accredited training program, as defined by 40 CFR §745.223, and certified by EPA pursuant to 40 CFR §745.226 to conduct risk assessments. A certified risk assessor also samples for the presence of lead in dust and soil for the purposes of clearance testing.

CHEWABLE SURFACE means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an "accessible surface" as defined in 42 U.S.C. 4851b(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

CLEARANCE EXAMINATION means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards, as defined in this Article, exist in the dwelling unit or worksite.

COMMON AREA means a portion of a residential property that is available for use by occupants of more than one dwelling unit. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, on-site day care facilities, porches, basements, attics, garages and boundary fences.

COMPONENT means an architectural element of a dwelling unit or common area identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.

CONTAINMENT means the physical measures taken to ensure that dust and debris created or released during lead-based paint hazard reduction are not spread, blown or tracked from inside to outside of the worksite.

DETERIORATED PAINT means any interior or exterior paint or other coating that, through a visual assessment, is found to be peeling, chipping, crazing, flaking, abrading, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate, or a chewable surface that contains visual signs of chewing.

DRIPLINE means the area within 3 feet surrounding the perimeter of a building.

DRY SANDING means sanding without moisture and includes both hand and machine sanding.

DUST-LEAD HAZARD means surface dust that

contains a dust-lead loading (area concentration of lead) at or exceeding the levels promulgated by the EPA pursuant to section 403 of the Toxic Substances Control Act.

DWELLING UNIT means a: (1) Single-family dwelling, including attached structures such as porches and stoops; or (2) Housing unit in a structure that contains more than 1 separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of 1 or more persons.

ENCAPSULATION means the application of a covering or coating that acts as a barrier between the lead-based paint and the environment and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent (see definition of "PERMANENT").

ENCLOSURE means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed to be permanent (see definition of "PERMANENT").

EVALUATION means a risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

FRICION SURFACE means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

g means gram, mg means milligram (thousandth of a gram), and ug means microgram (millionth of a gram).

HAZARD REDUCTION means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

HEPA VACUUM means a vacuum cleaner device with an included high- efficiency particulate air (HEPA) filter through which the contaminated air flows, operated in accordance with the instructions of its manufacturer. A HEPA filter is one that captures at least 99.97 percent of airborne particles of at least 0.3 micrometers in diameter.

IMPACT SURFACE means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

INTERIM CONTROLS means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

LEAD-BASED PAINT means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

LEAD-BASED PAINT HAZARD means any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

LEAD-BASED PAINT INSPECTION means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

LEAD HAZARD INFORMATION PAMPHLET means the most recent publication of the LEAD HAZARD INFORMATION PAMPHLET developed by the EPA, the United States Department of Housing and Urban Development and the Consumer Product Safety Commission pursuant to Section 403 of the Toxic Substances Control Act (15 U.S.C. 2686), entitled "Protect Your Family From Lead in Your Home."

OCCUPANT means a person who inhabits a dwelling unit.

OWNER means a person, firm, corporation, nonprofit organization, partnership, government, guardian, conservator, receiver, trustee, executor, or other judicial officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. The definition includes a vendee who possesses the title, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.

PAINT STABILIZATION means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

PAINT TESTING means the process of determining, by a certified lead-based paint inspector or risk assessor, the presence or the absence of lead-based paint on deteriorated paint surfaces or painted surfaces to be disturbed or replaced.

PAINT REMOVAL means a method of abatement that permanently eliminates lead-based paint from surfaces.

PAINTED SURFACE TO BE DISTURBED means a paint surface that is to be scraped, sanded, cut, penetrated or otherwise affected by rehabilitation work in a manner that could potentially create a lead-based paint hazard by generating dust, fumes, or paint chips.

PERMANENT means an expected design life of at least 20 years.

REDUCTION means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls and abatement.

REHABILITATION means the improvement of an existing structure through alterations, incidental additions or enhancements. Rehabilitation includes repairs necessary to correct the results of deferred maintenance, the replacement of principal fixtures and components, improvements to increase the efficient use of energy, and installation of security devices.

REPLACEMENT means a strategy of abatement that entails the removal of building components that have

surfaces coated with lead-based paint and the installation of new components free of lead-based paint.

RESIDENTIAL PROPERTY means a dwelling unit, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences and play equipment affixed to the land, belonging to an owner and available for use by residents, but not including land used for agricultural, commercial, industrial or other non-residential purposes, and not including paint on the pavement of parking lots, garages, or roadways.

RISK ASSESSMENT means: (1) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and (2) The provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

SOIL-LEAD HAZARD means bare soil on residential property that contains lead equal to or exceeding levels promulgated by the U.S. Environmental Protection Agency pursuant to section 403 of the Toxic Substances Control Act.

TENANT means the individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit.

VISUAL ASSESSMENT means a visual examination for, as applicable: (1) Deteriorated paint; (2) Visible surface dust, debris and residue found as part of an inspection pursuant to Section 90-55, a risk assessment or clearance examination; or (3) The completion or failure of a lead-based paint hazard reduction measure as part of a clearance examination.

WET SANDING or **WET SCRAPING** means a process of removing loose paint in which the painted surface to be sanded or scraped is kept wet to minimize the dispersal of paint chips and airborne dust.

WINDOW TROUGH means the area between the interior window sill (stool) and the storm window frame. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered.

WIPE SAMPLE means a sample collected by wiping a representative surface of known area, as determined by ASTM E1728, "Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques," or equivalent method, with an acceptable wipe material as defined in ASTM E 1792, "Standard Specification for Wipe Sampling Materials for Lead in Surface Dust."

WORKSITE means an interior or exterior area where lead-based paint hazard reduction activity takes place. There may be more than one worksite in a dwelling unit or at a residential property.

§90-53. Presumptions and obligations.

- A. For purposes of this article, all paint on the interior or exterior of any residential building for which a Certificate of Occupancy is required pursuant to Section 90-16 on which the original construction was completed prior to January 1, 1978 shall be presumed to be lead-based.
- B. For purposes of this article, all paint on the exterior of any non-residential structure on which the original construction was completed

prior to January 1, 1978 shall be presumed to be lead-based.

- C. Any person seeking to rebut these presumptions shall establish through the means set forth in Section 90-56 that the paint on the building or structure in question is not lead-based paint.

D. Residential buildings subject to the Certificate of Occupancy requirements of Section 90-16 shall be maintained free of lead-based paint hazards.

§90-54. [Deteriorated paint] V[v]iolations.

A. Deteriorated paint violation.

The interior and exterior of any residential building for which a Certificate of Occupancy is required pursuant to Section 90-16, on which the original construction was completed prior to January 1, 1978, and the exterior of any non-residential structure on which the original construction was completed prior to January 1, 1978, shall be maintained in a condition such that the paint thereon does not become deteriorated paint, unless the deteriorated paint surfaces total no more than:

- [A.](1) 20 square feet on exterior surfaces;
- [B.](2) 2 square feet in any one interior room or space; or
- [C.](3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

B. Bare soil violation.

Bare soil shall not be present within the dripline of any residential building for which a Certificate of Occupancy is required pursuant to Section 90-16 on which the original construction was completed prior to January 1, 1978.

§90-55. Inspection for [deteriorated paint] viola-tions.

All inspections, including, but not limited to, inspections performed as part of an application for a Certificate of Occupancy pursuant to Section 90-16 of the City Code, a renewal of a Certificate of Occupancy, or based upon the filing of a complaint, shall include a visual assessment for deteriorated paint and bare soil violations. With respect to units located in the high risk area identified by the Mayor or the Mayor's designee, when the visual assessment identifies no deteriorated paint violation, wipe samples shall be obtained in accordance with the protocols established in 40 CFR §745.227(e)(8)(v)(B) to determine whether a dust-lead hazard exists. When a dust-lead hazard is identified, a lead-based paint hazard violation shall be cited, and a Certification of Clearance as described in §90-57 shall be required in order to remove such violation. The high risk area to be identified by the Mayor or the Mayor's designee shall, at a minimum, consist of those census block groups which cumulatively encompass an area in which no fewer than 90% of the units identified by the County Health Department for inspections in conjunction with its elevated blood-lead level inspections for the period of the preceding five years are located. Where the filing of a complaint leads to an inspection, the inspection shall include

the unit which is the focus of the complaint and all common areas.

§90-56. Remedy for [deteriorated paint] violations.

Following a visual assessment which results in the [detection] citation of a deteriorated paint violation, the [condition may be corrected] violation may be removed only by one of the following methods:

- A. Certification by a lead-based paint inspector or risk assessor that the property has been determined through a lead-based paint inspection conducted in accordance with the federal regulations at 40 CFR §745.227(b) not to contain lead-based paint [, provided, however, that the property has been inspected pursuant to those requirements within the last 12 months].
- B. Certification by a lead-based paint inspector or risk assessor that all lead-based paint in the property has been identified [,removed,] and abated, or identified and interim controls implemented, and clearance has been achieved in accordance with [federal regulations] standards found at 40 CFR §745.227(e), regardless of whether abatement has been achieved or interim controls implemented, and provided however that the property has been inspected pursuant to those [requirements] standards since the deteriorated paint was last detected.
- C. Certification by the Rochester Housing Authority or other state or federal supervising agency which regulates an assisted housing program stating that the property is in compliance with the inspection and clearance requirements of the housing program or, with respect to federally assisted housing, the requirements of 24 CFR Part 35, provided, however, that with respect to the Federal Housing Choice Voucher program, the property has been inspected pursuant to those requirements since the deteriorated paint was last detected.
- D. [Certification by a risk assessor that: (1) all lead-based paint and hazards in the property have been identified; (2) all lead-based paint hazards have been reduced and controlled ; and (3) that clearance has been achieved, in accordance with federal regulations found at 40 CFR § 745.227 (e); provided, however, that the property has been inspected pursuant to those requirements since the deteriorated paint was last detected.]

Where only exterior deteriorated paint violations, other than deteriorated paint violations on porches, and/or bare soil violations are cited, clearance may be established through a visual assessment by a City inspector after reduction measures have been implemented.

§90-57. Standards for clearance examination and report.

The remedy available through Section 90-56[D] B shall require that a clearance examination be completed for a property upon which a deteriorated paint violation has been [detected] cited in accordance with the following requirements:

- A. Qualified personnel. Certification of clearance shall be issued by:
 - (1) A certified risk assessor; or

- (2) A certified lead-based paint inspector.

B. Required activities.

- (1) A clearance examination shall include a visual assessment, dust sampling, submission of samples for analysis for lead, interpretation of sampling results, and preparation of a report. Examinations shall be performed in dwelling units, common areas and exterior areas in accordance with this section and the steps set forth at 40 CFR 745.227(e)(8) and (9).
- (2) A visual assessment shall be performed to determine if deteriorated paint surfaces and/or visible amounts of dust, debris, paint chips or other residue are present. Both exterior and interior painted surfaces shall be examined for the presence of deteriorated paint. If deteriorated paint and visible dust, debris or residue are present in areas subject to dust sampling, they must be eliminated prior to the continuation of the clearance examination. If exterior painted surfaces have been disturbed by the hazard reduction, maintenance or rehabilitation activity, the visual assessment shall include an inspection of the ground and any outdoor living areas close to the affected exterior painted surfaces. Visible dust or debris in such outdoor living areas shall be cleaned up and visible paint chips on the ground shall be removed.
- (3) Dust samples shall be wipe samples and shall be taken on floors, including porches, and, where practicable, interior windowsills and window troughs. Dust samples shall be collected and analyzed in accordance with 40 CFR 745.227(f) and (g).

C. Report.

The clearance examiner shall ensure that an examination report is prepared that provides documentation of the examination.

- (1) The report shall include the following information:
 - (a) The address of the residential property and, if only part of a multi-family property is affected, the specific dwelling units and common areas affected;
 - (b) The date(s) of the examination;
 - (c) The name, address, and signature of each person performing the examination, including their EPA certification number;
 - (d) The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips;
 - (e) The results of the analysis of dust samples, in ug/sq.ft., by location of sample; and
 - (f) The name and address of each

laboratory that conducted the analysis of the dust samples, including the identification number for each such laboratory recognized by EPA under section 405(b) of the Toxic Substances Control Act (15 U.S.C. 2685(b).)

- (2) When abatement is performed, the report shall be an abatement report in accordance with 40 CFR §745.227(e)(10).

D. Clearance standards.

Where a [lead-based paint hazard] deteriorated paint violation has been [identified] cited, the dust-lead standards in 40 CFR §745.65(b) shall be met before a Certificate of Occupancy may be issued or a violation [cleared] removed. With respect to porches, the standard required for clearance shall be 400 ug/sq. ft., provided however, that if a porch is found to contain more than 40 ug/sq. ft., the inspector or assessor shall advise the occupants of the premises that the porch constitutes a potential lead-based paint hazard that requires continued caution and that the occupants should read and follow closely the information in the lead hazard information pamphlet regarding lead safe maintenance practices such as frequent washing, and that pamphlet shall be provided to the occupants.

E. Requirement to avoid conflict of interest regarding clearance inspection.

All examinations shall be performed by persons or entities independent of those performing hazard reduction or maintenance activities.

F. This Section shall not apply to the situations set forth in Section 90-56D.

§90-58. Lead-safe hazard reduction and control.

- A. No person shall disturb or remove lead-based paint, or in any other way generate excessive dust or debris during work on the interior or exterior of any existing building or structure except in accordance with the requirements of this Section and Sections 90-59 and 90-60. If a residential building is not owner occupied and is in the target area, then the owner or the owner's agent will be required to complete certified Lead Safe Work Practices training prior to conducting any lead paint reduction activity provided that such training is available to the public for free or at a nominal cost, and except that such training shall not be required with respect to paint hazards below the *de minimis* levels identified in Section 90-60, paragraph E.

B. Exemptions.

This Section shall not apply to activities that disturb or remove paint where the activities are being performed on buildings on which construction was completed on or after January 1, 1978.

C. Sign required when exterior lead-based paint (or presumed lead-based paint) is disturbed:

- (1) Not later than the commencement date of any lead-based paint hazard reduction

work, the owner, or the contractor when the owner has entered into a contract with a contractor to perform such work on the exterior of a building or structure, shall post signs in a location or locations clearly visible to the adjacent properties stating the following:

LEAD-BASED PAINT HAZARD
REDUCTION WORK IN PROGRESS

PUBLIC ACCESS TO
WORK AREA
PROHIBITED

POSTED IN ACCORDANCE WITH
CHAPTER 90
OF THE CITY OF ROCHESTER CODE

FOR FURTHER INFORMATION,
PHONE -----

- (2) The sign required by this subsection shall be not less than 24 inches square and shall be in large boldface capital letters no less than one-half inch in size, and shall contain the notification in both English and Spanish. The sign required by this subsection shall remain in place until the lead-based paint hazard reduction work has been completed.
- (3) Where it is not possible to post signs in a conspicuous location or locations clearly visible to the adjacent properties, the owner, or where the owner has entered into a contract with a contractor to perform lead-based paint hazard reduction work, the contractor shall provide the notice in written form, such as a letter or memorandum, to the occupants of adjacent properties.

E. Notice to tenants.

Where lead-based paint hazard reduction work is to be performed on the interior or exterior of buildings occupied by one or more tenants, not less than three business days before any lead-based paint hazard reduction work is to commence, the owner shall provide the following information:

- (1) Contents of notice.

Provide written notice to tenants of the building on which the work is being performed that lead-based paint hazard reduction work is being performed. This notice, which shall be in both English and Spanish, shall be in compliance with the EPA pre-renovation notification rules set forth in 40 CFR Part 745, Subpart E, shall be in the form of a sign, letter or memorandum, and shall prominently state the following:

Work is scheduled to be performed beginning _____ (date) on this property that may disturb or remove lead-based paint. The persons performing this work are required to follow federal and local laws regulating work with lead-based paint. You may obtain information regarding these laws, or report any suspected

violations of these laws, by calling the City of Rochester at _____ (a number to be designated by the City). The owner of this property is also required to provide tenants with a copy of the lead hazard information pamphlet. Retaliatory action against tenants is prohibited by Section 90-63 of the Municipal Code.

- (2) The owner shall provide all tenants in the building with a copy of the lead hazard information pamphlet.

F. Notice by contractor.

Where lead-based paint hazard reduction work is being performed by a contractor on residential property, the contractor shall at least three business days prior to the commencement of such work, notify the property owner of potential lead hazards during the project by delivering to the owner a copy of the lead hazard information pamphlet.

G. Early commencement of work by owner.

A property owner may commence, or may authorize a contractor to commence, lead-based paint hazard reduction work less than three business days after providing notices required above when such work must be commenced immediately to correct an emergency condition, such as work necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

H. Early commencement of work requested by tenant.

Upon written request of a tenant, an owner may commence or authorize a contractor to commence, lead-based paint hazard reduction work on that tenant's unit less than three business days after providing notices required in subsection E above.

§90-59. Occupant protection and worksite preparation.

A. Occupant protection.

- (1) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite) until after hazard reduction work has been completed and clearance has been achieved.
- (2) Occupants shall be temporarily relocated during hazard reduction activities and until a clearance examination has been successfully completed on the occupant's unit, and occupants who relocate to a unit not owned by their landlord shall not be liable for rent accruing during that time, except relocation shall not be necessary if:
- (a) Treatment will not disturb lead-based paint, dust-lead hazards or soil-lead

hazards;

- (b) Only the exterior of the dwelling unit is treated, and windows, doors, ventilation intakes and other openings in or near the worksite are sealed during hazard control work and cleaned afterward, and entry free of dust-lead hazards, soil-lead hazards and debris is provided;
- (c) Treatment of the interior will be completed within one period of 8-daytime hours, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, and treatment does not create other safety, health or environmental hazards (e.g., exposed live electrical wiring, release of toxic fumes, or on-site disposal of hazardous waste); or
- (d) Treatment of the interior will be completed within [5] 15 calendar days, the worksite is contained so as to prevent the release of leaded dust and debris into other areas, treatment does not create other safety, health or environmental hazards; and, at the end of work on each day, the worksite and the area within at least 10 feet of the containment area is cleaned to remove any visible dust or debris, and occupants have safe daily access to sleeping areas, and bathroom and kitchen facilities.

- (3) The dwelling unit and the worksite shall be secured against unauthorized entry, and occupants' belongings protected from contamination by dust-lead hazards and debris during hazard reduction activities. Occupants' belongings in the containment area shall be relocated to a safe and secure area outside the containment area, or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

- (4) In addition to protections afforded elsewhere by law, [1] if interior hazard reduction activities will not be or are not completed within sixty calendar days, occupants shall have the right to terminate their lease and shall have no further obligation to pay rent under that rental agreement, provided, however, that this subsection shall not relieve the occupant of the obligation to pay any previously accrued rent for which he or she is otherwise liable.

B. Worksite preparation.

- (1) The worksite shall be prepared, including the placement of containment barriers, to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.
- (2) A warning sign shall be posted at each

entry to a room where hazard reduction activities are conducted when occupants are present; or at each main and secondary entryway to a building from which occupants have been relocated. Each warning sign shall be as described in 29 CFR §1926.62(m), except that it shall be posted irrespective of employees' lead exposure and, to the extent practicable, provided in the occupants' primary language.

§90-60. Safe work practices.

A. Lead-based paint shall not be applied to any exterior or interior surface.

B. Prohibited methods.

The following methods of paint removal shall not be used:

- (1) Open flame burning or torching.
- (2) Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- (3) Abrasive blasting or sandblasting without HEPA local exhaust control.
- (4) Heat guns operating above 1100 degrees Fahrenheit or charring the paint.
- (5) Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1.0 foot of electrical outlets, or when treating defective paint spots totaling no more than 2 square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces.
- (6) Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR §1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration regulations at 29 CFR §§1910.1200 or 1926.59, as applicable to the work.

C. Worksite preparation.

The worksite shall be prepared in accordance with Section 90-58B.

D. Specialized cleaning.

After hazard reduction activities have been completed, the worksite shall be cleaned using cleaning methods, products and devices that are successful in cleaning up dust-lead hazards, such as a HEPA vacuum or other method of equivalent efficacy, and lead-specific detergents or equivalent.

E. *De minimis* levels.

Safe work practices are not required when maintenance or hazard reduction activities do not disturb painted surfaces that total more than:

- (1) 20 square feet on exterior surfaces;

- (2) 2 square feet in any one interior room or space; or

- (3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

§90-61. Emergency actions, weather conditions.

A. For emergency actions necessary to safeguard against imminent or immediate danger to human life, health or safety, or to protect property from further structural damage, including demolitions ordered pursuant to Sections 47A-16B & C of the Municipal Code, occupants shall be protected from exposure to lead in dust and debris generated by such emergency actions to the extent practicable. This exemption does not apply to any work undertaken subsequent to, or above and beyond such emergency actions, other than the demolitions noted above.

B. Performance of lead-based paint hazard reduction or lead-based paint abatement on an exterior painted surface as required under this Article may be delayed for a reasonable time during a period when weather conditions render impossible the completion of conventional construction activities, provided however, that this limitation shall continue only for the period in which work cannot be performed in the work safe manner as provided for herein.

§90-62. Exemptions.

A. This Article shall not apply to properties taken by a governmental entity in a foreclosure proceeding which are vacant and secured and: (1) scheduled for demolition, or (2) scheduled for sale within twelve months.

B. The requirements of this Article which are applicable to residential buildings for which a Certificate of Occupancy is required pursuant to Section 90-16 shall not include single-family owner-occupied dwellings for which a Certificate of Occupancy may be required.

§90-63. Prohibition of retaliatory action.

A. It is unlawful for an owner, or any person acting on his or her behalf, to take any retaliatory action toward a tenant who reports a suspected lead-based paint hazard to the owner or to the City. Retaliatory actions include but are not limited to any actions that materially alter the terms of the tenancy (including rent increases and non-renewals) or interfere with the occupants' use of the property.

B. There shall be a rebuttable presumption that any attempt by the owner to raise rents, curtail services, refuse to renew or attempt to evict a tenant within six months after any report to the City or the owner or any enforcement action in connection with a suspected lead hazard is a retaliatory action in violation of this section, except that in instances of nonpayment of rent or commission of waste upon the premises by the tenant no such presumption shall apply. After six months from the date of the reporting of a suspected lead hazard, or the most recent activity related to any enforcement action, the defense of retaliatory eviction shall remain

available to the tenant, but without the benefit of the presumption created by this section.

- C. The provisions of this section shall not be given effect in any case in which it is established that the condition from which the complaint or action arose was caused by the tenant, a member of the tenant's household, or a guest of the tenant. Nor shall it apply in a case where a tenancy was terminated pursuant to the terms of a lease as a result of a bona fide transfer of ownership.

§90-64. Notification to County of [deteriorated paint] violations.

The City shall continue to send notices to the County of Monroe listing any health and safety violations found in properties inspected by the City. Any violation of Section 90-54 shall be included on that list.

§90-65. Database for properties.

- A. The City shall maintain a database, accessible to the public, of all residential properties where lead hazards have been identified, reduced and controlled with funds received by the City from the United States Department of Housing and Urban Development which require that such a database be maintained. The City shall further maintain a database of all residential properties granted a Certificate of Occupancy after the effective date of this ordinance.
- B. The databases created pursuant to this section shall be kept available for "walk-in" inspection by the public. No person requesting access shall be required to complete a Freedom of Information request in order to view this database.

Section 2. Section 90-14 of the Municipal Code, Property maintenance, is hereby amended by repealing subsection A thereof, and by relettering Subsections B and C as Subsections A and B, respectively.

Section 3. This ordinance shall take effect on July 1, 2006.

Bracketed material deleted; underlined material added.

Passed unanimously.

Resolution No. 2005-23
(Int. No. 426A, As Amended)

Resolution Regarding Targeting Lead Enforcement

WHEREAS, the City is enacting legislation to address the issue of lead paint poisoning in Rochester, and

WHEREAS, that legislation will utilize the Certificate of Occupancy (C of O) inspection process as the basic structure to enforce the new regulations, and

WHEREAS, the use of the C of O process ensures that every property subject to a C of O will be inspected every five years, with an estimated average of 4,500 structures certified annually, and

WHEREAS, there are [thirty-nine] identified census [tracts] blocks in the City in a list on file in the City Clerk's Office that have historically been the

location of a disproportionately high number of cases of lead poisoning, making them an important area to target for early enforcement, and

WHEREAS, in addition to the C of O inspections, the City will undertake Quality Housing Initiative (QHI) inspections on behalf of Monroe County for units that house tenants subsidized by the Department of Human Services, with an estimated 8,000-10,000 such inspections annually, and the substantial majority of those units are located within the [thirty-nine] identified census [tracts] blocks that comprise the target area, and

WHEREAS, beyond the C of O and QHI inspections, the City will respond to individual complaints, yielding an additional 2,000-4,000 units inspected annually, and

WHEREAS, at the end of the second year of enforcement, it is anticipated that the vast majority of the units in the target area will have been inspected through one of the City's inspection processes, and

WHEREAS, it is the intention of the Council that the units in the target area, as the source of a substantial number of the cases of lead poisoning, should be completed at the earliest possible time within the financial and programmatic constraints that exist,

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

Section 1. [Following the end of the second year of this inspection process, the City shall create a list of the properties within the target area that have not yet been inspected and will schedule inspections on those properties during the third year.] By July 1, 2006 the City shall create a list of all of the properties within the target area that should be subject to inspection.

Section 2. [A report shall be submitted to Council during the first quarter of the third year to document the list of remaining properties and a projected schedule to address them.] By the end of the 1st quarter of the second, third and fourth years following the effective date of this inspection process a report shall be submitted to Council showing the number of properties in the target area that have not yet been inspected.

A. The report submitted in the third year shall also contain a list of the remaining properties and the City will schedule inspections on those properties during the third year.

B. If any properties subject to inspection have not been addressed by the time the report is submitted in the fourth year the report shall contain a list of those properties and specify the reasons therefore.

Section 3. The boundaries of the target area shall be adjusted as necessary to reflect the recommendations of the Monroe County Health Department and shall, at a minimum, cover the areas in which 90% of children in the City historically found to have Elevated Blood Lead levels reside.

Section 4. This resolution shall take effect immediately.

Bracketed material deleted; underlined material added.

Adopted unanimously.

Resolution No. 2005-24
(Int. No. 427A, As Amended)

Resolution Regarding Public Education On Lead

WHEREAS, the City is enacting legislation to address the issue of lead paint poisoning in Rochester, and

WHEREAS, that legislation will address many of the structural issues that are involved in the dispersion of lead dust into housing units, and

WHEREAS, it will be critically important that the citizens of Rochester understand the potential public health hazards of lead exposure and how to prevent them, and

WHEREAS, in addition to the new City Code requirements, lead poisoning can be prevented through the use of different house cleaning techniques such as wet mopping instead of sweeping, and through the practice of leaving shoes outside the home, as well as through improved nutritional practices in children, and

WHEREAS, the responsibility of providing such information falls not only on the City, but also on the Monroe County Health Department and the Coalition to Prevent Lead Poisoning,

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

Section 1. The City shall encourage Monroe County and Coalition to Prevent Lead Poisoning to create and fund a campaign to educate the public on the benefits of specific cleaning, hygiene, and nutritional practices in preventing lead poisoning, especially among children.

Section 2. The City shall include information about the new regulations and about health issues involving lead in a water bill insert at the earliest opportunity in 2006.

Section 3. The Mayor is requested to appoint members to a Citizen Advisory Group to provide appropriate advice to the Administration as the new City ordinance are implemented. The membership of said Group shall contain a majority of persons who live in the designated target area.

Section 4. This resolution shall take effect immediately.

Underlined material added.

Adopted unanimously.

Resolution No. 2005-25
(Int. No. 428)

Resolution Regarding A Voluntary Lead Program

WHEREAS, the City is enacting legislation to address the issue of lead paint poisoning in Rochester, and

WHEREAS, that legislation will utilize the Certificate of Occupancy (C of O) inspection process as the basic structure to enforce the new regulations, and

WHEREAS, single-family owner-occupied homes are not covered by the C of O process, and

WHEREAS, it will be important to create a mechanism for the owners of such properties to become familiar with the potential hazards of lead poisoning and to take steps to prevent them, and

WHEREAS, the establishment of a voluntary program for such properties would be an appropriate and effective means of addressing this significant segment of the City's housing market, and

WHEREAS, funds are currently available through the Federal government to address lead paint issues in such homes where the owner is income eligible, and

WHEREAS, establishing a database of such properties that have been treated to remediate or abate lead paint would be a useful tool to potential homebuyers,

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

Section 1. The Mayor is hereby requested to establish, during 2006, a voluntary program for single-family owner-occupied properties to encourage the remediation or abatement of lead hazards in those properties.

Section 2. The program shall include a database that will be available through the City's Web Site to catalog the properties that have been made lead safe or lead free.

Section 3. A report shall be submitted to Council by the first quarter of 2007 to describe the program and to detail an implementation schedule.

Section 4. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-394
Re: Zoning Code Text Amendments

R2010: Campaign 9 - Healthy Urban
Neighborhoods

Transmitted herewith for your approval is legislation amending the 2003 Zoning Code of the City of Rochester by making minor modifications to provisions relating to Lot Coverage, Residential Conversions, Prohibited Variances, Site Plan Review, the O-B Overlay Boutique District and Administrative Adjustments; Reformatting the M - 1 District Regulations; and, other clarifications and corrections. These modifications are part of the ongoing process of updating and clarification of the code.

The Planning Commission held an informational hearing on November 14, 2005 regarding these changes. The request was presented by the Director of Zoning, and there were no other speakers. By a vote of 4-0-0, the Commission recommended approval.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the Mayor, as lead agency, has determined that the proposal will not result in any significant adverse environmental impacts and

has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-128

Ordinance No. 2005-394
(Int. No. 429)

**Amending Chapter 120 Of The Municipal Code,
The Zoning Code**

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

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended as follows:

- 1) Clarify C-2 District hours of operation.

§ 120-42. Permitted uses and structures.

The following uses are permitted in the C-2 District, when conducted entirely within an enclosed building and with hours of operation limited to 6:00 a.m. to 2:00 a.m.:

- 2) Re-format and correct the M-1 District regulations set forth in Sections 120-80, 81, 82 and 83.

ARTICLE XI, M-1 Industrial District
§ 120-80. Purpose.

The M-1 Industrial District promotes the retention and growth of employment opportunities by providing areas where a broad range of industrial uses may locate and where options for complementary uses exist in older two-story and multistory buildings. The obsolescence of many industrial buildings for traditional manufacturing purposes is recognized and the reoccupancy and redevelopment of those buildings are encouraged through the allowance of retail sales and services, offices, and eating and drinking establishments. Residential conversions are permitted primarily to accommodate loft-style living spaces and to meet the needs of those seeking the benefits of live-work arrangements.

§ 120-81. Permitted uses and structures.

A. The following uses are permitted in the M-1 District when conducted in a fully enclosed building:

- A: (1) Research laboratories including testing facilities.
- B: (2) Corporate headquarters, regional headquarters and administrative offices. Local service offices such as real estate sales, insurance agencies, doctors' offices, or other offices typically found in commercial districts may only be included in a structure or integrated complex of at least 25,000 square feet of gross floor area.
- ~~C: (3) Manufacturing, high-tech or light industrial uses when conducted within an enclosed building.~~

~~D: (4) Warehouses.~~

E: (5) Mixed-use facilities, a minimum of 25,000 square feet at initial development, developed according to an approved site plan.

~~F: — Motels and hotels:~~

G: (6) Vehicle repair stations, subject to the additional requirements for specified uses in § 120-152.

~~H: — Vehicle sales, subject to the additional requirements for specified uses in § 120-153:~~

~~(7) Vehicle and equipment rental, sales and storage.~~

~~I: — Vehicle rental services, subject to the additional requirements for specified uses in § 120-151:~~

J: (8) Commercial vehicle repair stations, subject to the additional requirements for specified uses in § 120-153 152.

K: (9) Recycling centers, subject to the additional requirements for specified uses in § 120-145.

~~L: (10) Technical and vocational schools.~~

~~(11) Animal hospitals and kennels including breeding, boarding and health care.~~

M: (12) Ancillary parking lots and garages, subject to the additional requirements for specified uses in § 120-131.

N: (13) Community garages and parking lots.

~~Ø: (14) Sexually oriented businesses, subject to the additional requirements for specified uses in § 120-148, including only adult arcade, adult cabaret, adult movie theater, limited adult retail store, adult retail store and escort agency.~~

~~(15) Self-service storage.~~

~~— § 120-82. Limited uses and structures:~~

~~The following uses are permitted as limited uses in the M-1 District:~~

~~A B.~~ The following uses are permitted in the M-1 District ~~when developed in any multistory building or a single-story building not originally designed for industrial purposes or any multistory building:~~

- (1) Dwelling unit conversions.
- (2) Live-work space, subject to the additional requirements for specified uses in § 120-142.1.
- (3) Retail sales and services.
- (4) Offices and clinics.
- (5) Bars, cocktail lounges and taverns.

- (6) Restaurants and banquet facilities.
- (7) Entertainment, subject to the additional requirements for specified uses in § 120-137.
- ~~(8) Private community centers.~~
- ~~(9) Day care centers.~~
- ~~B. C. When developed in conjunction with approved industrial uses, the following uses are permitted in the M-1 District, provided such limited uses constitute no more than ~~10~~ 15% of the developed floor area of the project. Such limited uses shall be located, arranged and integrated within the development to serve primarily the shopping and service needs of employees and businesses in and near the M-1 District.~~
 - ~~(1) Bars, cocktail lounges and taverns.~~
 - ~~(2) Restaurants.~~
 - ~~(3) Day-care centers, subject to the additional requirements for specified uses in § 120-135.~~
 - ~~(4) Retail sales and services.~~
 - ~~(5) Health clubs and similar facilities.~~
- ~~C. Warehouse and storage uses developed concurrently with or after a primary use provided the floor area of such use constitutes no more than 35% of the gross floor area of the primary use.~~
- ~~D. Animal hospitals and kennels when located in an existing building.~~
- ~~E. Park, playfield and playgrounds when developed as part of an overall project.~~

~~§ 120-82. Reserved.~~

§ 120-83. Special permit uses.

The following uses are allowed as special permit uses in the M-1 District:

- A. The following uses, when located in a single-story building originally designed for industrial purposes or a vacant lot, subject to a marketability analysis as set forth in § 120-192, illustrating that the premises is not marketable for manufacturing or industrial purposes as demonstrated by: the inability to find a tenant or interested buyer over an extended period of time; and/or the physical location or locational limitations or deficiencies of the site, building or public infrastructure; and/or, in the case of a site of one acre or less, documentation of the low potential to include the site as part of an assembly of adjacent properties for industrial purposes. In applying for a special permit under the marketability standards, it shall be enough for an applicant to indicate the general location and distribution of any of the proposed

uses. Once a special permit for a building site or lot has been approved, an applicant shall not be required to apply for special permit approval for each individual tenancy. If the use or category of use of an existing building or site is proposed to be changed subsequent to such approval, an application for a modification of the special permit shall be filed pursuant to § 120-192, except the applicant shall not be required to reestablish the special permit standard concerning marketability. The Planning Commission may approve a special permit, subject to all other special permit standards, when it determines that such use shall be in conformance with the strategic plan and policies of the City for economic development and job creation or when it finds that the use shall provide a service to neighboring industrial uses and/or their employees. Standards indicating the type of information required to document conformance with each of the aforementioned standards shall be as adopted from time to time by the Planning Commission. The Planning Commission may, in approving a special permit, waive or modify the off-street parking requirements if it finds such action is warranted by reason of the nature of the occupancy, location of the property or availability of shared or public parking facilities.

- ~~(1) Dwelling unit conversions.~~
- ~~(2) Live-work space.~~
- ~~(3) (1) Retail sales and services.~~
- ~~(4) (2) Offices or clinics.~~
- ~~(5) (3) Bars, cocktail lounges and taverns.~~
- ~~(6) (4) Restaurants.~~
- ~~(7) (5) Motels and hotels.~~
- ~~(8) (6) Vehicle-related uses, including car washes, vehicle service stations, vehicle rental services, and vehicle sales and vehicle storage, subject to the additional requirements for specified uses in Article XVIII.~~
- ~~(9) Self-service storage.~~
- ~~(10) (7) Amusement centers.~~
- ~~(11) (8) Community centers.~~
- ~~(12) (9) Health clubs.~~
- ~~(13) (10) Mixed uses.~~
- ~~(14) (11) Entertainment, subject to the additional requirements for specified uses in Section 120-137.~~
- B. Manufacturing uses, high-tech or light industrial, and all vehicle-related uses when not conducted fully in an fully enclosed building.

- C. The following uses, when located at least 200 feet from any residential or open space district:
- (1) ~~Outdoor storage and/or sales of construction materials, equipment and vehicles. Construction and contractor vehicles storage and sales and outdoor storage;~~
 - (2) Concrete batching and asphalt mixing;
 - (3) Fuel and oil distributors;
 - (4) Food processing;
 - (5) Production of chemical, rubber, leather, clay, bone, plastic, stone, paper and glass materials or products; and
 - (6) Similar manufacturing uses as determined by the Director of Zoning.
- D. Homeless shelters, subject to the additional requirements for specified uses in § 120-141.
- E. Homeless residential facilities, subject to the additional requirements for specified uses in § 120-140.
- F. Public and semipublic uses, including but not limited to library, police stations and fire stations but excluding schools.
- G. Public utilities, subject to the additional requirements for specified uses in § 120-144.
- H. ~~Vehicle storage. Entertainment uses, parks, playfields, playgrounds, stadiums, outdoor recreations.~~
- I. Truck centers, subject to the additional requirements for specified uses in § 120-150.
- J. Railroad yards and freight centers.
- K. Waste stations, subject to the additional requirements for specified uses in § 120-155.
- L. Junkyards or salvage yards, subject to the additional requirements for specified uses in § 120-142.
- 3) Amend the O-B Overlay Boutique District permitted use regulations in Section 120-105 by adding artist studios and live-work space and expanding salon type uses.
- Section 120-105 (12)
- (12) ~~Barbers, and hairdressers, aestheticians and the like.~~
- Section 120-105 D and E
- D. ~~Studios for artists, craftsmen, photographers, composers, writers and the like.~~
 - E. ~~Live-work space.~~
- 4) Amend vehicle rental, sales, and repair provisions in Sections 120-151 through 120-154 by clarifying and making more consistent.
- § 120-151. Vehicle rental services.
- Vehicle rental services shall be subject to the following requirements:
- A. ~~No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.~~
 - ~~B. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use and its operations and stored materials and equipment from all points on such residential property when viewed from ground level.~~
 - ~~C. Outdoor display of rental vehicles shall be set back a minimum of 20 feet from all lot lines abutting residentially zoned or developed property.~~
 - ~~D. Setback areas shall be designed to prevent access by rental vehicles.~~
 - A. ~~Vehicle storage areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public sewer system.~~
 - ~~B. No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.~~
 - ~~C. All storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level.~~
 - ~~D. Outdoor display of rental vehicles shall be set back a minimum of 20 feet from all lot lines abutting residentially zoned or developed property. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of vehicle rental operations from all points on such residential property when viewed from ground level.~~
 - ~~E. Perimeter landscaping shall be a minimum of 10 feet along the street frontage(s).~~
 - ~~F. Vehicle storage areas shall be subject to the off-street parking requirements~~

set forth in § 120-173, Subsection F(2) and (3).

- G. An office structure to serve the vehicle rental operation shall be located on the same lot.

§ 120-152. Vehicle repair stations.

Vehicle repair stations shall be subject to the following requirements:

- A. No such use shall be established on a property located within 50 feet of any residential district boundary line.
- B. All repairs shall be performed within an enclosed principal building on the premises.
- C. All permanent storage of material, merchandise and equipment shall be within the principal building. No outdoor storage of materials, merchandise, and equipment shall be permitted during non-business hours. Storage of materials, merchandise, and equipment during non-business hours shall take place within the principal building or within closed, secure containers, such as outdoor storage cabinets with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. Outdoor storage may be permitted in the C-3 and M-1 Districts subject to the requirements for outdoor storage set forth in Section 120-175B.
- D. Perimeter landscaping shall be a minimum of 10 feet along street frontage(s).
- ~~D. E.~~ Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of repair operations ~~and stored material and equipment~~ from all points on such residential property when viewed from ground level.
- E. F. Accessory sales of vehicles are allowed only in ~~C-3 and M-1 Districts~~ provided vehicles on display for sale do not occupy the required parking spaces. Vehicle sales storage areas shall be subject to the off-street parking requirements set forth in § 120-173F(2) and (3).
- G. No partially dismantled, wrecked or unlicensed vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

§ 120-153. Vehicle sales and storage.

Vehicle sales shall be subject to the following requirements:

- A. No vehicle sales or storage area shall be located within 50 feet of any residential district boundary line.

- B. Outdoor vehicle sales and storage areas shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive storm water drainage system connected to a public sewer system.

- C. No repairs, other than minor repairs, shall be performed on the premises, and any such minor repairs shall be performed only within the principal building on the premises.

- D. All ~~permanent~~ storage of material, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from ground level. Outdoor storage may be permitted in the C-3 and M-1 Districts subject to the requirements for outdoor storage set forth in Section 120-175B.

- E. Sufficient screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of repair operations ~~and stored material and equipment~~ from all points on such residential property when viewed from ground level.

- F. Perimeter landscaping shall be a minimum of 10 feet along the street frontage(s).

- G. Vehicle sales storage areas shall be subject to the off-street parking requirements set forth in § 120-173, Subsection F(2) and (3).

- H. A sales office structure shall be located on the same lot as the vehicle sales.

§ 120-154. Vehicle service stations.

Vehicle service stations shall be subject to the following requirements:

- A. No ~~open-air~~ outdoor storage of materials, merchandise and equipment shall be permitted during non-business hours. Storage of materials, merchandise and equipment during non-business hours shall take place within the principal building or within closed, secure containers such as outdoor storage cabinets.

- B. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.

- C. No partially dismantled, wrecked or unlicensed vehicle shall be stored for more than 72 hours outside of a completely enclosed building.

- D. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property to block any view of vehicle service station operations ~~and stored material and equipment~~ from all points on such residential property when viewed from ground level.
- E. Vehicle service stations shall be subject to the sign restrictions outlined in § 120-177. In addition, when calculating the square footage of signage for vehicle service stations, the square footage shall include all attached, detached and window signs, canopy signs and graphics and signs on pumps.
- F. An accessory car wash shall have no more than a single point of access for entering and exiting, shall be arranged to prevent drive-through operation and shall be limited to a single bay.
- G. Queuing lanes shall be subject to the requirements applying to all districts in § 120-174.
- H. Vehicle service stations shall be subject to the lot, area, yard and bulk requirements of the applicable district, but in no case shall perimeter landscaping along the street frontage(s) be less than 10 feet.

5) Amend Section 120-166 Dwelling Unit Conversions to codify the de-conversion interpretation.

§ 120-166. Dwelling unit conversions.

The intent of this section is to establish standards for the conversion of existing buildings to either increase or decrease the number of dwelling units. ~~These standards are intended to prevent~~ reduce the overcrowding of dwelling units and overly dense development of neighborhoods and to ensure satisfactory amenities as conversions take place.

A. Increase in the number of dwelling units. Conversion of existing buildings to increase the number of dwelling units contained in them presents issues surrounding overcrowding, parking, open space and neighborhood character. Dwelling unit conversions that do not meet the standards established in this section may be permitted only upon a showing of unnecessary hardship in accordance with the provisions of § 120-195, unless otherwise prohibited.

A: (1) Minimum unit size. No dwelling unit conversion shall be permitted which results in any dwelling unit having less than the minimum habitable floor area required by the following:

- (+) (a) Zero bedroom: 500 square feet.
 (2) (b) One bedroom: 650 square feet.
 (3) (c) Two bedrooms: 800 square feet.
 (4) (d) Three bedrooms: 950 square feet.
 (5) (e) Four bedrooms: 1,100 square feet.
 (6) (f) Five bedrooms: 1,250 square feet.

B: (2) Minimum building size. No dwelling unit conversion shall be permitted in a structure with less than 1,500 square feet of habitable floor area.

~~C: (3) Minimum lot area requirements. No dwelling unit conversion shall be permitted which does not comply with the lot area requirements of the district in which the property is located.~~

~~D: (4) Parking regulations. No dwelling unit conversion shall be permitted unless the dwelling shall, following such conversion, comply with all off-street parking and loading regulations required by §§ 120-173 and 120-172.~~

~~B. Decrease in the number of dwelling units. Conversion of existing buildings to decrease the number of dwelling units requires alterations or modifications which ensure that the discontinued dwelling unit is permanently and fully integrated into a legal dwelling unit with unimpeded access throughout the legal unit. Dwelling unit conversions that do not meet the following requirements may be permitted only upon approval of an application for an area variance in accordance with the provisions of § 120-195:~~

~~(1) Unimpeded access. Unimpeded access shall be evidenced by the removal of all partitions, inoperable doorways and other obstructions that impede or prevent access throughout the dwelling unit.~~

~~(2) Removal of appurtenances. The integration of a discontinued dwelling unit shall be further evidenced by the removal of those appurtenances that previously supported the discontinued dwelling unit and may include the removal of the kitchen (including appliances, cupboards, plumbing, utility connections, etc.) and utility meters, in excess of one meter per dwelling unit, except in the case of two or more dwelling units where an additional house meter may be permitted.~~

6) Amend the parking requirement for manufacturing and industrial uses from 1 per 2 employees to 1 space per 2 employees or parking demand analysis.

Section 120-173C(1)

Manufacturing and Industrial

All uses 1 per 2 employees or parking demand analysis

7) Corrections of 120-188K, 120-188K(2)(b) and clarification of successive application provisions in Section 120-188O(1).

Section 120-188K

K. ~~Informational~~ Informational meetings.

Section 120-188K(2)(b)

- (b) ~~Posted~~ Published notice.
- Section 120-188O(1)
- O. Successive applications.
 - (1) Whenever any application, appeal or other request filed pursuant to this chapter has been finally denied on its merits or approved subject to specified conditions, a second application, appeal or other request seeking essentially the same relief or a modification of such conditions shall not be brought within two years unless, in the ~~unanimous~~ unanimous opinion of the review authority, or in the case of decisions of the Zoning Board, Preservation Board and Planning Commission, in the unanimous opinion of all members present on the board before which it is brought, one of the following standards has been met:
- 8) To amend the Certificate of Zoning Compliance in Section 120-189 by adding fences and terraces to the listing of structures requiring a Certificate of Zoning Compliance.
- Section 120-189D(1)(l)
- (l) ~~Installation, construction or replacement of fences and terraces.~~
- 9) Amend Administrative Adjustments in Section 120-191 by adding approval of certain side yard setback waivers and 4' high decorative fencing.
- Section 120-191A(4)(c)[5] and [9]
- [5] The Director of Zoning shall have the authority to approve an administrative adjustment for ~~additional fencing, not to exceed four feet in height, in the front yard of a property in a residential district, only where such existing fencing has been legally installed four foot high front yard fencing, where the existing, legally installed fencing in the area has been established at that height and which is consistent with the overall character of the neighborhood.~~
 - [9] ~~The Director of Zoning shall have the authority to approve an administrative adjustment for an addition or the like to an existing structure which does not meet the side yard setback requirements of this Chapter but is similar to the side yard setback of the existing structure.~~
- 10) Amend the triggers for minor and major site plan review in Section 120-191D(3).
- Section 120-191D(3)
- Site plan review thresholds. Site plan review in accordance with this section shall be required in the following cases, with the exception of accessory structures not changing land use or density and projects involving no site or external structural alterations. Site plan review shall be required for any development or redevelopment that includes construction, enlargement or addition to any building or site preparation for a site or use that does not include or require a building

as outlined in this section.

- (a) Minor site plan review required. Minor site plan review by the Director of Zoning, or a designee, shall be required for the following:
 - [1] Applications that do not meet the City-wide design standards set forth in this chapter, ~~excluding except~~ those applications ~~that do not meet~~ not meeting the residential building standards set forth in Section 120-160 B and C.
 - [2] All exterior alterations to existing buildings or structures and all new construction in the CCD that include deviations from the design criteria.
 - [3] All external structural alterations to existing buildings in Village Center Districts that do not meet the specific design standards listed in those districts.
 - [4] Applications that do not comply with neighborhood design guidelines adopted pursuant to § 120-161.
 - [5] The following types of development, and redevelopment of:
 - [a] ~~Nonresidential nonconforming uses and nonconforming uses of land and nonconforming uses.~~
 - [b] Parking lots over 10 spaces, whether the principal use or serving a principal use on the same lot, that do not meet the requirements for parking lots in § 120-173F.
 - [c] More than two loading spaces in any district adjacent to any residential district or the Open Space District.
 - [d] Any loading space which does not meet the dimension requirements specified in § 120-172.
 - [e] Any new structure or structures having a total floor area, or covering a contiguous land area, in excess of 20,000 square feet.
 - [f] Projects adjacent to a designated landmark or those abutting a site listed or eligible for listing on the State or National Register of Historic Places.
 - [g] All junkyards or salvage yards, recycling centers and waste stations.
 - [h] Projects within the OS-Open Space District.
 - [i] A nonresidential use that generates 100 or more peak-hour trips, as defined by International Transportation Engineers (ITE) Trip Generation, anywhere in the City.
 - [j] Any outdoor activity area accessory to a nonresidential ~~permitted~~ use.
 - [k] ~~Projects within 100 feet of the Genesee~~

- River.
- [1] ~~New multifamily dwellings.~~
- [6] All alternative landscape plans.
- [7] New advertising sign structures.
- [8] Prior to demolition, any site preparation, development or redevelopment where demolition is proposed in the C-1, C-2, H-V and PMV Districts.
- [9] ~~Incremental development in existing HPDs or new PD Districts planned development districts.~~
- [10] In any commercial, or village center or residential district, the conversion of floor area designed for nonresidential use to a residential use and vice versa; and, the initial conversion of an existing structure in an O-O and O-B District.
- [11] ~~Any outdoor activity area accessory to a nonresidential permitted use.~~
- [11] Any project to reuse an abandoned nonconforming structure requiring special permit or use variance approval which is located on a site which is not in conformance with the requirements of this chapter.
- [12] Conversion to or from any building devoted to any of the following vehicle related uses or the development or redevelopment of any sites devoted to such uses, including:
- [a] Vehicle service stations.
- [b] Vehicle repair, sales, storage, rental, wash or wrecking.
- [c] Drive-through facilities and uses.
- [d] Vehicle storage areas.
- [13] Any development or redevelopment resulting in site grading exceeding the maximum slope requirements in § 120-178.
- (b) Major site plan review required. Major site plan review will be required for any site plan meeting one or more of the thresholds of minor site plan review and one of the following:
- [1] All Type I actions as identified in § 48-4 of the City Code, excluding applications requiring certificates of appropriateness.
- [2] Applications in the CCD that include major deviations from the design criteria.
- [3] ~~All planned development district approvals.~~
- [4] ~~Amendment of a planned development district plan.~~
- [3] All development concept plan approvals
- or amendments for planned development districts.
- [4] Construction of any principal building in the C-1, C-2, H-V or PMV Districts that does not meet City-wide design standards set forth in this chapter.
- [5] A redevelopment plan contingent upon the demolition of a Designated Building of Historic Value, excluding applications requiring certificates of appropriateness.
- [6] Sign proposals for Designated Buildings of Historic Value in the CCD with minor deviations of the design criteria relating to number, type and size.
- 11) Amend the special permit provisions in Section 120-192 by relocating the marketability standards from the M - 1 District regulations. § 120-192B(3)(b).
- (b) For special permit applications for use of vacant land or single story structures in the M - 1 District as outlined in § 120-83, in addition to the standards for special permit approval set forth in § 120-192B(3), the Planning Commission shall weigh the considerations outlined in § 120-83: a special permit shall be approved only if marketability analysis is presented which establishes at least one of the following standards:
- [1] Marketability Standards.
- [a] The premises is not marketable for manufacturing or industrial purposes as demonstrated by at least one of the following factors:
- (1) The inability to find a tenant or interested buyer over an extended period of time.
- (2) Physical location or locational limitations or deficiencies of the site, building or public infrastructure.
- [b] In the case of a site of one acre or less, the low potential to include the site as part of an assembly of adjacent properties for industrial purposes.
- [c] The proposed use is in conformance with the strategic plan and policies of the City for economic development and job creation.
- [d] The proposed use will provide a service to neighboring industrial uses and/or their employees.
- [2] In applying for a special permit under the marketability standards, it shall be enough for an applicant to indicate the general location and distribution of any of the proposed uses. Once a special permit for a building site or lot has been approved, an applicant shall not be required to apply for special permit approval for each individual tenancy.

[3] If the use or category of use of an existing building or site is proposed to be changed subsequent to such approval, an application for a modification of the special permit shall be filed pursuant to § 120-192, except the applicant shall not be required to reestablish the special permit standard concerning marketability.

[4] Standards indicating the type of information required to document conformance with each of the aforementioned standards shall be as adopted from time to time by the Planning Commission.

12) Amend the prohibited variance listing in Section 120-195 by permitting certain variances in the R-1 District.

Section 120-195B(5)(a)

(a) Permit any use or development in a residential district which is not permitted as of right by the use regulations applicable in such district or in any other residential district established by this chapter, except that a variance may be approved subject to obtaining site plan approval as provided in § 120-191 to permit a commercial or industrial use within a structure designed for commercial or industrial use or not able to be converted to residential purpose.

Section 120-195B(5)(c)

(c) Permit conversion of a single-family residential structure to any nonresidential uses or increase the number of residential units in the R-1 District, except that a variance may be approved to permit the reestablishment of a prior legally established nonconforming use in a residential structure containing more than 2000 square feet of habitable floor area which has been abandoned as a result of vacancy or discontinuance; or, to permit the conversion of nonconforming nonresidential floor area to a dwelling unit(s).

13) To amend the yard exceptions in Section 120-197 to permit rear yard terraces and patios to encroach in setback areas.

120-197L

L. Rear yard patios and terraces provided the base area or perimeter of the terrace is finished, landscaped or screened.

14) Amend 120-208 by adding the definition of hours of operation.

HOURS OF OPERATION - The hours specified in this Chapter which allow businesses to be open to the public as well as loading, unloading and other service operations related to the business. The presence of an owner or operator within a building preparing for a business day is not considered to be an operational function.

15) Amend Section 120-208 by modifying the definitions of lot coverage, decks and terraces.

LOT COVERAGE - The percentage of a lot area occupied by the ground area of principal and accessory buildings, driveways, swimming pools, decks, parking areas and parking lots and other impermeable materials surfaces on such lot, excluding patios, terraces and pedestrian walkways.

TERRACE - An above grade level plane or surfaced patio or deck, directly adjacent to a principal building at or within three feet of grade and not covered by any permanent structure constructed of unit paving materials within or eighteen inches of grade.

DECK - An uncovered, attached or freestanding, structure built on supports not directly on grade which is more than eighteen inches above grade.

16) Amend Section 120-163B(12) relating to temporary outdoor display as an accessory use for nonresidential uses.

Section 120-163B(12).

(12) Temporary outdoor display of retail merchandise subject to the requirements for outdoor display set forth in § 120-176 shall be permitted during non-business hours only in the C-2, C-3, PMV and H-V Districts.

17) Amend the outdoor storage provisions in Section 120-175.

§ 120-175. Outdoor storage.

Outdoor storage shall be allowed in any the following nonresidential districts in accordance with this section. Outdoor storage shall be subject to the following:

A. C-1, C-2 and H-V and PMV Districts.

(1) Outdoor storage shall not be allowed in the front yard.

(2) Outdoor storage shall not occupy more than 10% of the entire lot area.

(3) All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts.

(4) Screening shall be of sufficient height and density to completely hide the storage from public view.

(5) Screening shall be of sufficient height and density to completely hide storage from major highways, passenger rail lines and other public accessways.

(6) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.

(7) Display and storage of boats and trailers are not considered outdoor storage in the H-V District.

B. H-V District.

- ~~(1) Display and storage of boats and trailers are not considered outdoor storage in the H-V District.~~
- ~~(2) Outdoor storage shall not be allowed in the front yard.~~
- ~~(3) Outdoor storage shall not occupy more than 10% of the entire lot area.~~
- ~~(4) All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts.~~
- ~~(5) Screening shall be of sufficient height and density to completely hide storage from major highways, passenger rail lines and other public accessways.~~
- ~~(6) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.~~

C. B: C-3 and M-1 Districts.

- (1) Outdoor storage shall not be allowed in the front yard setback.
- (2) All outdoor storage shall be fully screened to ensure the area is not visible from the public right-of-way or adjacent residential districts.
- (3) Screening shall be of sufficient height and density to completely hide the storage from public view.
- (4) Screening shall be of sufficient height and density to completely hide storage from major highways, passenger rail lines and other public accessways.
- (5) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.

18) Amend the outdoor display provisions in Section 120-176.

§ 120-176. Outdoor displays.

Outdoor displays shall be allowed in nonresidential districts and the Overlay Boutique District subject to the following:

- A. Outdoor displays shall be allowed adjacent to a principal building wall and extending to a distance no greater than five feet from the wall.
- B. Such displays shall not be permitted to block windows, entrances or exits and shall not impair the ability of pedestrians to use the building.
- C. Outdoor displays shall be temporary or seasonal in nature and shall be discontinued at the close of business on a daily basis unless approved as a temporary use pursuant to Section 120-149.

Section 2. This ordinance shall take effect two weeks after the date of its adoption.

Strikeout material deleted; underlined material

added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-26
Re: Pierce Industries LLC

R2010: Campaign - 6 Economic Vitality

Transmitted herewith for your approval is legislation approving the relocation request of Pierce Industries LLC from 920 Emerson Street in the City of Rochester to the 465 Paul Road in the town of Chili in order to maintain their Empire Zone status.

Pierce Industries LLC was forced to find a new location when they outgrew their current leased facility at 920 Emerson Street. The company has been leasing space at this facility since July 2003. Pierce Industries LLC looked at several locations within the City, including the Buffalo Road Business Center, 2 Potomac Street, and 1999 Mt Read Blvd.; none were suitable for their business needs. The City sites do not offer the space to allow for the introduction of lean manufacturing processes or for future expansion, and the cost to modify the existing spaces available including electrical operational requirements was prohibitive. Their new location at 465 Paul Road is located within the Monroe County Empire Zone.

Pierce Industries LLC would like to become EZ certified so they can take advantage of the Empire Zone benefits at their new location. However, Section 959 (a) (iii) of the NYS law only allows for the certification of a business enterprise that has shifted its operation from an area within the State into an EZ if the "shift of operations" is approved by the municipality from which the company relocated.

As required by law, where the shift is from an area in a different municipality into another municipality's EZ, a public hearing must be held by the municipality from which the company is moving, and the local governing body of that municipality must approve, by resolution, the shift of operations. If the relocation procedure does not occur, the company will not qualify for EZ benefits. In the past, we have had companies who have relocated to the city Empire Zone from Henrietta and other municipalities. It was necessary for these companies to go through the same relocation procedures stated above so that they would qualify for EZ benefits in the city.

A public hearing is required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-129

Resolution No. 2005-26
(Int. No. 454)

Resolution Approving Relocation To The Monroe County Empire Zone

WHEREAS, Pierce Industries LLC (the "Company"), a manufacturer of office products with offices at 920 Emerson Street, Rochester, New York in the City of Rochester will be relocating to 465 Paul Road in the Town of Chili, and

WHEREAS, the Company employs 39 people, including 23 residents of the City of Rochester, and

WHEREAS, the Company was forced to find a new location when they outgrew their current facility at 920 Emerson Street. Pierce Industries LLC looked at several locations within the City of Rochester, but were unable to find a suitable location within the City that fit their business needs, and

WHEREAS, Rochester City Council has heard public comments that extraordinary circumstances existed to warrant the relocation of the company to the Monroe County Empire Zone at a public hearing on December 20, 2005 at City Hall, 30 Church Street, Rochester, New York 14614,

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rochester consents to the relocation of Pierce Industries LLC from the City of Rochester to the Monroe County Empire Zone in the Town of Chili.

This resolution shall take effect immediately.

Adopted unanimously.

By Councilmember Mains
December 20, 2005

To the Council:

The Public Services, Health & The Arts Committee recommends for Adoption the following entitled legislation:

Int. No. 430 - Authorizing Agreements For Human Services Programs

Int. No. 431 - Establishing Maximum Compensation For An Amendatory Agreement For Instruction For The RASA Program

Int. No. 432 - Approving Applications, Agreements And The 2006 Administrative And Program Budgets Of The Rochester-Monroe County Youth Bureau

Int. No. 433 - Establishing Maximum Compensation For An Agreement For The 2006 MusicFest

Int. No. 434 - Authorizing An Application And Agreements With Respect To The High Falls Film Festival And Amending The 2005-06 Budget

Respectfully submitted,
Benjamin L. Douglas
William F. Pritchard
Lois J. Giess
PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-395
Re: Human Services Projects

- R2010: Campaign 2 - Educational Excellence
- Campaign 3 - Health, Safety and Responsibility
- Campaign 6 - Economic Vitality

Transmitted herewith for your approval is legislation

authorizing agreements with the following organizations for Human Services projects:

<u>Organization Project</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative Enriche House	\$ 3,000
Center For Change, Inc. School #41 Mentoring Program	7,500
YMCA Teen City	25,000

Enriche House is a residence for men recovering from addictions to alcohol and/or drugs. It is partly funded by the City under the Emergency Shelter Grant. These additional funds will be used for the costs of moving the program to a new location. The cost of the Enriche agreement will be financed from the Emergency Transition allocation of the 2005-06 Community Development Block Grant.

The School #41 Mentoring Program will provide mentoring for 30 School #41 students, matching them with 30 John Marshall High School students. The younger students benefit from having an older "sibling" in their lives to guide them, and the older students learn the value of volunteerism and community involvement. The program will be financed from the Job Creation/Youth Development allocation of the 2003-04 Community Development Block Grant.

Teen City is a place for urban youth to gather in a positive, non-threatening environment, with adult supervision and intervention. Participants learn to improve social skills and reduce anti-social behavior. The program, in its fifth year of funding, will be financed from the 2005-06 General Community Needs allocation of the Community Development Block Grant.

Project descriptions and budgets for the three programs are attached.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-130

Ordinance No. 2005-395
(Int. No. 430)

Authorizing Agreements For Human Services Programs

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

Section 1. The Mayor is hereby authorized to enter into agreements for the following Human Services Projects:

<u>Organization Project</u>	<u>Amount</u>
Rochester Fatherhood Resource Initiative, Inc. Enriche House	\$ 3,000
Center For Change, Inc. School #41 Mentoring Program	7,500
YMCA Teen City	25,000

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$35,500, and of said amount, or so much thereof as may be necessary, \$25,000 is hereby appropriated from the General Community Needs Allocation of the 2005-06 Community Development Program, \$7,500 is hereby appropriated from the Job Creation/Youth Development Allocation of the 2003-04 Community Development Program and \$3,000 is hereby appropriated from the Emergency Transitional allocation of the 2005-06 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. 2005-396
Re: Amendatory Agreement - Kuumba Consultants

R2010: Campaign 9 - Healthy Urban Neighborhoods
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Kuumba Consultants in the amount of \$4,119, which will increase the total amount to \$14,119. Funding for the increase will be from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

This additional funding will enable programming at the Rochester After School Academy at School #39, Campbell Street Recreation Center, School #46, Carter Street Community Center, Webster Avenue Community Center and South Avenue Recreation Center to be extended through June 2, 2006. Current funding covers programs through May 19, 2006 at some locations, and through March 6, 2006 at others.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-396
(Int. No. 431)

Establishing Maximum Compensation For An Amendatory Agreement For Instruction For The RASA Program

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

Section 1. The sum of \$4,119, 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 Kuumba Consultants for instruction in health, fitness, drama and dance as a part of the Rochester After School Academy (RASA) Program. Said amount shall be funded from the 2005-06 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. 2005-397
Re: 2006 Rochester-Monroe County Youth Bureau

R2010: Campaign 2 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation related to the Rochester-Monroe County Youth Bureau. This legislation will:

1. Approve the 2006 administrative and program budgets of the Youth Bureau;
2. Authorize agreements required to implement these budgets; and
3. Appropriate \$231,553 from the 2005-06 Budget of which:
 - a. \$92,462 is the City's contribution to the Youth Bureau's Administrative Budget, 50% (\$46,231) of which will be reimbursed to the City directly from the New York State Office of Children and Family Services;
 - b. \$139,091 is the City's contribution for program contracts, 100% of which will be reimbursed to the City directly from the Office of Children and Family Services; and
4. Authorize subsequent amendments to these agreements that are authorized and requested by the Office of Children and Family Services.

The Youth Bureau is a joint agency that was established by the City and County as a county-wide comprehensive planning and service delivery system devoted to the welfare and development of children and youth. It is supervised by a Citizen/Youth Board, administered by the County, and supported financially by the City, the County and the NYS Office of Children and Family Services.

The annual budget of the Youth Bureau is subject to the approval of 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 Youth Bureau.

The proposed 2006 budget provides for administrative costs of \$424,373, which is approximately 20% less than the 2005 budget. The 2006 contribution requested from the City is \$92,462 or 21.7%.

A reimbursement of 50% 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 \$46,231. In 2005 the City's net cost was \$46,760.

The proposed 2006 budget also provides for the operation or administration of the following programs by the City:

<u>DPRHS Program</u>		
	<u>2005 Amount</u>	<u>2006 Amount</u> <u>Change</u>
(Recreation Bureau) Youth Recreation	\$ 91,438	\$91,438 \$0
(SPCC) Family Violence Prevention		

	24,791	24,791	0
(Baden) Project Base	16,088	16,088	0
(Baden) Project Odyssey	6,774	6,774	0
Total	\$139,091	\$139,091	\$0

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;
4. Baden Street Settlement, for operation of Project Base; and
5. Baden Street Settlement, for operation of Project Odyssey.

The County Legislature will also consider the 2005 Youth Bureau budget in December 2005.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-397
(Int. No. 432)

Approving Applications, Agreements And The 2006 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 2006 Administrative and Program Budgets of the Rochester-Monroe County Youth Bureau and the City's participation in the 2006 Comprehensive Youth Services Plan. The Mayor is authorized to execute such agreements and make such applications as may be necessary to effectuate the 2006 Comprehensive Youth Services Plan. The City's required contribution to the 2006 Youth Bureau Budget shall be financed equally from the 2005-06 and 2006-07 Budgets of the Department of Parks, Recreation and Human Services, contingent upon approval of the latter budget.

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 \$24,791, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 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 \$16,088, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 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 \$6,774, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 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. 2005-398
Re: Agreement - 2006 Rochester MusicFest

R2010: Campaign 8 - Tourism Destination
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation authorizing an agreement with Lead Dog Marketing, New York City, for services related to the 2006 Rochester MusicFest, at a maximum cost of \$830,000 plus commissions of 15% of new sponsorship income and 2% of renewal sponsorship income. The cost of the agreement will be financed from the 2005-06 and 2006-07 Budgets of the Department of Parks, Recreation and Human Services and revenues from the Rochester MusicFest.

The most recent agreement for provision of these services was authorized by Council in November 2004 for the 2005 MusicFest. The 2005 MusicFest was held at Genesee Valley Park July 16 and 17 and was attended by more than 8,000 people. Revenue met expenses.

The Rochester MusicFest has been an anchor of Rochester's summer festival season since 1995. It is not only a travel and tourism engine for our community, but the event contributes substantially to the overall quality of life in Rochester.

Since 1995, tens of thousands of people have purchased tickets to be entertained at this outstanding musical weekend. Hundreds of thousands more have enjoyed free festival week performances by the Garth Fagan Dance Company, the Rochester Philharmonic Orchestra and other regional talent.

MusicFest is one of the largest urban festivals in the northeast and attracts approximately 30% of its audience from outside of Monroe County - drawing tourists spending tens of thousands of dollars locally. MusicFest is also one of the only events of its kind in this part of the country that attracts a primarily (90%) African-American audience. This event has become a "must attend" staple for thousands of African-American residents and visitors. The ethnic uniqueness and appeal of the Rochester MusicFest are such that with the proper planning and time, the festival has the capacity to attract even more tourists as a destination of choice during the summer season, particularly to those within a 400-mile radius. The evolution of the festival into one with significant appeal to the African-American community has yielded new marketing and support opportunities from media and businesses which target that population segment.

Indeed, Vibe Magazine and Black Entertainment

Television sent reporters to Rochester to cover the festival in 2005 and provided extensive national coverage. They have committed to do so again for in 2006. These new opportunities are particularly important given the continued erosion of local corporate sponsorship resources. For more than ten years the festival has been fortunate to be supported by a broad spectrum of community businesses who have recognized the importance of this festival. While they have been generous in their support, it is becoming more and more difficult to garner substantial corporate backing. Corporations who were once quite generous have had to tighten their belts in an increasingly difficult economy which has not recovered in upstate New York.

Festivals, like anything else, have good and bad years. Some years the festival has netted nearly \$200,000, while in other years it has lost money. But with close fiscal oversight of the Rochester MusicFest Trust Fund, the MusicFest budget has been balanced every year. The 2005 Rochester MusicFest was particularly challenging due to the occurrence of torrential downpours and electrical storms which, of course, suppressed ticket sales. It is worthy to note, though, that even in the face of such inhospitable conditions, the festival generated nearly \$300,000 in ticket sales revenue.

Rochester MusicFest has traditionally kept its ticket prices quite low, less than half of the cost of one traditional concert ticket, while providing four times the amount of music. The festival has been able to do this because of the support of sponsors and the City of Rochester. I believe that this is a worthwhile investment and one we should continue to support.

	2005	2006
<u>Revenue</u>		
City	\$200,000	\$200,000
Corporate supporters	49,900	100,000
Ticket sales	294,548	300,000
Concessions	35,179	50,000
Trust fund	<u>248,406</u>	<u>180,000</u>
	\$828,033	\$830,000
<u>Expenses</u>		
Music production	\$441,888	\$440,000
Site/management	273,394	275,000
Concessions	9,537	10,000
Audit/travel/admin.	31,046	30,000
Marketing/PR	<u>72,168</u>	<u>75,000</u>
	\$828,033	\$830,000

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-131

Ordinance No. 2005-398
(Int. No. 433)

Establishing Maximum Compensation For An Agreement For The 2006 MusicFest

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

Section 1. The sum of \$830,000, 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 Lead Dog Marketing to provide talent booking, logistical management, ticket operations, marketing, sponsorship solicitation, volunteer recruitment and administration, and festi-

val development for the 2006 Rochester MusicFest. Of said amount, \$590,000 shall be funded from the 2005-06 and \$60,000 from the 2006-07 Budgets of the Department of Parks, Recreation and Human Services, contingent upon adoption of said latter budget, and \$180,000 is hereby appropriated from the MusicFest Trust Fund. Lead Dog Marketing shall also be allowed to retain 15% of new sponsorship income and 2% 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 by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmeber Curran - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-399
Re: Picture Fest, International - High Falls Film Festival

R2010: Campaign 8 - Tourism Destination
Campaign 10 - Center City
Campaign 11 - Arts and Culture

Transmitted herewith for your approval is legislation relating to the production of the Picture Fest, International, d/b/a High Falls Film Festival. This legislation will:

1. Authorize an agreement with the U.S. Department of Housing and Urban Development for the receipt of a grant up to \$99,200 to support the High Falls Film Festival;
2. Authorize an amendatory agreement with the High Falls Film Festival Committee for the use of these funds. The current agreement was authorized by Council in October 2005; and
3. Amend the 2005-06 Budget of the Department of Parks, Recreation and Human Services to reflect the receipt and use of the grant.

The High Falls Film Festival has taken place annually for the past five years. This film festival showcases and celebrates the exceptional work of women in film and video. This grant will be used for planning and expansion of the film festival.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-399
(Int. No. 434)

Authorizing An Application And Agreements With Respect To The High Falls Film Festival And Amending The 2005-06 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 United States Department of Housing and

Urban Development for funding for the High Falls Film Festival.

Section 2. The sum of \$99,200, 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 Picture Fest, International, for the High Falls Film Festival, a film festival showcasing and celebrating the exceptional work of women in film and video. Said amount shall be funded from the 2005-06 Budget of the Department of Parks, Recreation and Human Services.

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

Section 4. Ordinance No. 2005-201, the 2005-06 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 \$99,200, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Stevenson
December 20, 2005

To the Council:

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

Int. No. 435 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of 151-191 Mt. Hope Avenue

Int. No. 436 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Environmental Cleanup Of The Former Potech Facility

Int. No. 437 - Amending Chapter 43 Of The Municipal Code With Respect To Cemetery Fees

Int. No. 438 - Amending The Municipal Code With Respect To Water Rates

Int. No. 439 - Amending The Municipal Code With Respect To Solicitors

Int. No. 440 - Authorizing Agreements For Mechanical/Electrical/Plumbing Engineering Services

Int. No. 441 - Authorizing An Amendatory Lease Agreement For The Water & Lighting Bureau Operations Center

Int. No. 442 - Amending The Municipal Code With Respect To Illegal Dumping

Respectfully submitted,
Robert J. Stevenson
Brian F. Curran (Voted Against Int. No. 438)
Adam C. McFadden
PARKS, PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-400
Re: Agreement - Stantec Consulting -
Mt. Hope Avenue Brownfield Cleanup

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing an agreement with Stantec Consulting Services in the amount of \$588,000 for the environmental cleanup of brownfield properties located at 151 through 191 Mt. Hope Avenue. The cost of this agreement will be financed from a 2003 brownfield cleanup grant from the United States Environmental Protection Agency (USEPA) Brownfield Redevelopment Initiative. The grant for this site covers 80% of eligible costs up to a maximum of \$200,000. The balance of the costs, \$388,000, will be financed from bonds previously authorized and appropriated for this purpose (Ordinance No. 2003-61).

The Site is owned by the City and the Rochester Urban Renewal Agency and consists of six parcels zoned as park land (151,171,173,175,177, and 191 Mount Hope Ave.). The parcels are situated on the east side of the Genesee River and total approximately 3.46 acres. Presently the Site is generally unimproved parkland with a concrete walkway on the southern parcels.

Former structures included several gasoline stations, auto sales, railroad tack house, and a concrete plant. Historical information indicated that the central and western portion of the Site was part of the Erie Canal feeder and Lehigh railroad yard. Previous environmental studies conducted by the City have identified petroleum contamination in both soil and groundwater in the vicinity of the former gasoline stations present on the eastern portion of the Site that border Mt. Hope. Petroleum contamination was encountered in the test borings at depths that generally ranged between three and sixteen feet below grade. It is estimated that several thousand cubic yards of petroleum-contaminated soil requiring remediation are present on the Site, and based on preliminary testing, portions of the former gasoline station infrastructure (e.g., pump islands).

In January 2005 the Department of Environmental Services advertised a request for proposal for project consulting services. Nine proposals were received and evaluated. Stantec is recommended based on the quality and scope of its proposal, experience with NYSDEC petroleum cleanup programs, City brownfield projects, the proposed project team, and reasonableness of cost.

Stantec will complete remedial planning activities, develop a corrective action plan (CAP), implement a soil removal program, install a groundwater monitoring network to evaluate groundwater quality, and complete an exposure assessment. The removal of approximately 4,000 tons of contaminated soil will be disposed of off-site. Stantec will also evaluate groundwater quality and groundwater remediation alternatives, develop a soil management plan, and evaluate engineering controls to mitigate residual contamination.

Stantec submitted a proposal for \$470,209. A contingency amount of approximately \$118,000 (approximately 25 percent) is recommended for unanticipated conditions and site restoration requirements.

This agreement will have an initial term of one year

with provisions for annual renewals for an additional two-year period based on mutual written agreement. Adjustment to the specific unit prices during the second and third year will be permitted subject to the City's approval. The planning for the cleanup and actual cleanup fieldwork is anticipated to take approximately six months to one year to complete, and the total project is anticipated to take one to two years to complete.

Respectfully submitted,

William A. Johnson, Jr.
Mayor

Attachment No. AE-132

Ordinance No. 2005-400
(Int. No. 435)

Establishing Maximum Compensation For A Professional Services Agreement For Environmental Cleanup Of 151-191 Mt. Hope Avenue

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

Section 1. The sum of \$588,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services for environmental cleanup services relating to 151-191 Mt. Hope Avenue. Of said amount, \$388,000 shall be funded from Bond Ordinance No. 2003-61 and \$200,000 is hereby appropriated from 2003 Brownfield Redevelopment Initiative Grant Funds. The agreement shall extend for an initial term of one year, and may contain two one-year renewal options. Unit prices may be adjusted during the renewal terms by the City Engineer.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-401
Re: Amendatory Agreement - Day
Environmental, Inc., Photech Site
Investigation

R2010: Campaign 4 - Environmental
Stewardship

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Day Environmental, Inc. for environmental cleanup of the former Photech Imaging, Inc. facility located at 1000 Driving Park Avenue. The maximum cost of this amendatory agreement will be \$11,126 which will be financed from 2003-04 Cash Capital. This will bring the total agreement with Day to \$77,576.

The former Photech Imaging, Inc. property consists of a 12.5 acre parcel, with 17 buildings totaling more than 100,000 square feet. The site was developed around 1948-1950 and used for manufacturing of photographic film and paper until 1991, when the site was abandoned. The Photech property was acquired by the City through tax foreclosure in 1997.

In September 1997, the New York State Department of Environmental Conservation approved the City's

1996 Title 5 Bond Act grant application for reimbursement of site investigation and remedial alternatives evaluation costs. Previous consultants completed the investigation work phase. In February 2005, Day completed the site investigation / remedial alternatives (SI/RA) report, and the report was submitted to the NYSDEC for review and comment.

The amendatory agreement with Day will cover the following:

1. An additional, required, groundwater sampling and analysis was performed by Day; the original agreement did not cover this cost;
2. The groundwater sampling results must be incorporated into the SI/RA report, including evaluating preliminary cost estimates for the remediation as necessary; and
3. The SI/RA report will be revised based on NYSDEC and other regulatory agency comments, and Day will assist the City with the NYSDEC proposed remedial action plan (PRAP).

The final SI/RA report documents the environmental conditions and provides recommendations and estimated costs for several different remedial measures. This report will serve as the basis for the design and cleanup of the Site. The City's request for additional 1996 Title 5 Bond Act grant funding to reimburse 90% of the costs for the services outlined above as well as related DES technical staff costs has been approved by the NYSDEC.

The NYSDEC will hold a public hearing and issue a Record of Decision (ROD) on the PRAP to be completed in 2006. Cleanup and site redevelopment will probably involve the demolition of all of the existing buildings, building decontamination and asbestos abatement, removal of the silver recovery system wastewater tank, underground vault and related piping, and remediation of soil and groundwater in several areas.

When the PRAP is approved by the NYSDEC, the City will become eligible to apply for a 1996 Bond Act grant for the design, demolition, and cleanup costs currently estimated to be approximately \$4.7 million. The Bond Act grant program reimburses 90% of environmental cleanup costs and 50% of asbestos abatement and demolition costs. DES plans to submit a Bond Act remediation grant application to the NYSDEC during 2005. Additional agreements will be required for detailed design and cleanup.

Respectfully submitted,
William A. Johnson Jr.
Mayor

Attachment No. AE-133

Ordinance No. 2005-401
(Int. No. 436)

Establishing Maximum Compensation For An Amendatory 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 \$11,126, 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 Day Environmental, Inc. for environmental cleanup services relating to the former Photech Imaging Systems, Inc. site at 1000 Driving Park Avenue. Said amount shall be funded from the 2003-04 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-402
Re: Amendment to Chapter 43 of the
City Charter and Code - Cemeteries

R2010: Campaign 7 - Fiscal Responsibility

Transmitted herewith for your approval is legislation amending Chapter 43-12 of the City of Rochester Charter and Code in order to allow price adjustments as necessary to meet revenue requirements for the successful operation of the Mt. Hope and Riverside Cemeteries. This amendment will authorize the Commissioner of Parks, Recreation and Human Services to establish sale prices of lots, mausoleum space, cemetery products and fees for services.

This legislation is consistent with legislation currently established for the Rochester Public Market.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-402
(Int. No. 437)

Amending Chapter 43 Of The Municipal Code With Respect To Cemetery Fees

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

Section 1. Chapter 43 of the Municipal Code, Cemeteries, as amended, is hereby further amended by amending Section 43-12 to read in its entirety as follows:

Section 43-12. Cemetery fees.

The Commissioner shall establish the fees for the sale of lots, single graves, mausoleum space, cemetery products and services to insure the balanced financial operation of the Division of Cemeteries.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-403
Re: City Code Amendment - Water
Rate Increase

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation

authorizing a water rate increase effective January 1, 2006. The existing water rates went into effect on January 1, 2005. The proposed 2.5% increase is anticipated to generate an additional \$648,000.

The increase is needed to meet ongoing demands of the water system capital improvement program; meet a modest anticipated increase in operating costs; and assure a continued contribution to the general fund. The 2.5% increase is consistent with the ten-year Water Fund rate plan. In subsequent years, rate increases are anticipated to remain in the 2% to 3% range.

The water system has an aggressive capital improvement plan that includes multiple programs to modernize the distribution system, upgrade the production and storage facilities, replacements for the operating facility and implement routine replacements for equipment and appurtenances. A multi-year program to upgrade the transmission conduits also has been initiated. This program includes a combination of pipe replacements and a corrosion management system that uses electric current cathodic protection.

Operating expenses for employee salaries account for only 30% of total annual water fund expenditures. The current labor union contract expired on June 30, 2005 and currently, with no ratified new contract, the wage increase remains unknown. Additional operating budget increases are expected for employee benefits costs and as a result of general inflation.

The proposed rate increase will apply to all fee categories, including consumption charges, meter charges and special service fees, and will be applied evenly (except for very minor variations resulting from rounding). The attached spreadsheet includes details of all proposed rate adjustments.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-134

Ordinance No. 2005-403
(Int. No. 438)

Amending The Municipal Code With Respect To Water Rates

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

Section 1. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection A thereof to read in its entirety as follows:

A. Consumption rates.

(1) Consumption charge; schedule of rates.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$2.63
20,000 to 620,000	2.41
620,000 to 10,000,000	1.89
10,000,000 to 15,000,000	1.23
Over 15,000,000	1.05

(2) Base charge.

Size of Meter (inches)	Charge per Month
------------------------	------------------

Up to 3/4	\$ 5.52
1	29.57
1-1/2	43.81
2	58.61
3	146.51
4	292.78
6	438.88
8	585.01
10	731.28

Section 2. Section 23-37 of the Municipal Code, relating to fees for water, as amended, is hereby further amended by amending subsection C thereof to read in its entirety as follows:

C. Fire-service charges.

(1) Domestic fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 2	\$ 30.80
4	61.61
6	121.22
8	242.41
10	357.87
12	515.08

(2) Holly high-pressure fire-service charge.

Size of First Check Valve (inches)	Charge per Quarter
Up to 4	\$109.03
6	145.31
8	290.67
10	428.71

(3) Holly high-pressure consumption charge.

Gallons Consumed per Month	Charge per 1,000 Gallons
0 to 20,000	\$5.26
20,000 to 620,000	4.82
Over 620,000	3.78

Section 3. This ordinance shall take effect on January 1, 2006.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Mains, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Curran - 1.

TO THE COUNCIL
Ladies and Gentleman:

Ordinance No. 2005-404
Re: City Code Amendment - Solicitors

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending the City Code to extend the date when solicitors may use a vending space obtained in the Center City and Harbortown Vending Districts annual lotteries and to make the Vending District names

consistent with the language on those districts in the Zoning Code.

As you are aware, the City Clerk, along with representatives from several City Departments, has been undertaking a review of vending processes for the past several months. The technical amendment recommended here will, in a two-stage process, make the effective dates for the vending locations selected in the annual lottery the same as the dates for the 12-month solicitors license (January 1 through December 31). This will provide vendors with access to the spots they draw in the annual lottery for the entire year.

At present, the vending spots are assigned from April 15 through October 31. For 2006, the proposed amendment would change the authorized period to April 15 through December 31; for 2007 and for all subsequent years, the period would be January 1 through December 31. This two-stage phase-in will enable a smooth transition in the vending cart inspection process.

Respectfully submitted,
Lois J. Giess Robert J. Stevenson
President Councilmember
Northwest District

Ordinance No. 2005-404
(Int. No. 439)

Amending The Municipal Code With Respect To Solicitors

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

Section 1. Section 62-3 of the Municipal Code, Fees and expiration of license, as amended, is hereby further amended by deleting the word "cart" in each place that it appears in subsection A(2) and by inserting in its place the words "vending unit".

Section 2. Section 62-6 of the Municipal Code, general regulations, as amended, is hereby further amended by amending subsection A(2) thereof to read in its entirety as follows:

- (2) Stop, stand or park a non-motorized vending unit on any roadway, except when actually loading or unloading.

Section 3. Section 62-6 of the Municipal Code, general regulations, as amended, is hereby further amended by adding to subsection A thereof the following new subsections A(21) and (22):

- (21) Sell, offer for sale or deliver goods or services from a sidewalk or alongside a roadway to an operator or occupant of a motor vehicle that is stopped, standing or parked on a street where stopping, standing or parking is prohibited.
- (22) Sell or offer for sale goods or services from a motorized vending unit stopped, standing or parked on a street where stopping, standing, parking or vending is prohibited.

Section 4. Section 62-7 of the Municipal Code, containing provisions relating to vending in the Center City and Harbortown, as amended by Ordinance No. 2004-404, is hereby further amended by deleting the words and symbols "R-H River Harbor Zoning District" where they are contained in the introductory phrase to subsection A and by inserting in their place the words and symbols "H-V Harbortown Vil-

lage Zoning District.” Said section is hereby further amended by adding the words “or Harbortown” after the words “Main Street” in each place they are contained in subsection A(4) and amending the first sentence of subsection A(4) to read in its entirety as follows:

No person shall engage in business as a solicitor or attempt to engage in business as a solicitor on a public street or sidewalk or in a public place in the Center City Zoning District or Harbortown Vending District from April 15, 2006 through December 31, 2006, and thereafter throughout each calendar year, without procuring and prominently displaying a Main Street or Harbortown permit authorizing such activity and without doing business in the location designated by the city.

Section 5. There is hereby added to the Municipal Code the following new Section 62-14:

Section 62-14. Severability.

If any provision of this chapter is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Section 6. Section 111-80 of the Municipal Code, Mobile vending stands, is hereby repealed.

Section 7. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-405
Re: Agreements - Mechanical, Electrical
and Plumbing Engineering Services

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for mechanical, electrical and plumbing (MEP) engineering services for building renovation projects:

<u>Company</u>	<u>Address</u>
M/E Engineering, P.C.	150 North Chestnut Street
Q-Tech Engineering, P.C.	217 West Commercial Street
Lakeside Engineering P.C.	333 Andrews Street
LaBella Associates, P.C.	300 State Street
Erdman Anthony & Associated, Inc.	2165 Brighton-Henrietta Town Line Road

The cost of the services will be financed from the annual budgets of the departments using the services, or from the proceeds of bond issues authorized for various projects.

The most recent agreements for these services, with Bergmann Associates P.C., Erdman Anthony & Associates, Inc., LaBella Associates, Pathfinder Engineers, LLP, and Q-Tech Engineering, P.C., were authorized by City Council in December 2002. In anticipation of the expiration of these agreements, the Department of Environmental Services solicited proposals from

seven companies, six of which responded. We are recommending agreements with five of these firms.

When various City-owned buildings require MEP engineering services, the selection of a specific company will depend upon the type of services required, and the company’s ability to do the work and meet the City’s schedule.

Building renovation projects for which services are expected to be required during 2005-06 and 2006-07 include:

<u>Building</u>	<u>Renovation</u>
Office of Emergency Communications	Kitchen Facilities
High Falls Mounted Patrol & Animal Services	Heating Ventilation Air Conditioning
Goodman Street Firehouse	Heating Ventilation Air Conditioning
Chestnut Street Firehouse	Heating Ventilation Air Conditioning
Lake Avenue Firehouse	Heating Ventilation Air Conditioning
414 Andrews Street	Electrical Study
CVMF Building 100	Heating Ventilation Air Conditioning
CVMF Building 100	Lighting
Holly Pump Station	Heating Ventilation Air Conditioning
Humboldt Recreation	Restroom Upgrades

The cost of the project specific services will be based on the hours expended on each project and hourly billing rates specified in each company’s agreement. Each of the agreements will have an initial term of two years with provision for one additional renewal for a two-year period. Adjustment to the rates during the agreement will be permitted subject to the City’s approval.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-405
(Int. No. 2005-440)

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>
M/E Engineering, P.C.	150 North Chestnut Street
Q-Tech Engineering, P.C.	217 West Commercial Street
Lakeside Engineering P.C.	333 Andrews Street
LaBella Associates, P.C.	300 State Street
Erdman Anthony & Associated, Inc.	

2165 Brighton-Henrietta Town Line Road

Section 2. Each agreement shall have a term of two years, with provision for renewal for an additional two-year period. 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 term 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. 2005-406
Re: Amendatory Agreement - Lease
for Water & Lighting Bureau

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the West End Business Center, LLC for office space in Building #2 at 803 West Avenue for the Water & Lighting Bureau. Additional space is required for efficient operation. 931 square feet on the second floor of Building #2 will be added, increasing the total space to 93,757 square feet. The annual rental amount will increase by \$9,312 to a total of \$200,908. The cost of annual utility costs for Building #2 will increase from \$18,450 to \$20,406.

All other terms and conditions of the existing lease will remain the same. The cost of this additional leased space will be funded from the 2005-06 Budget of the Department of Environmental Services.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-406
(Int. No. 441)

**Authorizing An Amendatory Lease Agreement
For The Water & Lighting Bureau Operations
Center**

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

Section 1. The Mayor is hereby authorized to enter into an amendatory agreement with West End Business Center LLC for the lease of an additional 931 square feet of space in Building 2 at 803 West Avenue, to be used for a temporary Operations Center for the Bureau of Water & Lighting.

Section 2. The amendatory lease agreement shall obligate the City to pay an additional initial annual amount not to exceed \$9,312 in rent and \$1,956 in utilities. All other terms and conditions of the lease agreement authorized pursuant to Ordinance No. 2005-26 shall remain unchanged. Said amounts shall be funded from the Operating Budgets of the Department of Environmental Services.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-407
Re: Amendment to City Ordinance

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation amending Chapters 20 and 59 of the City Code in order to unify enforcement of illegal dumping and to eliminate duplications in the Code.

Chapter 20 - Refuse Collection

Section 20-16 currently regulates illegal dumping on and/or in City property. The fines associated with this violation range from \$100 to \$1000 plus the cost of cleanup. However, illegal dumping on private property is regulated by Section 59-43, with associated fines ranging from \$25 to \$65. These fines have not provided the necessary deterrent and as a result we have seen an increase in the number of dumping incidents on private property. In order to enforce all illegal dumping consistently, it is proposed that the language of Section 20-16 be amended to include dumping on both City and private properties.

Chapter 59 - Health and Sanitation

The following sections in Chapter 59 can be removed, as they duplicate other sections of either State and/or City codes. §59-39 is covered by City Code §20-14 and by §305 of the New York State Property Maintenance Code. §59-42 is covered by City Code §20-25. §59-51 is covered by City Code §20-14 and by §305 of the New York State Property Maintenance Code. §59-43 will be covered by City Code §20-16, as amended above.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-407
(Int. No. 442)

**Amending The Municipal Code With Respect
To Illegal Dumping**

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

Section 1. Section 20-16 of the Municipal Code, relating to illegal dumping, as amended, is hereby further amended to read in its entirety as follows:

§ 20-16. Illegal dumping.

No person shall place, throw, deposit or dump or cause to be placed, thrown, deposited or dumped any refuse, residential refuse, building refuse, bulk refuse, commercial refuse, institutional refuse, waste, construction waste, hazardous waste, in-

dustrial waste, infectious waste and/or recyclable materials in or upon any premises, street (including the area between the sidewalk and the curb), sidewalk or park, or in any litter basket, recycling bin or container placed in a right-of-way, park or public place, or provided for a special project or event. This section shall not apply to refuse placed for collection in front of the premises in which it originated, to filling for which a permit has been granted pursuant to Article IV of Chapter 39 of the Municipal Code or to the deposit of litter and recyclables generated on the public right-of-way in City litter baskets and street recycling bins by pedestrians and motorists, the placement of refuse generated in parks or other public places in provided receptacles or to the deposit of refuse from special events or projects in containers placed for the collection of such refuse. Any motor vehicle used in connection with the commission of a violation of this section shall be towed in accordance with § 111-75 of the Municipal Code.

Section 2. The following Sections of the Municipal Code are hereby repealed:

- Section 59-39. Receptacles for garbage, refuse and waste materials.
- Section 59-42. Scavengers prohibited.
- Section 59-43. Dumping.
- Section 59-51. Maintenance of lots.

Section 3. This ordinance shall take effect two weeks after the date of its adoption.

Passed unanimously.

By Councilmember Douglas
December 20, 2005

To the Council:

The Finance & Public Safety Committee recommends for Adoption the following entitled legislation:

Int. No. 443 - Cancellation Of Taxes And Charges

Int. No. 444 - Authorizing An Amendatory Agreement For The Project Safe Neighborhoods Grant Program

Int. No. 445 - Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Wisconsin Street Firehouse Renovations

Int. No. 446 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City, To Finance The Costs Of The Reconstruction Of The Wisconsin Street Fire Facility Within The City

Int. No. 447 - Continuation Of Appointment Of Marriage Officer

Int. No. 448 - Authorizing An Application And Agreements For A New York State Archives Grant And Amending The 2005-06 Budget

Int. No. 449 - Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

Int. No. 450 - Establishing Maximum Compensation For A Professional Services Agreement For The Employee Assistance Program

Int. No. 455 - Authorizing A Lease Agreement For Photocopier Equipment For The Police Department

Int. No. 457 - Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, By Amending Provisions For Redemption Of Motor Vehicles

Int. No. 458 - Local Law Amending The City Charter With Respect To The Salary Of The Mayor

Int. No. 459 - Local Law Amending The City Charter With Respect To The Salary Of Members Of The City Council

Int. No. 462 - Resolution Approving Appointments To The Board Of Assessment Review

Int. No. 463 - Authorizing The Execution And Delivery Of A Lease Agreement And A Leaseback Agreement With Rochester Ferry Company, LLC

The Finance & Public Safety Committee recommends for Consideration the following entitled legislation:

Int. No. 456 - Authorizing Agreements For Towing Services

Int. No. 460 - Resolution On The Pioneer Tax Plan

Int. No. 461 - Resolution On The Rochester Children's Initiative

Respectfully submitted,
Benjamin L. Douglas
Brian F. Curran (Voted Against Int. No. 463)
Robert J. Stevenson
Lois J. Giess
Gladys Santiago
FINANCE & PUBLIC SAFETY COMMITTEE

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-408
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 \$14,444.56.

An amount of \$12,250.00 or 84.81% of the total relates to 6 properties where code violation charges appearing on the tax bills were included in foreclosure actions, attributed to a former owner or were invalid.

The sum of \$2,194.56 or 15.19% of the total applies to one property that is owned by the City of Rochester. The City tax exemption was not recorded on the 2005 Final Assessment Roll.

If this cancellation is approved, total cancellations thus far for 2005-06 will be \$520,542.75.

	<u>Accounts</u>	<u>Amounts</u>
City Council	84	\$446,962.08
Administrative	209	73,580.67
Total	293	\$520,542.75

These cancellations represent .232% of the taxes

receivable as of July 1, 2005.
Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-408
(Int. No. 443)

Cancellation Of Taxes And Charges

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

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

- (a) These properties have Rehab/Code Violations that are either attributed to a former owner, were invalid or included in a foreclosure action.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
090.430-02-11	H	2006	\$ 1,050.00
73 Pullman Ave.			
105.260-02-36	H	2006	1,200.00
120 Maryland St.			
105.330-02-20	H	2006	2,050.00
429 Glenwood Ave.			
120.260-02-15	H	2006	1,350.00
349 Wilder St.			
120.500-01-26	NH	2006	5,100.00
46-48 Kenwood Ave.			
120.750-02-09	H	2006	—
<u>1,500.00</u>			
453 Hawley St.			
			\$12,250.00

- (b) This property is now owned by the City of Rochester and was acquired after taxable status date.

<u>S.B.L.#</u>	<u>Class</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
<u>Address</u>			
106.600-01-19	H	1998	\$ 2,194.56
245-247 Pennsylvania Ave.			
		Grand Total	\$14,444.56

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. 2005-409
Re: Amendatory Agreement - RIT/Project Safe Neighborhoods

R2010: Campaign 3 - Health, Safety and Responsibility

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the Rochester Institute of Technology (RIT) for Project Safe

Neighborhoods (PSN). The agreement, originally due to expire on September 30, 2005, will be extended to March 31, 2006, to correspond with the grant extension period approved by the U.S. Department of Justice. The cost of the agreement will increase by \$11,350 to a total of \$185,050.

The PSN grant was awarded to the City in 2003-04 to implement a gun violence reduction program as part of the Police Department's Strategic Approaches to Community Safety Initiative (SACSI). RIT provides professional expertise to analyze how guns are acquired and used to commit crime; to assist with the design of effective street tactics and to evaluate the effectiveness of strategies employed. The Department of Justice has approved reprogramming unused funds to continue some of the work RIT is doing on this project. The agreement with RIT was initially authorized by Council in October 2003.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-409
(Int. No. 444)

Authorizing An Amendatory Agreement For The Project Safe Neighborhoods Grant Program

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

Section 1. The Mayor is hereby further authorized to enter into an amendatory agreement with the Rochester Institute of Technology for additional assistance with the Project Safe Neighborhoods Grant Program through March 31, 2006.

Section 2. The amendatory agreement shall obligate the City to pay an amount not to exceed \$11,350, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Rochester Police Department.

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. 2005-410 And
Ordinance No. 2005-411
Re: Bonds - Wisconsin Street Firehouse Renovations Project

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing an agreement with Pardi Partnership Architects, P.C., 399 Alexander Street, in the amount of \$30,000, for architectural design services related to the renovation of the Wisconsin Street Firehouse, 160 Wisconsin Street; and authorizing the issuance of bonds totaling \$205,000 and appropriating the proceeds thereof to finance the cost of the architectural design services agreement and the cost of the renovations. The debt is included in the 2002-03 Capital Improvement Program.

The Wisconsin Street Firehouse, built in the early 1950's is in poor condition, and is in need of building systems updating. The project includes renovations to the kitchen, toilet and shower room, general interior, and the building envelope, including exterior masonry repair and roof replacement. Electrical service, heating, ventilation, air conditioning, and plumbing systems need upgrading and/or replacement. The estimated cost for construction of the improvements is \$175,000.

Proposals were solicited and received from four firms. Pardi Partnership Architects, P.C. is recommended based on qualifications and ability to perform the work within the City's project schedule.

Design is scheduled to begin immediately upon approval. It is anticipated that construction will begin in summer 2006 be completed in winter 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-410
(Int. No. 445)

Establishing Maximum Compensation For A Professional Services Agreement For Design Of The Wisconsin Street Firehouse Renovations

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 Pardi Partnership Architects, P.C., for design of the Wisconsin Street Firehouse Renovations 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.

Ordinance No. 2005-411
(Int. No. 446)

Bond Ordinance Of The City of Rochester, New York, Authorizing The Issuance Of \$205,000 Bonds Of Said City, To Finance The Costs Of The Reconstruction Of The Wisconsin Street Fire Facility 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 the reconstruction of the Wisconsin Street Fire Facility at 160 Wisconsin Street in the City of Rochester, New York (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$205,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$205,000 bonds of the City, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds

and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$205,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$205,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12 of the Law, is twenty (20) years.

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

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

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

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and

an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the Constitution.

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

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-412
Re: Marriage Officers

Transmitted herewith for your approval is a technical amendment to the Marriage Officer legislation to clarify that Daniel B. Karin, the Senior Legislative Coordinator (who serves as Deputy City Clerk) and has been appointed as a Marriage Officer, can continue to provide that service should his title change.

The Domestic Relations Law § II-c authorizes the governing body of any village, town or city to appoint one or more Marriage Officers, for a term of up to four years, to have the authority to solemnize a marriage. A fee of \$40.00 is charged for providing such a service; said fee becomes part of the revenue to the City Clerk's licensing account.

As you recall, the position of Marriage Officer was first created in September, 1995. The City Clerk and Deputy City Clerk have been appointed to serve as Marriage Officers since that time. Most recently, in December 2003, Mr. Karin and City Clerk Carolee A. Conklin, were reappointed as Marriage Officers through January 27, 2008. However, the legislation specified that they would each hold the Marriage Officer position "as long as they serve in their respective positions."

As you know, Ms Conklin was elected to City Council for a term beginning on January 1, 2006; accordingly, she will no longer be a Marriage Officer as of that date. It is anticipated that Mr. Karin will be appointed as City Clerk to replace her. To ensure that there is no break in the availability of Marriage Officer service, the proposed legislation will clarify that Mr. Karin will continue to hold the position of Marriage Officer regardless of his title as long as he remains employed in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Ordinance No. 2005-412
(Int. No. 447)

Continuation Of Appointment Of Marriage Officer

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

Section 1. Pursuant to Section 5-10 of the Mu-

nicipal Code, the Council hereby continues the appointment of Daniel B. Karin as a Marriage Officer throughout his current term as long as he remains employed in the City Clerk's Office.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Giess, Councilmembers Curran, Douglas, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Mains - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-413
Re: Records Management Program

R2010: Campaign 7- Quality Service

Transmitted herewith for your approval is legislation related to the administration of the City's Records Management Program. The legislation will:

1. Authorize an agreement with the NYS Archives and Records Administration for receipt and use of a grant of \$31,486;
2. Amend the 2005-06 Budget of the Department of Finance to reflect this grant; and
3. Authorize an agreement with Gallego Information Services, in the amount of \$31,486, to conduct a record inventory for the City of Rochester. Proposals were sought and Gallego Information Services is being recommended.

The City will inventory its records in preparation for improving organization, storage, disposal, retrieval and preservation. This is an initial stage in preparation for creating electronic retrieval and access to the record-generating departments and to preserve the permanent records on microfilm. The Grant is provided by the NYS Local Government Records Management Improvement Fund administered by the State Archives.

No City funds will be expended on this project. The completion date is July 31, 2006.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-413
(Int. No. 448)

Authorizing An Application And Agreements For A New York State Archives Grant And Amending The 2005-06 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 the management of City records.

Section 2. The Mayor is hereby further authorized to enter into an agreement with Gallego Information

Services to conduct a records inventory for the City.

Section 3. The agreement shall obligate the City to pay an amount not to exceed \$31,486, and said amount, or so much thereof as may be necessary, shall be funded from the 2005-06 Budget of the Department of Finance.

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

Section 5. Ordinance No. 2005-201, the 2005-06 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 \$31,500, 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. 2005-414
Re: Rochester Housing Authority -
Wage And Salary Increase

R2010: Campaign 7 - Quality Service

Transmitted herewith for your approval is legislation authorizing a 2.8% wage increase, retroactive to July 1, 2004, for the bargaining unit employees of the Rochester Housing Authority.

This wage and salary increase was approved, along with the same increase for non-bargaining employees, by the RHA's Board of Commissioners at their June 23, 2004 meeting. The increase for non-bargaining employees was subsequently authorized by Council in July 2004. Council was advised then that the bargaining unit (AFSCME Local #1635-F) had entered into contract negotiations with RHA, and that when completed, Council would be asked to approve the increase for the Union employees.

Negotiations are now complete; the contract approved by the Union on November 9, 2005, includes the 2.8% wage and salary increase, retroactive to July 1, 2004.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-414
(Int. No. 449)

Approving Wage And Salary Increases For Employees Of The Rochester Housing Authority

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

Section 1. Pursuant to Section 32 of the New York State Public Housing Law, the Council hereby approves wage and salary increases of 2.8% for bargaining unit employees of the Rochester Housing Authority, retroactive to July 1, 2004, as approved by the Board of Commissioners of the Rochester Housing Authority.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-415
Re: Employee Assistance Program

R2010: Campaign 3 - Health, Safety
and Responsibility

Transmitted herewith for your approval is legislation authorizing a three-year agreement with the Health Association EAP, a division of Employee Services, Inc., Rochester, for continuation of the City's employee assistance program. The annual allocation will cover services for 1800 eligible City employees, wellness training, substance abuse professional requirements, and other related services, as required. The annual cost of the agreement is \$40,000 and will be financed from the annual Budgets for Undistributed Expenses.

The program, initiated in 1978, provides professional assistance to employees whose job performance is affected by legal, financial and marital difficulties, or illnesses such as emotional instability, alcoholism and drug addiction. All City employees and their families - except uniformed police and fire personnel, for whom there are separate programs - are eligible for participation.

The Health Association EAP has operated the City's Employee Assistance Program since 1978. The most recent agreement for such service was authorized by City Council in February 2003.

Proposals for services were solicited from seven organizations. Five proposals were received and evaluated by a committee of representatives of the Bureau of Human Resource Management, the Department of Environmental Services, the Law Department, Rochester Public Library, the Emergency Communication Department and the Department of Parks, Recreation and Human Services. The committee unanimously decided that the Health Association EAP best met the criteria outlined in the Request for Proposal.

Under the proposed agreement, which will commence on January 1, 2006, the Health Association EAP will continue to provide counseling and referral services to eligible employees, as appropriate, and will conduct training programs for City supervisory personnel including both in-person training and expanded on-line training in Harassment Prevention, Workplace Violence Prevention, and other related topics, as required.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-415
(Int. No. 450)

Establishing 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 \$40,000, or so much thereof

as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and the Health Association EAP for the Employee Assistance Program for a term of three years. Said amount shall be funded from the 2005-06 and subsequent Budgets for Undistributed Expense, contingent upon the adoption of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-416
Re: Lease Agreement - Xerox

R2010: Campaign 3 - Health, Safety
and Responsibility
Campaign 5 - Quality Service

Transmitted herewith for your approval is legislation authorizing lease agreements with the Xerox Corporation to provide photocopier equipment to the Rochester Police Department for the period January 1, 2006 through December 31, 2010. Xerox is offering a 60-month lease proposal whose terms are more favorable to the City than outright purchase under the current New York State commodities contract for the same equipment.

The Police Department currently has a mix of leased and owned photocopier equipment. This proposal will replace four copiers in the Public Safety Building and three copiers in the Patrol East Division office with a total of six new copiers, which are sized more appropriately to anticipated usage. Four of the copiers being replaced currently are leased from Xerox Corporation and the proposed lease includes a trade-in allowance for the old equipment.

The cost of the 60-month lease for all six new machines will be a base cost not to exceed \$135,230, or \$27,046 per year, plus \$0.006 per copy, to be paid monthly. If the new machines were purchased outright through the State contract, the purchase price would be \$134,309, and the City would be charged \$0.0089 per copy under a maintenance agreement. Given projected copy volume over a five-year period, leasing is more cost effective than outright purchase.

The annual cost of the lease package recommended herein is comparable to the annual cost of leasing and operating the current older equipment. Funding for the copier lease expense is included in the 2005-06 Budget of the Police Department and will be requested in subsequent annual budgets.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Ordinance No. 2005-416
(Int. No. 455)

Authorizing A Lease Agreement For Photocopier Equipment For The Police Department

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

Section 1. The Mayor is hereby authorized to enter into a lease agreement with Xerox Corporation for

the lease of photocopier equipment for the Rochester Police Department for five years.

Section 2. The lease agreement shall obligate the City to pay to Xerox Corporation an amount not to exceed \$27,046 per year, plus \$0.006 per copy. Said amounts shall be funded from the 2005-06 and subsequent Budgets of the Rochester Police Department, contingent upon adoption of subsequent budgets.

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

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-419 And
Ordinance No. 2005-417
Re: Agreements - Vehicle Towing Services

R2010: Campaign 3: Health, Safety,
and Responsibility

Transmitted herewith for your approval is legislation authorizing agreements with the following companies to provide towing services to the City:

<u>Company/Address</u>	<u>Principal</u>
Alliance Garage 532 North Street	Daniel Tantalo
East Avenue Automotive 1656 East Avenue	Paul Marone
John & Son Towing 4 Niagara Street	Michael Piacente
Mr. Tow, Inc. 120 White Street	Robert Sarfaty
Joe Benson's Service* 1421 Scottsville Road	Joseph W. Benson

*Heavy towing

The City contracts with private towing agencies to provide towing of illegally parked, damaged, disabled, recovered stolen or abandoned vehicles, as well as in-pound towing. The towing assignments are rotated among the companies.

The proposed agreements will be for three years beginning January 1, 2006 and ending December 31, 2008, with an option for one three-year renewal. The towing agencies must agree to accept the fees for towing services stated in Attachment A. The fees will be adjusted semi-annually by the Director of Finance of the City of Rochester, based on the Consumer Price Index. Certain fees payable to the City for the redemption of vehicles are also being increased in accordance with Attachment B.

The current agreements for towing services were authorized in September 1999, and were recently extended through December 31, 2005. During fiscal year 2004-05, the City paid the following amounts for towing services provided by these five vendors:

<u>Company</u>	<u>Amount</u>
----------------	---------------

Alliance Garage	\$180,302.42
East Avenue Automotive	177,341.50
John & Son Towing	179,535.30
Mr. Tow, Inc.	190,970.78
Joe Benson's Service*	18,737.40
Total	\$746,887.40

*Heavy towing

Additional vendors have been considered, but failed to meet minimum qualifications.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-135

Ordinance No. 2005-419
(Int. No. 456)

Authorizing Agreements 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 agreements with the following contractors for the provision of towing services in the City for terms not to exceed three years, effective January 1, 2006, with an option for one three-year renewal:

<u>Company</u> <u>Address</u>	<u>Principal</u>
Alliance Garage 532 North Street	Daniel Tantalo
East Avenue Auto, Inc. 1656 East Avenue	Paul Marone
John & Son Collision 4 Niagara Street	Michael Piacente
Mr. Tow, Inc. 120 White Street	Robert Sarfaty
*Joe Benson's Service 1421 Scottsville Road	Joseph Benson, Jr.

*Heavy towing only

Section 2. The agreements shall obligate the City to pay the following fees for such services, as such fees may be adjusted by the Director of Finance, which fees shall be provided from the 2005-06 and subsequent Budgets of the Rochester Police Department, contingent upon approval of subsequent budgets:

<u>Service*</u>	<u>Fees</u>
Standard Tow Fee (Regular or Flatbed Tow) (All tows, includes snowbound, snow emergency and additional tow truck)	\$ 90
Service Call (Police Dept./General Public) (dead batteries, lock-outs, out of gas, tire change, etc.)	60
Additional Services (necessary extra man, brake inspections, wheel locks)	65 per hour

Truck Towing Single and tandem axles, up to 26,000 lbs. GVW	160
Heavy Trucks/Tractor Trailers, in excess of 26,000 lbs. GVW	220
Relocate Vehicle (not including snowbound) First vehicle	90
Additional vehicles	20
Winching (in addition to base charge) Per 30 minute interval or part thereof	50
Stand-by Status (during special emergencies per hour, per truck)	40
In-Pound Towing/per tow truck/per hour	64
Towing RPD vehicles within the City	0
Towing RPD vehicles beyond City limits/per tow mile round trip	3

* If more than one extra cost is applicable, the highest rate is used.

Section 3. The above fees shall be adjusted semi-annually by the Director of Finance to reflect to the nearest dollar any increase in the applicable Consumer Price Index.

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, Douglas, McFadden, Mains, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Norwood - 1.

Ordinance No. 2005-417
(Int. No. 457)

Amending Chapter 111 Of The Municipal Code, Traffic Ordinance, By Amending Provisions For Redemption Of Motor Vehicles

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

Section 1. Chapter 111 of the Municipal Code, Traffic Ordinance, as amended, is hereby further amended by amending Section 111-72, Illegal parking and towing of vehicles, as follows:

(a) Subsection B is amended by amending the sixth sentence thereof, containing the fees for the redemption of vehicles, to read in its entirety as follows:

The owner or person entitled to possession of the vehicle so removed and stored may redeem the vehicle by the payment to the Chief of Police of the sum of \$110 for the redemption of passenger vehicles, including pickup trucks

Rochester", as amended, is hereby further amended by amending Section 5-2 thereof, relating to members of the Council, by amending the last two sentences of said Section to read in their entirety as follows:

The annual salary of each member of Council is Twenty-Eight Thousand, Nine Hundred Sixty-Six Dollars (\$28,966). On January 1 of 2007, 2008 and 2009, such annual salary shall be increased by the same percentage, if any, that the Consumer Price Index - Urban has increased during the most recent twelve-month period prior to January 1 for which such Index has been published, except that no such increase shall exceed an annual rate of three percent (3%).

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, McFadden, Norwood, Pritchard, Santiago, Stevenson - 8.

Nays - Councilmember Mains - 1.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2005-27
Re: Appointment - Board Of
Assessment Review

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

Robert L. Boxer
71 Gregory Hill Road
Rochester, NY 14620

Mr. Boxer will replace James Donlon, who has relocated to Florida; the term will last through September 30, 2009.

Mr. Boxer is an attorney who is currently teaching economics at Monroe Community College. His background includes significant experience in the area of economic valuation. A copy of his resume is on file in the City Clerk's Office.

Respectfully submitted,
Lois J. Giess
President

Resolution No. 2005-27
(Int. No. 462)

Resolution Approving Appointments 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 Robert L. Boxer, 71 Gregory Hill Road, Rochester, NY 14620 to the Board of Assessment Review to fill the unexpired term of James Donlon that will expire on September 30, 2009.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2005-418
Re: Rochester Ferry Company, LLC

R2010: Campaign 6 - Economic Vitality
Campaign 8 - Tourism Destination

Transmitted herewith for your approval is legislation authorizing an increase in the maximum indebtedness of the Rochester Ferry Company, LLC (RFC) to provide an additional \$10 million in working capital. This action will permit the RFC to operate in 2006 without the need for a City taxpayer subsidy.

As you recall, in December 2004, City Council authorized the creation of the RFC to purchase and operate the Fast Ferry between Rochester and Toronto. The powers and duties of the RFC are:

- a) operating a ferry service between Rochester and Toronto or other Canadian ports; including the purchase or lease of a ferry or ferries and all necessary equipment to carry out the business plan;
- b) incurring necessary debts to operate the ferry business;
- c) hiring appropriate staff to operate a ferry business;
- d) establishing and collecting fares and fees for the ferry business;
- e) negotiating and entering into necessary agreements with United States and Canadian authorities, as well as private individuals and entities in order to operate the ferry business;
- f) lease or purchase of real estate as necessary to operate the ferry business; and
- g) any other powers and duties allowed under New York State Limited Liability Company Law.

The ordinance further agreed to guarantee debts up to \$40,000,000 of the RFC in order to enable it to borrow the necessary capital to purchase the ferry or ferries and to operate the business.

Currently, the \$40,000,000 has been borrowed and is fully exhausted. After considering a number of options including both the termination of services for the 2006 season and a direct City subsidy for the service, a determination has been made to continue a full season of operation at a reduced level from the 2005 season. A seven-month season will be operated and a dramatically revised marketing approach will be vigorously pursued.

The \$40 million previously guaranteed has been applied as follows:

Purchase of vessel	\$32,000,000
Upgrades to engines	1,300,000
Purchase of warranties	300,000
Additional improvement	65,400
Debt service	1,142,069
Operating loss	4,991,701
	<u>\$39,799,170</u>

A review of the 2005 season has been completed and is attached along with the budget and revised operating plan for 2006. The 2005 report demonstrates that the fiscal problems of the service are primarily revenue

issues and that expenditures have been well controlled by the RFC and its operator, Bay Ferries Great Lakes. The late start-up and the inability to begin aggressive marketing prior to the commencement of service were principal contributors to the failure to achieve ridership targets.

The RFC has determined that an additional \$10 million in working capital will be required to carry the service until such time as positive cash flow can be achieved, which is anticipated after three full years of service. It is anticipated that the most advantageous interest rates can be realized if a debt service reserve of \$1 million is included in the borrowing. In addition, transaction costs for the borrowing will be in the range of \$400,000 to \$500,000, thus requiring the ability to borrow up to \$11.5 million to realize the required \$10 million in working capital. Of the \$10 million, an estimated \$2 million will be paid to Bay Ferries to cover outstanding balances from 2005. Finally, to enhance the marketability of the bonds, the legislation also authorizes the lease of the Ferry itself from RFC to the City, and the subsequent leaseback by the City to the RFC.

As you are also aware, the RFC has committed itself to utilizing a yield management system for selling tickets on the Fast Ferry, with lower prices being available at times of lower demand and higher prices for peak demand crossings. The projected revenue increases from this approach have not been included in the conservative assumptions of the 2006 budget, and the ridership goals have also been significantly reduced from those in the original business plan. The proposed new marketing approach is also attached.

I believe that this additional infusion of capital will enable the RFC to successfully make the transition from start-up venture to mature service over the next three years. It avoids the need for a direct subsidy and it allows this significant community asset to continue to bring development opportunities to the Charlotte neighborhood, to the City of Rochester, and to the entire region.

Respectfully submitted,
William A. Johnson, Jr.
Mayor

Attachment No. AE-136

Ordinance No. 2005-418
(Int. No. 463, As Amended)

Authorizing The Execution And Delivery Of A Lease Agreement And A Leaseback Agreement With Rochester Ferry Company, LLC

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 execute and deliver a Lease Agreement with the Rochester Ferry Company, LLC (the "LLC") whereby the City would lease from the LLC the high-speed ferry boat currently known as "The Cat" for a term not to exceed fifteen (15) years (the "Lease").

Section 2. The City is hereby further authorized to execute and deliver a Leaseback Agreement with the LLC (the "Leaseback") whereby the City would lease back The Cat to the LLC for a term equal to the term of the Lease to allow the LLC to operate its existing Rochester to Toronto fast ferry service (the "Ferry Service").

Section 3. Rental payments due the LLC by the City under the Lease shall equal the LLC's debt service payment obligations due ("Debt Service") under the terms of the LLC's Promissory Note in a principal amount not to exceed \$11,500,000 (the "Note") payable to a designated bank or trust company servicing the Note (the "Trustee"), less all revenues and available funds received by the LLC from operation of the Ferry Service after payment of reasonable and necessary costs of operation (the "Lease Payments"). Leaseback payments due the City under the terms of the Leaseback shall equal the difference, if any, between Lease Payments paid and Debt Service due ("Leaseback Payments"). It is acknowledged and agreed that the City shall consent to the Assignment of Lease from the LLC to the Trustee whereby the LLC assigns to the Trustee, or its designee, the Lease Payments due from the City under the Lease to the Trustee as security for repayment of the LLC's Note.

Section 4. Lease Payments due from the City during the term of the Lease shall be subject to annual appropriation by the then current City Council as a portion of the City's Annual Budget. To the extent appropriate, the City's Administration shall request that sufficient funds to make estimated Lease Payments be included in the City's Annual Budget but no City Council shall be obligated or mandated to appropriate funds to make such Lease Payments.

Section 5. The power to execute and deliver documentation effectuating the foregoing, according to the tenor and intent hereof, shall be and is hereby delegated to the Mayor of the City of Rochester.

Section 6. This undertaking shall be in addition to the guarantee provided in Section 3 of Ordinance No. 2004-383, as amended by Ordinance No. 2005-16.

Section 7. This ordinance shall take effect [immediately] on January 5, 2006.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Giess, Councilmembers Douglas, McFadden, Mains, Pritchard, Santiago, Stevenson - 7.

Nays - Councilmembers Curran, Norwood - 2.

TO THE COUNCIL
Ladies and Gentleman:

Introductory No. 460 And
Resolution No. 2005-28
Re: Pioneer Tax Plan And Rochester
Children's Initiative

Transmitted herewith for your approval is a resolution for the inclusion of the Pioneer Tax Plan and Rochester Children's Initiative in the 2006 New York State Legislative Program of the City of Rochester.

The first item, the Pioneer Tax Plan, would spur investment in the City by reducing the negative impact of our two-tier tax system. Rochester is the only municipality in Monroe County that has a two-tier tax system and our non-homestead tax rate is the highest in the county, discouraging commercial expansion and investment in the City. Currently, our

non-homestead property is taxed at about double the rate of homestead property.

Under the Pioneer Tax Plan, owners of commercial property who make capital improvements that at least double the assessed value of their property would have their tax rate lowered to the homestead rate for twenty years, encouraging investment in the City.

In the non-homestead class, for example, the redevelopment of the long vacant Michael Sterns Building, which created 45 high-end housing units in Center City, was originally assessed at \$250,000. After investing \$3,184,200 in the project, the assessed value increased to \$3,400,000, and taxes increased from \$11,200 to \$152,320. Under the Pioneer Tax Rate, the Michael Sterns project would have been rewarded by having its tax bill levied at the homestead rate, paying instead \$71,366 in taxes. The City still would have benefited from increased taxes on a building once vacant.

The long-term benefits to the City are:

1. We will finally do something constructive about the \$27 million dollars in vacant commercial property in the City to get it back on the tax rolls.
2. We immediately begin to grow the City's tax base.
3. The economic activity produced in construction and in business expansion means more jobs for City residents.
4. An investment that raises value of one property has a positive effect on the values of the surrounding properties, enhancing the neighborhood.

The Pioneer Tax Plan originally included a customer friendly alternative to the State's Residential Improvement Exemption Program. However, since the Council, myself included, amended the City Charter to adopt this program in 1993, I suggest we promote this existing homeowner investment incentive before moving to change it.

The second item, the Rochester Children's Initiative, is a comprehensive program to improve the health, nutrition, and preparation for learning of every child in the City of Rochester before they enter school. The Nurse Home Visitation program is an ideal example of a program that meets the objectives of the Rochester Children's Initiative.

Nurse Home Visitation, which The Children's Agenda of 500 East Avenue is bringing to Rochester in 2006, in part through State funding from Monroe County, is a nationally recognized and replicated program that supports high-risk mothers during their first pregnancy and the first 2 years of their child's life. Anticipated outcomes include: a 35 percent decrease in pregnancy-induced hypertension; a 79 percent reduction in reported child abuse and neglect through the child's 2nd birthday; a 35 percent reduction in emergency department visits overall and a 56 percent reduction in visits for accidents and poisoning; a 50 percent reduction in language delays; a 29 percent decrease in subsequent births within two years and a 14 percent increase in the time between births of the first and second child, reducing the risk for premature delivery; and a 34 percent increase in participants living with their partner two years following program enrollment.

In order to reinvigorate our City, we must provide real incentives for developers, commercial businesses, the manufacturing industry, homeowners, and landlords to invest in our City. We must also act decisively and directly to mitigate the downward cycle created by the culture of poverty. Our residents and our businesses must both prosper simultaneously if we are to return our City to the kind of vibrant cultural and financial center and economically diverse community it once was.

Respectfully submitted,
Tim O. Mains
Councilmember-at-Large

Introductory No. 460

Resolution On The Pioneer Tax Plan

WHEREAS, the City of Rochester is the only municipality in Monroe County that utilizes a two-tier property tax rate, and

WHEREAS, non-homestead property currently is taxed at approximately twice the rate of homestead property, \$13.92 versus \$6.61, respectively, and

WHEREAS, the City has approximately \$27 million worth of vacant commercial property, and

WHEREAS, federal- and state-created geographical tax incentive zones have not significantly impacted the decades long decline in the assessed value of non-homestead property, and

WHEREAS, the City's homestead property assessments are the lowest in the County, discouraging owners from making capital improvements due to a soft real estate market and the desire to avoid an increased property assessment and the subsequent higher tax bill, and

WHEREAS, the Pioneer Tax Plan promotes substantial commercial investment by lowering non-homestead property to the homestead tax rate if capital improvements at least double the property's assessed value, and

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

Section 1. The 2006 New York State Legislative Program shall include a request for the introduction of legislation enabling the City of Rochester to adopt the Pioneer Tax Plan.

Section 2. This resolution shall take effect immediately.

Failed by the following vote:

Ayes - Councilmembers McFadden, Mains - 2.

Nays - President Giess, Councilmembers Curran, Douglas, Norwood, Pritchard, Santiago, Stevenson - 7.

Resolution No. 2005-28
(Int. No. 461)

Resolution On The Rochester Children's Initiative

WHEREAS, in the year 2000, after a period

of great economic expansion when poverty rates declined nationwide, the percentage of households living below the poverty line in Rochester rose by 10 percent, and

WHEREAS, in the year 2000, there were 40,000 Rochester school children living in households with incomes at only twice the poverty level, and

WHEREAS, if current trends continue, in fifteen years, every child in the Rochester City School District will qualify for free or reduced-price lunches, and

WHEREAS, too many Rochesterians are beset by a culture of poverty that robs families and children of hope and places them at greater risk for substance abuse, crime, street violence, child abuse, domestic violence, and poor school performance, and

WHEREAS, the Rochester Children's Initiative is a comprehensive program to improve the health, nutrition, and preparation for learning of every child in the City of Rochester before they enter school, and

WHEREAS, the Home Nurse Visitation program, a nationally acclaimed and widely replicated model, will be launched in Monroe County in 2006, providing 100 low-income, first-time mothers and their children with in-home nurse visits designed to improve their health and social functioning, and

WHEREAS, Home Nurse Visitation exemplifies the objectives of the Rochester Children's Initiative, and

WHEREAS, early intervention for at-risk families and children is a proven and cost-effective method for combating the negative impact of poverty,

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

Section 1. The 2006 New York State Legislative Program shall include a request for funding to expand the Home Nurse Visitation program within the City of Rochester.

Section 2. The City shall support efforts by The Children's Agenda to secure other funds from grants and foundations to expand its work with Rochester families.

Section 3. This resolution shall take effect immediately.

Adopted by the following vote:

Ayes - President Giess, Councilmembers Mains,

TUESDAY, DECEMBER 20, 2005

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McFadden, Norwood, Santiago, Stevenson - 6.

Nays - Councilmembers Curran, Douglas, Pritchard
- 3.

The meeting was adjourned at 11.48 P.M.

CAROLEE A. CONKLIN
City Clerk

* * * * *

**ITEMS HELD IN COMMITTEE
AS OF DECEMBER 31, 2005**

Held May 18, 2004

Int. No. 163 - Establishing Maximum Compensation For A Professional Services Agreement For Veterinary Services - Finance & Public Safety Committee

Held July 27, 2004

Int. No. 288 - Amending The Municipal Code With Respect To Peeling Paint - Housing & Economic Development Committee

Int. No. 289 - Amending The Municipal Code To Include 72-Hour Written Notice To Neighbors Before Onset Of Housing Renovations, Lead Abatement Work - Housing & Economic Development Committee

Int. No. 290 - Resolution Requesting The Mayor To Re-Open Negotiations With The Monroe County Executive Regarding Move-In Move-Out Inspections To Include Wipe Tests - Housing & Economic Development Committee

Held December 21, 2004

Int. No. 439 - Amending The Municipal Code To Provide For The Establishment Of Drug Free Zones - Finance & Public Safety Committee

Held January 18, 2005

Int. No. 20 - Chapter 60 Lead Poisoning Prevention Code - Housing & Economic Development Committee

Int. No. 21 - Amending Chapter 90 Of The Municipal Code With Respect To Lead-Based Paint Poisoning Prevention - Housing & Economic Development Committee

Held July 12, 2005

Int. No. 261A - Bond Ordinance Of The City Of Rochester, New York Authorizing The Issuance Of \$75,000 Bonds Of Said City To Finance The Cost Of Environmental Clean-Up At 56 Olean Street To Provide For Housing Development - Housing & Economic Development Committee

Int. No. 265 - Authorizing A Lease Agreement And Appropriating Funds For Rochester City Living Center, As Amended - Housing & Economic Development Committee

Held September 6, 2005

Int. No. 305 - Authorizing Agreements And Appropriating Funds For The Rochester City Living Center, As Amended - Housing & Economic Development Committee

Held October 11, 2005

Int. No. 364 - Authorizing The Lease Of Municipal Lot No. 14 To The Rochester City School District - Finance & Public Safety Committee

Held November 15, 2005

Int. No. 391 - Authorizing An Increase In The Pavement Width Of Carter Street For A Turning Lane At The Rochester General Hospital Entrance - Parks, Public Works & The Environment Committee

INDEX 2005 ABBREVIATIONS

Acq. - Acquire, Acquisition	Indus. - Industrial
Adpt. - Adopt	Int. - Introductory, Introduced
Agree. - Agreement	L.I.O. - Local Improvement Ordinance
Amend. - Amending, Amendment	L.L. - Local Law
Appl. - Application	Lftd. - Lifted
Approp. - Appropriate, Appropriating	Litig. - Litigation
Appt. - Appoint, Appointment	Max. - Maximum
Assist. - Assistance	Mgr. - Manager
Auth. - Authorize	Mun. - Municipal
Bldg. - Building	NET - Neighborhood Empowerment Team
Cap. - Capital	Ofc. - Office
Cert. - Certified	Off. - Official
CHDO - Community Housing Development Organization	Ord. - Ordinance
Class. - Classification	Pav. - Pavement
Comm. - Commission, Committee, Community, Commercial	Pk. - Park
Comm. - Communication	Proj. - Project
Comp. - Compensation	Pssd. - Passed
Conserv. - Conservation	Pub. - Public
Constr. - Construction	Purch. - Purchase
Ctr. - Center	R2010 - <i>Rochester 2010: The Renaissance Plan</i>
Decr. - Decrease	R.E. - Real Estate
Dedica. - Dedicate	R.O.W. - Right-of-Way
Demon. - Demonstration	Rec. - Recreation
Designa. - Designate	Rej. - Reject
Dev. - Development	Renew. - Renewal
Erron. - Erroneous	Resi. - Residential
Est(s). - Estimate(s)	Reso. - Resolution
Ext. - Extension	Rev. - Revenue
Facil. - Facilities	Roch. - Rochester
FY - Fiscal Year	Svs. - Services
Gar. - Garage	Tbld. - Tabled
H.R. - Home Rule	Tr. - Transmittal
Hear. - Hearing	Var. - Various
Incr. - Increase	Wid. - Width
	Zon. - Zoning

250 SOUTH AVENUE LLC

Auth. sale of 250 South Ave., Tr. letter, 318, Pssd., 319

911

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-A-

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Auth. application and agree. relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 71, Pssd., 72

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Buena Vista Proj., St. Michael's Woodshop Proj. and Roch. Area Task Force on AIDS Prevention Proj., Tr. letter, 170, Pub. hear., 155, Pssd., 171

Amend. Ord. No. 2005-44 relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 271, Pssd., 272

AIDS ROCHESTER, INC.

Auth. application and agree. relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 71, Pssd., 72

ABRAMS, NANCY E., PH.D.

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ACADEMY, THE

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

ACADEMY FOR CAREER DEVELOPMENT

Auth. agree. for KidTech Proj., Tr. letter, 229, Pssd., 230

Auth. agree. for Communi-Tech Proj., Tr. letter, 276, Pssd., 277

ACTION FOR A BETTER COMMUNITY, INC.

Auth. application and agree. relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 71, Pssd., 72

Auth. agree. for continued administration of Joint Energy Conservation Program, Tr. letter, 160, Pssd., 161

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

Amend. Ord. No. 2005-44 relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 271, Pssd., 272

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ADOLESCENT PREGNANCY PREVENTION SERVICES PROGRAM

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36

Amend. Ord. No. 2004-279 and 2004-05 Budget with respect to Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36

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Auth. agree. for Aging in Place Home Modification Program, Tr. letter, 271, Pssd., 271

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ALPINE SOFTWARE CORPORATION

Establishing max. comp. for amend. professional svcs. agree. for computerized records management system for Roch. Fire Dept., Tr. letter, 265, Pssd., 265

ALTERNATIVES FOR BATTERED WOMEN

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AMERICAN RED CROSS

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Establishing max. comp. for professional svcs. agree. with Monroe Community College for AmeriCorps Program, Tr. letter, 76, Pssd., 76

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Establishing max. comp. for amend. professional svcs. agree. for veterinary svcs., Tr. letter, 119, Pssd., 120

Establishing max. comp. for professional svcs. agree. for veterinary svcs., Tr. letter, 197, Pssd., 197

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Auth. submission of Consolidated Community Dev. Plan/2005-06 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 125, Pssd., 127

Approp. of funds for City Dev. Fund, Tr. letter, 125, Pssd., 127

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Establishing max. comp. for amend. professional svcs. agree. for appraisal svcs., Tr. letter, 72, Pssd., 72; Tr. letter, 292, Pssd., 292

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Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 281, Pssd., 281

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Establishing max. comp. for professional svcs. agree. for architectural engineering svcs. for Operations Ctr. Bldg. 100, Tr. letter, 259, Pssd., 259

Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 281, Pssd., 281

Establishing max. comp. for professional svcs. agree. for Rundel Library Skylight Improvement Proj., Tr. letter, 298, Pssd., 299

Establishing max. comp. for amend. professional svcs. agree. for design svcs. for Brooks Landing Revitalization Proj., Tr. letter, 344, Pssd., 344

ARNOLD PARK

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Auth. acq. by negotiation or condemnation of permanent easement for Atlantic Ave. Imp. Proj., Tr. letter, 146, Pssd., 146

Bond ord. auth. issuance of \$2,405,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 240

Bond ord. auth. issuance of \$1,248,000 bonds to finance reconstruction of var. water mains related to Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 241

Bond ord. auth. issuance of \$234,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 242

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Approving appl., agree. and 2005 administrative and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 102, Pssd., 103

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Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and East Henrietta Rd. Imp. Proj., Tr. letter, 105, Pssd., 105

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Establishing max. comp. for professional svcs. agree. for preliminary engineering and design svcs. for Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145

Establishing max. comp. for professional svcs. agree. for Port of Rochester Transportation Evaluation Study, Tr. letter, 182, Pssd., 183

Accepting and approp. funds and establishing max. comp. for professional svcs. agree. for Brooks Village/Genesee St. Enhancement Proj., Tr. letter, 297, Pssd., 298

Auth. agree. for environmental site assessments, Tr. letter, 304, Pssd., 305

Approving professional svcs. agree. for La Avenida Streetscape Proj., Tr. letter, 320, Pssd., 321

Establishing max. comp. for amend. professional svcs. agree. for design svcs. for Brooks Landing Revitalization Proj., Tr. letter, 344, Pssd., 344

BEST, JAMES

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 98, Adpt., 98

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Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Bi-Racial Partnership Program, Tr. letter, 231, Pub. hear., 212, Pssd., 231

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Auth. agree. for Biz Kid\$ Program, Tr. letter, 132, Pssd., 133

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Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr.

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BLUE CROSS ARENA AT THE WAR MEMORIAL

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Bond ord. auth. issuance of \$85,000 bonds to finance cost of acq. of permanent easement for const. of portion of City's water supply conduit, Tr. letter, 37, Pssd., 38

Bond ord. auth. issuance of \$17,296,000 bonds to finance cost of const. and renovation of var. pub. school bldgs., Tr. letter, 44, Pssd., 45

Bond ord. auth. issuance of \$750,000 bonds to finance add. cost of const. of new City Operations Ctr. Bldg., Tr. letter, 56, Pssd., 58

Amend. Bond Ord. No. 2003-100 with respect to St. Paul Street Gateway Improvements Proj., Tr. letter, 77, Pssd., 78

Bond Ord. auth. issuance of \$437,000 bonds to finance cost of Verona and Troup St. Park Improvement Proj. and 2005 Court Rehabilitation Program, Tr. letter, 78, Pssd., 79

Approp. funds for Chili Ave. Improvement Proj. and amend. Bond Ord. No. 2003-148 and 2004-110, Tr. letter, 79, Pssd., 80

Bond ord. auth. issuance of \$150,000 bonds to finance cost of Phase I Improvements to Manhattan Sq. Park, Tr. letter, 80, Pssd., 81

Bond ord. auth. issuance of \$4,421,000 bonds to finance reconstruction of certain streets related to Street Improvement Program, Tr. letter, 82, Pssd., 83

Bond ord. auth. issuance of \$1,400,000 bonds to finance cost of repairs to City Hall "A" Bldg., Tr. letter, 106, Pssd., 107

Bond ord. auth. issuance of \$570,000 bonds to finance cost of planning for reconstruction of City water supply conduits, Tr. letter, 110, Pssd., 111

Bond ord. auth. issuance of \$7,831,000 bonds to finance additional cost of const. of new City Operations Ctr. Bldg., Tr. letter, 112, Pssd., 113

Bond ord. auth. issuance of \$200,000 bonds to finance additional cost of const. of new City Operations Ctr. Bldg., Tr. letter, 112, Pssd., 114

Bond ord. auth. issuance of \$90,000 bonds to finance add. cost of planning and designing Brooks Landing Public Waterfront Imp. Proj., Tr. letter, 124, Pssd., 125

Bond ord. auth. issuance of \$796,000 bonds to finance reconstruction of various water mains related to 2005 Water Main Extension and Imp. Program, Tr. letter, 137, Pssd., 138

Bond Ord. auth. issuance of \$452,000 bonds to finance add. cost of design and resident proj. inspection svcs. related to Manhattan Sq. Park Imp. Proj., Tr. letter, 140, Pssd., 141

Bond ord. auth. issuance of \$1,240,000 bonds to finance cost of acq. of CSX land for construction of connection to Genesee Riverway Trail and for economic dev. purposes, Tr. letter, 148, Pssd., 149

Bond ord. auth. issuance of \$1,098,000 bonds

to finance add. cost of Phase I improvements to Manhattan Sq. Park, Tr. letter, 187, Pssd., 188

Bond ord. auth. issuance of \$929,000 bonds to finance cost of constr. of street improvements related to Olean St. Housing Subdivision Infrastructure Proj., Tr. letter, 222, Pssd., 223

Bond ord. auth. issuance of \$75,000 bonds to finance cost of environmental clean-up at 56 Olean St. to provide for housing dev., Tr. letter, 224, Held, 228

Bond ord. auth. issuance of \$2,405,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 240

Bond ord. auth. issuance of \$1,248,000 bonds to finance reconstruction of var. water mains related to Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 241

Bond ord. auth. issuance of \$234,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 242

Bond ord. auth. issuance of \$1,920,000 bonds to finance cost of replacement of portion of City water supply Conduit 1, Tr. letter, 258, Pssd., 259

Bond ord. auth. issuance of \$6,500,000 bonds to finance cost of constr. of structural improvements to South Ave. Parking Garage, Tr. letter, 260, Pssd., 261

Bond ord. auth. issuance of \$1,074,000 bonds to finance cost of constr. of portion of Genesee Riverway Trail from Turning Point Park to Petten St., Tr. letter, 262, Pssd., 264

Bond ord. auth. issuance of \$360,000 bonds to finance cost of acq. of land at 18 Petten St. for constr. of new boat launch and vehicular parking area and potential future parkland uses, Tr. letter, 280, Pssd., 281

Bond ord. auth. issuance of \$130,000 bonds to finance cost of constr. of certain sewer improvements related to Lombard St. Improvement Proj., Tr. letter, 284, Pssd., 285

Bond ord. auth. issuance of \$200,000 bonds to finance cost of furniture, fixtures and equip. for Eastside Patrol Div. Office of Roch. Police Dept., Tr. letter, 289, Pssd., 290

Bond ord. auth. issuance of \$445,500 bonds to finance cost of preparation of Master Plan for dev. at Port of Roch., Tr. letter, 308, Pssd., 310

Amend. Ord. No. 2005-218 by rescinding partial bond auth. for Olean & Kennedy Revitalization Proj., Tr. letter, 322, Pssd., 323

Bond ord. auth. issuance of \$550,000 bonds to finance add. cost of constr. of new City Operations Ctr. Bldg., Tr. letter, 328, Pssd., 329

Establishing max. comp. for amend. professional svcs. agree. for environmental clean-up svcs. for 10 Felix St., Tr. letter, 329, Pssd., 330

Bond ord. auth. issuance of \$268,400 bonds to finance add. cost of environmental clean-up at City's Bureau of Water & Street Lighting site at 10 Felix St., Tr. letter, 329, Pssd., 331

Bond ord. auth. issuance of \$233,000 bonds to finance cost of upgrading computer system of Roch. Police Dept., Tr. letter, 337, Pssd., 338

Bond ord. auth. issuance of \$205,000 bonds to finance costs of reconstruction of Wisconsin St. Fire Facility, Tr. letter, 389, Pssd., 390

BOULEVARD PARKWAY

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

BOXER, ROBERT L.

Reso. approving appt. to Board of Assessment Review, Tr. letter, 395, Adpt., 396

BOYS AND GIRLS CLUB OF ROCHESTER

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 193, Pssd., 194

BOYS CLUB PARKING LOT

Auth. ext. of lease agree. for Boys Club Parking Lot, Tr. letter, 290, Pssd., 290

BRIDGES

Amend. 2004-05 Budget with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 59, Pssd., 59

Auth. agree. with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 138, Pssd., 139

Auth. participation in Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145

Establishing max. comp. for professional svcs. agree. for preliminary engineering and design svcs. for Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145

Auth. agree. with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 184, Pssd., 185

BRIGHTON, TOWN OF

Auth. agree. with Town of Brighton for bldg. inspection svcs., Tr. letter, 320, Pssd., 320

BRODERICK, EILEEN

Reso. approving appointments and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 38, Adpt., 39

BROOKLYN SPORTS MANAGEMENT

Establishing max. comp. for amendatory professional svcs. agree. for Adult Softball Program, Tr. letter, 75, Pssd., 75

BROOKS LANDING

Establishing max. comp. for amend. professional svcs. agree. for design svcs. for Brooks Landing Revitalization Proj., Tr. letter, 124, Pssd., 124

Bond ord. auth. issuance of \$90,000 bonds to finance add. cost of planning and designing Brooks Landing Public Waterfront Imp. Proj., Tr. letter, 124, Pssd., 125

Establishing max. comp. for amend. professional svcs. agree. for design svcs. for Brooks Landing Revitalization Proj., Tr. letter, 344, Pssd., 344

Auth. sale of parcels in Brooks Landing Urban Renewal District, Tr. letter, 355, Pssd., 355

BROOKS VILLAGE

Accepting and approp. funds and establishing max. comp. for professional svcs. agree. for Brooks Village/Genesee St. Enhancement Proj., Tr. letter, 297, Pssd., 298

BROWN STREET

Approving changes in pav. width of Jefferson Ave. between W. Main St. and Brown St., and Brown St. between Kensington St. and Jefferson Ave., Tr. letter, 188, Pub. hear., 155, Pssd., 190

BROWNFIELDS

Establishing max. comp. for professional svcs. agree. for environmental clean-up svcs. for 80-100 Charlotte St., Tr. letter, 58, Pssd., 58

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Establishing max. comp. for professional svcs.

agree. for labor relations consultation svcs. and amend. 2004-05 Budget, Tr. letter, 43, Pssd., 44
 Auth. amend. agree. for design svcs. and amend. 2004-05 Budget, Tr. letter, 52, Pssd., 53
 Auth. grant agree. with Quad A For Kids and amend. 2004-05 Budget, Tr. letter, 54, Pssd., 54
 Amend. 2004-05 Budget with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 59, Pssd., 59
 Amend. 2004-05 Budget with respect to salaries and wages and add. approp., Tr. letter, 61, Pssd., 62
 Auth. appl. and agree. with respect to seal belt enforcement and amend. 2004-05 Budget, Tr. letter, 63, Pssd., 63
 Amend. 2004-05 Budget with respect to self contained breathing apparatus units for Roch. Fire Dept., Tr. letter, 63, Pssd., 64
 Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 64
 Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and Amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 65
 Establishing max. comp. for professional svcs. agree. for lead poisoning EIS and amend. 2004-05 Budget and 2000-01 City Dev. Fund, Tr. letter, 72, Pssd., 73
 Establishing max. comp. for amendatory professional svcs. agree. for Adult Softball Program, Tr. letter, 75, Pssd., 75
 Establishing max. comp. for professional svcs. agree. for High Falls Interpretive Signage Proj. and amend. 2004-05 Budget, Tr. letter, 81, Pssd., 82
 Amend. 2004-05 Budget by approp. forfeiture funds, Tr. letter, 89, Pssd., 89
 Amend. 2004-05 Budget with respect to Emergency Medical Training Funds, Tr. letter, 89, Pssd., 90
 Amend. 2004-05 Budget with respect to Emergency Communications Dept., Tr. letter, 90, Pssd., 90
 Auth. application and agree. and amend. 2004-05 Budget with respect to Gunfire Detection Equipment, Tr. letter, 91, Pssd., 91
 Amend. 2004-05 Budget with respect to Weed and Seed Program, Tr. letter, 91, Pssd., 92
 Amend. 2004-05 Budget to fund replacement of emergency paging devices, Tr. letter, 92, Pssd., 92
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 Auth. appl. and agree. with respect to TraCS and STEP Proj. and amend. 2004-05 Budget, Tr. letter, 117, Pssd., 118
 Auth. grant agree. for Police computer and amend. 2004-05 Budget, Tr. letter, 119, Pssd., 119
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 Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2004-05 Budget, Tr. letter, 153, Pssd., 153
 Amend. 2004-05 Budget to fund recruitment of police officers, Tr. letter, 153, Pssd., 154
 Establishing max. comp. for professional svcs. agree. for High Falls laser shows and amend. 2004-05 Budget, Tr. letter, 180, Pssd., 181
 Auth. agree. with respect to Proj. IMPACT and amend. 2004-05 Budget, Tr. letter, 195, Pssd., 195
 Amend. 2004-05 Budget and proposed 2005-06

Budget of the City to establish program for add. demolition - \$1,000,000, Tr. letter, 198, Pssd., 198
 Auth. acq. of 15 Hebard St. and 3 Trinidad St. for parking for Public Market and amend. 2004-05 Budget, Tr. letter, 235, Pssd., 236
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Amend. 2004-05 Budget and proposed 2005-06 Budget of the City to establish program for add. demolition - \$1,000,000, Tr. letter, 198, Pssd., 198
 Amend. proposed 2005-06 Budget of the City for improved maintenance of City-owned property - \$100,000, Tr. letter, 198, Pssd., 199
 Amend. 2005-06 Budget of the City in regard to operating North St. Rec. Ctr. summer pool, Tr. letter, 199, Pssd., 199
 Amend. 2005-06 Budget of the City in regard to restoration of Genesee Valley Park pool operating schedule - \$17,000, Tr. letter, 199, Pssd., 199
 Amend. 2005-06 Budget of the City in regard to operating winter pools at District Schools - \$25,500, Tr. letter, 199, Pssd., 200
 Amend. 2005-06 Budget of the City in regard to PAC-TAC resources - \$20,000, Tr. letter, 200, Pssd., 200
 Amend. 2005-06 Budget of the City in regard to Court Watch - \$15,000, Tr. letter, 200, Pssd., 201
 Amend. proposed 2005-06 Budget of the City in regard to hearing impaired svcs. - \$4,000, Tr. letter, 201, Pssd., 201
 Amend. proposed 2005-06 Budget of the City in regard to Leadership Roch. Urban Fellows Program - \$10,000, Tr. letter, 201, Pssd., 201
 Amend. proposed 2005-06 Budget of the City in regard to wireless internet feasibility study - \$15,000, Tr. letter, 201, Pssd., 202
 Amend. 2005-06 Budget of the City in regard to Downtown City Living Program - \$5,000, Tr. letter, 202, Pssd., 202
 Amend. proposed 2005-06 Budget of the City in regard to legal svcs., Tr. letter, 202, Pssd., 203
 Amend. 2005-06 Budget of the City in regard to historical markers - \$6,000, Tr. letter, 203, Pssd., 203
 Amend. proposed 2005-06 Budget of the City of Roch. Mayoral transition expenses - \$40,000, Tr. letter, 203, Pssd., 204
 Amend. 2005-06 Budget of the City in regard to Music Fest - (\$200,000), Tr. letter, 205, Failed in committee, 205
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 Adoption of Budget estimates for municipal purposes for 2005-06 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees, Tr. letter, 205, Pub. hear., 154, Pssd., 207
 Adoption of budget estimates for school purposes for fiscal year commencing July 1, 2005 and expiring June 30, 2006, and appropriation of sums set forth therein, Tr. letter, 205, Pub. hear., 154, Pssd., 208
 Amend. 2005-06 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 247, Pssd., 247; Tr. letter, 338, Pssd., 338
 Establishing max. comp. for professional svcs. agree. with Roch. Regional Community Design Ctr. and amending 2005-06 Budget, Tr. letter, 253, Pssd., 254
 Amend. 2005-06 Budget for Design Intern

Program, Tr. letter, 254, Pssd., 255
 Auth. agree. for Police Recruitment Education Program and amend. 2005-06 Budget, Tr. letter, 265, Pssd., 265
 Auth. agree. for Roch. MusicFest 2005 and amend. 2005-06 Budget, Tr. letter, 278, Pssd., 278
 Amend. 2005-06 Budget with respect to property management funds, Tr. letter, 298, Pssd., 298
 Amend. 2005-06 Budget for removal of hazardous trees, Tr. letter, 306, Pssd., 307
 Auth. acceptance of grants and amend. 2005-06 Budget for Urban Forestry Management Plan, Tr. letter, 306, Pssd., 307
 Auth. agree. relating to Roch. After School Academy I Program and amend. 2005-06 Budget, Tr. letter, 311, Pssd., 311
 Amend. 2005-06 Budget for fire prevention and safety, Tr. letter, 311, Pssd., 312
 Auth. application and agree. with respect to Buffer Zone Protection Plan Program and amend. 2005-06 Budget, Tr. letter, 312, Pssd., 312
 Auth. agree. and amend. 2005-06 Budget for substance abuse prevention program, Tr. letter, 325, Pssd., 326
 Amend. 2005-06 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 338, Pssd., 338
 Auth. agree. with respect to Operation IMPACT II and amend. 2005-06 Budget, Tr. letter, Tr. letter, 338, Pssd., 339
 Approving Weed & Seed Program and amend. 2005-06 Budget, Tr. letter, 339, Pssd., 340
 Approving Weed & Seed Program Anti-Gang Initiative and amend. 2005-06 Budget, Tr. letter, 340, Pssd., 341
 Auth. agree. and amend. 2005-06 Budget for Design Intern Program, Tr. letter, 345, Pssd., 346
 Acceptance of library grants and amend. 2005-06 Budget, Tr. letter, 352, Pssd., 352
 Auth. appl. and agree. with respect to High Falls Film Festival and amend. 2005-06 Budget, Tr. letter, 381, Pssd., 381
 Auth. appl. and agree. for NYS Archives Grant and amend. 2005-06 Budget, Tr. letter, 391, Pssd., 391

BUENA VISTA PROJECT

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Buena Vista Proj., St. Michael's Woodshop Proj. and Roch. Area Task Force on AIDS Prevention Proj., Tr. letter, 170, Pub. hear., 155, Pssd., 171

BUFFER ZONE PROTECTION PLAN

Auth. application and agree. with respect to Buffer Zone Protection Plan Program and amend. 2005-06 Budget, Tr. letter, 312, Pssd., 312

BUILDING CODE

Amend. Chapter 39 of Mun. Code, Building Code, Tr. letter, 70, Pssd., 70

BUILDING INSPECTION SERVICES

Auth. agree. with Town of Brighton for bldg. inspection svcs., Tr. letter, 320, Pssd., 320

BURKE TERRACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

BUS SHELTERS

Auth. agree. with ARTWalk of Rochester, Inc. for Sector Targeted Funding Initiative Program, Tr. letter, 164, Pssd., 165

BUSINESS ASSISTANCE PROGRAM

Amend. 2003-04 and 2004-05 Community Dev. Program Plans by transferring funds for Business Assistance Program and approp. those funds, Tr. letter, 299, Pub. hear., 293, Pssd., 299

BUSINESS IMPROVEMENT DISTRICT

L.I.O. - Establishing cost of assessments related to High Falls Business Imp. Dist., Tr. letter, 123, Pub. hear., 121, Pssd., 124

BUSINESS PROGRAMS

Approving business programs, Tr. letter, 165, Pssd., 166

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CHDO

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CMA ARCHITECTURE, P.C.

Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 281, Pssd., 281

CME ASSOCIATES

Auth. agree. for materials testing svcs., Tr. letter, 141, Pssd., 142

CSX TRANSPORTATION INC.

Amend. Ord. No. 2004-324 relating to agree. for flagging svcs. for Lexington Ave. Pub. Imp. Proj., Tr. letter, 58, Pssd., 59

Bond ord. auth. issuance of \$1,240,000 bonds to finance cost of acq. of CSX land for construction of connection to Genesee Riverway Trail and for economic dev. purposes, Tr. letter, 148, Pssd., 149

Auth. acq. of CSX land for construction of connection to Genesee Riverway Trail and for economic dev. purposes, Tr. letter, 148, Pssd., 150

Amend. Ord. No. 2005-133 relating to acq. of CSX Land, Tr. letter, 286, Pub. hear., 267, Held, 286, Pssd., 308

Determination and findings relating to acq. of CSX land, Tr. letter, 307, Pssd., 308

CALGON CARBON CORPORATION

Establishing max. comp. for professional svcs. agree. for Hemlock Lake Water Filtration Plant, Tr. letter, 185, Pssd., 186

CALVARY SAINT ANDREWS PARISH

Auth. agree. for Adopt-A-Block Program, Tr. letter, 67, Pssd., 68

CAMERON COMMUNITY CENTER

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

Auth. agree. and approp. funds for Human Svcs. Proj. and amend. 2005-06 Community Dev. Plan, Tr. letter, 133, Pssd., 133

CAREER SYSTEMS DEVELOPMENT

Auth. agree. for BEST Program, Tr. letter, 230, Pssd., 231

CARLSON, JEFFREY T.

Reso. approving appointments by Mayor to

Roch. Ferry Co. LLC, Tr. letter, 46, Adpt., 48
Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

CARTER STREET

Auth. increase in pav. width of Carter St. for turning lane at Roch. General Hospital entrance, Tr. letter, 333, Pub. hear., 315, Held, 334

CARTHAGE DRIVE

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

CASCADE HISTORIC DISTRICT

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 115, Pub. hear., 93, Pssd., 116

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 121, Pssd., 135

CATHERINE MCAULEY HOUSING

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

CATHOLIC CHARITIES, INC.

Auth. application and agree. relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 71, Pssd., 72

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

CATHOLIC FAMILY CENTER

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and Amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 65

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 194, Pssd., 195

CEMETERIES

Establishing max. comp. for professional svcs. agree. for inscription svcs., Tr. letter, 136, Pssd., 136

Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 136, Pssd., 136

Establishing max. comp. for professional svcs. agree. for computerization of cemetery records and auth. grant agree., Tr. letter, 281, Pssd., 282

Amend. Chapter 43 of Mun. Code with respect to cemetery fees, Tr. letter, 383, Pssd., 383

CENTER CITY SIGNAGE PROJECT

Establishing max. comp. for amend. professional svcs. agree. for Center City Signage Proj. and approp. funds, Tr. letter, 106, Pssd., 106

CENTER FOR CHANGE, INC.

Auth. agree. for Human Svcs. Programs, Tr. letter, 377, Pssd., 378

CENTER FOR DISPUTE SETTLEMENT

Auth. agree. relating to Roch. After School

Academy I Program, Tr. letter, 193, Pssd., 194
Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 196, Pssd., 196

CENTER FOR GOVERNMENTAL RESEARCH, INC.

Auth. agree. with Ctr. for Governmental Research, Inc., Tr. letter, 221, Pssd., 222

CENTER FOR YOUTH

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 193, Pssd., 194

CENTRAL PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

CENTRAL PARKING CORPORATION

Auth. agree. for operation of parking lots at Ferry Terminal, Tr. letter, 155, Pssd., 156

CEPHAS ATTICA

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

CHARLES SETTLEMENT HOUSE

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36

Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

CHARLOTTE STREET

Establishing max. comp. for professional svcs. agree. for environmental clean-up svcs. for 80-100 Charlotte St., Tr. letter, 58, Pssd., 58

CHILDREN'S INSTITUTE

Auth. agree. relating to Roch. After School Academy I Program and amend. 2005-06 Budget, Tr. letter, 311, Pssd., 311

CHILI AVENUE

Approp. funds for Chili Ave. Improvement Proj. and amend. Bond Ord. No. 2003-148 and 2004-110, Tr. letter, 79, Pssd., 80

CITIBANK N.A.

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

CITIZEN COMPLAINT SERVICES

Establishing max. comp. for professional svcs. agree. for continuation of citizen complaint svcs. for Roch. Police Dept., Tr. letter, 196, Pssd., 196

CITIZENS BANK

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

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Local Law amend. City Charter with respect to Budget est. of City School Dist., Tr. letter, 60, Pssd., 61

Local Law amend. City Charter with respect to issuance of parking tickets, Tr. letter, 62, Pssd., 63

Local Law amend. City Charter with respect to prior notice of snow or ice and defects, Tr. letter, 116, Pssd., 117

Local Law amend. City Charter with respect to Electrical Examining Board, Tr. letter, 220, Pssd., 220

Establishing max. comp. for professional svcs. agree. with General Code Publishers relating to publication of City Charter and Code, Tr. letter, 244, Pssd., 245

Local Law amend. City Charter with respect to issuance of appearance tickets for noise code violations, Tr. letter, 269, Pssd., 271

Local Law amend. City Charter with respect to salary of Mayor, Tr. letter, 394, Pssd., 395

Local Law amend. City Charter with respect to salary of members of City Council, Tr. letter, 394, Pssd., 395

CITY DEVELOPMENT FUND

Establishing max. comp. for professional svcs. agree. for lead poisoning EIS and amend. 2004-05 Budget and 2000-01 City Dev. Fund, Tr. letter, 72, Pssd., 73

Approp. of funds for City Dev. Fund, Tr. letter, 125, Pssd., 127

CITY HALL

Bond ord. auth. issuance of \$1,400,000 bonds to finance cost of repairs to City Hall "A" Bldg., Tr. letter, 106, Pssd., 107

Establishing max. comp. for professional svcs. agree. for City Hall roof replacement, Tr. letter, 144, Pssd., 144

CITY LIVING CENTER

Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 300, Pssd., 301

CITY PLANNING COMMISSION

Reso. approving appointments to City Planning Commission, Tr. letter, 130, Adpt., 131

CITY SCHOOL DISTRICT

2004-05 debt reso. for City School District, Tr. letter, 44, Adpt., 45

Bond ord. auth. issuance of \$17,296,000 bonds to finance cost of const. and renovation of var. pub. school bldgs., Tr. letter, 44, Pssd., 45

Local Law amend. City Charter with respect to Budget est. of City School Dist., Tr. letter, 60, Pssd., 61

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 64

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and Amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 65

Auth. appl. and agree. for 2005 Summer Food Service Program for Children, Tr. letter, 183, Pssd., 184

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 193, Pssd., 194

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 194, Pssd., 195

Amend. 2005-06 Budget of the City in regard to operating winter pools at District Schools - \$25,500, Tr. letter, 199, Pssd., 200

Adoption of budget estimates for school purposes for fiscal year commencing July 1, 2005 and expiring June 30, 2006, and appropriation of sums set forth therein, Tr. letter, 205, Pub. hear.,

154, Pssd., 208

Levying taxes for school purposes for fiscal year commencing July 1, 2005 and expiring June 30, 2006, Tr. letter, 205, Pssd., 209

Auth. agree. with City School District for joint use and maintenance of facilities, Tr. letter, 262, Pssd., 262

Auth. increase in pav. width of Farmington Rd. for recessed parking area at Frank Fowler Dow School 52, Tr. letter, 285, Pub. hear., 267, Pssd., 286

Auth. agree. relating to Roch. After School Academy I Program and amend. 2005-06 Budget, Tr. letter, 311, Pssd., 311

Auth. lease of Municipal Lot No. 14 to Roch. City School District, Tr. letter, 312, Held, 313

CITYSCAPE

Amend. Ord. No. 2003-375 relating to CityScape 2004 at Newcroft Park, Tr. letter, 68, Pssd., 68

CIVIL SERVICE

Establishing max. comp. for professional svcs. agree. for tech. assistance in dev. of Civil Service examinations, Tr. letter, 150, Pssd., 151

Reso. approving appt. to Civil Service Commission of City of Roch., Tr. letter, 154, Adpt., 154

CLARISSA STREET REUNION

Auth. agree. for Clarissa St. Reunion and amend. 2004-05 Budget, Tr. letter, Pssd., 75

CLARK PATTERSON ASSOCIATES

Establishing max. comp. for amend. professional svcs. agree. for Center City Signage Proj. and approp. funds, Tr. letter, 106, Pssd., 106

CLAY, MARANNE MCDADE

Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 136, Pssd., 136

CLINTON-BADEN COMMUNITY CENTER

Auth. agree. for Clinton-Baden Community Ctr., Tr. letter, 278, Pssd., 278

COALITION OF NORTHEAST ASSOCIATIONS

Auth. agree. for Adopt-A-Block Program, Tr. letter, 67, Pssd., 68

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 109, Pssd., 110

Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

COLFAX STREET

Auth. sale of portion of 110-120 Colfax St. and amend. Ord. No. 2005-350, Tr. letter, 353, Pssd., 353

COMMUNI-TECH PROJECT

Auth. agree. for Communi-Tech Proj., Tr. letter, 276, Pssd., 277

COMMUNITY CHOICE

Approp. funds for Community Choice/Fair Housing Electronic Resource Ctr., Tr. letter, 161, Pssd., 162

COMMUNITY DEVELOPMENT PROGRAM PLAN, 2003-04

Amend. 2003-04 and 2004-05 Community Dev. Program Plans by transferring funds for Business Assistance Program and approp. those funds, Tr. letter, 299, Pub. hear., 293, Pssd., 299

COMMUNITY DEVELOPMENT PROGRAM PLAN, 2004-05

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Consolidated Community Dev. Plan proj., Tr. letter, 3, Pub. hear., 1, Pssd., 4

Amend. 2004-05 Community Dev. Program Plan and auth. ext. of float loan for Elmgrove Place Proj., Tr. letter, 169, Pub. hear., 155, Pssd., 170

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Buena Vista Proj., St. Michael's Woodshop Proj. and Roch. Area Task Force on AIDS Prevention Proj., Tr. letter, 170, Pub. hear., 155, Pssd., 171

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Bi-Racial Partnership Program, Tr. letter, 231, Pub. hear., 212, Pssd., 231

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Landscape Technician Proj., Tr. letter, 256, Pub. hear., 250, Pssd., 256

Amend. 2003-04 and 2004-05 Community Dev. Program Plans by transferring funds for Business Assistance Program and approp. those funds, Tr. letter, 299, Pub. hear., 293, Pssd., 299

COMMUNITY DEVELOPMENT PROGRAM PLAN, 2005-06

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

Auth. agree. and approp. funds for Human Svcs. Proj. and amend. 2005-06 Community Dev. Plan, Tr. letter, 133, Pssd., 133

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

Approp. funds and auth. agree. for CHDO housing dev. and operating assist. and amend. Ord. No. 2005-157, Tr. letter, 217, Pssd., 218

COMMUNITY PARENTS INITIATIVE PROJECT

Auth. agree. relating to Roch. After School Academy I Program and amend. 2005-06 Budget, Tr. letter, 311, Pssd., 311

COMMUNITY PLACE

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 194, Pssd., 195

Auth. agree. with Community Place of Roch., Tr. letter, 230, Pssd., 230

Auth. agree. relating to Roch. After School Academy I Program and amend. 2005-06 Budget, Tr. letter, 311, Pssd., 311

COMMUNITY TECHNOLOGY CENTER

Auth. agree. for Community Technology Ctr., Tr. letter, 103, Pssd., 104

COMPASS ADJUSTERS & INVESTIGATORS

Establishing max. comp. for amend. professional svcs. agree. for investigative svcs., Tr. letter, 336, Pssd., 336

COMPUTER(S)

Auth. grant agree. for Police computer and amend. 2004-05 Budget, Tr. letter, 119, Pssd., 119

Establishing max. comp. for amend. professional svcs. agree. for computerized records management system for Roch. Fire Dept., Tr. letter, 265, Pssd., 265

Establishing max. comp. for professional svcs. agree. for computerization of cemetery records and auth. grant agree., Tr. letter, 281, Pssd., 282

Bond ord. auth. issuance of \$233,000 bonds to finance cost of upgrading computer system of Roch. Police Dept., Tr. letter, 337, Pssd., 338

CONCERTS

See "Music"

CONIFER HAMILTON, LLC

Auth. loan agree. for renovation of Hamilton Apts., Tr. letter, 344, Pssd., 345

CONSERVATION

Auth. agree. for continued administration of Joint Energy Conservation Program, Tr. letter, 160, Pssd., 161

CONSOLIDATED COMMUNITY DEVELOPMENT PLAN

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Consolidated Community Dev. Plan proj., Tr. letter, 3, Pub. hear., 1, Pssd., 4

Approving Consolidated Community Dev. Plan/2005-06 Annual Action Plan, Tr. letter, 125, Pub. hear., 121, Pssd., 127

Auth. submission of Consolidated Community Dev. Plan/2005-06 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 125, Pssd., 127

Approp. of funds for City Dev. Fund, Tr. letter, 125, Pssd., 127

CONSTELLATION NEWENERGY

Auth. agree. for supply of electricity to City facilities, Tr. letter, 283, Pssd., 283

CONSTRUCTION MANAGEMENT SERVICES

Establishing max. comp. for professional svcs. agree. for new Water Works Op. Ctr., Tr. letter, 56, Pssd., 57

Establishing max. comp. for amend. professional svcs. agree. for new Water Works Operations Ctr. and approp. funds, Tr. letter, 328, Pssd., 328

COORDINATED CARE SERVICES, INC.

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 64

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and Amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 65

Auth. agree. for Biz Kid\$ Program, Tr. letter, 132, Pssd., 133

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 193, Pssd., 194

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 194, Pssd., 195

CORNELES ENGINEERING, P.C.

Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 186, Pssd., 187

Establishing max. comp. for professional svcs.

agree. for Joseph Ave. Improvement Proj., Tr. letter, 305, Pssd., 305

CORNELL COOPERATIVE EXTENSION

Establishing max. comp. for amend. professional svcs. agree. for Cornell Cooperative Ext., Tr. letter, 232, Pssd., 233

COSTANZA, JAMES

Reso. approving appointments and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 38, Adpt., 39

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

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COURT STREET PARKING GARAGE

Auth. lease agree. for space in Court St. Parking Garage, Tr. letter, 168, Pssd., 168

Auth. agree. for operation of Court St. Parking Garage, Tr. letter, 259, Pssd., 260

COURT WATCH

Amend. 2005-06 Budget of the City in regard to Court Watch - \$15,000, Tr. letter, 200, Pssd., 201

CREATING ASSETS, SAVINGS, HOPE INITIATIVES

Auth. agree. for Human Svcs. Programs, Tr. letter, 276, Pssd., 277

CRIME

Auth. application and agree. and amend. 2004-05 Budget with respect to Gunfire Detection Equipment, Tr. letter, 91, Pssd., 91

Auth. application and agree. for STOP Violence Against Program, Tr. letter, 91, Pssd., 92; Tr. letter, 336, Pssd., 337

Amend. 2004-05 Budget with respect to Weed and Seed Program, Tr. letter, 91, Pssd., 92

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2004-05 Budget, Tr. letter, 153, Pssd., 153

Amend. 2005-06 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 247, Pssd., 247

Establishing max. comp. for professional svcs. agree. for gunfire detection equip., Tr. letter, 265, Pssd., 266

Approving Weed & Seed Program and amend. 2005-06 Budget, Tr. letter, 339, Pssd., 340

Approving Weed & Seed Program Anti-Gang Initiative and amend. 2005-06 Budget, Tr. letter, 340, Pssd., 341

Amend. Mun. Code with respect to illegal dumping, Tr. letter, 387, Pssd., 387

CROSSROADS APARTMENTS

Auth. amend. in-lieu-of-tax agree. for Crossroads Apartments - 125 St. Paul St., Tr. letter, 248, Pssd., 249

CULTURAL CENTER COMMISSION

Approving 2005-06 Operating and Capital Budgets of Cultural Ctr. Commission, Tr. letter, 165, Pssd., 165

CULTURE BUILDS COMMUNITIES PROGRAM

Auth. agree. for Culture Builds Communities Program, Tr. letter, 219, Pssd., 219

CULVER/MERCHANTS PARKING

L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 146, Pub. hear., 121, Pssd., 147

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Negative vote, Ord. No. 2005-27, p. 57; Ord. No. 2005-28, p. 58; Ord. No. 2005-60, p. 85; Ord. No. 2005-92, p. 113; Ord. No. 2005-163, p. 181; Ord. No. 2005-164, p. 181; Ord. No. 2005-166, p. 182; Ord. No. 2005-212, p. 217; Ord. No. 2005-259, p. 256; Ord. No. 2005-278, p. 271; Ord. No. 2005-309, p. 294, Ord. No. 2005-330, p. 309, Ord. No. 2005-331, p. 310; Ord. No. 2005-398, p. 381; Ord. No. 2005-403, p. 384; Ord. No. 2005-418, p. 397; Int. No. 460, p. 398; Reso. 2005-28, p. 399

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Amend. 2005-06 Budget of the City in regard to Music Fest - (\$200,000), Tr. letter, 205, Failed in committee, 205

Amend. 2005-06 Budget of the City in regard to High Falls laser show - (\$222,000), Tr. letter, 205, Failed in committee, 205

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DRC ASSOCIATES

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 107, Pssd., 108

DAY ENVIRONMENTAL, INC.

Establishing max. comp. for professional svcs. agree. for environmental clean-up svcs. for 80-100 Charlotte St., Tr. letter, 58, Pssd., 58

Establishing max. comp. for amend. professional svcs. agree. for environmental clean-up of former Photech facility, Tr. letter, 108, Pssd., 109

Auth. agree. for environmental site assessments, Tr. letter, 304, Pssd., 305

Establishing max. comp. for amend. professional svcs. agree. for environmental clean-up of former Photech Facility, Tr. letter, 382, Pssd., 383

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2004-05 debt reso. for City School District, Tr. letter, 44, Adpt., 45

Reso. approving 2005-06 debt limit for general municipal purposes, Tr. letter, 210, Adpt., 212

DEMOLITION

Amend. 2004-05 Budget and proposed 2005-06 Budget of the City to establish program for add. demolition - \$1,000,000, Tr. letter, 198, Pssd., 198

DEPOSITORIES

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

DESIGN INTERN PROGRAM

Amend. 2005-06 Budget for Design Intern Program, Tr. letter, 254, Pssd., 255

Auth. agree. and amend. 2005-06 Budget for

Design Intern Program, Tr. letter, 345, Pssd., 346

DESIGN SERVICES

Auth. amend. agree. for design svcs. and amend. 2004-05 Budget, Tr. letter, 52, Pssd., 53

Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and East Henrietta Rd. Imp. Proj., Tr. letter, 105, Pssd., 105

Establishing max. comp. for amend. professional svcs. agree. for Center City Signage Proj. and approp. funds, Tr. letter, 106, Pssd., 106

Establishing max. comp. for amend. professional svcs. agree. for design svcs. for Brooks Landing Revitalization Proj., Tr. letter, 124, Pssd., 124

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Imp. Proj., Tr. letter, 140, Pssd., 140

Establishing max. comp. for professional svcs. agree. for preliminary engineering and design svcs. for Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145

Establishing max. comp. for amendatory professional svcs. agree. for engineering design svcs. for South Ave. Garage Rehabilitation Proj., Tr. letter, 187, Pssd., 187

Auth. agree. and approp. funds for Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 238, Pssd., 244

Establishing max. comp. for professional svcs. agree. with Roch. Regional Community Design Ctr. and amending 2005-06 Budget, Tr. letter, 253, Pssd., 254

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Establishing max. comp. for amend. professional svcs. agree. for environmental clean-up of former Phototech facility, Tr. letter, 108, Pssd., 109

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Establishing max. comp. for amend. professional svcs. agree. for Cornell Cooperative Ext., Tr. letter, 232, Pssd., 233

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Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 107, Pssd., 108

Auth. agree. and approp. funds for Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 242

Auth. agree. and approp. funds for Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 238, Pssd., 244

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Auth. operating agree. for limited liability company formed by City to purchase Spirit of Ontario I and operate fast ferry service, Tr. letter, 46, Pssd., 47

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Amend. 2004-05 Budget with respect to Emergency Medical Training Funds, Tr. letter, 89, Pssd., 90

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Establishing max. comp. for professional svcs. agree. with General Code Publishers relating to publication of City Charter and Code, Tr. letter, 244, Pssd., 245

Amend. Mun. Code with respect to noise code violations, Tr. letter, 269, Pssd., 271

Local Law amend. City Charter with respect to issuance of appearance tickets for noise code violations, Tr. letter, 269, Pssd., 271

Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 313, Adpt., 314

Reso. approving appt. to Board of Assessment Review, Tr. letter, 314, Adpt., 314

Adopting Environmental Review Statement of Findings for Municipal Code revisions with respect to lead-based paint poisoning prevention, Tr. letter, 357, Pssd., 358

Amend. Chapter 90 of Mun. Code with respect to lead-based paint poisoning prevention, Tr. letter, 358, Pssd., 366

Reso. regarding targeting lead enforcement, Tr. letter, 358, Adpt., 367

Reso. regarding public education on lead, Tr.

letter, 358, Adpt., 367

Reso. regarding voluntary lead program, Tr. letter, 358, Adpt., 368

Amend. Mun. Code with respect to solicitors, Tr. letter, 384, Pssd., 385

Continuation of appt. of Marriage Officer, Tr. letter, 390, Pssd., 391

Local Law amend. City Charter with respect to salary of Mayor, Tr. letter, 394, Pssd., 395

Local Law amend. City Charter with respect to salary of members of City Council, Tr. letter, 394, Pssd., 395

Reso. approving appt. to Board of Assessment Review, Tr. letter, 395, Adpt., 396

Negative vote, Int. No. 460, p. 398

GLENDALE PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

GOOD GRADES PAY PROGRAM

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

GOVERNOR'S TRAFFIC SAFETY COMMITTEE

Auth. appl. and agree. with respect to seal belt enforcement and amend. 2004-05 Budget, Tr. letter, 63, Pssd., 63

Auth. appl. and agree. with respect to TraCS and STEP Proj. and amend. 2004-05 Budget, Tr. letter, 117, Pssd., 118

GRACE URBAN MINISTRIES

Auth. agree. for Adopt-A-Block Program, Tr. letter, 67, Pssd., 68

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

GRANT WRITING

Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 136, Pssd., 136

GRANTS

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36

Auth. grant agree. with Quad A For Kids and amend. 2004-05 Budget, Tr. letter, 54, Pssd., 54

Auth. appl. and agree. with respect to seal belt enforcement and amend. 2004-05 Budget, Tr. letter, 63, Pssd., 63

Amend. 2004-05 Budget with respect to self contained breathing apparatus units for Roch. Fire Dept., Tr. letter, 63, Pssd., 64

Auth. agree. for 2005 Justice Assistance Grant, Tr. letter, 90, Pssd., 91

Reso. endorsing appl. for Main St. Program grants, Tr. letter, 95, Adpt. 95

Auth. grant agree. for Police computer and amend. 2004-05 Budget, Tr. letter, 119, Pssd., 119

Auth. submission of Consolidated Community Dev. Plan/2005-06 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 125, Pssd., 127

Approp. funds for Mini Grant Program, Tr. letter, 163, Pssd., 164

Approving business programs, Tr. letter, 165, Pssd., 166

Reso. in support of grant appl. by Highland Park Conservancy to New York State, Tr. letter, 235, Adpt., 235

Auth. application and agree. for Juvenile Accountability Block Grant, Tr. letter, 245, Pssd., 246

Establishing max. comp. for professional svcs. agree. for computerization of cemetery records and auth. grant agree., Tr. letter, 281, Pssd., 282

Amend. 2005-06 Budget for fire prevention and safety, Tr. letter, 311, Pssd., 312

Acceptance of library grants and amend. 2005-06 Budget, Tr. letter, 352, Pssd., 352

Auth. amend. agree. for Proj. Safe Neighborhoods Grant Program, Tr. letter, 388, Pssd., 389

Auth. appl. and agree. for NYS Archives Grant and amend. 2005-06 Budget, Tr. letter, 391, Pssd., 391

GREATER ROCHESTER AREA NARCOTICS ENFORCEMENT TEAM

Amend. 2005-06 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 247, Pssd., 247; Tr. letter, 338, Pssd., 338

GREATER ROCHESTER HOUSING PARTNERSHIP, INC.

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 216, Pssd., 217

GREATER UPSTATE LAW PROJECT

Approp. funds for Community Choice/Fair Housing Electronic Resource Ctr., Tr. letter, 161, Pssd., 162

GREEN VILLAGE CONSULTING

Auth. agree. for Aging in Place Summit, Tr. letter, 255, Pssd., 256

GRETA PROGRAM

Establishing max. comp. for professional svcs. agree. for continuation of Greta Program and amend. Ord. No. 2005-38, Tr. letter, 183, Pssd., 183

GROUP 14621 COMMUNITY ASSOCIATION

Auth. agree. for Community Technology Ctr., Tr. letter, 103, Pssd., 104

Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

GROVE PLACE ASSOCIATION

Auth. agree. with Grove Place Assn. for East End Garage Art Façade Proj., Tr. letter, 347, Pssd., 348

GUNFIRE DETECTION

Auth. application and agree. and amend. 2004-05 Budget with respect to Gunfire Detection Equipment, Tr. letter, 91, Pssd., 91

-H-

HSBC BANK, USA

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

HVAC

See "Heating, Ventilating and Air Conditioning"

HABITAT FOR HUMANITY

Auth. sale of real estate and agree. for housing dev., Tr. letter, 50, Pssd., 51

HAMILTON APARTMENTS

Auth. loan agree. for renovation of Hamilton Apts., Tr. letter, 344, Pssd., 345

HANNON, RICHARD W.

Reso. approving appt. to Roch. Economic Dev. Corp., Tr. letter, 273, Adpt., 273

HANSON, KAREN NOBLE

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

HARBORTOWN VILLAGE CENTER PLAN

Auth. agree. for Neighborhood Improvement Programs, Tr. letter, 317, Pssd., 318

HAZELWOOD TERRACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

HEALTH ASSOCIATION

Establishing max. comp. for professional svcs. agree. for Employee Assistance Program, Tr. letter, 392, Pssd., 392

HEALTH INSURANCE

Establishing max. comp. for amendatory professional svcs. agree. for health insurance review, Tr. letter, 191, Pssd., 191; Tr. letter, 335, Pssd., 336

HEALTHY HOMES ASSOCIATES, INC.

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 218, Pssd., 219

HEARING IMPAIRED

Amend. proposed 2005-06 Budget of the City in regard to hearing impaired svcs. - \$4,000, Tr. letter, 201, Pssd., 201

HEATING, VENTILATING AND AIR CONDITIONING

Establishing max. comp. for professional svcs. agree. for HVAC study at City bldgs., Tr. letter, 234, Pssd., 234

HEBARD STREET

Auth. acq. of 15 Hebard St. and 3 Trinidad St. for parking for Public Market and amend. 2004-05 Budget, Tr. letter, 235, Pssd., 236

HEMLOCK/CANADICE LAKE WATERSHED

Establishing max. comp. for professional svcs. agree. for upland water forest resource management svcs., Tr. letter, 136, Pssd., 137

HERRICK-SAYLOR ENGINEERS, P.C.

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 107, Pssd., 108

HESSLEY, JENNIFER

Reso. approving appointments and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 38, Adpt., 39

HIGH FALLS

Establishing max. comp. for professional svcs. agree. for High Falls Interpretive Signage Proj. and amend. 2004-05 Budget, Tr. letter, 81, Pssd., 82

L.I.O. - Establishing cost of assessments related to High Falls Business Imp. Dist., Tr. letter, 123, Pub. hear., 121, Pssd., 124

Establishing max. comp. for professional svcs. agree. for High Falls laser shows and amend. 2004-05 Budget, Tr. letter, 180, Pssd., 181

Establishing max. comp. for professional svcs.

agree. for High Falls laser equipment, Tr. letter, 180, Pssd., 181

Amend. 2005-06 Budget of the City in regard to High Falls laser show - (\$222,000), Tr. letter, 205, Failed in committee, 205

Establishing max. comp. for amend. professional svcs. agree. with Roch. Broadway Theatre League, Tr. letter, 255, Pssd., 255

Establishing max. comp. for agree. for High Falls Festival Site maintenance svcs., Tr. letter, 273, Pssd., 273

Auth. appl. and agree. with respect to High Falls Film Festival and amend. 2005-06 Budget, Tr. letter, 381, Pssd., 381

HIGH FALLS DEVELOPMENT CORPORATION

Establishing max. comp. for agree. for High Falls Festival Site maintenance svcs., Tr. letter, 273, Pssd., 273

HIGH FALLS FESTIVAL MANAGEMENT

Establishing max. comp. for amend. professional svcs. agree. with Roch. Broadway Theatre League, Tr. letter, 255, Pssd., 255

HIGHLAND PARK CONSERVANCY

Reso. in support of grant appl. by Highland Park Conservancy to New York State, Tr. letter, 235, Adpt., 235

HIGHLAND PARKWAY

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

HILB ROGEL & HOBBS

Establishing max. comp. for amendatory professional svcs. agree. for health insurance review, Tr. letter, 191, Pssd., 191; Tr. letter, 335, Pssd., 336

HILDEBRAND, JOAN

Establishing max. comp. for professional svcs. agree. for Roch. Public Market, Tr. letter, 232, Pssd., 232

HILLSIDE AVENUE

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

HILLSIDE CHILDREN'S CENTER

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

HISTORICAL MARKERS

Amend. 2005-06 Budget of the City in regard to historical markers - \$6,000, Tr. letter, 203, Pssd., 203

HISTORIC PRESERVATION PROJECT

Auth. application and agree. for Historic Preservation Proj., Tr. letter, 70, Pssd., 71

HOELTZER STREET

Auth. sale of 810-840 North Clinton Ave., 7-11 Sullivan St. and 6-8 Hoeltzer St. to further La Marketa North Clinton Ave. Urban Renewal Plan, Tr. letter, 73, Pub. hear., 65, Pssd., 73

HOME PERFORMANCE INC.

Establishing max. comp. for amendatory professional svcs. agree. for Emergency Training and Information Network, Tr. letter, 197, Pssd., 198

HOME PURCHASE ASSISTANCE PROGRAM

Approp. funds and auth. agree. for Home Purchase Assistance Program, Tr. letter, 98, Pssd., 99

HOME ROCHESTER PROGRAM

Auth. agree. for Home Roch. Program, Tr. letter, 158, Pssd., 159

Approp. funds and auth. agree. for CHDO housing dev. and operating assist. and amend. Ord. No. 2005-157, Tr. letter, 217, Pssd., 218

HOME ROOM PROGRAM

Auth. agree. for Home Room Program and approp. funds for City housing promotion, Tr. letter, 293, Pssd., 294

Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 300, Pssd., 301

HOME BUYER ASSISTANCE PROGRAM

Approp. of funds - Homebuyer Assistance Program, Tr. letter, 253, Pssd., 253

HOME BUYER TRAINING SERVICES

Auth. agree. for Homebuyer Training Svcs., Tr. letter, 352, Pssd., 353

HOMELAND SECURITY

Auth. agree. for homeland security svcs., Tr. letter, 152, Pssd., 152

Auth. agree. for Homeland Security funding and amend. 2004-05 Budget and amend. Ord. No. 2004-407, Tr. letter, 152, Pssd., 153

HOTEL/MOTEL COURTESY VEHICLES

Amend. Mun. Code with respect to hotel/motel courtesy vehicles, Tr. letter, 129, Pssd., 130

HOUSING

Auth. agree. and approp. funds for Rehab Roch. Program, Tr. letter, 2, Pssd., 3; Tr. letter, 252, Pssd., 253

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Consolidated Community Dev. Plan proj., Tr. letter, 3, Pub. hear., 1, Pssd., 4

Auth. sale of real estate and agree. for housing dev., Tr. letter, 50, Pssd., 51

Auth. agree. for Housing Mobility Program, Tr. letter, 51, Pssd., 52

Auth. agree. for continuation of Fair Housing Enforcement Proj., Tr. letter, 68, Pssd., 69; Tr. letter, 349, Pssd., 349

Auth. application and agree. relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 71, Pssd., 72

Approp. funds and auth. agree. for Home Purchase Assistance Program, Tr. letter, 98, Pssd., 99

Approving property tax exemption and auth. in-lieu-of-tax agree. for Susan B. Anthony Apartments Proj. and auth. loan agree., Tr. letter, 101, Pssd., 102

Auth. agree. for Home Roch. Program, Tr. letter, 158, Pssd., 159

Approp. funds for Community Choice/Fair Housing Electronic Resource Ctr., Tr. letter, 161, Pssd., 162

Auth. agree. for Landlord and Tenant Services, Tr. letter, 162, Pssd., 163

Auth. agree. for Mortgage Default Resolution Program, Tr. letter, 163, Pssd., 163

Amend. 2004-05 Community Dev. Program Plan and auth. ext. of float loan for Elmgrove Place Proj., Tr. letter, 169, Pub. hear., 155, Pssd., 170

Reso. amend. Reso. No. 89-11, the Residential Antidisplacement and Relocation Assistance Policy, Tr. letter, 215, Adpt., 215

Auth. agree. with Neighborhood Housing Svcs., Tr. letter, 216, Pssd., 216

Auth. agree. with Greater Roch. Housing Partnership, Inc. for housing svcs., Tr. letter, 216, Pssd., 217

Auth. agree. with Enterprise Foundation for housing svcs., Tr. letter, 217, Pssd., 217

Approp. funds and auth. agree. for CHDO housing dev. and operating assist. and amend. Ord. No. 2005-157, Tr. letter, 217, Pssd., 218

Auth. agree. for Asset Control Area Program, Tr. letter, 220, Pssd., 221

Bond ord. auth. issuance of \$929,000 bonds to finance cost of constr. of street improvements related to Olean St. Housing Subdivision Infrastructure Proj., Tr. letter, 222, Pssd., 223

Establishing max. comp. for professional svcs. agree. for Olean St. Housing Subdivision Infrastructure Proj., and amend. Ord. No. 2004-315 and 2005-72 and providing for environmental remediation, Tr. letter, 222, Pssd., 224

Bond ord. auth. issuance of \$75,000 bonds to finance cost of environmental clean-up at 56 Olean St. to provide for housing dev., Tr. letter, 224, Held, 228

Auth. agree. for housing dev. svcs., Tr. letter, 252, Pssd., 252

Approp. of funds - Homebuyer Assistance Program, Tr. letter, 253, Pssd., 253

Auth. agree. for Aging in Place Home Modification Program, Tr. letter, 271, Pssd., 271

Amend. Ord. No. 2005-44 relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 271, Pssd., 272

Auth. agree. for Home Room Program and approp. funds for City housing promotion, Tr. letter, 293, Pssd., 294

Approving property tax exemption and auth. in-lieu-of-tax agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 295, Pssd., 296

Auth. sale of real estate for Olean & Kennedy Revitalization Proj. and amend. Ord. No. 2003-332, Tr. letter, 295, Pssd., 297

Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 300, Pssd., 301

Auth. agree. for lending awareness svcs., Tr. letter, 316, Pssd., 317

Auth. agree. for fair housing lending monitoring svcs., Tr. letter, 317, Pssd., 317

Auth. loan agree. for renovation of Hamilton Apts., Tr. letter, 344, Pssd., 345

Auth. agree. for housing dev. support and amend. Ord. No. 2002-168, Tr. letter, 348, Pssd., 349

Auth. agree. for Homebuyer Training Svcs., Tr. letter, 352, Pssd., 353

HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

Reports of, 1; 49; 66; 93; 122; 156; 213; 250; 267; 294; 315; 341

HOUSING COUNCIL

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

Auth. agree. for Landlord and Tenant Services, Tr. letter, 162, Pssd., 163

Auth. agree. for Mortgage Default Resolution Program, Tr. letter, 163, Pssd., 163

Auth. agree. for lending awareness svcs., Tr. letter, 316, Pssd., 317

HOUSING MOBILITY PROGRAM

Auth. agree. for Housing Mobility Program, Tr. letter, 51, Pssd., 52

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Auth. application and agree. relating to Housing Opportunities for Persons With AIDS Program, Tr. letter, 71, Pssd., 72

HOUSING OPPORTUNITIES HOUSING DEVELOPMENT FUND CORPORATION

Approving property tax exemption and auth. in-lieu-of-tax agree. for Susan B. Anthony Apartments Proj. and auth. loan agree., Tr. letter, 101, Pssd., 102

Amend. 2004-05 Community Dev. Program Plan and auth. ext. of float loan for Elmgrove Place Proj., Tr. letter, 169, Pub. hear., 155, Pssd., 170

HOUSING OPPORTUNITIES, INC.

Approving property tax exemption and auth. in-lieu-of-tax agree. for Susan B. Anthony Apartments Proj. and auth. loan agree., Tr. letter, 101, Pssd., 102

Auth. agree. for housing dev. support and amend. Ord. No. 2002-168, Tr. letter, 348, Pssd., 349

HUMAN SERVICES PROJECTS/PROGRAMS

Auth. agree. for Human Svcs. Proj., Tr. letter, 76, Held, 77, Pssd., 104

Auth. agree. and approp. funds for Human Svcs. Proj. and amend. 2005-06 Community Dev. Plan, Tr. letter, 133, Pssd., 133

Auth. agree. for Human Svcs. Programs, Tr. letter, 276, Pssd., 277; Tr. letter, 326, Pssd., 327; Tr. letter, 377, Pssd., 378

HUNTINGTON PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

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ICF CONSULTANTS

Amend. 2004-05 Community Dev. Program by transferring funds and auth. agree. for Consolidated Community Dev. Plan proj., Tr. letter, 3, Pub. hear., 1, Pssd., 4

ISLA

Auth. agree. for Adopt-A-Block Program, Tr. letter, 67, Pssd., 68

IBERO AMERICAN ACTION LEAGUE

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Buena Vista Proj., St. Michael's Woodshop Proj. and Roch. Area Task Force on AIDS Prevention Proj., Tr. letter, 170, Pub. hear., 155, Pssd., 171

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

ICE HOCKEY

Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 277, Pssd., 277

IDEA CONNECTION SYSTEMS, INC.

Establishing max. comp. for professional svcs. agree. for Biracial Partnership Program, Tr. letter, 180, Pssd., 180; Tr. letter, 326, Pssd., 326

INCIDENT MANAGEMENT TEAM TRAIN-

ING

Establishing max. comp. for professional svcs. agree. for Incident Management Team Training, Tr. letter, 291, Pssd., 292

INSCRIPTION SERVICES

Establishing max. comp. for professional svcs. agree. for inscription svcs., Tr. letter, 136, Pssd., 136

INSPECTION SERVICES

Bond Ord. auth. issuance of \$452,000 bonds to finance add. cost of design and resident proj. inspection svcs. related to Manhattan Sq. Park Imp. Proj., Tr. letter, 140, Pssd., 141

Auth. agree. with Town of Brighton for bldg. inspection svcs., Tr. letter, 320, Pssd., 320

Bond ord. auth. issuance of \$2,910,000 bonds to finance cost of design, inspection and constr. of Cathodic Protection Program for City water supply conduits, Tr. letter, 331, Pssd., 333

INSURANCE

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2004-05 Budget, Tr. letter, 153, Pssd., 153

Establishing max. comp. for amendatory professional svcs. agree. for health insurance review, Tr. letter, 191, Pssd., 191; Tr. letter, 335, Pssd., 336

INTERNET

Amend. proposed 2005-06 Budget of the City in regard to wireless internet feasibility study - \$15,000, Tr. letter, 201, Pssd., 202

INTERPRETYPE

Amend. proposed 2005-06 Budget of the City in regard to hearing impaired svcs. - \$4,000, Tr. letter, 201, Pssd., 201

INTERSTATE 490

Changing zoning class. of 1, 3, 4, 5, 7 & 9 Karges Place, 667 & 671 South Goodman St. and portion of vacant land dedicated to I-490 from R-1 Low Density Residential to C-2 Community Ctr., Tr. letter, 100, Pub. hear., 93, Held, 101, Pssd., 132

INVESTIGATIVE SERVICES

Establishing max. comp. for amend. professional svcs. agree. for investigative svcs., Tr. letter, 336, Pssd., 336

INVOFAB INDUSTRIES, INC.

Establishing \$30,000 as add. comp. for professional svcs. agree. for continued provision of real estate title svcs., Tr. letter, 3, Pssd., 3

IRONDEQUOIT, TOWN OF

Auth. agree. with Town of Irondequoit for police svcs. to Roch. Yacht Club, Tr. letter, 245, Pssd., 247

IRVING PLACE

Approving change in traffic flow on Irving Place from one-way northbound to one-way southbound, Tr. letter, 264, Pub. hear., 250, Pssd., 264

-J-**JP MORGAN CHASE BANK, N.A.**

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

JEFFERSON AVENUE

Approving changes in pav. width of Jefferson

Ave. between W. Main St. and Brown St., and Brown St. between Kensington St. and Jefferson Ave., Tr. letter, 188, Pub. hear., 155, Pssd., 190

Dedication of add. parcel to street purposes for Jefferson Ave., Tr. letter, 333, Pub. hear., 315, Pssd., 333

JENSEN ENGINEERING, P.C.

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 107, Pssd., 108

JOHN & SON COLLISION

Auth. amend. agree. for towing svcs., Tr. letter, 266, Pssd., 267

Auth. agree. for towing svcs., Tr. letter, 393, Pssd., 394

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

Auth. agree. for Homeland Security funding and amend. 2004-05 Budget and amend. Ord. No. 2004-407, Tr. letter, 152, Pssd., 153

JOINT ENERGY CONSERVATION PROGRAM

Auth. agree. for continued administration of Joint Energy Conservation Program, Tr. letter, 160, Pssd., 161

JONES, BARBARA J.

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

JOSEPH AVENUE

Establishing max. comp. for professional svcs. agree. for Joseph Ave. Improvement Proj., Tr. letter, 305, Pssd., 305

JOSEPH C. WILSON BOULEVARD

Continuation of L.I.O. No. 1374 relating to Joseph C. Wilson Blvd. Pedestrian Lighting Dist., Tr. letter, 134, Pub. hear., 121, Pssd., 136

JUNIOR ACHIEVEMENT

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36

JUVENILE ACCOUNTABILITY BLOCK GRANT

Auth. application and agree. for Juvenile Accountability Block Grant, Tr. letter, 245, Pssd., 246

-K-**KARGES PLACE**

Changing zoning class. of 1, 3, 4, 5, 7 & 9 Karges Place, 667 & 671 South Goodman St. and portion of vacant land dedicated to I-490 from R-1 Low Density Residential to C-2 Community Ctr., Tr. letter, 100, Pub. hear., 93, Held, 101, Pssd., 132

KARIN, DANIEL B.

Continuation of appt. of Marriage Officer, Tr. letter, 390, Pssd., 391

KELLY, JOSEPH G.

Reso. approving appointments to Elevator Examining Board, Tr. letter, 70, Adpt., 70

KESSLER, IRVING L.

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

KEYBANK

Auth. lease of space at 250 South Ave., Tr. letter, 69, Pssd., 69
Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

KIDTECH PROJECT

Auth. agree. for KidTech Proj., Tr. letter, 229, Pssd., 230

KLCC, ADRIENNE M.

Reso. approving appt. to Board of Assessment Review, Tr. letter, 314, Adpt., 314

KNICKERBOCKER AVENUE

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

KRAMER JUSTICE, LLC

Auth. lease agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 228, Held, 229
Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 300, Pssd., 301

KUUMBA CONSULTANTS

Establishing max. comp. for amend. agree. for instruction for RASA Program, Tr. letter, 378, Pssd., 378

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LA AVENIDA

Approving professional svcs. agree. for La Avenida Streetscape Proj., Tr. letter, 320, Pssd., 321

LA MARKET A

Auth. sale of 810-840 N. Clinton Ave., 7-11 Sullivan St. and 6-8 Hoeltzer St. to further La Marketa N. Clinton Ave. Urban Renewal Plan, Tr. letter, 73, Pub. hear., 65, Pssd., 73

Auth. acq. by condemnation of 844 N. Clinton Ave. to further the La Marketa N. Clinton Avenue Urban Renewal Plan, Tr. letter, 324, Held, 324, Tr. letter, 349, Pssd., 350

Determination and findings relating to acq. of 844 N. Clinton Ave. to further the La Marketa N. Clinton Ave. Urban Renewal Plan, Tr. letter, 349, Pssd., 351

LABELLA ASSOCIATES, PC

Establishing max. comp. for professional svcs. agree. for environmental clean-up svcs. for 10 Felix St., Tr. letter, 84, Pssd., 85

Establishing max. comp. for professional svcs. agree. for design svcs. for extension of River St., Tr. letter, 257, Pssd., 258

Auth. agree. for environmental site assessments, Tr. letter, 304, Pssd., 305

Establishing max. comp. for amend. professional svcs. agree. for environmental clean-up svcs. for 10 Felix St., Tr. letter, 329, Pssd., 330

Bond ord. auth. issuance of \$268,400 bonds to finance add. cost of environmental clean-up at City's Bureau of Water & Street Lighting site at 10 Felix St., Tr. letter, 329, Pssd., 331

Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 385, Pssd., 386

LABOR RELATIONS CONSULTATION SERVICES

Establishing max. comp. for professional svcs. agree. for labor relations consultation svcs. and amend. 2004-05 Budget, Tr. letter, 43, Pssd., 44

Establishing max. comp. for amend. professional

svcs. agree. for labor relations consultation svcs., Tr. letter, 288, Pssd., 288

LAFAYETTE PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

LAKE AVENUE

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 121, Pssd., 135

LAKESIDE ENGINEERING, P.C.

Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 385, Pssd., 386

LAKEVIEW PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

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Auth. agree. for Landlord and Tenant Services, Tr. letter, 162, Pssd., 163

LANDMARK SOCIETY OF WESTERN NEW YORK, INC.

Auth. agree. for Home Room Program and approp. funds for City housing promotion, Tr. letter, 293, Pssd., 294

Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 300, Pssd., 301

LANDSCAPE TECHNICIAN PROJECT

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Landscape Technician Proj., Tr. letter, 256, Pub. hear., 250, Pssd., 256

LARSEN ENGINEERS

Auth. agree. for environmental site assessments, Tr. letter, 304, Pssd., 305

LASER SHOWS

Establishing max. comp. for professional svcs. agree. for High Falls laser shows and amend. 2004-05 Budget, Tr. letter, 180, Pssd., 181

Amend. 2005-06 Budget of the City in regard to High Falls laser show - (\$222,000), Tr. letter, 205, Failed in committee, 205

LAW DEPARTMENT

Establishing max. comp. for amend. professional svcs. agree. for expert witness svcs., Tr. letter, 312, Pssd., 312

LEACH, JOHN

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

LEAD DOG MARKETING

Establishing max. comp. for agree. for 2006 MusicFest, Tr. letter, 380, Pssd., 381

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Amend. Chapter 90 of Mun. Code with respect to lead-based paint poisoning prevention, Tr. letter, 27, Held, 35

Establishing max. comp. for professional svcs. agree. for lead poisoning EIS and amend. 2004-05

Budget and 2000-01 City Dev. Fund, Tr. letter, 72, Pssd., 73

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Adopting Environmental Review Statement of Findings for Mun. Code revisions with respect to lead-based paint poisoning prevention, Tr. letter, 357, Pssd., 358

Amend. Chapter 90 of Mun. Code with respect to lead-based paint poisoning prevention, Tr. letter, 358, Pssd., 366

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LEADER PROFESSIONAL SERVICES, INC.

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LEADERSHIP ROCHESTER URBAN FELLOWS PROGRAM

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LEARN TO SWIM PROGRAM

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Auth. lease agree. for Water & Lighting Bur. Op. Ctr., Tr. letter, 55, Pssd., 56

Auth. lease of space at 250 South Ave., Tr. letter, 69, Pssd., 69

Auth. agree. with County of Monroe for lease of telecommunications conduit, Tr. letter, 116, Pssd., 116

Auth. lease agree. for space in Court St. Parking Garage, Tr. letter, 168, Pssd., 168

Auth. lease agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 228, Held, 229

Auth. ext. of lease agree. for Boys Club Parking Lot, Tr. letter, 290, Pssd., 290

Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 300, Pssd., 301

Auth. lease of Municipal Lot No. 14 to Roch. City School District, Tr. letter, 312, Held, 313

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 343, Pssd., 343

Auth. amend. lease agree. for Water & Lighting Bur. Operations Ctr., Tr. letter, 386, Pssd., 387

Auth. lease agree. for photocopier equipment for Police Dept., Tr. letter, 392, Pssd., 393

Auth. execution and delivery of lease agree. and leaseback agree. with Roch. Ferry Co., LLC, Tr. letter, 396, Pssd., 397

LECHASE, WAYNE

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

LEFROIS DEVELOPMENT, LLC

Approving sale of land in Roch. Science Park to LeFrois Dev., LLC, Tr. letter, 273, Pub. hear., 267, Pssd., 274

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Auth. agree. for continuation of Fair Housing Enforcement Proj., Tr. letter, 68, Pssd., 69; Tr. letter, 349, Pssd., 349

Auth. agree. for Landlord and Tenant Services, Tr. letter, 162, Pssd., 163

LEGAL SERVICES

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LEW CORPORATION

Auth. agree. for lead hazard evaluation svcs., Tr. letter, 218, Pssd., 219

LEWIS, THOMAS

Reso. appointing temp. members to Board of Assessment Review, Tr. letter, 43, Adpt., 43

LEXINGTON AVENUE

Amend. Ord. No. 2004-324 relating to agree. for flagging svcs. for Lexington Ave. Pub. Imp. Proj., Tr. letter, 58, Pssd., 59

Approp. funds for Lexington Ave. Imp. Proj., Tr. letter, 147, Pssd., 148

LIBRARY

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Establishing max. comp. for professional svcs. agree. for Rundel Library Skylight Improvement Proj., Tr. letter, 298, Pssd., 299

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Auth. release of lien for Rexford Place Proj., Tr. letter, 9, Pssd., 97

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L.I.O. - Street lighting enhancements as part of St. Paul Street Improvement Proj. (Bittner St. to Mortimer St.), Tr. letter, 237, Pub. hear., 212, Pssd., 238

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Approving property tax exemption and auth. in-lieu-of-tax agree. for Susan B. Anthony Apartments Proj. and auth. loan agree., Tr. letter, 101, Pssd., 102

Approving business programs, Tr. letter, 165, Pssd., 166

Amend. 2004-05 Community Dev. Program Plan and auth. ext. of float loan for Elmgrove Place Proj., Tr. letter, 169, Pub. hear., 155, Pssd., 170

Auth. agree. with Neighborhood Housing Svcs., Tr. letter, 216, Pssd., 216

Auth. loan agree. for renovation of Hamilton Apts., Tr. letter, 344, Pssd., 345

Auth. loan agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 356, Pssd., 357

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 1539 - L.I.O. - Snow removal at Public Market, Tr. letter, 86, Pub. hear., 66, Pssd., 87
 1540 - L.I.O. - Security at Public Market, Tr. letter, 86, Pub. hear., 66, Pssd., 87
 1541 - L.I.O. - Establishing cost of special work and svcs. related to Main St. improvements, Tr. letter, 99, Pub. hear., 93, Pssd., 100
 1542 - L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 115, Pub. hear., 93, Pssd., 116
 1543 - L.I.O. - Establishing cost of assessments related to High Falls Business Imp. Dist., Tr. letter, 123, Pub. hear., 121, Pssd., 124
 1544 - L.I.O. - Establishing cost of special work and svcs. related to Merchants/Winton Road Open Space Dist., Tr. letter, 127, Pub. hear., 121, Pssd., 128
 1545 - L.I.O. - Establishing cost of special work and svcs. related to Downtown Guides and auth. agree., Tr. letter, 128, Pub. hear., 121, Pssd., 129
 1546 - L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 121, Pssd., 135
 1547 - Continuation of L.I.O. No. 1374 relating to Joseph C. Wilson Blvd. Pedestrian Lighting Dist., Tr. letter, 134, Pub. hear., 121, Pssd., 136
 1548 - Continuation of L.I.O. No. 1382 relating to Lyell Ave. commercial parking lot, Tr. letter, 146, Pub. hear., 121, Pssd., 147
 1549 - L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 146, Pub. hear., 121, Pssd., 147
 1550 - L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2005 and expiring June 30, 2006, Tr. letter, 205, Pub. hear., 154, Pssd., 209
 1551 - L.I.O. - Amend. L.I.O. No. 1522 - Upgrading of streetscape features as part of St. Paul Street (Avenue E to Norton St.) Improvement Proj., Tr. letter, 205, Pub. hear., 154, Pub. hear., 155, Pssd., 210
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1 - Local Law amend. City Charter with respect to Budget est. of City School Dist., Tr. letter, 60, Pssd., 61
 2 - Local Law amend. City Charter with respect to issuance of parking tickets, Tr. letter, 62, Pssd., 63
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 4 - Local Law adding Bausch & Lomb North Goodman Street Facility to City of Roch. Empire Zone as regionally significant proj., Tr. letter, 166, Pssd., 168
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 6 - Local Law providing for supplemental pension payments under old City pension plan, Tr. letter, 266, Pssd., 266
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 10 - Local Law amend. City Charter with respect to salary of Mayor, Tr. letter, 394, Pssd., 395
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LU ENGINEERS

Auth. agree. for environmental site assessments, Tr. letter, 304, Pssd., 305

LUMSDEN & MCCORMICK, LLP

Establishing max. comp. for professional svcs. agree. for audit svcs. for federal aid proj., Tr. letter, 105, Pssd., 105
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-M-

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MAINS, TIM O., COUNCILMEMBER

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Amend. proposed 2005-06 Budget of the City in regard to legal svcs., Tr. letter, 202, Pssd., 203

Amend. proposed 2005-06 Budget of the City of Roch. Mayoral transition expenses - \$40,000, Tr. letter, 203, Pssd., 204

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MANHATTAN SQUARE PARK

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Public Art, Tr. letter, 80, Pssd., 80

Bond ord. auth. issuance of \$150,000 bonds to finance cost of Phase I Improvements to Manhattan Sq. Park, Tr. letter, 80, Pssd., 81

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Imp. Proj., Tr. letter, 140, Pssd., 140

Bond Ord. auth. issuance of \$452,000 bonds to finance add. cost of design and resident proj. inspection svcs. related to Manhattan Sq. Park Imp. Proj., Tr. letter, 140, Pssd., 141

Bond ord. auth. issuance of \$1,098,000 bonds to finance add. cost of Phase I improvements to Manhattan Sq. Park, Tr. letter, 187, Pssd., 188

MANNING & NAPIER

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 53, Pub. hear., 49, Adpt., 54

MANUFACTURERS & TRADERS TRUST COMPANY

Auth. agree. for merchant card svcs., Tr. letter, 151, Pssd., 152

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

MAPPING SERVICES

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MARKETVIEW HEIGHTS ASSOCIATION

Auth. agree. for Adopt-A-Lot Program, Tr. letter, 109, Pssd., 110

Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

MARRIAGE OFFICER

Continuation of appt. of Marriage Officer, Tr. letter, 390, Pssd., 391

MARTIN, J., SOLUTIONS

Establishing max. comp. for professional svcs. agree. for labor relations consultation svcs. and amend. 2004-05 Budget, Tr. letter, 43, Pssd., 44

Establishing max. comp. for amend. professional svcs. agree. for labor relations consultation svcs., Tr. letter, 288, Pssd., 288

MARULLO, PETER J.

Reso. approving appointments to Elevator Examining Board, Tr. letter, 70, Adpt., 70

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Auth. agree. for materials testing svcs., Tr. letter, 141, Pssd., 142

MAUSER, RICHARD ALFRED

Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 281, Pssd., 281

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Amend. 2005-06 Budget of the City in regard to Court Watch - \$15,000, Tr. letter, 200, Pssd., 201

Amend. 2005-06 Budget of the City in regard to Downtown City Living Program - \$5,000, Tr. letter, 202, Pssd., 202

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MCFADDEN, JEFFREY

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MCLAUGHLIN, PHILIP J.

Establishing max. comp. for professional svcs. agree. for Incident Management Team Training, Tr. letter, 291, Pssd., 292

MEMORIAL BUSINESS SYSTEMS, INC.

Establishing max. comp. for professional svcs. agree. for computerization of cemetery records and auth. grant agree., Tr. letter, 281, Pssd., 282

MERCHANT CARD SERVICES

Auth. agree. for merchant card svcs., Tr. letter, 151, Pssd., 152

MERCHANTS/WINTON

L.I.O. - Establishing cost of special work and svcs. related to Merchants/Winton Road Open Space Dist., Tr. letter, 127, Pub. hear., 121, Pssd., 128

METRO COUNCIL FOR TEEN POTENTIAL

Auth. agree. for Human Svcs. Programs, Tr. letter, 276, Pssd., 277

Auth. agree. and amend. 2005-06 Budget for substance abuse prevention program, Tr. letter, 325, Pssd., 326

MICROWAVE DATA SYSTEMS, INC.

Establishing \$30,000 as add. comp. for professional svcs. agree. for continued provision of real estate title svcs., Tr. letter, 3, Pssd., 3

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Approp. funds for Mini Grant Program, Tr. letter, 163, Pssd., 164

MR. TOW, INC.

Auth. amend. agree. for towing svcs., Tr. letter, 266, Pssd., 267

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MONROE AVENUE

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 121, Pssd., 135

L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 146, Pub. hear., 121, Pssd., 147

MONROE COMMUNITY COLLEGE

Establishing max. comp. for professional svcs. agree. with Monroe Community College for AmeriCorps Program, Tr. letter, 76, Pssd., 76

Auth. agree. relating to 2005 Good Grades Pay Program, Tr. letter, 192, Pssd., 193

Auth. agree. for Police Recruitment Education Program and amend. 2005-06 Budget, Tr. letter, 265, Pssd., 265

MONROE COUNTY

Auth. agree. with County of Monroe with respect to water conduit easement, Tr. letter, 37, Pssd., 37

Auth. amend. City-County agree. for expressway lighting, Tr. letter, 39, Pssd., 40

Local Law amend. City Charter with respect to issuance of parking tickets, Tr. letter, 62, Pssd., 63

Auth. agree. for 2005 Justice Assistance Grant, Tr. letter, 90, Pssd., 91

Auth. agree. with County of Monroe for lease of telecommunications conduit, Tr. letter, 116, Pssd., 116

Auth. agree. for homeland security svcs., Tr. letter, 152, Pssd., 152

Auth. agree. for Homeland Security funding and amend. 2004-05 Budget and amend. Ord. No. 2004-407, Tr. letter, 152, Pssd., 153

Auth. agree. with respect to Proj. IMPACT and amend. 2004-05 Budget, Tr. letter, 195, Pssd., 195

Auth. agree. with respect to photo lab svcs., Tr. letter, 195, Pssd., 196

Auth. agree. with County of Monroe for collection and disposal of solid waste and recyclable materials, Tr. letter, 234, Pssd., 234

Auth. agree. with County of Monroe for police svcs., Tr. letter, 245, Pssd., 246

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Auth. agree. with respect to Operation IMPACT II and amend. 2005-06 Budget, Tr. letter, Tr. letter, 338, Pssd., 339

Approving Weed & Seed Program Anti-Gang Initiative and amend. 2005-06 Budget, Tr. letter, 340, Pssd., 341

MONROE COUNTY EMPIRE ZONE

Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 53, Pub. hear., 49, Adpt., 54; Tr. letter, 170, Pub. hear., 155, Adpt., 170; Tr. letter, 376, Pub. hear., 341, Adpt., 377

MONROE COUNTY LEGAL ASSISTANCE CORPORATION

Auth. agree. for Landlord and Tenant Services, Tr. letter, 162, Pssd., 163

MONROE SOUTH WEST PROPERTIES LLC

Auth. agree. for street improvements as part of Olean & Kennedy Revitalization Proj., Tr. letter, 322, Pssd., 323

Abandonment of portion of Ford St. and amend. Ord. No. 2005-72 and 2005-312 to include said parcel in land exchange and grant tax exemption as part of Olean & Kennedy Revitalization Proj. and auth. further amendments, Tr. letter, 356, Pub. hear., 341, Pssd., 357

MONROE VILLAGE STRATEGIC PLAN

Auth. agree. for Neighborhood Improvement Programs, Tr. letter, 317, Pssd., 318

MONTGOMERY NEIGHBORHOOD CENTER

Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

MORSE, THOMAS

Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 98, Adpt., 98

MORTGAGE DEFAULT RESOLUTION PROGRAM

Auth. agree. for Mortgage Default Resolution Program, Tr. letter, 163, Pssd., 163

MOSELEY ASSOCIATES, INC.

Approving sale of land in Roch. Science Park to Moseley Assoc., Inc., Tr. letter, 323, Pub. hear., 314, Pssd., 324

Establishing \$30,000 as add. comp. for professional svcs. agree. for continued provision of real estate title svcs., Tr. letter, 3, Pssd., 3

MOTOR VEHICLE

Auth. agree. for Motor Vehicle Theft and Insurance Fraud Prevention Program and amend. 2004-05 Budget, Tr. letter, 153, Pssd., 153

Auth. agree. with Roch.-Genesee Regional Transportation Authority for refueling of City vehicles, Tr. letter, 185, Pssd., 185

Amend. Chapter 111 of Mun. Code, Traffic Ord., by amend. provisions for redemption of motor vehicles, Tr. letter, 205, Pssd., 210

Amend. Chapter 111 of Mun. Code, Traffic Ord., by amend. provisions for redemption of motor vehicles, Tr. letter, 393, Pssd., 394

MOUNT HOPE AVENUE

Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and East Henrietta Rd. Imp. Proj., Tr. letter, 105, Pssd., 105

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 151-191 Mt. Hope Ave., Tr. letter, 381, Pssd., 382

MOUNT READ BOULEVARD

Amend. 2004-05 Budget with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 59, Pssd., 59

Auth. agree. with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 138, Pssd., 139

Auth. agree. with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 184, Pssd., 185

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Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

MUNICIPAL CODE

Charter and Code of the City of Roch., NY, Chapter 60, Lead Poisoning Prevention Code, Tr. letter, 4, Held, 27

Amend. Chapter 90 of Mun. Code with respect to lead-based paint poisoning prevention, Tr. letter, 27, Held, 35

Amend. Chapter 39 of Mun. Code, Building Code, Tr. letter, 70, Pssd., 70

Amend. Mun. Code with respect to wholesale water rates, Tr. letter, 110, Pssd., 110

Amend. Mun. Code with respect to hotel/motel courtesy vehicles, Tr. letter, 129, Pssd., 130

Amend. Chapter 111 of Mun. Code, Traffic Ord., with respect to parking lots at Ferry Terminal, Tr. letter, 155, Pssd., 156

Amend. Chapter 120 of Mun. Code, Zoning Code, by amend. Dev. Concept Plan for Roch. Science Park and redesignating it as Planned Dev. District #7 - Roch. Science Park, Tr. letter, 171, Pub. hear., 155, Pssd., 176

Amend. Chapter 48 of Mun. Code., Environmental Review, by adding requirements for new uses at Roch. Science Park, Tr. letter, 171, Pub. hear., 155, Pssd., 176

Amend. Chapter 120 of Mun. Code, Zoning code, by amend. regulations for planned dev. districts, Tr. letter, 176, Pub. hear., 155, Pssd., 180

Amend. Mun. Code with respect to refuse fees, Tr. letter, 205, Pub. hear., 154, Pssd., 209

Amend. Chapter 111 of Mun. Code, Traffic Ord., by amend. provisions for redemption of motor vehicles, Tr. letter, 205, Pssd., 210

Amend. Mun. Code with respect to noise code violations, Tr. letter, 269, Pssd., 271

Amend. Mun. Code with respect to water rates, Tr. letter, 283, Pssd., 284

Amend. Mun. Code with respect to designation of depositories, Tr. letter, 335, Pssd., 335

Adopting Environmental Review Statement of Findings for Mun. Code revisions with respect to lead-based paint poisoning prevention, Tr. letter, 357, Pssd., 358

Amend. Chapter 90 of Mun. Code with respect to lead-based paint poisoning prevention, Tr. letter, 358, Pssd., 366

Amend. Chapter 120 of Mun. Code, Zoning

Code, Tr. letter, 368, Pub. hear., 341, Pssd., 376

Amend. Chapter 43 of Mun. Code with respect to cemetery fees, Tr. letter, 383, Pssd., 383

Amend. Mun. Code with respect to water rates, Tr. letter, 383, Pssd., 384

Amend. Mun. Code with respect to solicitors, Tr. letter, 384, Pssd., 385

Amend. Mun. Code with respect to illegal dumping, Tr. letter, 387, Pssd., 387

Amend. Chapter 111 of Mun. Code, Traffic Ord., by amend. provisions for redemption of motor vehicles, Tr. letter, 393, Pssd., 394

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Establishing max. comp. for professional svcs. agree. for "Party In The Park" concerts, Tr. letter, 54, Pssd., 55

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Amend. 2005-06 Budget by approp. forfeiture funds for Greater Roch. Area Narcotics Enforcement Team, Tr. letter, 247, Pssd., 247; Tr. letter, 338, Pssd., 338

Auth. agree. for Police Recruitment Education Program and amend. 2005-06 Budget, Tr. letter, 265, Pssd., 265

Establishing max. comp. for professional svcs. agree. for gunfire detection equip., Tr. letter, 265, Pssd., 266

Bond ord. auth. issuance of \$200,000 bonds to finance cost of furniture, fixtures and equip. for Eastside Patrol Div. Office of Roch. Police Dept., Tr. letter, 289, Pssd., 290

Bond ord. auth. issuance of \$233,000 bonds to finance cost of upgrading computer system of Roch. Police Dept., Tr. letter, 337, Pssd., 338

Auth. agree. with respect to Operation IMPACT II and amend. 2005-06 Budget, Tr. letter, Tr. letter, 338, Pssd., 339

Approving Weed & Seed Program and amend. 2005-06 Budget, Tr. letter, 339, Pssd., 340

Approving Weed & Seed Program Anti-Gang Initiative and amend. 2005-06 Budget, Tr. letter, 340, Pssd., 341

Auth. lease agree. for photocopier equipment for Police Dept., Tr. letter, 392, Pssd., 393

POLMENTEER, JAMES F.

Establishing max. comp. for professional svcs. agree. for inscription svcs., Tr. letter, 136, Pssd., 136

PORT OF ROCHESTER

Establishing max. comp. for professional svcs. agree. for Port of Rochester Transportation Evaluation Study, Tr. letter, 182, Pssd., 183

Amend. 2005-06 Budget with respect to property management funds, Tr. letter, 298, Pssd., 298

Auth. agree. for harbormaster and for War Memorial oversight, Tr. letter, 303, Pssd., 303

Auth. agree. and approp. funds relating to Port of Roch. Master Plan, Tr. letter, 308, Pssd., 309

Bond ord. auth. issuance of \$445,500 bonds to finance cost of preparation of Master Plan for dev. at Port of Roch., Tr. letter, 308, Pssd., 310

PORTSMOUTH TERRACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter,

83, Pub. hear., 65, Pssd., 84

POST CENTRAL INC.

Establishing max. comp. for professional svcs. agree. for Emergency Training and Information Network, Tr. letter, 248, Pssd., 248

PRITCHARD, WILLIAM F., COUNCIL-MEMBER

Amend. proposed 2005-06 Budget of the City for improved maintenance of City-owned property - \$100,000, Tr. letter, 198, Pssd., 199

Amend. proposed 2005-06 Budget of the City in regard to wireless internet feasibility study - \$15,000, Tr. letter, 201, Pssd., 202

Amend. 2005-06 Budget of the City in regard to Downtown City Living Program - \$5,000, Tr. letter, 202, Pssd., 202

Amend. proposed 2005-06 Budget of the City in regard to legal svcs., Tr. letter, 202, Pssd., 203

Negative vote, Int. No. 460, p. 398; Reso. 2005-28, p. 399

PRO PARK, LLC

Auth. agree. for operation of Court St. Parking Garage, Tr. letter, 259, Pssd., 260

PROJECT IMPACT

Auth. agree. with respect to Proj. IMPACT and amend. 2004-05 Budget, Tr. letter, 195, Pssd., 195

PROJECT MANAGEMENT SERVICES

Establishing max. comp. for professional svcs. agree. for constr. resident proj. representation and proj. management svcs., Tr. letter, 142, Pssd., 143

PROJECT SAFE NEIGHBORHOODS

Auth. amend. agree. for Proj. Safe Neighborhoods Grant Program, Tr. letter, 388, Pssd., 389

PROPERTY MANAGEMENT

Amend. 2005-06 Budget with respect to property management funds, Tr. letter, 298, Pssd., 298

PROVIDENCE OLEAN HOUSING DEVELOPMENT FUND COMPANY, INC.

Approving property tax exemption and auth. in-lieu-of-tax agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 295, Pssd., 296

Auth. sale of real estate for Olean & Kennedy Revitalization Proj. and amend. Ord. No. 2003-332, Tr. letter, 295, Pssd., 297

Abandonment of portion of Ford St. and amend. Ord. No. 2005-72 and 2005-312 to include said parcel in land exchange and grant tax exemption as part of Olean & Kennedy Revitalization Proj. and auth. further amendments, Tr. letter, 356, Pub. hear., 341, Pssd., 357

Auth. loan agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 356, Pssd., 357

PUBLIC HEARINGS

Held, 1; 49; 65; 93; 121; 154; 155; 212; 250; 267; 293; 314; 341

PUBLIC INTEREST LAW OFFICE

Approp. funds for Community Choice/Fair Housing Electronic Resource Ctr., Tr. letter, 161, Pssd., 162

PUBLIC MARKET

Establishing max. comp. for professional svcs. agree. for history of Public Market, Tr. letter, 74, Pssd., 74

L.I.O. - Snow removal at Public Market, Tr.

letter, 86, Pub. hear., 66, Pssd. 87

L.I.O. - Security at Public Market, Tr. letter, 86, Pub. hear., 66, Pssd., 87

Establishing max. comp. for professional svcs. agree. for Roch. Public Market, Tr. letter, 232, Pssd., 232

Auth. acq. of 15 Hebard St. and 3 Trinidad St. for parking for Public Market and amend. 2004-05 Budget, Tr. letter, 235, Pssd., 236

PUBLIC SERVICES, HEALTH & THE ARTS COMMITTEE

Reports of, 35; 54; 73; 102; 132; 180; 257; 276; 302; 324; 377

PUERTO RICAN YOUTH DEVELOPMENT

Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 193, Pssd., 194

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Q-TECH ENGINEERING, P.C.

Auth. agree. for mechanical/electrical/plumbing engineering svcs., Tr. letter, 385, Pssd., 386

QUAD A FOR KIDS

Auth. grant agree. with Quad A For Kids and amend. 2004-05 Budget, Tr. letter, 54, Pssd., 54

QUAD A KIDS NEIGHBORHOOD

Auth. agree. for Human Svcs. Programs, Tr. letter, 276, Pssd., 277

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RAIHN

See "Rochester Area Interfaith Hospitality Network"

RASA

See "Rochester After School Academy Program"

RADIOLOGICAL TRAINING

Establishing max. comp. for professional svcs. agree. for radiological training for Fire Dept., Tr. letter, 336, Pssd., 336

RAINES PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

RAVI ENGINEERING & LAND SURVEYING P.C.

Auth. agree. for structural engineering svcs. for bldg. renovation proj., Tr. letter, 107, Pssd., 108

REAL ESTATE, ACQUISITION OF

Auth. acq. by negotiation or condemnation of permanent easement for Atlantic Ave. Imp. Proj., Tr. letter, 146, Pssd., 146

Bond ord. auth. issuance of \$1,240,000 bonds to finance cost of acq. of CSX land for construction of connection to Genesee Riverway Trail and for economic dev. purposes, Tr. letter, 148, Pssd., 149

Auth. acq. of CSX land for construction of connection to Genesee Riverway Trail and for economic dev. purposes, Tr. letter, 148, Pssd., 150

Auth. acq. of 15 Hebard St. and 3 Trinidad St. for parking for Public Market and amend. 2004-05 Budget, Tr. letter, 235, Pssd., 236

Bond ord. auth. issuance of \$360,000 bonds to

finance cost of acq. of land at 18 Petten St. for constr. of new boat launch and vehicular parking area and potential future parkland uses, Tr. letter, 280, Pssd., 281
 Amend. Ord. No. 2005-133 relating to acq. of CSX Land, Tr. letter, 286, Pub. hear., 267, Held, 286, Pssd., 308
 Auth. acq. of portion of 18 Petten St., Tr. letter, 294, Pssd., 295
 Determination and findings relating to acq. of CSX land, Tr. letter, 307, Pssd., 308
 Auth. acq. by condemnation of 844 North Clinton Ave. to further the La Marketa North Clinton Avenue Urban Renewal Plan, Tr. letter, 324, Held, 324, Tr. letter, 349, Pssd., 350

REAL ESTATE, DONATION OF

Amend. Ord. No. 2003-279, relating to abandonment of portion of Oak St., accepting donation of land and granting easements, Tr. letter, 224, Pub. hear., 212, Pssd., 227

REAL ESTATE, EXCHANGE OF

Auth. exchange of real estate for Olean & Kennedy Revitalization Proj., Tr. letter, 95, Pssd., 96
 Abandonment of portion of Ford St. and amend. Ord. No. 2005-72 and 2005-312 to include said parcel in land exchange and grant tax exemption as part of Olean & Kennedy Revitalization Proj. and auth. further amendments, Tr. letter, 356, Pub. hear., 341, Pssd., 357

REAL ESTATE LEGAL SERVICES

Amend. proposed 2005-06 Budget of the City in regard to legal svcs., Tr. letter, 202, Pssd., 203

REAL ESTATE, MAINTENANCE OF

Amend. proposed 2005-06 Budget of the City for improved maintenance of City-owned property - \$100,000, Tr. letter, 198, Pssd., 199
 Amend. 2005-06 Budget with respect to property management funds, Tr. letter, 298, Pssd., 298

REAL ESTATE MARKETING INITIATIVE

Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 300, Pssd., 301

REAL ESTATE, SALE OF

Auth. sale of real estate, Tr. letter, 2, Pssd., 2; Tr. letter, 49, Pssd., 50; Tr. letter, 66, Pssd., 67; Tr. letter, 93, Pssd., 95; Tr. letter, 122, Pssd., 123; Tr. letter, 157, Pssd., 158; Tr. letter, 213, Pssd., 214; Tr. letter, 250, Pssd., 251; Tr. letter, 268, Pssd., 269; Tr. letter, 294, Pssd., 295; Tr. letter, 315, Pssd., 316; Tr. letter, 342, Pssd., 343
 Amend. Ord. No. 2004-310 relating to sale of real estate, Tr. letter, 2, Pssd., 2
 Amend. Ord. No. 2004-2 relating to sale of real estate, Tr. letter, 49, Pssd., 50
 Auth. sale of real estate and agree. for housing dev., Tr. letter, 50, Pssd., 51
 Auth. sale of 810-840 North Clinton Ave., 7-11 Sullivan St. and 6-8 Hoeltzer St. to further La Marketa North Clinton Ave. Urban Renewal Plan, Tr. letter, 73, Pub. hear., 65, Pssd., 73
 Amend. Ord. No. 2004-315 relating to Olean & Kennedy Revitalization Proj., Tr. letter, 96, Pssd., 97
 Amend. Ord. No. 2005-18 and 2005-37 relating to sale of real estate, Tr. letter, 157, Pssd., 157
 Amend. Ord. No. 2005-20 relating to sale of real estate, Tr. letter, 268, Pssd., 269
 Approving sale of land in Roch. Science Park to LeFrois Dev., LLC, Tr. letter, 273, Pub. hear., 267, Pssd., 274
 Auth. sale of real estate for Olean & Kennedy

Revitalization Proj. and amend. Ord. No. 2003-332, Tr. letter, 295, Pssd., 297
 Amend. Ord. No. 2005-208 relating to sale of real estate, Tr. letter, 315, Pssd., 316
 Auth. sale of 250 South Ave., Tr. letter, 318, Pssd., 319
 Approving sale of land in Roch. Science Park to Moseley Assoc., Inc., Tr. letter, 323, Pub. hear., 314, Pssd., 324
 Auth. sale of portion of 110-120 Colfax St. and amend. Ord. No. 2005-350, Tr. letter, 353, Pssd., 353
 Auth. sale of parcels in Brooks Landing Urban Renewal District, Tr. letter, 355, Pssd., 355

REAL ESTATE TITLE SERVICES

Establishing \$30,000 as add. comp. for professional svcs. agree. for continued provision of real estate title svcs., Tr. letter, 3, Pssd., 3

RECOGNITION CEREMONIES

Held, 1; 49; 65; 93; 154; 212; 249; 267; 292; 314; 341

RECORDS INVENTORY

Auth. appl. and agree. for NYS Archives Grant and amend. 2005-06 Budget, Tr. letter, 391, Pssd., 391

RECOVERY HOUSES OF ROCHESTER

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

RECREATION CENTERS

Amend. 2005-06 Budget of the City in regard to operating North St. Rec. Ctr. summer pool, Tr. letter, 199, Pssd., 199

RECYCLING

Auth. agree. with County of Monroe for collection and disposal of solid waste and recyclable materials, Tr. letter, 234, Pssd., 234

REFUSE

Adoption of Budget estimates for municipal purposes for 2005-06 fiscal year, appropriation of sums set forth therein and approving commercial refuse fees, Tr. letter, 205, Pub. hear., 154, Pssd., 207
 Amend. Mun. Code with respect to refuse fees, Tr. letter, 205, Pub. hear., 154, Pssd., 209

REHAB ROCHESTER PROGRAM

Auth. agree. and approp. funds for Rehab Roch. Program, Tr. letter, 2, Pssd., 3; Tr. letter, 252, Pssd., 253

RESEARCH FOUNDATION OF THE CITY UNIVERSITY OF NEW YORK

Auth. agree. for Homeland Security funding and amend. 2004-05 Budget and amend. Ord. No. 2004-407, Tr. letter, 152, Pssd., 153

RESIDENT PROJECT INSPECTION SERVICES

Bond Ord. auth. issuance of \$452,000 bonds to finance add. cost of design and resident proj. inspection svcs. related to Manhattan Sq. Park Imp. Proj., Tr. letter, 140, Pssd., 141

RESIDENT PROJECT REPRESENTATION SERVICES

Establishing max. comp. for professional svcs. agree. for constr. resident proj. representation and

proj. management svcs., Tr. letter, 142, Pssd., 143
 Establishing max. comp. for professional svcs. agree. for City Hall roof replacement, Tr. letter, 144, Pssd., 144
 Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 186, Pssd., 187
 Auth. agree. and approp. funds for Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 242
 Establishing max. comp. for amend. professional svcs. agree. for resident proj. representation svcs. for South Ave. Garage Rehab. Proj., Tr. letter, 260, Pssd., 261
 Accepting and approp. funds and establishing max. comp. for professional svcs. agree. for Brooks Village/Genesee St. Enhancement Proj., Tr. letter, 297, Pssd., 298
 Establishing max. comp. for amend. professional svcs. agree. for Conduit Modernization Proj., Tr. letter, 331, Pssd., 332

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE POLICY

Reso. amend. Reso. No. 89-11, the Residential Antidisplacement and Relocation Assistance Policy, Tr. letter, 215, Adpt., 215

RESIDENTIAL ASSISTANCE PROGRAM

Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

RESOLUTIONS

2005-1 - Reso. approving appointments and re-appointments to Downtown Enhancement District Advisory Committee, Tr. letter, 38, Adpt., 39
 2005-2 - Reso. approving appointments to Board of Assessment Review, Tr. letter, 42, Adpt., 43
 2005-3 - Reso. appointing temp. members to Board of Assessment Review, Tr. letter, 43, Adpt., 43
 2005-4 - 2004-05 debt reso. for City School District, Tr. letter, 44, Adpt., 45
 2005-5 - Reso. approving appointments by Mayor to Roch. Ferry Co. LLC, Tr. letter, 46, Adpt., 48
 2005-6 - Reso. approving appointments by President of City Council to Roch. Ferry Co. LLC, Tr. letter, 48, Adpt., 48
 2005-7 - Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 53, Pub. hear., 49, Adpt., 54
 2005-8 - Reso. approving appointments to Elevator Examining Board, Tr. letter, 70, Adpt., 70
 2005-9 - Reso. endorsing appl. for Main St. Program grants, Tr. letter, 95, Adpt. 95
 2005-10 - Reso. approving reappointments to Zoning Board of Appeals, Tr. letter, 98, Adpt., 98
 2005-11 - Reso. approving appointments to City Planning Commission, Tr. letter, 130, Adpt., 131
 2005-12 - Reso. approving appt. to Civil Service Commission of City of Roch., Tr. letter, 154, Adpt., 154
 2005-13 - Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169
 2005-14 - Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 170, Pub. hear., 155, Adpt., 170
 2005-15 - Resolution of budgetary intent - Police reorganization evaluation, Tr. letter, 204, Adpt., 204
 2005-16 - Reso. approving 2005-06 debt limit for general municipal purposes, Tr. letter, 210, Adpt., 212

2005-17 - Reso. amend. Reso. No. 89-11, the Residential Antidisplacement and Relocation Assistance Policy, Tr. letter, 215, Adpt., 215

2005-18 - Reso. in support of grant appl. by Highland Park Conservancy to New York State, Tr. letter, 235, Adpt., 235

2005-19 - Reso. approving appt. to Roch. Economic Dev. Corp., Tr. letter, 273, Adpt., 273

2005-20 - Reso. approving appt. by Mayor to Roch. Ferry Co. LLC, Tr. letter, 290, Adpt., 290

2005-21 - Reso. appointing temporary members to Board of Assessment Review, Tr. letter, 313, Adpt., 314

2005-22 - Reso. approving appt. to Board of Assessment Review, Tr. letter, 314, Adpt., 314

2005-23 - Reso. regarding targeting lead enforcement, Tr. letter, 358, Adpt., 367

2005-24 - Reso. regarding public education on lead, Tr. letter, 358, Adpt., 367

2005-25 - Reso. regarding voluntary lead program, Tr. letter, 358, Adpt., 368

2005-26 - Reso. approving relocation to Monroe County Empire Zone, Tr. letter, 376, Pub. hear., 341, Adpt., 377

2005-27 - Reso. approving appt. to Board of Assessment Review, Tr. letter, 395, Adpt., 396

Reso. on Pioneer Tax Plan, Tr. letter, 397, Failed, 398

2005-28 - Reso. on Roch. Children's Initiative, Tr. letter, 397, Adpt., 399

REVOLVING LOAN FUND PROGRAM

Auth. agree. with Neighborhood Housing Svcs., Tr. letter, 216, Pssd., 216

REXFORD PLACE

Auth. release of lien for Rexford Place Proj., Tr. letter, 9, Pssd., 97

RICHARD ALFRED MAUSER ARCHITECTS

Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 281, Pssd., 281

RIVER STREET

Establishing max. comp. for professional svcs. agree. for design svcs. for extension of River St., Tr. letter, 257, Pssd., 258

Approving amend. professional svcs. agree. for River St. Waterfront Public Imp. Proj. and approp. funds, Tr. letter, 279, Pssd., 279

RIVER STREET URBAN RENEWAL DISTRICT

Designating parcels in Charlotte for urban renewal to be known as River St. Urban Renewal District, Tr. letter, 321, Pssd., 322

ROBINSON, BRUCE E., INC.

Establishing max. comp. for professional svcs. agree. for upland water forest resource management svcs., Tr. letter, 136, Pssd., 137

ROBINSON, PAMELA

Reso. approving appointments to Board of Assessment Review, Tr. letter, 42, Adpt., 43

ROCHESTER AFTER SCHOOL ACADEMY PROGRAM

Auth. amend. appl. and agree. relating to Roch. After School Academy I Program and amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceedings, Pssd., 64

Auth. amend. appl. and agree. relating to Roch. After School Academy II Program and Amend. 2004-05 Budget, Tr. letter, 382 of 2004 Proceed-

- ings, Pssd., 65
Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 193, Pssd., 194
Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 194, Pssd., 195
Auth. agree. relating to Roch. After School Academy I Program and amend. 2005-06 Budget, Tr. letter, 311, Pssd., 311
Establishing max. comp. for amend. agree. for instruction for RASA Program, Tr. letter, 378, Pssd., 378
- ROCHESTER AREA COMMUNITY FOUNDATION INITIATIVES, INC.**
Auth. agree. for Human Svcs. Programs, Tr. letter, 276, Pssd., 277
- ROCHESTER AREA INTERFAITH HOSPITALITY NETWORK**
Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132
- ROCHESTER AREA TASK FORCE ON AIDS PREVENTION PROJECT**
Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Buena Vista Proj., St. Michael's Woodshop Proj. and Roch. Area Task Force on AIDS Prevention Proj., Tr. letter, 170, Pub. hear., 154, Pssd., 171
- ROCHESTER BROADWAY THEATRE LEAGUE**
Establishing max. comp. for amend. professional svcs. agree. with Roch. Broadway Theatre League, Tr. letter, 255, Pssd., 255
- ROCHESTER BUSINESS ALLIANCE**
Establishing max. comp. for professional svcs. agree. for assistance in Mayoral transition, Tr. letter, 315, Pssd., 315
- ROCHESTER CEMETERIES HERITAGE FOUNDATION**
Establishing max. comp. for professional svcs. agree. for svcs. as grant writer for Roch. Cemeteries Heritage Foundation, Tr. letter, 136, Pssd., 136
Establishing max. comp. for professional svcs. agree. for computerization of cemetery records and auth. grant agree., Tr. letter, 281, Pssd., 282
- ROCHESTER CHILDREN'S INITIATIVE**
Reso. on Roch. Children's Initiative, Tr. letter, 397, Adpt., 399
- ROCHESTER CITY LIVING CENTER**
Auth. lease agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 228, Held, 229
Auth. agree. and approp. funds for Roch. City Living Ctr., Tr. letter, 274, Held, 275
- ROCHESTER DOWNTOWN DEVELOPMENT CORPORATION**
Establishing max. comp. for agree. for Main & Clinton Proj., Tr. letter, 98, Pssd., 98
Amend. proposed 2005-06 Budget of the City in regard to wireless internet feasibility study - \$15,000, Tr. letter, 201, Pssd., 202
- ROCHESTER ECONOMIC DEVELOPMENT CORPORATION**
Reso. endorsing appl. for Main St. Program grants, Tr. letter, 95, Adpt. 95
Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169
Reso. approving appt. to Roch. Economic Dev. Corp., Tr. letter, 273, Adpt., 273
- ROCHESTER FATHERHOOD RESOURCE INITIATIVE**
Auth. agree. for Human Svcs. Proj., Tr. letter, 76, Held, 77, Pssd., 104
Approving Consolidated Community Dev. Plan/2005-06 Annual Action Plan, Tr. letter, 125, Pub. hear., 121, Pssd., 127
Auth. agree. and approp. funds for Human Svcs. Proj. and amend. 2005-06 Community Dev. Plan, Tr. letter, 133, Pssd., 133
Auth. agree. for Human Svcs. Programs, Tr. letter, 326, Pssd., 327; Tr. letter, 377, Pssd., 378
- ROCHESTER FERRY COMPANY LLC**
Reso. approving appointments by Mayor to Roch. Ferry Co. LLC, Tr. letter, 46, Adpt., 48
Reso. approving appointments by President of City Council to Roch. Ferry Co. LLC, Tr. letter, 48, Adpt., 48
Reso. approving appt. by Mayor to Roch. Ferry Co. LLC, Tr. letter, 290, Adpt., 290
Auth. execution and delivery of lease agree. and leaseback agree. with Roch. Ferry Co., LLC, Tr. letter, 396, Pssd., 397
- ROCHESTER GAS & ELECTRIC CORPORATION**
Auth. agree. for street lighting during capital imp. proj., Tr. letter, 139, Pssd., 139
- ROCHESTER GENERAL HOSPITAL**
Auth. increase in pav. width of Carter St. for turning lane at Roch. General Hospital entrance, Tr. letter, 333, Pub. hear., 315, Held, 334
- ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY**
Auth. agree. with Roch.-Genesee Regional Transportation Authority for refueling of City vehicles, Tr. letter, 185, Pssd., 185
- ROCHESTER HOUSING AUTHORITY**
Auth. exchange of real estate for Olean & Kennedy Revitalization Proj., Tr. letter, 95, Pssd., 96
Approving wage and salary increases for employees of Roch. Housing Auth., Tr. letter, 391, Pssd., 392
- ROCHESTER HOUSING DEVELOPMENT CORPORATION**
Auth. agree. for Home Roch. Program, Tr. letter, 158, Pssd., 159
- ROCHESTER HOUSING DEVELOPMENT FUND CORPORATION**
Auth. agree. for Asset Control Area Program, Tr. letter, 220, Pssd., 221
- ROCHESTER ICE HOCKEY OFFICIALS, INC.**
Establishing max. comp. for professional svcs. agree. for hockey referees, Tr. letter, 277, Pssd., 277
- ROCHESTER INSTITUTE OF TECHNOLOGY**
Establishing max. comp. for professional svcs. agree. for radiological training for Fire Dept., Tr. letter, 336, Pssd., 336
Auth. agree. with respect to Operation IMPACT II and amend. 2005-06 Budget, Tr. letter, Tr. letter,

338, Pssd., 339

Auth. amend. agree. for Proj. Safe Neighborhoods Grant Program, Tr. letter, 388, Pssd., 389

ROCHESTER-MONROE COUNTY FREEDOM TRAIL COMMISSION

Amend. 2005-06 Budget of the City in regard to historical markers - \$6,000, Tr. letter, 203, Pssd., 203

ROCHESTER-MONROE COUNTY YOUTH BUREAU

Approving appl., agree. and 2005 administrative and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 102, Pssd., 103

Approving appl., agree. and 2006 administrative and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 378, Pssd., 379

ROCHESTER PHILHARMONIC ORCHESTRA

Establishing max. comp. for professional svcs. agree. with Roch. Philharmonic Orchestra for public concerts, Tr. letter, 302, Pssd., 302

ROCHESTER RECREATION SWIM TEAM

Establishing max. comp. for professional svcs. agree. for competitive swimming program for youth, Tr. letter, 277, Pssd., 278

ROCHESTER REGIONAL COMMUNITY DESIGN CENTER

Auth. amend. agree. for design svcs. and amend. 2004-05 Budget, Tr. letter, 52, Pssd., 53

Establishing max. comp. for professional svcs. agree. with Roch. Regional Community Design Ctr. and amending 2005-06 Budget, Tr. letter, 253, Pssd., 254

ROCHESTER SCHOOL FOR THE DEAF

Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 194, Pssd., 195

ROCHESTER SCIENCE PARK

Changing zoning class. of Roch. Science Park from Manufacturing-Institutional Planned Dev. District M-IPD #2 to Planned Dev. District #7 - Roch. Science Park, Tr. letter, 171, Pub. hear., 154, Pssd., 172

Amend. Chapter 120 of Mun. Code, Zoning Code, by amend. Dev. Concept Plan for Roch. Science Park and redesignating it as Planned Dev. District #7 - Roch. Science Park, Tr. letter, 171, Pub. hear., 155, Pssd., 176

Amend. Chapter 48 of Mun. Code. Environmental Review, by adding requirements for new uses at Roch. Science Park, Tr. letter, 171, Pub. hear., 155, Pssd., 176

Approving sale of land in Roch. Science Park to LeFrois Dev., LLC, Tr. letter, 273, Pub. hear., 267, Pssd., 274

Approving sale of land in Roch. Science Park to Moseley Assoc., Inc., Tr. letter, 323, Pub. hear., 314, Pssd., 324

Establishing \$30,000 as add. comp. for professional svcs. agree. for continued provision of real estate title svcs., Tr. letter, 3, Pssd., 3

ROCHESTER YACHT CLUB

Auth. agree. with Town of Irondequoit for police svcs. to Roch. Yacht Club, Tr. letter, 245, Pssd., 247

RODRIGUEZ, DAVID

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt.,

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ROMEYN STREET

Dedication to street purposes of add. parcel for Romeyn St., Tr. letter, 299, Pub. hear., 293, Pssd., 300

ROSIN, NANCY

Establishing max. comp. for professional svcs. agree. for history of Public Market, Tr. letter, 74, Pssd., 74

RUBINO'S

Auth. lease agree. for space in Court St. Parking Garage, Tr. letter, 168, Pssd., 168

RUNDEL PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

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SJB SERVICES, INC.

Auth. agree. for materials testing svcs., Tr. letter, 141, Pssd., 142

ST. MARTINS PLACE

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

ST. MICHAEL'S WOODSHOP PROJECT

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Buena Vista Proj., St. Michael's Woodshop Proj. and Roch. Area Task Force on AIDS Prevention Proj., Tr. letter, 170, Pub. hear., 155, Pssd., 171

ST. PAUL STREET

Amend. Bond Ord. No. 2003-100 with respect to St. Paul Street Gateway Improvements Proj., Tr. letter, 77, Pssd., 78

L.I.O. - Amend. L.I.O. No. 1522 - Upgrading of streetscape features as part of St. Paul Street (Avenue E to Norton St.) Improvement Proj., Tr. letter, 205, Pub. hear., 154, Pub. hear., 155, Pssd., 210

L.I.O. - Street lighting enhancements as part of St. Paul Street Improvement Proj. (Bittner St. to Mortimer St.), Tr. letter, 237, Pub. hear., 212, Pssd., 238

SALARY

See "Wage and Salary"

SALVATION ARMY

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

Auth. agree. for Human Svcs. Programs, Tr. letter, 326, Pssd., 327

SANTIAGO, GLADYS, COUNCIL VICE PRESIDENT

Reso. approving appointments by President of City Council to Roch. Ferry Co. LLC, Tr. letter, 48, Adpt., 48

Abstained vote, Ord. No. 2005-157, p. 171; Ord. No. 2005-213, p. 218

Amend. 2004-05 Budget and proposed 2005-06 Budget of the City to establish program for add. demolition - \$1,000,000, Tr. letter, 198, Pssd., 198

Amend. 2005-06 Budget of the City in regard to operating North St. Rec. Ctr. summer pool, Tr. letter, 199, Pssd., 199

Amend. 2005-06 Budget of the City in regard to operating winter pools at District Schools - \$25,500, Tr. letter, 199, Pssd., 200

Amend. proposed 2005-06 Budget of the City in regard to hearing impaired svcs. - \$4,000, Tr. letter, 201, Pssd., 201

Negative vote, Int. No. 460, p. 398

SARATOGA AVENUE

Changing zoning class. of rear portion of 87-89 Saratoga Ave. and portion of abandoned Oak St. from M-1 Industrial to Erie Canal Urban Renewal District, amend. District boundary along West Broad St. and amend. Urban Renewal Plan, Tr. letter, 224, Pub. hear., 212, Pssd., 225

Amend. Ord. No. 2002-383 and 2003-278 to designate rear portion of 87-89 Saratoga Ave. and portion of abandoned Oak St. for Erie Canal Urban Renewal District, Tr. letter, Pub. hear., 212, 224, Pssd., 227

SASAKI ARCHTECTS

Auth. agree. and approp. funds relating to Port of Rochester Master Plan, Tr. letter, 308, Pssd., 309

SCHOOL #41 MENTORING PROGRAM

Auth. agree. for Human Svcs. Programs, Tr. letter, 377, Pssd., 378

SCOTT, LORETTA C.

Reso. approving appointments by Mayor to Roch. Ferry Co. LLC, Tr. letter, 46, Adpt., 48

SCOTT, RUTH

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

SEAT BELT ENFORCEMENT

Auth. appl. and agree. with respect to seal belt enforcement and amend. 2004-05 Budget, Tr. letter, 63, Pssd., 63

SECTOR 6

Auth. agree. for Neighborhood Improvement Programs, Tr. letter, 346, Pssd., 346

SECTOR 10

Auth. agree. for Neighborhood Improvement Programs, Tr. letter, 346, Pssd., 346

SECTOR TARGETED FUNDING INITIATIVE

Auth. agree. with ARTWalk of Rochester, Inc. for Sector Targeted Funding Initiative Program, Tr. letter, 164, Pssd., 165

Auth. agree. with NEBCA for Sector Targeted Funding Initiative Program, Tr. letter, 272, Pssd., 273

Auth. agree. with Downstairs Cabaret Theatre as part of Sector Targeted Initiative Program, Tr. letter, 346, Pssd., 347

SECURITY

L.I.O. - Security at Public Market, Tr. letter, 86, Pub. hear., 66, Pssd., 87

Auth. application and agree. with respect to security enhancements and amend. 2004-05 Budget, Tr. letter, 114, Pssd., 115

Auth. agree. for homeland security svcs., Tr. letter, 152, Pssd., 152

Auth. agree. for Homeland Security funding and amend. 2004-05 Budget and amend. Ord. No. 2004-407, Tr. letter, 152, Pssd., 153

Establishing max. comp. for professional svcs.

agree. for water system security study, Tr. letter, 285, Pssd., 285

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr. systems, Tr. letter, 290, Pssd., 291

SENECA GROUP

Amend. Ord. No. 2004-2 relating to sale of real estate, Tr. letter, 49, Pssd., 50

SENECA PARKWAY

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

SERRANO, EMILIO

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

SEWER(S)

Bond ord. auth. issuance of \$234,000 bonds to finance cost of constr. and reconstruction of certain sewer improvements related to Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 242

Bond ord. auth. issuance of \$130,000 bonds to finance cost of constr. of certain sewer improvements related to Lombard St. Improvement Proj., Tr. letter, 284, Pssd., 285

SHOTSPOTTER, INC.

Establishing max. comp. for professional svcs. agree. for gunfire detection equip., Tr. letter, 265, Pssd., 266

SIBLEY PLACE

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

SIDEWALKS

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2005 and expiring June 30, 2006, Tr. letter, 205, Pub. hear., 154, Pssd., 209

SIGNAGE

Establishing max. comp. for professional svcs. agree. for High Falls Interpretive Signage Proj. and amend. 2004-05 Budget, Tr. letter, 81, Pssd., 82

Establishing max. comp. for amend. professional svcs. agree. for Center City Signage Proj. and approp. funds, Tr. letter, 106, Pssd., 106

SIMON, SANDRA J.

Reso. approving appt. to Civil Service Commission of City of Roch., Tr. letter, 154, Adpt., 154

SIMPLEXGRINNELL LP

Establishing max. comp. for professional svcs. agree. for Emergency Communications Ctr. systems, Tr. letter, 290, Pssd., 291

SIMPLY CREPES, LLC

Auth. lease agree. for library café, Tr. letter, 53, Pssd., 53

SISTERS OF MERCY

Amend. 2004-05 Community Dev. Program Plan by transferring funds and auth. agree. for Buena Vista Proj., St. Michael's Woodshop Proj. and Roch. Area Task Force on AIDS Prevention Proj., Tr. letter, 170, Pub. hear., 155, Pssd., 171

SMITH & ACCORDO ARCHITECTS

Establishing max. comp. for professional svcs. agree. for architectural engineering svcs. for Operations Ctr. Bldg. 100, Tr. letter, 259, Pssd., 259
Auth. agree. for architectural svcs. for bldg. renovation proj., Tr. letter, 281, Pssd., 281

SMITH STREET

Auth. participation in Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145
Establishing max. comp. for professional svcs. agree. for preliminary engineering and design svcs. for Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145
Approving decrease in pav. width of Smith St. at Oak St., Tr. letter, 224, Pub. hear., 212, Pssd., 227

SNOW

L.I.O. - Snow removal at Public Market, Tr. letter, 86, Pub. hear., 66, Pssd. 87
Local Law amend. City Charter with respect to prior notice of snow or ice and defects, Tr. letter, 116, Pssd., 117
L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2005 and expiring June 30, 2006, Tr. letter, 205, Pub. hear., 154, Pssd., 209
Auth. agree. with NYS Dept. of Transportation for snow removal, Tr. letter, 282, Pssd., 283

SOCIETY FOR THE PROTECTION & CARE OF CHILDREN

Auth. agree. for Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36
Amend. Ord. No. 2004-279 and 2004-05 Budget with respect to Adolescent Pregnancy Prevention Svcs. Program, Tr. letter, 35, Pssd., 36
Approving appl., agree. and 2005 administrative and program budgets of Roch.-Monroe County Youth Bur., Tr. letter, 102, Pssd., 103
Auth. agree. relating to Roch. After School Academy I Program, Tr. letter, 193, Pssd., 194

SOJOURNER HOUSE

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

SOLICITORS

Amend. Mun. Code with respect to solicitors, Tr. letter, 384, Pssd., 385

SOLID WASTE

Auth. agree. with County of Monroe for collection and disposal of solid waste and recyclable materials, Tr. letter, 234, Pssd., 234

SON ARC, INC.

Establishing max. comp. for professional svcs. agree. for Manhattan Sq. Park Public Art, Tr. letter, 80, Pssd., 80

SOUTH AVENUE

Auth. lease of space at 250 South Ave., Tr. letter, 69, Pssd., 69
L.I.O. - Establishing operating and maintenance costs of neighborhood commercial or residential parking areas, Tr. letter, 146, Pub. hear., 121, Pssd., 147
Auth. sale of 250 South Ave., Tr. letter, 318, Pssd., 319

SOUTH AVENUE GARAGE

Establishing max. comp. for amendatory professional svcs. agree. for engineering design svcs. for

South Ave. Garage Rehabilitation Proj., Tr. letter, 186, Pssd., 187

Establishing max. comp. for amend. professional svcs. agree. for resident proj. representation svcs. for South Ave. Garage Rehab. Proj., Tr. letter, 260, Pssd., 261

Bond ord. auth. issuance of \$6,500,000 bonds to finance cost of constr. of structural improvements to South Ave. Parking Garage, Tr. letter, 260, Pssd., 261

SOUTH EAST AREA COALITION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 67, Pssd., 68
Reso. endorsing appl. for Main St. Program grants, Tr. letter, 95, Adpt. 95
Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

SOUTH GOODMAN STREET

Changing zoning class. of 1, 3, 4, 5, 7 & 9 Karges Place, 667 & 671 South Goodman St. and portion of vacant land dedicated to I-490 from R-1 Low Density Residential to C-2 Community Ctr., Tr. letter, 100, Pub. hear., 93, Held, 101, Pssd., 132

SOUTH WEDGE PLANNING COMMITTEE

Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160

SOUTHEAST ECUMENICAL MINISTRIES

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

SOUTHWEST AREA NEIGHBORHOOD ASSOCIATION

Auth. agree. for Adopt-A-Block Program, Tr. letter, 67, Pssd., 68
Auth. agree. for Adopt-A-Lot Program, Tr. letter, 109, Pssd., 110
Auth. agree. with neighborhood organizations for administration of Residential Assistance Program, Tr. letter, 159, Pssd., 160
Auth. agree. relating to Roch. After School Academy II Program, Tr. letter, 194, Pssd., 195
Auth. agree. with SWAN for neighborhood recreation program, Tr. letter, 325, Pssd., 325

SOUTHWEST COMMUNITY CENTER

Auth. agree. with SWAN for neighborhood recreation program, Tr. letter, 325, Pssd., 325

SPECIAL ASSESSMENT DISTRICTS

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 115, Pub. hear., 93, Pssd., 116

SPIRITUS CHRISTI

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

SPRAGUE, ROSEMARIE

Reso. approving appointments and reappointments to Downtown Enhancement District Advisory Committee, Tr. letter, 38, Adpt., 39

SPRINGWATER, TOWN OF

Approving easements to Town of Springwater, Tr. letter, 145, Pssd., 146

STANDBY EMERGENCY POWER

Establishing max. comp. for professional svcs. agree. for standby emergency power at City facilities, Tr. letter, 143, Pssd., 144

STANGO, LINDA M.

Reso. approving appt. by Mayor to Roch. Ferry Co. LLC, Tr. letter, 290, Adpt., 290

STANTEC CONSULTING GROUP, INC.

Establishing max. comp. for professional svcs. agree. for construction resident proj. representation svcs., Tr. letter, 186, Pssd., 187

Establishing max. comp. for amendatory professional svcs. agree. for engineering design svcs. for South Ave. Garage Rehabilitation Proj., Tr. letter, 186, Pssd., 187

Establishing max. comp. for amend. professional svcs. agree. for resident proj. representation svcs. for South Ave. Garage Rehab. Proj., Tr. letter, 260, Pssd., 261

Establishing max. comp. for agree. and approp. funds for Genesee Riverway Trail Proj., Tr. letter, 262, Pssd., 263

Auth. agree. for environmental site assessments, Tr. letter, 304, Pssd., 305

Establishing max. comp. for professional svcs. agree. for environmental clean-up of 151-191 Mt. Hope Ave., Tr. letter, 381, Pssd., 382

STEP PROJECT

Auth. appl. and agree. with respect to TraCS and STEP Proj. and amend. 2004-05 Budget, Tr. letter, 117, Pssd., 118

STEPHENS, SANDRA O.

Reso. approving appointments to Roch. Economic Development Corp., Tr. letter, 168, Adpt., 169

STEVENSON, ROBERT J., COUNCILMEMBER

Motion to discharge Int. No. 81 from committee, Adpt., 76

Amend. 2005-06 Budget of the City in regard to operating winter pools at District Schools - \$25,500, Tr. letter, 199, Pssd., 200

Amend. 2005-06 Budget of the City in regard to PAC-TAC resources - \$20,000, Tr. letter, 200, Pssd., 200

Amend. 2005-06 Budget of the City in regard to Court Watch - \$15,000, Tr. letter, 200, Pssd., 201

Motion to return Int. No. 327 to committee, Adpt., 286

Motion to return Int. No. 391 to committee, Adpt., 333

Amend. Mun. Code with respect to solicitors, Tr. letter, 384, Pssd., 385

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STILLSON STREET

Rescinding change in traffic flow on Stillson St., from Main St. to Achilles St., and returning to two-way traffic, Tr. letter, 85, Pub. hear., 66, Pssd., 86

STONE MOUNTAIN PRODUCTIONS

Establishing max. comp. for professional svcs. agree. for High Falls laser shows and amend. 2004-05 Budget, Tr. letter, 180, Pssd., 181

Establishing max. comp. for professional svcs. agree. for High Falls laser equipment, Tr. letter, 180, Pssd., 181

STOP VIOLENCE AGAINST WOMEN PRO-**GRAM**

Auth. application and agree. for STOP Violence Against Program, Tr. letter, 91, Pssd., 92; Tr. letter, 336, Pssd., 337

STREET(S)

Approving changes in pav. width of Atlantic Ave. between railroad overpass and N. Winton Rd., Tr. letter, 40, Pub. hear., 1, Pssd., 41

Amend. Bond Ord. No. 2003-100 with respect to St. Paul Street Gateway Improvements Proj., Tr. letter, 77, Pssd., 78

Approp. funds for Chili Ave. Improvement Proj. and amend. Bond Ord. No. 2003-148 and 2004-110, Tr. letter, 79, Pssd., 80

Bond ord. auth. issuance of \$4,421,000 bonds to finance reconstruction of certain streets related to Street Improvement Program, Tr. letter, 82, Pssd., 83

Approving change in traffic flow on Thomas St., from Clifford Ave. to Upper Falls Blvd., from two-way to one-way southbound, Tr. letter, 85, Pub. hear., 65, Pssd., 85

Rescinding change in traffic flow on Stillson St., from Main St. to Achilles St., and returning to two-way traffic, Tr. letter, 85, Pub. hear., 66, Pssd., 86

Establishing max. comp. for professional svcs. agree. for Mt. Hope Ave. and East Henrietta Rd. Imp. Proj., Tr. letter, 105, Pssd., 105

Auth. agree. with respect to Mt. Read Blvd. Bridge Rehab. Proj., Tr. letter, 138, Pssd., 139

Auth. participation in Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145

Establishing max. comp. for professional svcs. agree. for preliminary engineering and design svcs. for Smith St. Bridge Imp. Proj., Tr. letter, 144, Pssd., 145

Auth. acq. by negotiation or condemnation of permanent easement for Atlantic Ave. Imp. Proj., Tr. letter, 146, Pssd., 146

Approp. funds for Lexington Ave. Imp. Proj., Tr. letter, 147, Pssd., 148

Approving changes in pav. width of Jefferson Ave. between W. Main St. and Brown St., and Brown St. between Kensington St. and Jefferson Ave., Tr. letter, 188, Pub. hear., 155, Pssd., 190

Bond ord. auth. issuance of \$929,000 bonds to finance cost of constr. of street improvements related to Olean St. Housing Subdivision Infrastructure Proj., Tr. letter, 222, Pssd., 223

Approving decrease in pav. width of Smith St. at Oak St., Tr. letter, 224, Pub. hear., 212, Pssd., 227

Approving changes in pav. width of Verona St. between Morrie Silver Way and Jay St., Tr. letter, 236, Pub. hear., 212, Pssd., 237

Bond ord. auth. issuance of \$2,405,000 bonds to finance cost of constr. and reconstruction of certain streets as part of Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 240

Auth. agree. and approp. funds for Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 242

Dedication of additional parcels to street purposes for Atlantic Ave. between Culver Rd. and N. Winton Rd., Tr. letter, 238, Pssd., 243

Auth. agree. and approp. funds for Atlantic Ave. (CSX Railroad Bridge to Culver Rd.) Improvement Proj., Tr. letter, 238, Pssd., 244

Establishing max. comp. for professional svcs. agree. for design svcs. for extension of River St., Tr. letter, 257, Pssd., 258

Approving change in traffic flow on Irving Place from one-way northbound to one-way southbound,

Tr. letter, 264, Pub. hear., 250, Pssd., 264
 Bond ord. auth. issuance of \$130,000 bonds to finance cost of constr. of certain sewer improvements related to Lombard St. Improvement Proj., Tr. letter, 284, Pssd., 285

Auth. increase in pav. width of Farmington Rd. for recessed parking area at Frank Fowler Dow School 52, Tr. letter, 285, Pub. hear., 267, Pssd., 286

Accepting and approp. funds and establishing max. comp. for professional svcs. agree. for Brooks Village/Genesee St. Enhancement Proj., Tr. letter, 297, Pssd., 298

Dedication to street purposes of add. parcel for Romeyn St., Tr. letter, 299, Pub. hear., 293, Pssd., 300

Establishing max. comp. for professional svcs. agree. for Joseph Ave. Improvement Proj., Tr. letter, 305, Pssd., 305

Auth. agree. for street improvements as part of Olean & Kennedy Revitalization Proj., Tr. letter, 322, Pssd., 323

Dedication of add. parcel to street purposes for Jefferson Ave., Tr. letter, 333, Pub. hear., 315, Pssd., 333

Auth. increase in pav. width of Carter St. for turning lane at Roch. General Hospital entrance, Tr. letter, 333, Pub. hear., 315, Held, 334

Abandonment of portion of Ford St. and amend. Ord. No. 2005-72 and 2005-312 to include said parcel in land exchange and grant tax exemption as part of Olean & Kennedy Revitalization Proj. and auth. further amendments, Tr. letter, 356, Pub. hear., 341, Pssd., 357

STREET CLEANING

L.I.O. - Street cleaning, street and sidewalk snow removal, and hazardous sidewalk repair commencing July 1, 2005 and expiring June 30, 2006, Tr. letter, 205, Pub. hear., 154, Pssd., 209

STREET LIGHTING

L.I.O. - Establishing operating and maintenance costs of street lighting special assessment districts, Tr. letter, 134, Pub. hear., 121, Pssd., 135

Auth. agree. for street lighting during capital imp. proj., Tr. letter, 139, Pssd., 139

STREET MALLS

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

STREETSCAPES

L.I.O. - Establishing operating and maintenance costs of special assessment districts for streetscape enhancements, Tr. letter, 115, Pub. hear., 93, Pssd., 116

L.I.O. - Amend. L.I.O. No. 1522 - Upgrading of streetscape features as part of St. Paul Street (Avenue E to Norton St.) Improvement Proj., Tr. letter, 205, Pub. hear., 154, Pub. hear., 155, Pssd., 210

STRESS MANAGEMENT

Establishing max. comp. for professional svcs. agree. for counseling and stress management svcs., Tr. letter, 291, Pssd., 291

STRONG EMPLOYEE ASSISTANCE PROGRAM

Establishing max. comp. for professional svcs. agree. for counseling and stress management svcs., Tr. letter, 291, Pssd., 291

SUBSTANCE ABUSE PREVENTION PRO-

GRAM

Auth. agree. and amend. 2005-06 Budget for substance abuse prevention program, Tr. letter, 325, Pssd., 326

SUCHY, DONNA P.

Reso. approving appointments to City Planning Commission, Tr. letter, 130, Adpt., 131

SULLIVAN STREET

Auth. sale of 810-840 North Clinton Ave., 7-11 Sullivan St. and 6-8 Hoeltzer St. to further La Marketa North Clinton Ave. Urban Renewal Plan, Tr. letter, 73, Pub. hear., 65, Pssd., 73

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Auth. appl. and agree. for 2005 Summer Food Service Program for Children, Tr. letter, 183, Pssd., 184

SUMNER PARK

L.I.O. - Care and embellishment of various neighborhood street malls for 2005-06, Tr. letter, 83, Pub. hear., 65, Pssd., 84

SURVEYING SERVICES

Approving professional svcs. agree. for Water Main Extensions and Improvements Program, Tr. letter, 327, Pssd., 328

SUSAN B. ANTHONY APARTMENTS

Approving property tax exemption and auth. in-lieu-of-tax agree. for Susan B. Anthony Apartments Proj. and auth. loan agree., Tr. letter, 101, Pssd., 102

SWIMMING POOLS

Amend. 2005-06 Budget of the City in regard to operating North St. Rec. Ctr. summer pool, Tr. letter, 199, Pssd., 199

Amend. 2005-06 Budget of the City in regard to restoration of Genesee Valley Park pool operating schedule - \$17,000, Tr. letter, 199, Pssd., 199

Amend. 2005-06 Budget of the City in regard to operating winter pools at District Schools - \$25,500, Tr. letter, 199, Pssd., 200

SWIMMING PROGRAM

Establishing max. comp. for professional svcs. agree. for competitive swimming program for youth, Tr. letter, 277, Pssd., 278

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TAXES AND CHARGES

Cancellation of taxes and charges, Tr. letter, 41, Pssd., 42; Tr. letter, 88, Pssd., 89; Tr. letter, 191, Pssd., 192; Tr. letter, 244, Pssd., 244; Tr. letter, 287, Pssd., 287; Tr. letter, 310, Pssd., 311; Tr. letter, 334, Pssd., 335; Tr. letter, 388, Pssd., 388

Auth. Dir. of Finance to cancel real property taxes or charges of \$1,000 or less, Tr. letter, 42, Pssd., 42

Amend. Ord. No. 2004-316 and 2004-367 relating to tax exemption for Olean & Kennedy Revitalization Proj., Tr. letter, 96, Pssd., 97

Approving property tax exemption and auth. in-lieu-of-tax agree. for Susan B. Anthony Apartments Proj. and auth. loan agree., Tr. letter, 101, Pssd., 102

Approving apportionment of taxes and charges, Tr. letter, 150, Pssd., 150

Levying taxes for municipal purposes for fiscal year commencing July 1, 2005 and expiring June

30, 2006, Tr. letter, 205, Pssd., 208

Confirming assessments, amounts and charges to be inserted in the annual tax rolls for fiscal year commencing July 1, 2005 and expiring June 30, 2006, Tr. letter, 205, Pub. hear., 154, Pssd., 208

Levying taxes for school purposes for fiscal year commencing July 1, 2005 and expiring June 30, 2006, Tr. letter, 205, Pssd., 209

Auth. amend. in-lieu-of-tax agree. for Cross-roads Apartments - 125 St. Paul St., Tr. letter, 248, Pssd., 249

Approving property tax exemption and auth. in-lieu-of-tax agree. for Olean & Kennedy Revitalization Proj., Tr. letter, 295, Pssd., 296

Abandonment of portion of Ford St. and amend. Ord. No. 2005-72 and 2005-312 to include said parcel in land exchange and grant tax exemption as part of Olean & Kennedy Revitalization Proj. and auth. further amendments, Tr. letter, 356, Pub. hear., 341, Pssd., 357

Reso. on Pioneer Tax Plan, Tr. letter, 397, Failed, 398

TAXICABS

Amend. Mun. Code with respect to hotel/motel courtesy vehicles, Tr. letter, 129, Pssd., 130

TECHNICAL ASSISTANCE

Establishing max. comp. for professional svcs. agree. for tech. assistance in dev. of Civil Service examinations, Tr. letter, 150, Pssd., 151

TEEN CITY

Auth. agree. for Human Svcs. Programs, Tr. letter, 377, Pssd., 378

TELECOMMUNICATIONS

Auth. agree. with County of Monroe for lease of telecommunications conduit, Tr. letter, 116, Pssd., 116

Auth. amend. agree. for installation of fiber optic cable in City conduits and connections to City facilities, Tr. letter, 120, Pssd., 120

THOMAS AVENUE

Auth. lease agree. with Voyager Boat Sales, Inc., Tr. letter, 343, Pssd., 343

THOMAS STREET

Approving change in traffic flow on Thomas St., from Clifford Ave. to Upper Falls Blvd., from two-way to one-way southbound, Tr. letter, 85, Pub. hear., 65, Pssd., 85

TOGETHERNESS IN LOVE COMMUNITY

Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

TOWING

Auth. amend. agree. for towing svcs., Tr. letter, 266, Pssd., 267

Auth. agree. for towing svcs., Tr. letter, 393, Pssd., 394

Amend. Chapter 111 of Mun. Code, Traffic Ord., by amend. provisions for redemption of motor vehicles, Tr. letter, 393, Pssd., 394

TRACS PROJECT

Auth. appl. and agree. with respect to TraCS and STEP Proj. and amend. 2004-05 Budget, Tr. letter, 117, Pssd., 118

TRAFFIC FLOW CHANGES

See "Streets"

TRAILS

Bond ord. auth. issuance of \$1,240,000 bonds to finance cost of acq. of CSX land for construction of connection to Genesee Riverway Trail and for economic dev. purposes, Tr. letter, 148, Pssd., 149

Auth. acq. of CSX land for construction of connection to Genesee Riverway Trail and for economic dev. purposes, Tr. letter, 148, Pssd., 150

Establishing max. comp. for agree. and approp. funds for Genesee Riverway Trail Proj., Tr. letter, 262, Pssd., 263

Bond ord. auth. issuance of \$1,074,000 bonds to finance cost of constr. of portion of Genesee Riverway Trail from Turning Point Park to Petten St., Tr. letter, 262, Pssd., 264

Amend. Ord. No. 2005-133 relating to acq. of CSX Land, Tr. letter, 286, Pub. hear., 267, Held, 286, Pssd., 308

Determination and findings relating to acq. of CSX land, Tr. letter, 307, Pssd., 308

TRAINING

Establishing max. comp. for professional svcs. agree. for Incident Management Team Training, Tr. letter, 291, Pssd., 292

Establishing max. comp. for professional svcs. agree. for radiological training for Fire Dept., Tr. letter, 336, Pssd., 336

TREES

See "Forestry"

TRINIDAD STREET

Auth. acq. of 15 Hebard St. and 3 Trinidad St. for parking for Public Market and amend. 2004-05 Budget, Tr. letter, 235, Pssd., 236

TRIVENI DIGITAL INC.

Establishing max. comp. for professional svcs. agree. for Emergency Training and Information Network, Tr. letter, 248, Pssd., 248

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UNDERWOOD, JUSTIN

Reso. appointing temp. members to Board of Assessment Review, Tr. letter, 43, Adpt., 43

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Auth. submission of Consolidated Community Dev. Plan/2005-06 Annual Action Plan and execution of grant agree. with U.S. Dept. of Housing and Urban Dev., Tr. letter, 125, Pssd., 127

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Amend. 2005-06 Community Dev. Plan and auth. appl. and agree. relating to Emergency Shelter Grant Program and amend. Ord. No. 2004-124, Tr. letter, 131, Pssd., 132

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Establishing max. comp. for amendatory professional svcs. agree. for Emergency Training and Information Network, Tr. letter, 197, Pssd., 198

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Auth. agree. with County of Monroe with respect to water conduit easement, Tr. letter, 37, Pssd., 37

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Bond ord. auth. issuance of \$570,000 bonds to finance cost of planning for reconstruction of City water supply conduits, Tr. letter, 110, Pssd., 111

Establishing max. comp. for professional svcs. agree. for Conduit Modernization Proj., Tr. letter, 110, Pssd., 112

Bond ord. auth. issuance of \$796,000 bonds to finance reconstruction of various water mains related to 2005 Water Main Extension and Imp. Program, Tr. letter, 137, Pssd., 138

Establishing max. comp. for professional svcs. agree. for Hemlock Lake Water Filtration Plant, Tr. letter, 185, Pssd., 186

Bond ord. auth. issuance of \$1,248,000 bonds to finance reconstruction of var. water mains related to Atlantic Ave. (Culver Rd. to N. Winton Rd.) Improvement Proj., Tr. letter, 238, Pssd., 241

Bond ord. auth. issuance of \$1,920,000 bonds to finance cost of replacement of portion of City water supply Conduit 1, Tr. letter, 258, Pssd., 259

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Establishing max. comp. for professional svcs. agree. for water system security study, Tr. letter, 285, Pssd., 285

Establishing max. comp. for professional svcs. agree. for water hydraulic model, Tr. letter, 303, Pssd., 304

Approving professional svcs. agree. for Water Main Extensions and Improvements Program, Tr. letter, 327, Pssd., 328

Establishing max. comp. for amend. professional svcs. agree. for Conduit Modernization Proj., Tr. letter, 331, Pssd., 332

Bond ord. auth. issuance of \$2,910,000 bonds to finance cost of design, inspection and constr. of Cathodic Protection Program for City water supply conduits, Tr. letter, 331, Pssd., 333

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Bond ord. auth. issuance of \$750,000 bonds to finance add. cost of const. of new City Operations Ctr. Bldg., Tr. letter, 56, Pssd., 58

Establishing max. comp. for professional svcs. agree. for environmental clean-up svcs. for 10 Felix St., Tr. letter, 84, Pssd., 85

Bond ord. auth. issuance of \$7,831,000 bonds to finance additional cost of constr. of new City Operations Ctr. Bldg., Tr. letter, 112, Pssd., 113

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Establishing max. comp. for amend. professional svcs. agree. for new Water Works Operations Ctr. and approp. funds, Tr. letter, 328, Pssd., 328

Bond ord. auth. issuance of \$550,000 bonds to finance add. cost of constr. of new City Operations Ctr. Bldg., Tr. letter, 328, Pssd., 329

Establishing max. comp. for amend. professional svcs. agree. for environmental clean-up svcs. for 10 Felix St., Tr. letter, 329, Pssd., 330

Bond ord. auth. issuance of \$268,400 bonds to finance add. cost of environmental clean-up at City's Bureau of Water & Street Lighting site at 10 Felix St., Tr. letter, 329, Pssd., 331

Auth. amend. lease agree. for Water & Lighting Bur. Operations Ctr., Tr. letter, 386, Pssd., 387

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Establishing max. comp. for professional svcs. agree. for continuation of Greta Program and amend. Ord. No. 2005-38, Tr. letter, 183, Pssd., 183

WHITING, ROBERT

Auth. agree. for harbormaster and for War Memorial oversight, Tr. letter, 303, Pssd., 303

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WRITERS & BOOKS INC.

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Auth. agree. and approp. funds for Human Svcs. Proj. and amend. 2005-06 Community Dev. Plan, Tr. letter, 133, Pssd., 133

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